

CALIFORNIA COASTAL COMMISSION

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



Th15a

Filed: June 8, 2012
49th Day: July 27, 2012
Staff: A. Padilla-LB
Staff Report: June 18, 2012
Hearing Date: July 11-13, 2012

STAFF REPORT: APPEAL SUBSTANTIAL ISSUE for A-5-MDR-12-159

Local Government: County of Los Angeles

Local Decision: Approval with Conditions

Appeal Number: **A-5-MDR-12-159**

Applicant: **Legacy Partners Residential, Inc.**

Project Location: 14126 Marquesas Way (Parcel 10), Marina Del Rey, County of Los Angeles

Project Description: Demolition of an existing 136-unit apartment complex and construction of a 60 foot high, 400-unit apartment complex, with 28- foot wide public promenade, parking, pool, and landscaping (Parcel 10), and temporary use of an adjacent parcel (Parcel 14) for construction staging, at 14126 Marquesas Way, Marina Del Rey, Los Angeles County. (AP-LB)

Appellants: **Daniel Henry Gotlieb**

SUMMARY OF STAFF RECOMMENDATION

The appellants contend that the local government action on the coastal development permit is inconsistent with certified Local Coastal Program with regards to the provision of view corridors and priority uses. 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 the County's certified Local Coastal Plan and the public access and recreation policies in Chapter 3 of the Coastal Act.

TABLE OF CONTENTS

I. APPEAL PROCEDURES.....	3
II. APPELLANTS' CONTENTIONS.....	5
III. MOTION AND RESOLUTION	5
IV. FINDINGS AND DECLARATIONS	6
A. PROJECT DESCRIPTION AND AREA HISTORY.....	6
B. AREAWIDE DESCRIPTION.....	6
C. LOCAL COASTAL PROGRAM BRACKGROUND.....	7
D. DESCRIPTION OF LOCAL APPROVAL	8
E. SUBSTANTIAL ISSUE ANALYSIS.....	8

APPENDICES

Appendix A. Substantive File Documents

EXHIBITS

Exhibit 1—Appellant's appeal letter

Exhibit 2-- Site Plan

Exhibit 3—Los Angeles County Coastal Development Permit No. 2006-000008(4)

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)]. Pursuant to section 30625 of the Coastal Act, if a project is appealable, any aggrieved person, the applicant or any two members of the Commission may appeal the local government’s decision on a coastal development permit. An aggrieved person is “any person who, in person or through a representative, appeared at a public hearing of the...local government... in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the... local government... of the nature of his [or her] concerns or who for good cause was unable to do either.” [Coastal Act, Section

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 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 within 300 feet of the inland extent of the mean high tide line of the sea.

Section 13111 of Title 14 of the California Code of Regulations allows an appeal of a local government’s decision on a coastal development permit application once the local appeal process has been exhausted. In accordance with Section 13573 An appellant shall be deemed to have exhausted local appeals once the appellant has pursued his or her appeal to the local appellate body, except that exhaustion of all local appeals shall not be required if:

(1) The local government or jurisdiction require an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the coastal zone, in the implementation section of the Local Coastal Program.

(2) An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision.

(3) An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this Article.

(4) The local government jurisdiction charges an appeal fee for the filing or processing of appeals.

The grounds for appeal of an approval of a 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 on 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.

Pursuant to Section 30621 of the Coastal Act, a hearing on a Coastal Development Permit appeal shall be set no later than 49 days after the date on which the appeal is filed with the Commission. An appeal on the above described decision was submitted on June 8, 2012, therefore, the 49th day from the date of receiving the appeal is July 27, 2012.

In accordance with Section 13112 of Title 14 of the California Code of Regulations, staff notified the County of Los Angeles of the appeal and requested that the County forward all relevant documents and materials regarding the subject permit to the Commission's South Coast Office. On June 24, 2012, the South Coast Office received the County's materials and scheduled the substantial issue hearing for the July 11-13, 2012 hearing, being the next hearing that was within 49 days.

II. APPELLANTS' CONTENTIONS

The County approval of the proposed development was appealed on June 8, 2012, by Mr. Daniel Gotlieb. The appellant contends that the proposed development is not consistent with the requirements of the Local Coastal Program and the access policies of the Coastal Act (see **Exhibit No. 5** for the submitted appeal letter).

The appeal by Mr. Gotlieb, contends:

1. The proposed view corridors provided are inconsistent with the view corridor requirements of the LCP;
2. The Parcel 21 project is inconsistent with the California Coastal Act, sections 30221 and 30222 in that recreation and visitor-serving uses should have a priority over commercial development.

III. MOTION AND RESOLUTION

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 grounds on which the appeal was filed, pursuant to Public Resources Code Section 30625(b)(2).

Motion:

*I move that the Commission determine that Appeal No. A-5-MDR-12-159 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:

The Commission finds that Appeal No. A-5-MDR-12-159 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

A. PROJECT DESCRIPTION AND HISTORY

The applicant proposes to demolish an existing 136-unit apartment complex and construct a 60 foot high, 400-unit apartment complex, with 28- foot wide public promenade, parking, pool, and landscaping (Parcel 10), and temporary use of an adjacent parcel (Parcel 14) for construction staging.

The proposed project is located at 14126 Marquesas Way, Marina del Rey (Parcel 10) at the southeast corner of the intersection of Marquesas Way and Via Marina, in Marina del Rey. The parcel is L-shaped and is approximately 7.32 acres in size (see **Exhibit No. 1 and 2**).

The currently certified Marina del Rey Local Coastal Program designates Parcel 10 as Residential-V with a waterfront overlay zone (WOZ) for the non-mole portion of the parcel, Residential III with a WOZ for the mole road portion of the parcel. Residential V allows multi-family densities up to 75 dwelling units per net acre, with a height limit of 225 feet. Residential III allows 35 dwelling units per net acre and a height of 45 feet, with special height standard on mole roads.

The County of Los Angeles' Department of Regional Planning issued a Coastal Development Permit (2006-00008-(4)) for the project (see **Exhibit No. 3**).

B. AREAWIDE DESCRIPTION

Marina Del Rey covers approximately 807 acres of land and water in the County of Los Angeles. 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 County 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 parts of the Marina that are under water 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.

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 1995, 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 LCP was effectively certified.

On November 10, 2011, the Commission approved LCP amendment No. 1-11. At the February 2012 hearing, the Commission concurred with the Executive Director's determination that the County's action was legally adequate and effectively certified the LCP amendment No. 1-11. The amendment adjusted the location of development authorized by the existing certified LCP; incorporated changes in response to the Periodic Review; and made minor grammatical, typographical and reference corrections. The LCPA addressed four specific projects (the "Pipeline Projects"):

1. Parcel 10/FF—A 526-unit apartment project
2. Parcel OT--- a 114-room senior accommodation facility with 3,500 square feet of commercial.
3. Parcel 49/77—Application of the Waterfront Overlay zone to facilitate an intensification of visitor-serving uses in association with the public launch ramp and the expansion of Chace Park.
4. Parcel 52/GG—a 345 space dry stack storage facility with 30 mast-up storage spaces.

D. DESCRIPTION OF LOCAL APPROVAL

On May 15, 2012, the County Board of Supervisors approved coastal development permit No. 2006-0008-(4), with conditions (see Exhibit No. 9). The permit authorized the demolition an existing 136-unit apartment complex and construction of a 60 foot high, 400-unit apartment complex, with 28- foot wide public promenade, parking, pool, and landscaping on Parcel 10, and temporary use of Parcel 14 for construction staging. Notice of the County's final action was received by the Coastal Commission's South Coast District office on May 24, 2012.

E. SUBSTANTIAL ISSUE ANALYSIS

Section 30603(b)(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 proposed development, as conditioned, is consistent with the applicable standard of review;
2. The extent and scope of the development as approved 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 a petition for a writ of mandate pursuant to the California 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 raises no substantial issue with regard to the

appellant's contentions regarding consistency with the certified Local Coastal Plan or Chapter 3 public access policies of the Coastal Act.

APPELLANT'S CONTENTIONS

1. Appellant contends: that the County is allowing the project to incorporate more than one single view corridor is not consistent with the policies of the LCP. The appellant contends that the wording of the view corridor policy does not allow development to break up the view corridor into separate smaller areas along the parcel, but requires only a single view corridor.

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

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

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

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

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

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

In the County's design guidelines in the Implementing Ordinance of the LCP, Section 22.46.1060E(5)(c) states that building heights shall be restricted according to the following:

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

The intent of the view corridor requirement is to provide increased public views from the adjacent public road on parcels that are proposed for development or redevelopment. The proposed project consists of one 7.32 acre parcel (Parcel 10. See **Exhibit No. 2**). The parcel has 1,082 feet of linear frontage along Marquesas Way and 355 linear feet of frontage along Via Marina. The certified LCP requires that the permittee provide a view corridor comprising 26.7 percent (289 lineal feet) of the site's water frontage on Marquesas Way for the two 55-foot apartment buildings, and a view corridor comprising 20 percent (71 lineal feet) of the site's water frontage on Via marina for the 60-foot apartment building. The County approved project is providing expanded view corridors comprising 29 percent (313 lineal feet) of the site's water frontage on Marquesas Way and 21 percent (76 lineal feet) of the site's water frontage on Via Marina.

The project is providing a total of 389 feet of view corridor, within five separate view corridors consisting of 38.6 feet, 44 feet, 45 feet, 76, feet and 185 feet (see **Exhibit No. 4**).

Although the wording in the LCP may refer to the provision of view corridors in the singular form rather than plural, the LCP does not specifically limit view corridors to a single corridor. Furthermore, Section 22.46.1060(E)(2) of the LCP allows the County discretion or flexibility in designing view corridors. The County has used this discretion and design flexibility in other projects. The County has approved a number of other developments in the past with multiple view corridors ranging from two to seven corridors. For example, on Panay Way (Parcel 20, Los Angeles County permit No. 98-172) the project was approved with three separate view corridors ranging from 22 to 130 feet. A second project located on Panay Way (Parcel 18, Los Angeles County permit 91-329) was approved with four separate view corridors ranging from 18 to 59 feet. A third was located on Marquesas Way (Parcel 12 & 14, Los Angeles County permit 98-134-4) with four view corridors ranging from 13 to 73 feet on Parcel 12, and seven view corridors ranging from 13-88.5 feet on Parcel 14 (additional view corridors were provided with angled views).

A fourth project was recently approved by the County in 2011, at 14025 Panay Way (Parcel 21, Los Angeles County permit 2010-00003-(4)) with two view corridors. The project was appealed (A-5-MDR-11-272) to the Commission with an identical contention as raised in this appeal regarding the provision of multiple view corridors. In December 2011, the Commission found that the appeal raised no Substantial Issue and concurred with the County's use of multiple view corridors.

The LCP view policy states that views be maintained and enhanced as a priority goal of the plan and allows the County the discretion to determine if view corridors are physically feasible and practical for each parcel and allows for flexibility in designing such view corridors. The proposed project is meeting the view corridor requirements of the LCP and the County has in the past allowed design flexibility in the provision of the view corridors. The Commission concurs with the County's approval, and finds that the project is consistent with the view policies of the certified LCP in terms of the provision of a view corridor(s). Therefore, the proposed project does not raise a substantial issue with respect to views and consistency with the certified LCP.

2. Appellant contends: The Parcel 10 project is inconsistent with the public access and recreation sections of the California Coastal Act. Coastal Act sections 30221 and 30222 state that recreation and visitor-serving uses shall have priority over residential and commercial.

Section 13111 of the Commission's regulations requires the applicant to list a statement of facts to support the basis of the appeal. The appellant has not provided any information to support this contention. Nonetheless, as stated, the proposed project is located on a parcel designated as Residential V with a Waterfront Overlay Zone (WOZ) for the non-mole portion of the parcel, and Residential III with a WOZ for the mole road portion of the parcel under the certified LCP. The proposed uses are consistent with the land use designation and the access provisions in the certified LCP.

The County approved project includes the demolition of the existing 136 unit residential complex and construction of a new 400 unit apartment complex. The existing and proposed residential use is consistent with the certified LCP. The new residential project will include a 28-foot wide public promenade along the waterfront, as required under the certified LCP, and public lateral access ways across the site from Marquesas Way and Via Marina to the public waterfront promenade. The project will comply with the County's parking requirements, providing a total of 909 on-site parking spaces for residents and boat tenants. Furthermore, the project has been conditioned by the County to contribute to the Coastal Improvement Fund, as required by the certified LCP, which funds will be used to develop recreational facilities to offset increases in residential densities. The project is also conditioned to pay a traffic mitigation fee for internal traffic improvements within Marina del Rey and to subregional highway improvements. As proposed and approved by the County, the project is consistent with the certified LCP and the public access provisions of the Coastal Act. Therefore, the proposed project does not raise a substantial issue with respect to public access.

Conclusion

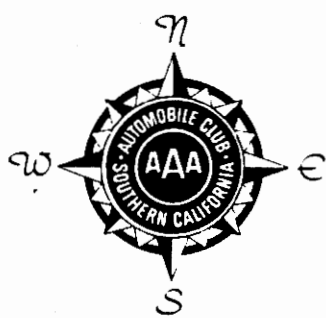
The Commission finds that no substantial issues exist with respect to the grounds on which the appeal was filed, as there has been no showing of any manner in which the approved project is not in conformance with the County's certified LCP or the public access or recreation policies of the Coastal Act.

APPENDIX--SUBSTANTIVE FILE DOCUMENTS:

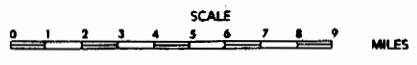
1. Marina Del Rey certified Local Coastal Plan, as amended in 2011.
2. Los Angeles County CDPs No. 98-172; 91-329; 98-134-4); and 2010-00003-(4).
3. Coastal Commission Appeal No. A-5-MDR-11-272 (Holiday- Panay Way Marina, LP)



Site Location



LOS ANGELES AREA

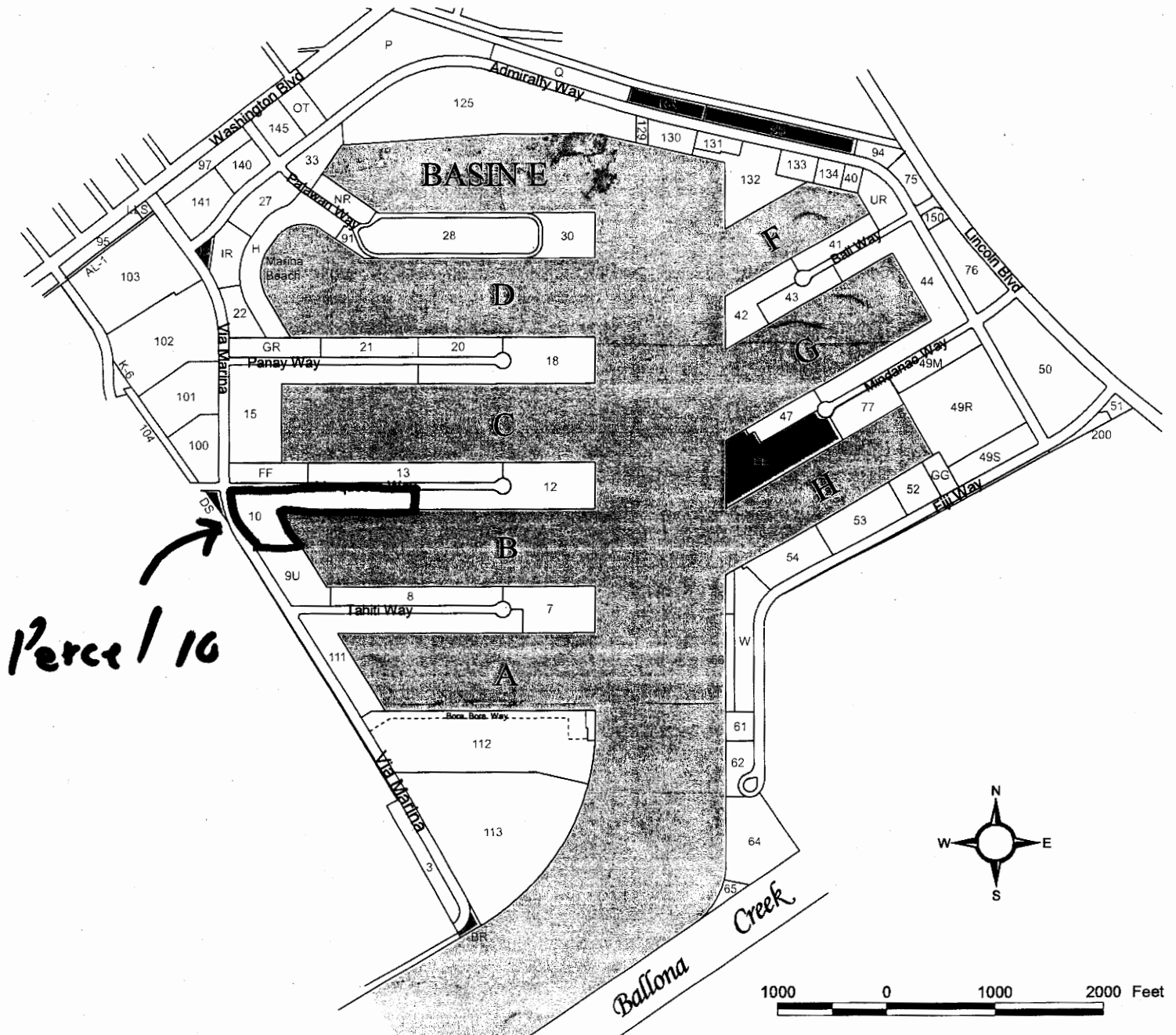


RECEIVED
South Coast Region
CALIFORNIA
COASTAL COMMISSION

HUNTINGTON BI

EXHIBIT NO. 2
APPLICATION NO. A-5-MDR-12-159
Vicinity Map
California Coastal Commission

Marina del Rey Lease Parcel Areas



Map March 2007 by Chris Sellers, Los Angeles County Department of Beaches and Harbors

EXHIBIT NO. **2**

Application Number

A-5-MDR-12-159

Parcel Map

California Coastal Commission

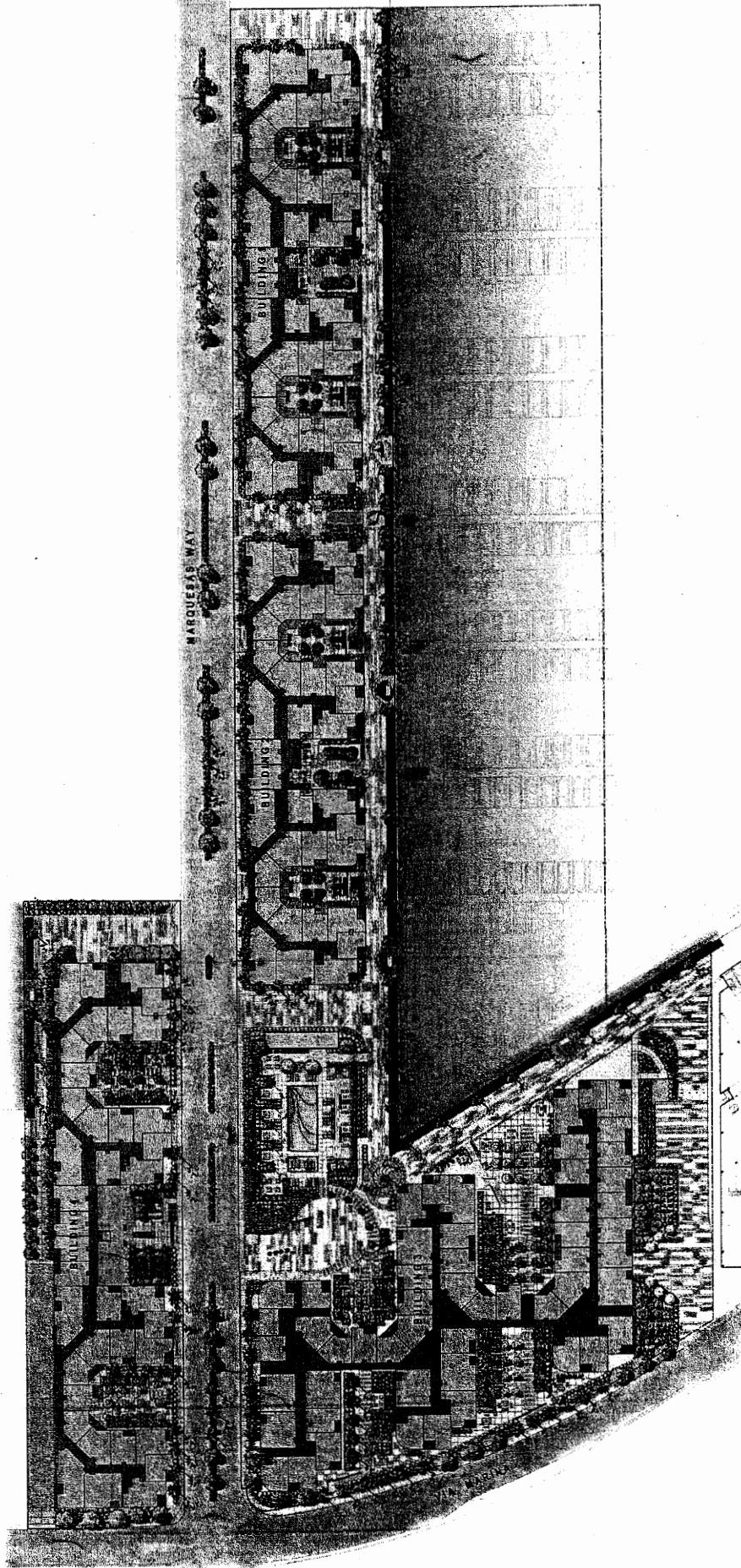
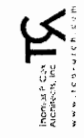


EXHIBIT NO. 3
Application Number AS-MDR-12-159
Site Plan

TARINA
Marina Del Rey, California

Landscape Concept Plan

Mar. 10, 2010
2003-083
RPC Submittal





View Corridors



Legend

Legend

-  - Transformer location below grade
-  - Proposed fire hydrant location

[illegible]

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370 FAX (619) 767-2384

JUN 08 2012
CALIFORNIA
COASTAL COMMISSION



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Professor Emeritus Daniel Henry Gottlieb, Mathematics, Purdue University

Mailing Address: 3516 Via Dolce

City: Marina del Rey

Zip Code: 90292

Phone: (310) 804 6598

SECTION II. Decision Being Appealed

1. Name of local/port government:

Los Angeles County Board of Supervisors

2. Brief description of development being appealed:

Demolition of an existing 136-unit apartment complex and subsequent construction of a 400-unit apartment complex.

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

Parcel 10, Marquesas Way and Via Marina, Marina del Rey CA 90292

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

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

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

TO BE COMPLETED BY COMMISSION:

EXHIBIT NO. 5

Application Number

A-5-MDR-12-159
Appeal Letter

APPEAL NO:

A-5-MDR-12-159

DATE FILED:

6/8/12

DISTRICT:

South Coast District

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

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

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

6. Date of local government's decision: May 15, 2012

7. Local government's file number (if any): Project #R2006-03647-(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:

Legacy Partners Neptune Marina, L.P. care of Dale Goldsmith, Armbruster, Goldsmith & Delvan LLP, 11611 San Vicente Boulevard, Suite 900, Los Angeles, CA, 90049

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) List of persons who submitted written comments and/or testified at local government hearings (addresses not available): Eric Preven, Lynne Shapiro, Nancy Vernon Marino, Hans Etter, Whitney Blumenfeld From Councilman Rosendahl's Office, Bobbi Buescher from Assemblymember Butler's Office, Daniel Gottlieb, Dean Francois, Lee Jay Berman, Carla Andrus, Raylene Baron, Cynthia McClain-Hill, Strategic Consulting; Jon Rizzo, Marina Tenants Association; Ruth Galanter; Larry Koch; Jon Nahhas, The Boating Coalition; David Levine, Marina Lessee's Association, David Barish

(2) Aaron Clark/Dale Goldsmith: Armbruster, Goldsmith & Delvan LLP, 11611 San Vicente Boulevard, Suite 900, Los Angeles, CA, 90049

(3) Los Angeles County Department of Beaches and Harbors, 13837 Fiji Way, Marina del Rey, CA 90292

(4)

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See Attachment #1

RECEIVED
South Coast Region

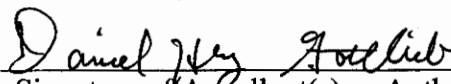
JUN 08 2012

CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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



Signature of Appellant(s) or Authorized Agent

Date: 6/7/2012

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

Section VI. Agent Authorization

I/We hereby
authorize

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

Signature of Appellant(s)

Date: _____

Attachment 1

CDP#2006-00008-(4) does not conform with the Certified Marina del Rey LCP and the Public Access and Recreation sections of the Coastal Act

LA County Project #R2006-03647-(4), CDP # 2006-00008-(4), (the "Parcel 10 Project") does not conform with the Marina del Rey Certified LCP and the public access and recreation sections of the California Coastal Act because it:

- Does not provide a sufficient view corridor
- Residential use of a coastal waterfront property is a low-priority coastal use
- visual resources, eg views to and from the water are negatively impacted because a minimum single view corridor of 20% has not been provided for in the project

1. PROJECT DOES NOT CONFORM TO MARINA DEL REY LOCAL COASTAL PROGRAM

The Parcel 10 Project does not conform to the Certified Marina del Rey LCP because a view corridor representing at least 20% of the waterside frontage of Parcel 10 has not been provided for in the project.

Per Table 5.6-1 of the Parcel 10 Project Environmental Impact Report ("EIR"), the Parcel 10 Project contains 1455 linear feet of waterfront frontage and requires a view corridor of 420 feet, which is a 28.87% view corridor. The Table further indicates that the Parcel 10 Project will provide a view corridor of 433 feet (emphasis added to the singular use of the word corridor) (Exhibit 1).

However, page 5.6-50 of the Parcel 10 Project EIR (Exhibit 2) reads as follows:

"To protect and enhance visibility of the marina and consistent with provisions of the LUP, the Neptune Marina Parcel 10R project incorporates four view corridors. Of the four view corridors, three allow vistas of Marina del Rey Basin B from Marquesas Way (southerly) and one corridor allows vistas of Marina del Rey Basin B from Via Marina (easterly)." (*underlined emphasis added*)

Since there are four view corridors, then to be in conformity with the MdR LCP, than one view corridor would have to be a minimum of 20% of the water frontage, or 291ft (.20x1455). The other three corridors in total would be 142ft or 47 feet each on average. **But none of the 4 view corridors is at least 291ft.**

The Marina del Rey Specific Plan, Section 22.46.1060, Communitywide design guidelines, part E2 states:

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

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

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

c. Where the director finds that a **view corridor** cannot be physically located anywhere on the parcel to provide a view of the harbor from the road, the director may waive the requirement." (emphasis added)

It is clear from the above section that the required view corridor must be a singular view corridor.

Section C.9. e8 of the Land Use Plan also uses the singular "a view corridor."

No where in the Certified Mdr LCP does it state that view corridors can be pieced together to satisfy the 20% minimum view corridor. The LCP states that a view corridor must be provided. This would be consistent with the whole point of providing a view corridor in the first place and defies the rules of mathematics (Exhibit 3).

Therefore, CDP # 2006-00008-(4), does not conform to the Mdr LCP and requires a de novo hearing by the Coastal Commission.

2. PARCEL 10 PROJECT INCONSISTENT WITH CALIFORNIA COASTAL ACT

The Parcel 10 Project does not conform to the public access and recreation sections of the California Coastal Act because:

- Coastal Act sections 30221 and 30222 state that residential and commercial development should not be prioritized above recreation and visitor-serving uses, as this project does. Section 30221 of the Coastal Act reads "Oceanfront land that is suitable for recreational use shall be protected for recreational use and development."

- Because the failure to provide a minimum singular view corridor of 20% will impact visual resources. Section 30251 of the Coastal Act reads: "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance."

Therefore, CDP # 2006-00008-(4), does not conform to the Public Access and Recreation sections of the Coastal Act P and requires a de novo hearing by the Coastal Commission.

Exhibit 1 Parcel 10 View Corridor Data from Environmental Impact Report

Appeal of CDP#2006-00008-(4)

5.6 Visual Quality

With respect to the Neptune Marina Project component (Parcel 10R and FF), provisions of the LUP tabulate the area of required view corridor based on the length of the parcel's water frontage and the proposed building height. Based on the length of the parcel's water frontage and a proposed building height of 55 feet for Buildings 1, 2 (Parcel 10R), and 4 (Parcel FF) and 60 feet for Building 3 (Parcel 10R), the LUP requires 420 linear feet of view corridor. As proposed, Neptune Marina Parcels 10R and FF would provide 443 linear feet. As such, the project, as planned, is consistent with view corridor provisions of the LUP that call for public and private views of the marina from perimeter roadways.

With respect to the Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U), the project incorporates one view corridor on Parcel 9U, south of the hotel. The primary view corridor allows vistas of Marina del Rey Basin B from Via Marina through the Parcel 9U public park/wetland. Per the LCP, based on the proposed 225-foot height of the hotel and timeshare resort structure (excluding appurtenant rooftop structures), a view corridor totaling 40 percent of the length of the site is required. For the 386-foot-long site, a minimum 154-foot-wide view corridor is required. The project plans for 154 linear feet of view corridor through the Parcel 9U public park/wetland situated south of the hotel and timeshare resort structure. Because the project provides the required 154 feet of public view corridor, the hotel and timeshare resort is consistent with provisions of the LCP that call for public and private views of the Marina from perimeter roadways.

A summary of the lineal footage of each project component and the required width of the view corridor on each parcel is summarized in Table 5.6-1, below.

Table 5.6-1
Summary of Project Components and LCP View Corridor Requirements

Project Component	Waterfront Lineal Footage	LCP Required View Corridor	Proposed View Corridor
1 – Neptune Marina Parcel 10R	10R = 1,455 feet	420 feet	443 feet
2 – Neptune Marina Parcel FF	FF = 200 feet		
3 – Woodfin Suite Hotel/Timeshare Resort (Parcel 9U)	386 feet	154 feet	154 feet
4 – Restored Wetland/Upland Park Project (Parcel 9U)*	NA	NA	NA
5 – Public-Serving Anchorage	NA	NA	NA

* Project Component 4, Restored Public Wetland and Upland Park Project, occupies the southern portion of Parcel 9U and is proposed to fulfill the LCP view corridor requirement for development of the northern portion of Parcel 9U with the Woodfin Suite Hotel/Timeshare Resort.

Exhibit 2 Parcel 10 View Corridor Data from Environmental Impact Report

Appeal of CDP#2006-00008-(4)

5.6 Visual Quality

information is available in the plan or in County records that define scenic resources along this route and no further study has been completed. Therefore, for the purpose of this analysis, the areas most frequented by visitors and those that contain views of the marina are considered view corridors. No vistas of the marina are available from Via Marina adjacent to Parcel 10R, and as such, Via Marina adjacent to Parcel 10R is not considered a Scenic Highway.

To protect and enhance visibility of the marina and consistent with provisions of the LUP, the Neptune Marina Parcel 10R project incorporates four view corridors. Of the four view corridors, three allow vistas of Marina del Rey Basin B from Marquesas Way (southerly) and one corridor allows vistas of Marina del Rey Basin B from Via Marina (easterly).

With respect to the Neptune Marina Parcel 10R, provisions of the LUP tabulate the area of required view corridor based on the length of the parcel's water frontage and the proposed building height. Based on the length of the parcel's water frontage and a proposed building height of 55 feet for Buildings 1 and 2 and 60 feet for Building 3, the LUP requires 360 linear feet of view corridor. As proposed, Neptune Marina Parcel 10R would provide 388.5 linear feet. As such, the project as planned is consistent with view corridor provisions of the LUP that call for public and private views of the marina from perimeter roadways.

To further ensure visual resource protection, the Marina del Rey LUP requires that the project site plan and architectural design be reviewed and approved by the DCB and to incorporate view corridors that do not presently exist on the project site. The DCB also has the authority to regulate signage, building architectural design, site planning, and facade design for all new development proposals. The DCB reviewed and approved Neptune Marina Project on June 29, 2006 and as part of that action, ensured compliance with the development standards and policies (inclusive of view corridors) outlined in the Land Use Plan with the development standards under its purview. Therefore, project impacts to visual corridors as defined in the Marina del Rey LUP are not considered significant.

Conclusion: Development on Parcel 10R would replace existing structures and no visibility of the marina is available from Via Marina adjacent to Parcel 10R. As such, development on Parcel 10R would not affect a defined Scenic Highway. Consistent with requirements of the Marina del Rey LUP, and in conformance with the DCB, the project incorporates four view corridors that would enhance visibility of the marina from Parcel 10R. Because this project is consistent with all development requirements defined in the Marina del Rey LUP, impacts associated with this visual resource criterion are not considered significant.

Mitigation: No mitigation is proposed or is required.

Conclusion: Not significant.

EXHIBIT 3 VIEW CORRIDOR MATHEMATICAL QUIZ

Appeal of CDP#2006-00008-(4)

Here is a mathematical question I would like to ask the Coastal Commission staff and Commissioners and their counsel to solve. This will test their reading ability and mathematics ability and basic intelligence.

View Corridor Problem: Consider a parcel with a 100 feet water frontage. Suppose a 45 foot building is on the parcel with 10 foot wide rectangle of unobstructed view from the road to the water at one end of the parcel, and another such 10 ft. wide rectangle at the other side of the of the parcel.

- a) Show the neither rectangle is a View Corridor, using the definition of a View Corridor as defined in section 22.46.1060 E 2 of the MdR Local Implementation Plan. Hint, apply paragraph E 2a for the mathematical rule.
- b) Calculate the frontage of the Obstructed View from the road to the water on the parcel. Use the definition found in E 3 for **unobstructed view**. Conclude that the two end rectangles cannot be a View Corridor.
- c) Calculate the frontage of the **Interrupted View** of the parcel. Use paragraph E 2.
- d) Give a general argument which proves that any View Corridor cannot be disconnected.

Here are the relevant sentences from the LIP at 22.46.1060

- a) a. Where a view corridor is physically feasible, the optimum width of such a view corridor shall be a minimum of 20 percent of the water frontage of the site.
- b) 3. View Corridor Standards. View corridors shall be maintained so as to provide an **unobstructed view** of the bulkhead edge, masts and horizon for pedestrians and passing motorists. **Unobstructed views are defined** as views with no inhibition of visual access to the water.
- c) 2. View Corridor Requirements. Parcels located between the water and the first public road shall provide a view corridor allowing **uninterrupted views** of the harbor from the road to the waterside, at ground level.
- d) Any view corridor with an unobstructed view must be connected. The boundary of a View Corridor is formed by obstructed views (or Parcel boundaries). Any View Corridor with an obstructed view must be a disconnected View Corridor.

This would be the most embarrassing interpretation of a law since the Indiana Legislature wanted to change the value of pi to $22/7$. So if they can write it into the Law* in the new version of the LCP, the developer's lawyers will not have to make such a stupid argument in the future. I can tell that's the plan because Finding 46 in the Neptune CDP keeps mentioning the precise numbers of the percents were "specified" in the "Amended" LCP. All the while they use "View Corridor" and "View Corridors" interchangeably in the Finding.

* The View Corridor ordinance was not changed in the LIP. D.H.G.



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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

JOHN F. KRATTLI
Acting County Counsel

May 15, 2012

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

#22 OF MAY 15, 2012

TELEPHONE
(213) 974-1924
FACSIMILE
(213) 613-4751
TDD
(213) 633-0901

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

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Agenda No. 7
04/26/11

Re: **PROJECT NUMBER R2006-03647-(4)**
COASTAL DEVELOPMENT PERMIT NUMBER 2006-00008-(4)
CONDITIONAL USE PERMIT NUMBER 2006-00289-(4)
VARIANCE NUMBER 2006-00013-(4)
FOURTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER

Dear Supervisors:

Your Board previously conducted a duly-noticed public hearing regarding the above-referenced permits, to authorize the demolition of an existing 136-unit apartment complex and appurtenant facilities, and the subsequent construction of a 400-unit apartment complex, consisting of three apartment buildings, a 28-foot-wide pedestrian promenade, and other site amenities and facilities on Parcel 10 in Marina del Rey, applied for by Legacy Partners Neptune Marina, L.P.

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

Very truly yours,

JOHN F. KRATTLI
Acting County Counsel

By

Joseph M. Nicchitta
JOSEPH M. NICCHITTA
Associate County Counsel
Property Division

APPROVED AND RELEASED:

EXHIBIT NO.

6

Application Number

A-5-MDR-12-15

County CDP

2006-00008

California Coastal Commission

D. D. Weiss
D. D. WEISS

Senior Assistant County Counsel

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NUMBER R2006-03647-(4)
COASTAL DEVELOPMENT PERMIT NUMBER 2006-00008-(4)
CONDITIONAL USE PERMIT NUMBER 2006-00289-(4)
VARIANCE NUMBER 2006-00013-(4)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing in the matter of Project No. R2006-03647-(4) consisting of Coastal Development Permit No. 2006-00008-(4) ("CDP"), Conditional Use Permit No. 2006-00289-(4) ("CUP"), and Variance No. 2006-00013-(4) ("Variance") on April 26, 2011. (The CDP, CUP, and Variance are collectively referred to herein as the "Project Permits.") At the time of the Board's April 26, 2011 hearing, the Project also included Local Coastal Program Amendment No. 2006-00013-(4) ("Plan Amendment"), which was a request for an amendment to the Marina del Rey ("Marina") Local Coastal Program ("LCP"). For reasons discussed in Finding Nos. 32 through 36, the Plan Amendment is no longer needed and has been withdrawn as part of the Project approvals. The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the Project Permits on October 29, 2008, November 5, 2008, August 12, 2009, October 14, 2009, February 3, 2010, and March 10, 2010.
2. The permittee, Legacy Partners Neptune Marina L.P., requests the Project Permits to authorize the demolition of an existing 136-unit apartment complex and appurtenant landside facilities located on Marina Parcel 10 ("Parcel 10"), and the construction of a 400-unit apartment complex, consisting of three apartment buildings, a 28-foot-wide waterfront pedestrian promenade, and other site amenities and facilities (the "Project"). Sixty-two of the 400 apartment units will be designated as affordable housing units, as further described in Finding Nos. 16 through 18.

This Project was heard concurrently by the Commission and the Board with the following projects: (a) Project No. R2006-03652-(4), to authorize the demolition of an existing 202-space public parking lot and the construction of a 126-unit apartment complex and appurtenant facilities on Parcel 14 in the Marina ("Second Apartment Project"); (b) Project No. R2006-03643-(4), to authorize the construction and maintenance of a 1.46-acre public wetland and upland park on the southern portion of the 3.66-acre Parcel 9 in the Marina ("Wetland Park"); and (c) Project No. TR067861-(4), to authorize the construction of a 288-room hotel and six-level parking structure on the northern portion of the 3.66-acre Parcel 9 in the Marina ("Hotel Project").

3. The CDP is a request to authorize the demolition and construction of the structures and improvements described in Finding No. 2, and also to authorize the temporary use of Marina Parcel 14 as a construction staging site during such construction.

4. The CUP is a request to authorize on-site grading in excess of 100,000 cubic yards and on-site parking for boater-related uses.
5. The Variance is a request to authorize approximately 830 square feet of on-site signage in excess of what would otherwise be allowed under the Los Angeles County Code ("County Code"). The Variance also seeks authorization to reduce the required building setback from the Project's waterside promenade from a 10-foot required building setback to a zero setback.
6. Related to the Project is the permittee's proposed demolition of an existing 198-slip private small-craft anchorage on the 4.68-acre waterside portion of Parcel 10, and the proposed construction of a new 174-slip private small craft anchorage ("Anchorage") within Marina Basin B. The permittee has already obtained the requisite approvals for the Anchorage from both the County Department of Regional Planning ("Regional Planning") and the California Coastal Commission ("Coastal Commission").
7. The Project site is 7.32 acres in size on the landside and 4.68 acres on the waterside, located in the Playa del Rey Zoned District at the southeast corner of the intersection of Via Marina and Marquesas Way in the unincorporated community of the Marina.
8. The Project site is zoned "Specific Plan" within the LCP and its existing land use designation under the LCP is Residential-V ("R-V") with a waterfront overlay zone ("WOZ") (for the "non-mole" portion of the parcel), Residential-III ("R-III") with a WOZ (for the "mole road" portion of the parcel), and "Water" (for the waterside portion of the parcel).
9. The site is L-shaped, predominantly level, and currently developed with an apartment complex containing 136 rental apartment units and landside facilities appurtenant thereto, and a private boat anchorage containing 198 boat slips, 13 of which are "end-tie" slips.
10. The surrounding zoning includes:

North: R-V (WOZ) and R-III (WOZ);
South: Hotel (WOZ);
East: Residential-IV (WOZ) and Water;
West: City of Los Angeles zoning.
11. Surrounding land uses include:

North: Public parking lot and multi-family residential (rental apartments);
South: Vacant parcel;
East: Multi-family residential (rental apartments), Marina Basin B, and private boat anchorage; and
West: Multi-family residential (condominiums in the City of Los Angeles).

12. The site plan for the Project depicts three apartment buildings, two of which are 55 feet in height, one of which is 60 feet in height, exclusive of rooftop appurtenant structures and mechanical equipment, with four stories of apartments over two levels of subterranean and partially-subterranean garage parking. The site plan also depicts a 28-foot-wide public pedestrian promenade along the parcel's water frontage, an exterior swimming pool facility, and driveways providing vehicular access into the buildings' garages. The site plan also shows four view corridors along the parcel's Marquesas Way frontage and one view corridor along the parcel's Via Marina frontage. The Anchorage is depicted on the waterside portion of the parcel.
13. Parking for the Project will be provided in the apartment building garages. Consistent with the parking requirements of the County Code for a 400-unit apartment complex, a total of 909 on-site parking spaces will be provided, 678 of which will be dedicated for residents, 100 of which will be dedicated for guests, and 131 of which will be dedicated for boat tenants of the Anchorage. A total of 22 of the 909 parking spaces will be dedicated for disabled persons.
14. Prior to the Commission's public hearing on the Project, an Initial Study was prepared for the Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, *et seq.*) ("CEQA"), the State CEQA Guidelines, and the Environmental Reporting Procedures and Guidelines for the County. Based on the Initial Study, Regional Planning determined that an Environmental Impact Report ("EIR") was the appropriate environmental document for the Project.
15. The County elected to oversee the preparation of a single, comprehensive EIR to evaluate the potential project-specific environmental impacts of this Project, as well as the potential cumulative environmental impacts of this Project, the Second Apartment Project, the Hotel Project, and the Wetland Park project, including the construction by the permittee of a public "transient" boat anchorage adjacent to the Wetland Park. The County prepared a draft EIR ("Draft EIR") which evaluated the potential project-specific and cumulative environmental impacts of all such projects.
16. During the review process of the Project, Regional Planning staff and the County Community Development Commission ("CDC") evaluated the Project for compliance with the County's affordable housing policy for the Marina ("Affordable Housing Policy") and sections 66590, *et seq.*, of the California Government Code ("Mello Act") regarding required replacement affordable units and inclusionary affordable units.
17. To comply with the replacement unit requirement in the Affordable Housing Policy and the Mello Act, Regional Planning staff and the CDC used a replacement housing survey conducted by Overland, Pacific and Cutler, LLC. Using this survey, Regional Planning staff and CDC determined that 22 of the existing 136 apartment units on-site, which will be demolished as part of the

Project, shall be replaced in the new apartment complex in accordance with the income criteria set forth in the California Health and Safety Code as follows: 11 moderate-income replacement units (five of which will be one-bedroom units and six of which will be two-bedroom units) and 11 low-income replacement units (eight of which will be one-bedroom units and three of which will be two-bedroom units).

18. Regarding inclusionary affordable units, under the Affordable Housing Policy developers are required to provide a 15 percent inclusionary affordable housing set-aside in new residential projects, to be calculated on the net new incremental units to be constructed as part of the Project, where one-third of the inclusionary units shall be reserved for very low-income households, one-third of the units shall be reserved for low-income households, and one-third of the units shall be reserved for moderate-income households, subject to a case-by-case determination. Based on this requirement, Regional Planning staff and CDC determined that the permittee shall provide 40-units of inclusionary affordable housing, based on the calculation of 15 percent multiplied by the 264 net new incremental units to be developed on-site (i.e., 400 total units less 136 existing units = 264 net new units), where 13 of the inclusionary affordable units will be designated for very low-income households (eight of which will be one-bedroom units and five of which will be two-bedroom units), 14 of the units will be designated for low-income households (nine of which will be one-bedroom units and five of which will be two-bedroom units), and 13 of the units will be designated for moderate-income households (eight of which will be one-bedroom units and five of which will be two-bedroom units). Combining the 40 inclusionary units and the 22 replacement units, Regional Planning staff and CDC determined that the permittee shall provide a total of 62 affordable housing units to comply with the Affordable Housing Policy and the Mello Act.
19. The Commission opened its duly-noticed public hearing on the Project on October 29, 2008. The permittee and two members of the public testified in favor of the Project, and a number of persons testified in opposition to the Project. Opponents raised a number of concerns asserting, among other things, that: (a) the Marina is overly dense, needs more open space, and the County is piecemealing development in the Marina; (b) the traffic study in the Draft EIR is inadequate and the Project lacks adequate parking; (c) the Draft EIR fails to adequately address the Project's impacts on dust, noise, shadows and winds, and the local service needs if the Project is built; and (d) the Marina's intended purpose was for public recreation and its use should be dedicated to such purpose.

At the conclusion of the public testimony and Commission discussion, the Commission continued the public hearing to November 5, 2008, and directed staff to arrange a site visit for the Commission.

20. Prior to the November 5, 2008, continued public hearing, Regional Planning staff determined that the Draft EIR should be updated and recirculated to address the

potential cumulative impacts related to the proposed City of Los Angeles dual force main alignment project and the County Department of Public Works' ("Public Works") sewer upgrades in the Marina. A revised Draft EIR ("Revised Draft EIR") was prepared and circulated to the involved agencies and the public. Aside from this updated information, the Revised Draft EIR also provided additional visual simulations for the Project and an updated shade and shadow study.

21. On November 5, 2008, at the continued public hearing on the Project, the Commission was informed that staff would be preparing and recirculating the Revised Draft EIR and, as a result, took the matter off-calendar.
22. On April 15, 2009, at a regularly scheduled Commission meeting, the Commission scheduled an August 8, 2009 site visit for Parcel 10 and adjoining parcels, and scheduled a continued public hearing for the Project for August 12, 2009, to be held in the Marina.
23. On August 8, 2009, the Commission conducted a site visit of Parcel 10 and adjoining parcels and concluded the site visit with a boat tour, viewing the Project site and adjacent parcels from the harbor.
24. On August 12, 2009, the Commission conducted the continued public hearing for the Project at Burton Chace Park in the Marina. At the public hearing, the Commission heard a presentation from staff and testimony from persons in favor of and against the Project. The opponents raised substantially similar claims to those raised at the previous public hearing session, and further contended that: (a) the Project will block the Marina and the mountain views of the neighboring Marina Strand Colony condominiums; (b) the height of the proposed structures will negatively impact sailing winds in Marina Basin B; (c) the Revised Draft EIR should be updated and recirculated to adequately analyze climate change and high-risk liquefaction; (d) the existing view corridor along Via Marina will be substantially eliminated as a result of the Project; (e) construction haulers for the Project will use Via Dolce and thus adversely impact residences on Via Dolce; and (f) the solid waste impacts of the Project have not been adequately analyzed.

At the conclusion of the public hearing session, the Commission continued the public hearing to October 14, 2009.

25. On October 14, 2009, the Commission held the continued public hearing for the Project, where staff, the permittee, and members of the public testified addressing, among other things, the claims raised at the prior public hearing sessions. During its discussion, the Commission questioned whether the permittee had provided sufficient evidence to justify the Variance that would allow a zero setback from the waterfront pedestrian promenade and decided that, to justify the Variance, the permittee should enhance the promenade amenity plan for the Project, and submit the enhanced plan to the County Design Control

Board ("DCB") for review and approval. The Commission continued the public hearing to February 3, 2010, and directed the permittee to obtain approval of the enhanced promenade amenity plan prior to the continued public hearing date.

26. In response to the Commission's direction, the permittee enhanced its promenade amenity plan for the Project to include additional pedestrian-oriented details such as promenade seating with shade structures, trash receptacles, drinking fountains, bicycle racks, an enhanced paving pattern, and enhanced landscaping. DCB reviewed and approved the enhanced promenade amenity plan on December 17, 2009, subject to several modifications.
27. The Commission held the continued public hearing for the Project on February 3, 2010, where staff informed the Commission that additional time was needed to prepare the final EIR ("Final EIR") and other final documentation for the Project. The Commission continued the public hearing to March 10, 2010.
28. The Commission held the continued public hearing for the Project on March 10, 2010. Among other testimony provided to the Commission, the Commission heard testimony from the staff and the permittee that DCB had reviewed and approved the permittee's enhanced promenade amenity plan, thus justifying the Variance. After hearing all testimony, the Commission closed the public hearing, certified the Final EIR, and approved the Project Permits. At the time, the Plan Amendment was still part of the Project approvals and the Commission thus recommended approval of the Plan Amendment to the Board.
29. Pursuant to section 22.60.230 of the County Code, because the Project approvals at the time included a recommendation by the Commission to the Board on the Plan Amendment, the Project Permits were called up for review by the Board along with the request for the Plan Amendment. The Second Apartment Project, Wetland Park, and Hotel Project were also referred to the Board for review under section 22.60.230 of the County Code either by appeal or call for review.
30. On April 26, 2011, the Board conducted a public hearing on the Project and heard a presentation from Regional Planning staff, testimony from the permittee and its representatives, and testimony from Project proponents and opponents, including representatives of "We Are Marina del Rey," a group opposing the Project. Written correspondence was also submitted to the Board, both in favor of and in opposition to the Project. Opponents of the Project raised claims similar to those raised at the Commission hearing. Proponents of the Project testified that, among other things, the Project will provide much-needed affordable housing, will allow for the redevelopment of an aging apartment building, and will create a number of construction-related jobs.
31. At the conclusion of the April 26, 2011 public hearing, the Board certified the Final EIR, adopted the related environmental findings of fact and statement of overriding considerations ("Findings of Fact and SOC"), adopted the Mitigation

Monitoring Plan ("MMP"), and indicated its intent to approve the Project Permits and recommend approval of the Plan Amendment to the Coastal Commission. As for the other Marina projects heard concurrently with this Project, the Board indicated its intent to approve the Second Apartment Project and the Wetland Park, and remanded the Hotel Project to the Commission for further review.

The 2012 Amended LCP

32. Separate and apart from the Project, but processed during the same timeframe, was a major amendment to the Marina LCP ("Major Amendment").
33. On September 1, 2009, the Board adopted a motion directing Regional Planning staff to aggregate all known amendments that were planned for the LCP at that time into a single Major Amendment and accompany such amendment with a cumulative impact assessment for all development proposed for the Marina. The Plan Amendment for Parcel 10 was included as part of the Major Amendment. The Board further directed Regional Planning staff to address certain of the Coastal Commission's overarching policy concerns for the Marina in the Major Amendment, including important biological resources, open space enhancements, and public parking.
34. The Major Amendment, among other things, relocated development potential within the Marina and changed the land use categories of specific parcels, but did not create any new development potential in the Marina. Any potential traffic impacts related to the relocation of development potential were mitigated by measures proposed in the amended LCP. With respect to Parcel 10, the Major Amendment reduced the number of development zones in the Marina, providing sufficient residential density for this Project. The Major Amendment also modified the density allowances on Parcel 10 to allow the permittee to average residential densities evenly over Parcel 10, and further established a maximum building height of 75 feet for Parcel 10.
35. On November 3, 2011, the Coastal Commission conducted a public hearing on the Major Amendment and approved and certified the Major Amendment subject to a number of suggested modifications. On November 29, 2011, the Board adopted a resolution for transmittal to the Coastal Commission which acknowledged receipt of the Coastal Commission's resolution of certification of the Major Amendment, and further, which accepted all modifications to the Major Amendment suggested by the Coastal Commission. On February 8, 2012, the Coastal Commission acknowledged receipt of the Board's November 29, 2011 resolution, and based on the Board's agreement to accept all suggested modifications made by the Coastal Commission, issued a final approval of, and certified, the Major Amendment; with an effective date of February 8, 2012 (hereinafter the "2012 Amended LCP").
36. Because of adoption of the 2012 Amended LCP, which contained the amendments to the LCP that were previously proposed in the Plan Amendment

for the Project, the Plan Amendment for the Project is no longer needed and has been withdrawn as part of the project approvals.

37. The Board finds that, consistent with the 2012 Amended LCP, the Project has been conceptually approved by DCB, which found the Project to be in conformity with the applicable public access, height, circulation, building massing, visual impact, and view requirements.
38. The Board finds that the permittee has submitted a preliminary geotechnical report to Public Works which complies with the 2012 Amended LCP. Site development will be based on thorough site-specific geologic and soils studies, including specific geotechnical studies related to mitigation of liquefaction and lateral spreading. The Project has also been designed to utilize earthquake-resistant construction and engineering practices, in full compliance with applicable County and State regulations and ordinances. Preliminary engineering mitigation and planned structural setbacks for the Project have been designed for a bedrock acceleration of no less than 0.5g and high potential for liquefaction.
39. The Board finds that the conditions of approval require the permittee to conduct site development in conformity with the archaeological reporting requirements set forth in the County Code.
40. The Board finds that the conditions of approval require the permittee to implement a functional transportation demand management ("TDM") program incorporating on-site installation of bike racks and a carpooling informational bulletin board.
41. The Board finds that the Project is consistent with the R-V (WOZ) (non-mole portion) and R-III (WOZ) (mole portion) land use designations for Parcel 10.
42. In connection with the Major Amendment, the traffic consulting firm, Raju Associates, Inc., prepared a comprehensive traffic study on the County's behalf to assess the implementation of the 2012 Amended LCP and analyzed the need for mitigation measures to alleviate traffic congestion within the Marina. Among other things, the study examined the potential combined effect of the so-called "Pipeline Projects," which consisted of this Project and four other Marina projects requiring amendments to the Marina LCP then in effect. The study found, based on Marina traffic counts taken in 2009, that traffic congestion projected in the 1996 LCP had not materialized and that the intersections studied would operate with less congestion under estimated "build-out" conditions than had been anticipated by the 1996 LCP. The study also found, however, that traffic generated by new development both inside and outside the Marina, including the Pipeline Projects, would require mitigation measures. The 2012 Amended LCP establishes a program to fund these measures, which will provide the needed transportation-related infrastructure to support the development of the entire Marina, including the Pipeline Projects. The Board finds that, consistent with the

2012 Amended LCP, the permittee shall pay its fair share of the cost of these mitigation measures based on the number of "p.m. peak hour" trips generated by the Project.

43. The Board finds that the Final EIR for the Project includes a traffic report prepared in accordance with applicable 2012 Amended LCP requirements and approved by Public Works. The Board further finds that the approved traffic report accurately analyzes the Project's potential impacts on internal Marina routes and its potential cumulative impacts on the major State highways and routes leading to the coast in the Marina area, and provides information regarding the capacity of such routes. The approved traffic report concludes that the Project alone would not result in any significant traffic impacts, but that significant traffic impacts would result from the concurrent development of the Project, the Second Apartment Project, the Hotel Project, and the Wetland Park. The approved traffic report identifies mitigation measures to reduce these impacts to less than significant, and indicates that all necessary mitigation measures and improvements to infrastructure will be appropriately funded through the permittee's payment of "p.m. peak hour" traffic mitigation fees, as required by the 2012 Amended LCP.
44. The approved traffic report concludes that the Project will generate 85 net new p.m. peak-hour trips. The Board finds that, consistent with the 2012 Amended LCP, the permittee has been appropriately conditioned to pay traffic mitigation fees of \$5,690 per p.m. peak-hour trip, to be allocated as follows:
 - A. \$1,600 per p.m. peak-hour trip will be paid into the County-administered transportation improvement program to offset Project impacts to the internal Marina circulation system.
 - B. \$4,090 per p.m. peak-hour trip will be paid into the County-administered transportation improvement program to offset the Project's proportional share of the cumulative impacts of Marina development on the subregional transportation system.

Based on the conclusion in the approved traffic report that the Project will generate 85 net new p.m. peak-hour trips, the Board further finds that the permittee has been appropriately conditioned to pay a total traffic mitigation fee of \$483,650, \$136,000 of which will be allocated for traffic improvements to internal Marina routes and \$347,650 of which will be allocated for traffic improvements to the subregional highway system serving the Marina. Because Public Works prefers to minimize traffic disruptions and construction time by implementing Marina roadway improvements as a single major project, the Final EIR recommends that the permittee pay the above-described mitigation fees instead of requiring the permittee to construct its share of roadway improvements individually. However, the Board finds that the Director of Public Works may elect to require the permittee to implement one or more physical mitigation

measures, in lieu of paying the mitigation fees, in order to mitigate all of the Project's significant traffic impacts prior to Project occupancy.

45. The Board finds that the proposed maximum 60-foot height, exclusive of rooftop appurtenant structures and mechanical equipment, of the apartment building on the "non-mole" portion of the Project site and the proposed maximum 55-foot height, exclusive of rooftop appurtenant structures and mechanical equipment, of the two apartment buildings on the "mole" portion of the Project site are within the allowable 75-foot building height limitation assigned to the parcel in the 2012 Amended LCP. The Board further finds that the height and massing of the proposed apartment buildings are consistent with and complementary to the established development pattern of the neighborhood, including the recently constructed, 65-foot-tall Esprit I Apartments located along and at the terminus of Marquesas Way; the 75-foot-tall Shores Apartments currently under construction on Marina Parcels 100 and 101, located at the northwestern corner of Via Marina and Via Dolce; and the approved 65-foot-tall Esprit II Apartments to be developed on Marina Parcel 15, located at the southeastern corner of Panay Way and Via Marina.
46. The Board finds that the Project will provide view corridors from the road to the waterside of Parcel 10 consistent with the 2012 Amended LCP, which requires that parcels located between the water and the first public road provide a view corridor allowing uninterrupted views of the harbor from the road to the waterside, at ground level. The 2012 Amended LCP specifically requires that the permittee provide a view corridor comprising 26.7 percent (289 lineal feet) of the site's water frontage on Marquesas Way for the two 55-foot apartment buildings, and a view corridor comprising 20 percent (71 lineal feet) of the site's water frontage on Via Marina for the 60-foot apartment building. The Board finds that the permittee's provision of expanded view corridors comprising 29 percent (313 lineal feet) of the site's water frontage on Marquesas Way and 21 percent (76 lineal feet) of the site's water frontage on Via Marina satisfies the view corridor requirements of the 2012 Amended LCP. For these reasons, the Board further finds that the Project is consistent with the height design concepts described in the 2012 Amended LCP.
47. The Board finds that the Project is consistent with the 2012 Amended LCP standards requiring a continuous 28-foot-wide pedestrian promenade along the parcel's bulkhead. Seating, landscaping, lighting, trash receptacles, and bicycle racks will also be provided along the parcel's bulkhead, to the satisfaction of DCB.
48. The Board finds that the Project has been designed so that planes of the exterior building walls will vary in depth and/or direction to avoid bulk and monotony, and will relate closely to the pedestrian promenade. The Board further finds that the proposed building placement and design avoids long, continuous blocking of water views.

49. The Board finds that more than 10 percent of the Project's net lot area will be landscaped and building coverage will be less than 90 percent of the Project's net lot area.
50. The Board finds that on-site parking for the Project will comply with the parking requirements of Title 22 of the County Code (Zoning Ordinance). The conditions of approval require the permittee to provide 909 on-site parking spaces, 678 of which will be dedicated for residents, 100 of which will be dedicated for guests, and 131 of which will be dedicated for boat tenants of the Anchorage. Also, of the 909 parking spaces, 22 spaces will be dedicated for disabled persons.
51. The Board finds that the apartment buildings in the complex will be fully sprinklered, in conformance with County Fire Department ("Fire Department") requirements and the requirements of the 2012 Amended LCP. Emergency access to all structures and common areas of the site will be provided to the satisfaction of the Fire Department. The permittee is required to obtain Fire Department approval of a "fire safety plan" prior to obtaining a building permit.
52. The Board finds that Project landscaping along site perimeters will maintain a minimum width of eight feet and will allow visual access into the site.
53. The Board finds that infrastructure for the Project has been designed and will be constructed in an environmentally-sensitive manner, and will follow design policies of the 2012 Amended LCP. The Project will also be subject to the County's green building and drought-tolerant landscape ordinances.
54. The Board finds that the Project provides public pedestrian access and ensures passive recreational use to and along all portions of the Parcel 10 bulkhead, in conformance with the California Coastal Act ("Coastal Act") and the 2012 Amended LCP. The Board further finds that the permittee has been appropriately conditioned to provide signage at the site's entrances and at each bulkhead entrance of each public lateral access way identifying these locations as public access ways.
55. The Board finds that the Project enhances public access to the waterfront by constructing a 28-foot-wide public pedestrian promenade along the water frontage of Parcel 10, and public lateral access ways across the site from Marquesas Way and Via Marina to the public waterfront promenade. Development adjacent to the bulkhead (i.e., public promenade) will provide pedestrian access ways, benches, and rest areas along the bulkhead.
56. The Board finds the permittee has been appropriately conditioned to incorporate directional signage, outdoor exhibits, and brochures to enhance public awareness of shoreline access ways and public areas.
57. The Board finds that development of the new 28-foot-wide public pedestrian promenade and amenities along the site's waterfront will allow the public substantial viewing opportunities of the small craft harbor water areas.

58. The Board finds the permittee has been appropriately conditioned to contribute to the coastal improvement fund described in and governed by the 2012 Amended LCP, which funds will be used to develop recreational facilities to offset increases in residential densities caused by the Project.
59. The Board finds that the Project will promote the recreational boating policies of the 2012 Amended LCP by replacing an aged marina with a new, state-of-the-art marina that will be consistent with contemporary standards, as provided for by the California Department of Boating and Waterways ("DB&W") and the federal Americans with Disabilities Act ("ADA"). Among other things, the new marina will provide contemporary waterside facilities (utility hookups and sewerage pump-out stations) and landside facilities (boaters' restrooms, lounge area, and parking).
60. The Board finds that the permittee has been appropriately conditioned such that Project construction will commence in a manner to ensure as minimal an impact to existing boater facilities as possible. Demolition of the existing marina and construction of the new marina will be coordinated to ensure that adverse impacts to existing boat slip tenants are minimized to the extent practically feasible.
61. The Board finds that, prior to the issuance of any applicable grading and/or building permit, the permittee will be required to demonstrate compliance with all applicable policies and actions controlling tree pruning and tree removal activities on the site.
62. The Board finds the Project was appropriately reviewed during the CEQA review process to determine potential impacts on cultural resources, and no such impacts were identified.
63. The Board finds that, through the redevelopment of the waterside and landside portions of Parcel 10, the Project will maintain the physical and economic viability of the Marina.
64. The Board finds the Project satisfies all applicable policies and development standards of the 2012 Amended LCP, including, but not limited to, permissible land use, building height, on-site parking, view corridors, public access to the shoreline, the provision of new public recreation and open space, and all affordable housing requirements set forth in the Affordable Housing Policy and the Mello Act.
65. The Board finds that CDC relied on a credible replacement housing survey conducted by Overland, Pacific and Cutler, LLC, and a reasonable tenant questionnaire prepared by the County Chief Executive Office ("CEO") in finding that the permittee's replacement obligation under the Mello Act is 22 affordable housing units. The conditions of approval require the permittee to enter into a covenant with the County stipulating that these 22 affordable replacement

dwelling units shall be maintained on-site at the designated affordability levels for the entire term of the extended lease for Parcel 10, and that these units shall be reasonably dispersed throughout the apartment complex.

66. The Board finds that the Affordable Housing Policy ensures new residential projects in the Marina are fully compliant with Mello Act requirements and that the required 40 inclusionary affordable housing units shall be deed restricted for occupancy by qualifying households at the specified affordability levels for the term of the extended ground lease of Parcel 10.
67. The Board finds the permittee's on-site provision of the 40 inclusionary affordable housing units in the manner described in these findings complies with the Mello Act and the Affordable Housing Policy, and represents a significant contribution to the production of needed affordable housing in the Marina.
68. The Board finds that the Project's signage will be in keeping with the character of the neighborhood and will be subject to final review and approval by DCB prior to installation.
69. The Board finds that DCB has reviewed and conceptually approved the Project for consistency with the policies and objectives of the LCP in effect at the time of its review, which policies and objectives have not been materially altered by the 2012 Amended LCP as it relates to the Project.
70. The Board finds that the Project is consistent with the coastal visual resources policies of the 2012 Amended LCP regarding the Project's wind impacts. Rowan, Williams, Davies and Irwin, Inc. ("RWDI"), a licensed engineering firm, performed two wind studies for the Project using wind tunnel tests to simulate and measure pre- and post-development sailing wind conditions in Marina Basin B, which abuts the site to the east and south. These studies are included as appendices to the Final EIR and concluded that the Project will not affect the overall sailing wind conditions in Marina Basin B. The studies found that only minor changes in wind speed and direction are anticipated in the western end of Marina Basin B, and only during periods of westerly winds. Due to the localized, minor nature of the wind changes and the fact that a majority of sailing vessels will be under motor power as they pull into or leave their slips, the changes in wind speed and direction at the western end of Marina Basin B are not assumed to be significant. RWDI's wind assessments also concluded that the Project will not have any appreciable effect on winds utilized by birds in flight. The Board further finds that RWDI's wind studies substantiate that the construction of the proposed apartment buildings on the site will not significantly increase infringements of wind access for boats in their berths, in the fairways, or in the main channel, nor adversely impact winds utilized by birds in flight. The Board has not been presented with credible evidence sufficient to rebut the analysis and conclusions in the RWDI wind studies.

71. The Board finds that an 8-foot-wide landscaped pedestrian viewing area will be provided along the parcel bulkhead seaward of the 20-foot-wide dual purpose pedestrian promenade/fire access road.
72. The Board finds that the permittee has been conditioned to ensure the Project is designed so as not to be adversely affected by impacts from climate change, including the potential impacts from continued and accelerated sea level rise over the Project's expected design life.
73. The Board finds that the permittee will pay its fair share of the cost of transportation-related infrastructure for the Marina based on the projected number of trips generated by the Project.
74. The Board finds that the Project has been appropriately conditioned to require that all necessary facilities and infrastructure will be constructed prior to the issuance of a certificate of occupancy for the Project.
75. The Board finds that the Project has been appropriately conditioned to ensure that installation of any new water or sewer lines that may be required to serve the Project will be accomplished in an environmentally sensitive manner, in conformance with all applicable Public Works requirements.
76. The Board finds that the Project has been appropriately conditioned to require the permittee to incorporate water-conserving technology consistent with applicable local, State, and/or federal regulations. The Board further finds the Project has been conditioned to ensure that Public Works will review the Project plans to assure that water conservation measures and techniques are incorporated into the Project, in compliance with the County's green building and drought-tolerant landscaping ordinances.
77. The Board finds that the Project's waterfront fire access lane has been designed to maintain unimpeded access, clear to the sky, with no benches, planters, or fixed object impediments. The Board further finds that the seaward-most 8 feet, adjacent to the bulkhead, of the 28-foot-wide waterfront pedestrian promenade has been enhanced with landscaping, shade benches, light standards, drinking fountains, and other pedestrian amenities, consistent with the 2012 Amended LCP.
78. The Board finds that the maximum density for the Project site's R-III and R-V land use designations are 35 and 75 units per net acre, respectively. The Board further finds that the instant 400-unit Project meets these density requirements.
79. Regarding signage, the County Code would limit the Project's on-site signage to approximately 180 square feet and the permittee has requested a Variance to exceed that signage requirement by approximately 830 square feet. The Board finds that the requested Variance is appropriate to provide visibility to prospective tenants and to allow a similar right enjoyed by comparable projects within the vicinity of the site. The proposed signage is commensurate, in terms of sign

area, placement, and design, as that for other existing apartment complexes in the vicinity. Prior to installation of any signage on the site, the permittee will be required to submit the proposed signage to DCB for review and approval.

80. With respect to the waterfront pedestrian promenade, the County Code would require a 10-foot building setback from the 28-foot-wide promenade. The permittee has requested a Variance from this requirement to authorize a zero setback. The Board finds that there are special circumstances applicable to the site that warrant granting the Variance, including the 2012 Amended LCP requirement that the permittee provide public waterfront recreational space, the relatively narrow depth of the parcel, the requirement that view corridors be provided along the parcel waterfront, and the physical limits of the Project's land area, which is abutted by water on one side. The Board further finds that existing development on adjoining parcels eliminates the possibility for acquiring additional property or adjusting lot lines to create additional developable area to accommodate the 10-foot building setback adjacent to the promenade.
81. The Board finds that the promenade amenity plans will be subject to final design review by DCB prior to the issuance of any building permit. DCB's review will ensure proper design and land use interface between the waterfront pedestrian promenade and approved apartment buildings, so that the Variance will not prove materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity or zone, and will not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity of the site.
82. The Board finds that the CUP appropriately authorizes grading in excess of 100,000 cubic yards for the Project. The Board further finds that the Project has been sufficiently conditioned concerning grading to ensure that construction activities 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 property of other persons located in the vicinity of the subject property; or jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare. The Board further finds that the site is adequate in size and shape to accommodate the proposed grading and that local streets used for grading activities are of sufficient width and are improved as necessary to safely facilitate the truck-hauling activity.
83. The Board finds that the proposed boater parking for the Project has been sited in a consolidated, convenient location that will afford the Project's boat slip tenants convenient access to the Anchorage. The CUP properly authorizes boater parking facilities within the Project's residential buildings.
84. The Board finds that the proposed boaters' lounge facilities have been designed with direct access from the boaters' garage and will overlook the waterfront public pedestrian promenade, the Anchorage, and Marina Basin B. The primary entrance to the boaters' lounge will be located directly off the pedestrian

promenade, providing the boat slip tenants immediate access to the Anchorage. The Board further finds that the boater restroom facilities have been located on the parcel to ensure that the farthest distance from a pier-head end to the nearest restroom does not exceed 350 feet.

85. The Board finds that the number of boater-allocated parking spaces provided on the Project site (i.e., 131 parking spaces) complies with County Code requirements.
86. The Board finds that, in the event the County establishes a comprehensive design concept for promenades in the Marina prior to completion of the Project, the permittee will be required to implement said concept during final design review by DCB.
87. The Board finds that the design of the boater parking facilities will ensure the facilities 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 property of other persons located in the vicinity of the subject property; or jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare. The Board further finds that the proposed site is adequate in size and shape to accommodate the proposed boater parking facilities, and that local streets serving the boater parking facilities are of sufficient width and are improved as necessary to safely facilitate boaters' ingress and egress to and from the parking facilities.
88. The Board finds that the Project will appropriately increase the supply of housing in the area, promote the efficient use of land through a more concentrated pattern of urban development, improve the jobs-to-housing balance, and concentrate well-designed, higher-density housing in and adjacent to job and recreational centers.
89. The Board finds that the Project is consistent with applicable goals and policies of the Housing Element of the General Plan, which call for, among other things, the production of a range of housing types and housing costs to meet the needs of current and future residents, regardless of income.
90. The Board finds that, in determining the Project is consistent with the General Plan, the housing and employment needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources.
91. The Board finds that the Project will produce high-quality rental units in an area of the County that needs additional housing to meet the County's current and future anticipated housing demands. The Board finds that the site has ready access to requisite public infrastructure, utilities, and services.

92. The Board finds that the permittee is subject to payment of the California Department of Fish and Game fees pursuant to section 711.4 of the California Fish and Game Code related to the Project's effect on wildlife resources.
93. The Board finds that the permittee will be required to pay the applicable County library facilities mitigation fee pursuant to the County Code.
94. At the April 26, 2011, public hearing before the Board, Project opponents testified that the public was afforded insufficient time to address the Board in violation of the Ralph M. Brown Act ("Brown Act"), and requested that the Board consult with County Counsel regarding the legality of the proceedings. County Counsel orally addressed the Board and the public during the hearing and confirmed, and the Board finds, that the public hearing on April 26, 2011, was conducted in compliance with the Brown Act, State due process standards, and the County Code.
95. At the hearing, Project opponents testified and submitted written correspondence stating that the proposed redevelopment of various Marina parcels constitutes a "single project" under CEQA, and that processing individual EIRs for the various Marina development projects constituted impermissible piecemealing of environmental review under CEQA. The Board finds there is no "single project" to redevelop various parcels in the Marina, and further finds that the Final EIR for the Project complies with applicable CEQA requirements. While there are several pending projects on various parcels around the Marina, the permittee is proposing only this Project and the Second Apartment Project. The remaining projects in the Marina are being proposed by different developers on other Marina parcels. This Project, the Hotel Project, the Wetland Park project, and the Second Apartment Project, each of which were analyzed in a single, comprehensive EIR, are independent of and unrelated to other development projects in and around the Marina. The Board further finds that the processing of the Final EIR for the Project separately from the environmental review of other Marina projects does not constitute "piecemealing" and does not violate CEQA.
96. The Board finds that the comprehensive EIR for the Project, the Hotel Project, the Second Apartment Project, and the Wetland Park project, along with the comprehensive cumulative environmental impact assessment of the Pipeline Projects conducted by the County in connection with the Major Amendment, have afforded the public and the Board an enhanced understanding of the numerous land use planning and environmental issues associated with the Project and the proposed developments on Marina Parcels 9 and 14.
97. At the public hearing before, Project opponents further testified and submitted written correspondence stating that the County must prepare a "Master EIR" analyzing the conceptual development of the entire Marina. Section 15175, subdivision (a), of the State CEQA Guidelines explains that the "Master EIR" procedure is an alternative to preparing a project EIR [and is] intended to streamline the later environmental review of projects or approval included with

the project, plan or program analyzed in the Master EIR." Subdivision (b) of section 15175 provides that the lead agency "may" prepare a Master EIR in certain circumstances, but does not require the lead agency to do so. The Board finds that it is not required to prepare a Master EIR analyzing the conceptual development of the entire Marina. The Board further finds that preparing a Master EIR for this Project would unnecessarily duplicate effort and cost, as the County has already overseen the preparation of project-level EIRs for the Pipeline Projects.

98. The Board finds that the Final EIR for the Project was prepared in accordance with CEQA, the State CEQA Guidelines, and the County's Environmental Document Reporting Procedures and Guidelines. The Board has reviewed and considered the Final EIR, along with its associated MMP, Findings of Fact and SOC, and finds that it reflects the independent judgment of the Board. The Findings of Fact and SOC are incorporated herein by this reference, as if set forth in full.
99. The Board finds that an MMP consistent with the conclusions and recommendations of the Final EIR and the MMP's requirements are incorporated into the conditions of approval for this Project.
100. The Board finds that the MMP prepared in conjunction with the Final EIR identifies in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment by the Project.
101. Approval of this Project is conditioned on the permittee's compliance with the attached conditions of approval and the MMP.
102. The Board finds the permittee has demonstrated the suitability of the subject property for the proposed uses. The Board finds that establishment of the proposed uses at such location is in conformity with good zoning practice. The Board finds that the permittee's compliance with the conditions of approval will ensure compatibility with surrounding land uses and consistency with all applicable Countywide General Plan ("General Plan") policies.
103. The Board has duly considered all of the issues and information contained in the oral testimony and written correspondence given to the Board in opposition to the Project, as well as the issues and information contained in the oral testimony and written correspondence given to the Board in response thereto by Regional Planning staff and the permittee. As set forth in these findings, in the Board Resolution for the Major Amendment, which is incorporated herein by reference, and as explained in the County's detailed responses to all public written comments received by the Commission and/or the Board regarding the Project, which responses have been incorporated into the Final EIR, the Board finds that the opposition testimony and written correspondence do not identify substantial evidence that the Final EIR violates CEQA, and fail to identify substantial

evidence requiring recirculation of the Final EIR under applicable State CEQA Guidelines. The Board further finds that it has not been presented with credible evidence rebutting the analysis and conclusions in the Final EIR. The Board further finds that it has not been presented with credible evidence that the Project will cause the environmental impacts that Project opponents identified in their testimony and written correspondence.

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

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES THAT:

Regarding the Coastal Development Permit:

The proposed use with the attached conditions and restrictions is in conformity with the 2012 Amended LCP and the public access and public recreation policies of the Coastal Act.

Regarding the Conditional Use Permit:

- A. The proposed use with the attached conditions and restrictions will be consistent with the adopted General Plan.
- B. That, with the attached conditions and restrictions, the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in the Zoning Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and is adequately served by other public or private service facilities as are required.

Regarding the Variance:

- A. There are special circumstances or exceptional characteristics applicable to the property involved such as size, shape, topography, and location of surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification.
- B. The requested Variance is necessary for the preservation of a substantial property right of the permittee such as that possessed by owners of other property in the same vicinity or zone.
- C. The granting of the requested Variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
- D. That the granting of the requested Variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity or zone.

THEREFORE, THE BOARD OF SUPERVISORS:

- 1. Certifies that the Final EIR for the Project was completed in compliance with CEQA and the State and County CEQA Guidelines related thereto; certifies that it independently reviewed and considered the information contained in the Final EIR, and that the Final EIR reflects the independent judgment and analysis of the Board as to the environmental consequences of the Project; indicates that, at the conclusion of its hearing on the Project, it certified the Final EIR and adopted the Findings of Fact and SOC and the MMP, finding that the MMP is adequately designed to ensure compliance with the mitigation measures during Project implementation, and found that the unavoidable significant effects of the Project after adoption of said mitigation measures are described in those Findings of Fact and SOC; and determined that the remaining, unavoidable environmental effects of the Project have been reduced to an acceptable level and are outweighed by specific health and safety, economic, social, and/or environmental benefits of the Project as stated in the Findings of Fact and SOC; and
- 2. Approves Coastal Development Permit No. 2006-00008-(4), Conditional Use Permit No. 2006-00289-(4), and Variance No. 2006-00013-(4), subject to the attached conditions.

CONDITIONS OF APPROVAL
PROJECT NUMBER R2006-03647-(4)
COASTAL DEVELOPMENT PERMIT NUMBER 2006-00008-(4)
CONDITIONAL USE PERMIT NUMBER 2006-00289-(4)
VARIANCE NUMBER 2006-00013-(4)

1. This grant authorizes the following:
 - A. A coastal development permit ("CDP") for the demolition of a multi-family residential complex of 136 rental units and all appurtenant facilities, and the construction of a multi-family residential complex of 400 rental units consisting of three apartment buildings, landscaping, hardscape, garage parking, an exterior pool, a waterside public pedestrian promenade, and other site amenities and facilities, on Parcel 10 in Marina del Rey ("Marina"). The CDP also authorizes on-site grading in excess of 100,000 cubic yards, and the temporary use of Marina Parcel 14 as a staging site for construction.
 - B. A conditional use permit ("CUP") for on-site grading in excess of 100,000 cubic yards, and on-site parking for boater-related uses.
 - C. A variance ("Variance") to allow approximately 830 square feet of on-site signage in excess of the signage that would otherwise be allowed under the Los Angeles County Code ("County Code"). The Variance also seeks authorization to reduce the required building setback under the County Code from the project's waterside promenade from a 10-foot required building setback to a zero setback.

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

2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee has filed at Regional Planning its affidavit stating that it is aware of, and agrees to accept, all of the conditions of this grant, until the conditions have been recorded as required by Condition No. 4, and until all required monies have been paid pursuant to Condition Nos. 9, 10, and 15. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 2, 5, 6, 7, 9, 10, and 15 shall become immediately effective upon final approval by the County.

4. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Registrar-Recorder/County Clerk ("Recorder"). Upon recordation, an official copy of the recorded conditions shall be provided to the Director of Regional Planning ("Director"). In addition, upon any transfer of the lease held by the permittee or sublease during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee of the lease or the sublessee.
5. 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 section 65009 of the California Government Code, or any other applicable limitation period. The County shall notify the permittee of any such claim, action, or proceeding and the County shall reasonably cooperate in the defense.
6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - A. If during the litigation process, actual costs incurred reach 80 percent of the amount of the initial deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - B. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with section 2.170.010 of the County Code.

7. This grant shall expire unless used on or before the date that is five years after the "final legal challenge date," where the final legal challenge date shall mean the later of (a) the last date on which any party may file any legal challenge or appeal on the approval action for this grant, provided no such legal challenge or appeal has been filed; or (b) if any legal challenge or appeal of the approval action for this grant is made by any party, then the date on which such legal challenge or appeal is fully and finally resolved, such that no further legal challenge may be made. No less than six months prior to the permit expiration

date, the permittee may request in writing a one-year time extension and pay the applicable extension fee.

8. If any provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
9. 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 of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County the sum of \$6,000. These monies shall be placed in a performance fund which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for 30 annual inspections. Inspections shall be unannounced.

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

10. Within five days following the final approval date of this grant by the County Board of Supervisors ("Board"), the permittee shall cause a Notice of Determination to be posted at the Recorder in compliance with section 21152 of the California Public Resources Code. The permittee shall remit applicable processing fees, payable to the County of Los Angeles, in connection with such filing. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to section 711.4 of the California Fish and Game Code. The current total fee amount is \$2,994.00 (\$2,919.00 plus \$75.00 processing fee). No land use project subject to this requirement is final, vested, or operative if said fee is unpaid.
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the County Regional Planning Commission ("Commission") or a County hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer

finds that these conditions have been violated, or that this grant has been exercised so as to be detrimental to the public health or safety, or so as to be a nuisance. In the event that the County deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the permittee shall compensate the County for all costs incurred in such proceedings.

12. The subject property shall be developed and maintained in substantial compliance with the approved site plan, dimensioned building elevations and sections, parking plans, landscaping plan, and other plans kept on file at Regional Planning, marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner for such revision.
13. The conditions and/or changes in the project, set forth in the final environmental impact report ("Final EIR"), necessary in order to assure that the proposed project will not have a significant effect on the environment, are incorporated herein by this reference and made conditions of approval of this grant. The permittee shall comply with all such conditions/changes in accordance with the attached Mitigation Monitoring Plan ("MMP"), which is incorporated herein in its entirety by this reference. As a means of ensuring the effectiveness of such conditions and/or changes to the project, the permittee shall submit mitigation monitoring reports to Regional Planning for review and approval as frequently as may be required by Regional Planning, until such time as all mitigation measures have been implemented and completed or Regional Planning determines such mitigation measures are no longer necessary. The reports shall describe the status of the permittee's compliance with the required project conditions/changes.
14. Within 30 days following the final approval date of this grant, the permittee shall record a covenant with the County, attaching the MMP, and agreeing to comply with the required mitigation measures of the MMP. Prior to recordation, the permittee shall submit a copy of the covenant to Regional Planning for review and approval.
15. Within 30 days following the final approval date of this grant, the permittee shall deposit the sum of \$6,000 with Regional Planning which shall be required prior to use of the grant and shall be utilized to defray the cost of reviewing the permittee's reports and verifying compliance with the MMP.
16. The entire apartment complex, consisting of all three apartment buildings, shall be limited to 400 rental dwelling units.
17. Each of the three buildings in the apartment complex shall have a front yard, where the front yard for the apartment building fronting Via Marina shall be contiguous with the western property line of Parcel 10 and shall be maintained at a minimum of 10 feet in width, measured east to west, and the front yards for the

apartment buildings fronting Marquesas Way shall be contiguous with the northern property line of Parcel 10 and shall be maintained at a minimum of 10 feet in width, measured north to south. The apartment complex shall also contain three side yards, where one side yard shall be located between Marquesas Way and the apartment building fronting Via Marina, and shall be maintained at a minimum of five feet in width, measured north to south; one side yard shall be located between the southwest property line of Parcel 10 and the apartment building fronting Via Marina, and shall be maintained at a minimum of five feet in width, measured north to south; and one side yard shall be located between the easternmost apartment building fronting Marquesas Way and the eastern property line of Parcel 10, and shall be maintained at a minimum of five feet in width, measured east to west.

18. The maximum height of the project's two apartment buildings fronting Marquesas Way shall be 55 feet, exclusive of rooftop appurtenant structures and mechanical equipment. The maximum height of the project's apartment building fronting Via Marina shall be 60 feet, exclusive of rooftop appurtenant structures and mechanical equipment.
19. Prior to initiating any development on the waterside portion of Parcel 10, the permittee shall submit documentation to the Director confirming its receipt of an approved coastal development permit from the California Coastal Commission ("Coastal Commission") pertaining to all such proposed waterside development.
20. The permittee shall enter into a Joint Covenant and Agreement ("Affordable Housing Covenant") with the County Community Development Commission ("CDC"), Regional Planning, and the County Department of Beaches and Harbors ("DBH") stipulating that a total of 62 rental dwelling units ("Designated Units") of the approved 400 rental apartment units in the project shall, for the entire term of the extended lease for the subject parcel, be income restricted and rented only at an affordable housing cost and only to qualifying households meeting the "very low-income," "low-income," and "moderate-income" criteria, as such terms are defined in the California Health and Safety Code. Prior to obtaining any building permit for the project, the permittee shall record said Affordable Housing Covenant in the office of the Recorder. Prior to recordation, the permittee shall submit a copy of the Affordable Housing Covenant to County Counsel, Regional Planning, DBH, and CDC for review and approval. The permittee's obligation under the Affordable Housing Covenant shall begin on the first date that any of the rental dwelling units of the project are approved for legal occupancy ("Term Commencement Date"). The permittee shall have the right to record an affidavit with final building permit approval (or Certificate of Occupancy) to reflect the commencement of the term of said Affordable Housing Covenant. The Affordable Housing Covenant shall expire, and all benefits and burdens associated with the Affordable Housing Covenant shall cease, upon the expiration date of the extended lease for Parcel 10.

21. The unit composition of the Designated Units shall be as follows:

- A. Inclusionary Affordable Units: Forty units shall be considered "inclusionary affordable units" where: 13 such units shall be occupied exclusively by qualified very low-income households (eight of which shall be one-bedroom units and five of which shall be two-bedroom units); 14 such units shall be occupied exclusively by qualified low-income households (nine of which shall be one-bedroom units and five of which shall be two-bedroom units); and 13 such units shall be occupied exclusively by qualified moderate-income households (eight of which shall be one-bedroom units and five of which shall be two-bedroom units).
- B. Affordable Replacement Units: Twenty-two of the Designated Units shall be considered "Affordable Replacement Units" where: 11 such units shall be occupied exclusively by qualified low-income households (eight of which shall be one-bedroom units and three of which shall be two-bedroom units); and 11 such units shall be occupied exclusively by qualified moderate-income households (five of which shall be one-bedroom units and six of which shall be two-bedroom units).

The Designated Units shall be located in the same location as depicted on an exhibit titled "Project Affordable Unit Location Exhibit," which exhibit shall be reviewed and approved by Regional Planning. A copy of the exhibit shall be provided to CDC.

- 22. The Designated Units shall be dispersed throughout the project and shall be compatible with the design of the project's market rate units in terms of appearance, materials, and finished quality.
- 23. In each lease for a Designated Unit, the permittee shall include a provision, which shall be strictly enforced, requiring that each Designated Unit shall be occupied at all times by the household who leased the Designated Unit. CDC shall be identified as a third-party beneficiary of, and shall have the right to, directly enforce this provision in the event the permittee fails to do so. Prior to executing any lease for a Designated Unit, the permittee shall submit to CDC and obtain its written approval of a standard lease form including this provision, and the permittee shall thereafter use the approved form for all leases of Designated Units. Any proposed modification to a standard lease form shall be submitted to and approved by CDC prior to its use.
- 24. The permittee shall carry out an affirmative marketing program for the project to attract prospective tenants of all minority and non-minority groups, which program shall target individuals regardless of race, color, creed, religion, gender, marital status, sexual orientation, age, national origin, ancestry, or familial status. This marketing program should ensure that any group of persons not likely to apply for such housing without special outreach efforts shall be aware of the housing opportunity within the project and shall be welcome to apply.

25. The permittee shall maintain all applicable records and satisfy all applicable reporting requirements imposed by CDC to monitor compliance with the Affordable Housing Covenant.
26. The permittee shall be prohibited from restricting the rental of any residential unit or any portion of the site on the basis of sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, familial status, or sexual orientation of any person. The permittee shall further be prohibited from establishing or allowing any practice of discrimination or segregation in determining the selection, location, number, use or occupancy of any tenant, lessee, subtenant, sublessee, or vendee of the site or any portion thereof.
27. All leases, contracts, and/or rental agreements pertaining to the site or any portion thereof shall contain and be subject to the following non-discrimination/non-segregation clause:

There shall be no discrimination against or segregation of any person, or group of persons, on account of sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, or sexual orientation in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of these premises.
28. The non-discrimination/non-segregation provisions and conditions set forth in Conditions Nos. 26 and 27 shall remain in effect in perpetuity.
29. All structures in the project shall comply with the requirements of the Division of Building and Safety of the County Department of Public Works ("Public Works"), the County Forester and Fire Warden ("Fire Department"), and the County Department of Public Health ("Public Health").
30. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities including, but not limited to, water mains, fire hydrants, gated access width, emergency access, and fire flow facilities, shall be provided to the satisfaction of and within the time periods established by the Fire Department.
31. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Code"), the Marina del Rey Local Coastal Program ("LCP"), and of the specific zoning of the subject property unless specifically modified by this grant, as set forth in these conditions or as shown on the approved Exhibit "A" or revised Exhibit "A" approved by the Director.
32. Except for seasonal decorations or signage provided by or for a civic or non-profit organization, all structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that do not directly relate to

the use of the property or provide pertinent information about the premises. In the event any such extraneous markings become visible, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of their visibility, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

33. Prior to obtaining any building permit for the project, the permittee shall obtain approval from the Marina Design Control Board ("DCB") for the project's proposed final signage, landscaping, building colors, materials palette, and promenade amenities plan, including the design details concerning the promenade seating, shade structures, bike racks, drinking fountains, light standards, and decorative paving.
34. Within 60 days following DCB's final design approval of the project, the permittee shall submit to the Director for review and approval three copies of a revised Exhibit "A," similar to the one presented at the Board hearing on April 26, 2011, which shall contain a full set of the site plans, floor plans, parking plan, roof plan, building elevations, building cross-sections, landscaping plan, and signage plan approved by DCB.
35. Within 60 days following DCB's final design approval of the project, the permittee shall submit three copies of a landscape plan to the Director for review and approval, which landscape plan may be incorporated into a revised Exhibit "A." The landscape plan shall show the size, type, and location of all on-site plants, trees, and watering facilities. All landscaping shall be maintained in a neat, clean, and healthful condition, and proper pruning, weeding, removal of litter, fertilizing, and replacement of plants shall occur when necessary.
36. Within 60 days following DCB's final design approval for the project, the permittee shall submit three copies of a signage plan to the Director for review and approval, which signage plan may be incorporated into a revised Exhibit "A." The signage plan shall include elevations, proposed lettering, colors, and locations of signage on the site. All renderings of said signage shall be drawn to scale and shall be in conformity with the signage approved by DCB.
37. This project shall comply with the County's green building and drought-tolerant landscaping ordinances.
38. Prior to obtaining any building permit for the project, the permittee shall contribute its fair share of funding to the coastal improvement fund for facilities and/or improvements described in the LCP, to the satisfaction of the Director. The permittee's estimated contribution to this fund based on the 264 proposed additional units on Parcel 10 is \$158,400 (\$600.00 x 264 net new residential units). This amount may be reduced by the amount of any credit for which the permittee may be eligible under the LCP.

39. Prior to obtaining any building permit for the project, the permittee shall obtain approval from the Fire Department of a fire safety plan for the site which satisfies the requirements of the County Code. Development of the project shall conform with the approved fire safety plan, a copy of which shall be provided to Regional Planning.
40. Prior to offering any apartment unit for rent, the permittee shall obtain the required business license under the County Code, which business license shall be maintained for the entire term of this grant.
41. Six months prior to any demolition activity associated with the project, the permittee shall distribute a notice, a copy of which shall be submitted to the Director for approval prior to distribution, to all current residential tenants of the existing apartment building on Parcel 10 notifying said tenants of the upcoming demolition of the building and their need to relocate to another location. The permittee shall, at the time of the notice, inform all current tenants of the apartment building of the opportunity to request information from the permittee about the availability of rental units in the Marina. Upon request by any current tenant for such information, the permittee shall promptly provide the tenant with information identifying all other rental units in the Marina that are available for lease.
42. The permittee shall provide fire sprinklers and smoke detectors in the project's buildings to the satisfaction of the Fire Department.
43. The following conditions shall apply to project construction activities:
 - A. Construction activity shall be restricted to occur only between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. Written permission from DBH is required prior to any construction activity on Saturdays, and in all cases, construction activity on Saturdays shall be restricted to occur only between the hours of 8:00 a.m. to 5:00 p.m. No construction activities shall occur on Sundays or legal holidays.
 - B. Notwithstanding subsection (A), pile-driving activities shall be restricted to occur only between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. No pile-driving activities shall be conducted on Saturdays, Sundays, or legal holidays. Ten days prior to any pile-driving activity, the permittee shall provide adjacent property owners the pile-driving schedule and a three-day notice of any re-tapping activities that may occur. The permittee shall submit a copy of the pile-driving schedule and mailing list of adjacent property owners to the Director and to Public Works prior to initiating any such activities. In addition, at least 10 days prior to any construction activities on the site, the permittee shall conspicuously post a construction schedule at the site's street frontages on Via Marina and Marquesas Way. The schedule shall include detailed information about where to lodge questions, concerns, or complaints regarding construction-

related noise issues. The permittee shall take appropriate action to minimize any reported noise problems.

- C. All graded material shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth-moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- D. All fixed and mobile construction equipment shall be in proper operating condition and be fitted with standard silencing devices. Engineering noise controls shall be implemented on fixed equipment to minimize adverse effects on nearby properties. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent properties. All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, State, and local standards, the permittee shall maintain an equipment log. Said log shall document the condition of equipment relative to factory specifications and identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. Said log shall be submitted to the Director and to Public Works for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100 feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses.
- E. Parking of construction worker vehicles and storage of construction equipment/materials shall be on-site or at Marina Parcel 14. If the permittee chooses to provide parking for construction workers or storage of construction equipment/materials off-site at Marina Parcel 14, the permittee shall submit plans for temporary construction worker parking and equipment/materials storage to the Director for review and approval.
- F. All project-related truck hauling shall be restricted to a route approved by the Director of Public Works, a map of which shall be provided to the Director upon approval. The permittee shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain information on the type of project, anticipated duration of construction activity, and provide a phone number where people can lodge questions and complaints. The permittee shall keep records of all

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

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

- i. Configure construction parking to minimize traffic interference;
- ii. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person);
- iii. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable as determined by the Director of Public Works;
- iv. Consolidate truck deliveries when possible;
- v. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site;
- vi. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at (800) 242-4022 for daily forecasts;
- vii. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators, except as approved by the Director;
- viii. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices; and
- ix. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

- H. The permittee shall develop and implement a dust control plan, as approved by the Director, the Director of Public Works, and the County Local Enforcement Agency ("LEA"), which includes the following measures recommended by the SCAQMD, or other measures of equivalent effectiveness approved by the SCAQMD:

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

- ii. Replace ground cover in disturbed areas as quickly as possible;
 - iii. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications;
 - iv. Provide temporary wind fencing consisting of three- to five-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded;
 - v. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available);
 - vi. Install wheel washers where vehicles enter and exit unpaved areas onto paved roads, or wash-off trucks and any equipment leaving the site each trip; and
 - vii. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- I. All construction and development on the site shall comply with the applicable provisions of the California Building Code and the various related mechanical, electrical, plumbing, fire, grading, and excavation codes as currently adopted by the County.
 - J. The permittee shall demonstrate that all construction and demolition debris, to the maximum extent feasible as determined by the Director and the Director of Public Works, will be salvaged and recycled in a practical, available, and accessible manner during the construction phase. Documentation of this recycling program shall be provided to the Director and to Public Works prior to building permit issuance.
- 44. In conformance with the approved parking plans on file with Regional Planning and contained within Exhibit "A," the permittee shall provide a minimum of 909 parking spaces on-site, of which 887 spaces shall be standard parking spaces and 22 spaces shall be disabled parking spaces. In addition, of the 909 on-site parking spaces, 678 spaces shall be reserved for apartment tenant parking, 100 spaces shall be reserved for apartment guest parking, and 131 spaces shall be reserved for boat slip tenant parking.
 - 45. Boat tenant parking and amenity facilities (i.e., landside boaters' lounge and restroom facilities) shall be provided on-site in conformance with the approved parking plans on file with Regional Planning and contained within Exhibit "A."

46. Sidewalks and driveways on the site shall comply with the requirements of the federal Americans with Disabilities Act ("ADA") and shall be constructed to the satisfaction of Public Works.
47. Operation of the project shall be subject to the following requirements:
 - A. The permittee shall maintain a management staff to reside on-site and be available to respond to any and all issues, problems, and/or complaints 24 hours a day, 7 days a week.
 - B. The permittee shall post signage on-site providing a telephone number for reporting any problems associated with the use and enjoyment of the site.
 - C. Outdoor storage and the repair of any automobile on-site shall be prohibited.
 - D. The permittee shall monitor on-site landscaping on a monthly basis and replace vegetation as needed.
48. Site development shall be conducted in conformance with the archeological reporting requirements in the Zoning Code.
49. The permittee shall establish a functional transportation demand management ("TDM") program or shall participate in an existing TDM program. Viable TDM components may include, but shall not be limited to, carpools, ridesharing, vanpools, increased use of bicycles for transportation, bicycle racks, preferential parking for TDM participants, incentives for TDM participants, and/or disincentives for single occupancy vehicle trips by employees.
50. Prior to obtaining any building permit for the project, the permittee shall pay applicable traffic mitigation fees for the project, to the satisfaction of the Director of Public Works.
51. Prior to obtaining any building permit for the project, the permittee shall install conspicuous signage, as shown on the final signage plan approved by DCB, at each bulkhead entrance of each public lateral access way on-site, and also along the length of the bulkhead public access ways, identifying these locations as public access ways.
52. The permittee shall install directional signage to enhance public awareness of on-site shoreline access ways and public areas. This signage shall include, at a minimum, conspicuous signage on the public waterside promenade and at least one outdoor map, which signage and map shall indicate the location and type of public access ways and parks located in the Marina. The permittee shall also maintain within the lobby of at least one the project's apartment buildings a promotional kiosk or bulletin board containing information on visitor-serving attractions in the Marina.

53. The permittee shall coordinate project construction in a manner to ensure that construction activities will not, to the extent feasible, detract from or interfere with the use of the existing boating and ancillary facilities in the vicinity of the site.
54. All necessary facilities and infrastructure required by Public Works shall be provided for the project prior to the County's issuance of a Certificate of Occupancy for the project, to the satisfaction of the Director of Public Works. All project infrastructure shall be designed and constructed in an environmentally-sensitive manner, in full conformance with Public Works' requirements to the satisfaction of said department, and shall follow the design and recreation policies of the LCP, including any landscaping standards required by DCB.
55. The permittee shall obtain all necessary permits from Public Works and shall maintain all such permits in full force and effect throughout the life of this grant.
56. Prior to obtaining any building permit for the project, the permittee shall submit a flood control, runoff, and storm drain plan to Public Works for review and approval, which plan shall be consistent with the Santa Monica Bay Recovery Plan.
57. The permittee shall comply with the NPDES (National Pollution Discharge Elimination System) requirements of the California Regional Water Quality Control Board and Public Works. Prior to obtaining any building permit for the project, the permittee shall obtain any other necessary permit or approval from Public Works related to these requirements.
58. The permittee shall comply with all applicable provisions and policies in the Marina del Rey Land Use Plan ("LUP") concerning water quality protection. Prior to obtaining any grading or building permit for the project, the permittee must obtain approval from Regional Planning affirming that all such applicable provisions and policies of the LUP have been appropriately complied with or adopted. During project construction, the permittee shall submit quarterly reports to Regional Planning describing the permittee's ongoing compliance with these provisions and policies.
59. The permittee shall comply with all applicable provisions and policies in the LUP concerning the Marina's "important biological resources," including the policies governing tree pruning and tree removal, the management of crows and other omnivores, the submittal of biological reports and construction monitoring, and "bird-safe" building. Prior to obtaining any grading or building permit for the project, the permittee shall obtain approval from Regional Planning confirming that all such applicable provisions and policies have been appropriately complied with or adopted.
60. The site shall be developed and maintained in compliance with the requirements of the County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said department.

61. The project's buildings shall be designed and constructed utilizing earthquake-resistant construction and engineering practices so as to withstand a seismic event. Public Works shall determine in its discretion whether the permittee shall be required to undertake an earthquake study prior to obtaining any building permit for the project. If any earthquake study is undertaken, such study shall comply with the latest recommendations of the State Department of Conservation and the Seismic Safety Board.
62. In the event of discovery of Native American remains or of grave goods, section 7050.5 of the California Health and Safety Code, and sections 5097.94, 5097.98 and 5097.99 of the California Public Resources Code shall apply and govern the permittee's development activities. In addition, in compliance with the Zoning Code, the permittee shall notify the Office of State Historic Preservation and Regional Planning of the discovery, and in such instances, a "stop work" order shall be issued.
63. Prior to commencement of grading, the permittee shall provide evidence that it has notified the Office of State Historic Preservation and the Native American Heritage Commission of the location of the proposed grading, the proposed extent of the grading, and the dates on which the work is expected to take place.
64. The permittee shall maintain the subject property in a neat and orderly fashion and free of litter. Yard areas that are visible from the street shall be free of debris, trash, lumber, overgrown or dead vegetation, broken or discarded furniture, and household equipment such as refrigerators, stoves, and freezers.
65. All ground- and roof-mounted equipment shall be fully screened from public view. All roof-mounted facility screening materials shall be constructed of high quality building materials and shall be fully integrated into the building architecture.
66. Outside lighting shall be arranged to prevent glare or direct illumination onto any adjacent properties and shall be subject to the requirements of DCB.
67. Project development shall conform to the phasing schedules in the LCP. The phasing schedules include requirements for circulation, and public recreation improvements and infrastructure.
68. The permittee shall incorporate water-conserving devices and technologies into the project, in compliance with local, State, and/or federal regulations, to the satisfaction of the Director of Public Works.
69. Pursuant to Chapter 22.72 of the Zoning Code, prior to obtaining any building permit for the project, the permittee shall pay a fee to the County Librarian in the amount required by said chapter at the time of payment, and provide proof of payment to Regional Planning. The current library fee is \$334,400.00, which is calculated by multiplying the fee per dwelling unit (\$836.00) by 400 dwelling units ($\$836.00 \times 400 = \$334,400.00$).

70. In the event a significant cultural resource is found on-site during construction, the permittee shall ensure that such resource is provided to and maintained by the County Museum of Natural History, or other appropriate entity or agency, or is treated as otherwise provided by law.
71. The aforementioned conditions shall run with the land and shall be binding on all lessees and sublessees of Marina Parcel 10.

Attachment:

Mitigation Monitoring Plan (Pages 1-28)

Exhibit A

Neptune Marina Apartments and Anchorage/Woodfin Hotel Suite and Timeshare Resort Project Mitigation Monitoring Plan

NOTE: Each mitigation measure shall be applicable to all of the project components, except as otherwise set forth below.

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
GEOTECHNICAL AND SOIL RESOURCES				
The proposed project has the potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving structures adversely affected by the magnitude of seismic shaking that could potentially occur on the project site. Without mitigation, impacts associated with seismic shaking are considered adverse and potentially significant.	Fault Rupture, Seismic Ground Shaking, Landslides:			
	<p>5.1-1. Proposed structures shall be designed in conformance with the requirements of the 1997 edition of the UBC and the County of Los Angeles Building Code for Seismic Zone 4. (Parcels 10R, FF, and 9U hotel project only)</p> <p>5.1-2. Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report (Draft EIR, Appendix 5.1, Section 4.0, pages 6 20) and the Van Beveren & Butelo report (Draft EIR, Appendix 5.1, pages 14 35). (Parcels 10R, FF, and 9U hotel project only)</p>	The applicant shall submit plans designed in conformance with UBC and County of Los Angeles Building Code requirements.	Building and Safety	During plan check

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
Surficial wind and water erosion on the project site has the potential to increase on the project site during construction. This may result in a short-term impact relative to soil erosion or loss of topsoil unless mitigated.	<p>Soil Erosion:</p> <p>5.1-3. Precautions shall be taken during the performance of site clearing, excavations, and grading to protect the project from flooding, ponding, or inundation by poor or improper surface drainage. (Parcels 10R, FF, and 9U hotel project only)</p>	The applicant shall submit an Erosion Control Plan to protect the project from improper surface drainage.	Department of Public Works, Building and Safety	Prior to the issuance of grading permit
	<p>5.1-4. Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall. (Parcels 10R, FF, and 9U hotel project only)</p> <p>5.1-5. Where necessary during periods of rainfall, the Contractor shall install checkdams, desilting basins, rip-rap, sand bags or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements. (Parcels 10R, FF, and 9U hotel project only)</p> <p>5.1-6. Following periods of rainfall and at the request of the Geotechnical Consultant, the Contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage. (Parcels 10R, FF, and 9U hotel project only)</p> <p>5.1-7. Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs, and adjacent property. (Parcels 10R, FF, and 9U hotel project only)</p>	Field inspections	Building and Safety	On going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	5.1-8. For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required. (Parcels 10R, FF, and 9U hotel project only)			
	5.1-9. Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures. (Parcels 10R, FF, and 9U hotel project only)	The applicant shall record a covenant prior to issuance of a certificate of occupancy.	Public Works and Building and Safety	Prior to issuance of a certificate of occupancy
	5.1-10. Landscaping shall be kept to a minimum and where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect. (Parcels 10R, FF, and 9U hotel project only)	The applicant shall submit a landscape plan.	Department of Regional Planning	During plan check
	5.1-11. Roof drains shall be directed off the site. (Parcels 10R, FF, and 9U hotel project only)	Field inspections	Building and Safety	During plan check and on going during construction
	5.1-12. Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Group Delta Consultants report (Draft EIR, Appendix 5.1, Section 4.0, pages 6-20) (Parcels 10R and FF only) and the Van Beveren & Butelo report (Draft EIR, Appendix 5.1, pages 14-35) (Parcel 9U hotel project only).	Field inspections	Building and Safety	On going during construction
Consequences of liquefaction on the project site include liquefaction-induced ground subsidence and lateral spread or	Liquefaction: 5.1-13. Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report (Draft EIR, Appendix 5.1, Section	Field inspections	Building and Safety	On going during construction

Mitigation Monitoring Program

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
deformation toward the low-lying areas of the project site. Additionally, soils located on Parcel 9U are not suitable for support of the project. As such, mitigation is required for soil stabilization.	4.0, pages 6-20) (Parcels 10R and FF only and the Van Beveren & Butelo report (Draft EIR, Appendix 5.1, pages 14-35) (Parcel 9U hotel project only).			
Methane is a natural bi-product of the microbial decomposition of organic matter in an anaerobic environment. In large concentrations, methane can be explosive and, since it is heavier than air, can displace atmospheric oxygen.	Soil Gas 5.1-14. The County Building and Safety, as defined in Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned or idle oil or gas well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2008 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports (Draft EIR, Appendix 5.1) shall be implemented. (Parcels 10R, FF, and 9U hotel project only)	Field inspection	Public Works and Building and Safety County Geologist	During construction
The project site is not located on expansive soils; however, any import material should be tested for expansion potential prior to importing.	5.1-15. All recommendations included in the Group Delta Consultants report (Draft EIR, Appendix 5.1, Section 4.0, pages 6-20) (Parcels 10R and FF) and the Van Beveren & Butelo report (Draft EIR, Appendix 5.1, pages 14-35) (Parcel 9U hotel project only).	Field inspections	Building and Safety	On going during construction
	5.1-18. There are several existing pole foundations on the site. Where the foundations are in the building area, they shall be cut off at least 5 feet below the bottom of the proposed mat or the proposed pile caps. (Parcel 9U hotel project only)	Field inspections	Building and safety	During construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	<p>5.1-19. A program of in-situ densification to improve the density of the granular estuary deposits to a minimum N-value of 20 shall be employed. Densification could be accomplished using stone-columns, where a vibrating probe is inserted into the ground and the densified soils are replaced with gravel. Van Beveren & Butelo anticipate that the probes will need to be spaced between 6 and 12 feet on centers of achieve the required minimum N-values. The densification should be performed throughout the estuary deposits to the surface of the dense sand and gravel, which was encountered in the explorations between Elevation -25 and -37 feet or 26 to 38 feet below the lowest parking level.</p> <p>The densification should be performed within the entire area of the tower and conference center and 15 beyond the building footprints in plan. If there is not sufficient space to permit the densification beyond the buildings, the Van Beveren & Butelo recommend that the soils within the building area be confined using a soil-cement column, where the on-site soils are mixed in place with cement to create a confinement around the site's perimeter. The soil-cement columns could be located on the property line.</p> <p>The densification will need to be evaluated by a test program using cone penetration tests (CPT). Van Beveren & Butelo recommend that the ground improvement program be initiated on a test area of about 50 square feet. After the initial ground improvement effort, the results should be evaluated using a CPT and the spacing of the probes be adjusted. (Parcel 9U hotel project only)</p>			
	<p>5.1-20. Foundations for the hotel/timeshare tower should extend through the existing fill and estuary deposits and into the underlying dense sand and gravel. Driven piles could be used, but the noise associated with pile driving may be a problem in this residential neighborhood. Auger-cast piles could be used as an option to the</p>			

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	driven piles. Each method is described in detail in the Van Beveren & Butelo report (Appendix 5.1). Van Beveren & Butelo also recommend a mat foundation and specific retaining wall specifications that shall be integrated into the design of the conference center. These specifications can also be found in Appendix 5.1. (Parcel 9U hotel project only)			
	5.1-21. Any import material shall be tested for expansion potential prior to importing. (Parcel 9U hotel project only)			
	5.1-22. Expansion index tests shall be performed at the completion of grading if silty subgrade soils are exposed to verify expansion potential. (Parcel 9U hotel project only)			
	5.1-23. Any additional recommendations pertinent to expansive soils shall be carried out in accordance with the recommendations of the Van Beveren & Butelo Report, October 23, 2006. (Parcel 90 hotel project only)			
NOISE				
Construction activity would occur as close as 50 feet from existing noise sensitive residential uses located east of the project site. Uses at these locations could experience noise levels that reach 94 A-weighted decibels (dB(A)) for short time periods. Construction	5.2-1. All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as a plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residences. The sound walls shall be continuous with no breaks, and shall be of such height to	The applicant shall submit an equipment log to ensure the equipment is properly maintained.	Department of Public Works Building and Safety	Log submitted quarterly and during field inspections

Mitigation Monitoring Program

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
<p>activity on the project site would also occur as close as 125 feet from existing residential uses located west of the project site along Via Marina, resulting in noise levels of up to 85 dB(A) at these sensitive receptors. These could be temporarily exposed to exterior noise levels that could exceed the County's Noise Control Ordinance standards for construction equipment noise. Therefore, construction noise is considered a temporary significant impact.</p> <p>Noise sensitive land uses are located along the haul route, which are primarily residential in nature. Uses within 50 feet of the haul route could experience temporary noise events ranging from 83 to 88 dB(A) from trucks, which exceeds County standards. Therefore, a</p>	<p>break the line-of-sight to the first floor occupants of the nearby residences.</p>			

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
temporary significant impact would result from trucks traveling to and from the project site along the haul route.	5.2-2. All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 7:00 AM to 7:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.	Field inspection	Building and Safety	On going during construction
	5.2-3. The project applicant shall post a notice at the construction site that shall contain information on the type of project and anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.	Field inspection	Building and Safety	On going during construction
Because the use of pile driving equipment is required for foundation construction, vibration impacts that would occur are considered significant and	Vibration Impacts 5.2-4. To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving. (Parcels 10R, FF, 9U hotel project, and public-serving boat space project only)	Field inspection	Building and Safety and Public Health	On going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
unavoidable, but temporary in nature.	5.2-5. A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures. (Parcels 10R, FF, 9U hotel project, and public-serving boat space project only)			
HYDROLOGY AND DRAINAGE				
During construction, landside demolition of the existing apartment complex (Parcel 10R) and parking lot (Parcel FF), grading/excavation operations and project construction could result in increased water and wind erosion and a potential for the discharge of sediment to the small-craft harbor during storm events. Increased sedimentation could result in a significant erosion and sedimentation impact unless mitigated. Additionally, temporary de-watering systems for the proposed partially subterranean parking	5.3-1. A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites. These plans shall be prepared to the satisfaction of the Los Angeles County Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits. (Parcels 10R, FF, and 9U hotel project only)	The applicant shall submit a final drainage plan and final grading plan	Department of Public Works	Prior to issuance of demolition and grading permits

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
garages also have the potential to discharge sediments from excavation areas directly to the small-craft harbor unless mitigated. Project applicant(s) would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) for Parcels 10R, FF, and 9U pursuant to the National Pollutant Discharge Elimination System (NPDES) that would identify the various Best Management Practices (BMPs) that would be implemented at the construction site.				
While the project would result in a modest reduction in the number of available spaces, thereby reducing the potential for such contaminants to enter the small-craft harbor, any contribution to the degradation of water	<p>Marine Activity Impacts</p> <p>5.3-2. Small-craft harbor lease agreements for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall include prohibitions against engine maintenance and boat painting or scraping activities while on the premises. (Parcel 10R only)</p>	Implementation of boat slip sublease agreements by the applicant	County Beaches and Harbors, Harbor Patrol	Throughout the life of the project

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
quality in the small-craft harbor would represent a significant impact if unmitigated.				
AIR QUALITY				
Demolition, Excavation and Construction Impacts The emissions associated with concurrent demolition, excavation and grading and construction of all the project components would exceed the South Coast Air Quality Management District (SCAQMD) emission thresholds of significance during the construction phase for carbon monoxide (CO), oxides of nitrogen (NOX), and volatile organic compounds (VOC), as well as cause localized significant ambient air quality impacts for particulate matter less than 10	<p>5.4-1. Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:</p> <ul style="list-style-type: none"> a. Configure construction parking to minimize traffic interference. b. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person). c. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable. d. Retroute construction trucks away from congested streets. e. Consolidate truck deliveries when possible. f. Provide dedicated turn lanes for movement of construction trucks and equipment on and off site. g. Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions. h. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts. 	The applicant shall submit a construction management plan to ensure minimal construction activity impact.	Department of Public Works	Prior to issuance of a grading permit and on going during construction

Mitigation Monitoring Program

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
microns in diameter (PM10), particulate matter less than 2.5 microns in diameter (PM2.5), and NOX. If only one of these project components were constructed at a time, the emissions would still exceed these significance thresholds, and the construction phase would cause significant short-term air quality impacts.	<p>i. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators. flow (e.g., flag person).</p> <p>j. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.</p> <p>k. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices. (Parcels 10R, FF, 9U only)</p> <p>Mitigation measures 5.4-4, 5.4-7, 5.4-9 are the same as 5.4-1 but for the individual project components.</p>			

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	<p>5.4-2. Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:</p> <ul style="list-style-type: none"> a. Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more). b. Replace ground cover in disturbed areas as quickly as possible. c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications. d. Water active grading sites at least twice daily (SCAQMD Rule 403). e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph. f. Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded. g. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code. h. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available). (Parcels 10R, FF, 9U only) <p>Mitigation measures 5.4-5, 5.4-8, and 5.4-10 are the same as 5.4-2 but for</p>	<p>The applicant shall submit a dust control plan to alleviate dust emissions.</p> <p>Field inspection</p>	<p>County of Los Angeles Department of Public Health and Building and Safety</p>	<p>Prior to issuance of a grading permit and on going during construction</p>

Mitigation Monitoring Program

Impact	Mitigation Measure the individual project components.	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
Demolition of the	5.4-3. In the event asbestos is identified within existing on-site	The applicant shall submit	Building and	During

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
existing structures constructed in the 1960s would be a potential hazard if the buildings contained asbestos fibers.	structures, the project applicant/developer shall comply with SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). Compliance with Rule 1403 is considered to mitigate asbestos-related impacts to less than significant. (Parcel 10R only) Mitigation measure 5.4-6 is the same as 5.4-3 but is specific for the Parcel 10R Neptune Marina Apartment component.	an asbestos removal plan, if asbestos is discovered, prior to demolition of existing structures.	Safety	demolition
The project would generate GHG emissions, which would contribute to potential cumulative impacts of GHG emissions on global climate. These are not considered to be cumulatively considerable impacts.	Global Climate Change 5.4-11. The project shall achieve energy efficiency equivalent to the California Energy Commission Tier II building energy use standards. 5.4-12. The project applicant shall recycle and/or salvage for reuse a minimum of 65 percent of non-hazardous construction and demolition debris by weight. 5.4-13. The project applicant shall use drought-tolerant landscaping from an approved plant list provided by the lead agency, County of Los Angeles, or other agency. 5.4-14. The project applicant shall install a smart irrigation controller for any area of the lot that is either landscaped or designated for future landscaping. The project applicant shall ensure landscaped areas comply with all requirements within Title 22 Part 21 of Chapter 22.523. 5.4-15. The project applicant shall install high-efficiency toilets (maximum 1.28 gallons/flush) when tank-type toilets are installed. 5.4-16. The project applicant shall provide sufficient interior and exterior bicycle parking facilities at residential components of the project. The project applicant will also provide residents and hotel guests with information regarding local and regional public transportation services.	The applicant shall incorporate compliance with the County Green Building Ordinance with final project design plans	Building and Safety	Prior to issuance of building permit.

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	BIOTA			
Potentially significant impacts to the existing water quality and the associated marine infauna could result from the re-suspension of sediments associated with the removal of the existing pilings and placement of the new pilings for up to 185 new boat spaces. This impact is considered potentially significant due to (1) the reported use of the water area by the Endangered brown pelican and California least tern; and (2) the re-suspension of contaminants within the sediments at the site. Anchoring of work vessels would be expected to further the aforementioned re-suspension and increase the area potentially affected by the sediment.	<p>5.5-1. Secure siltation collar around each pile prior to removal and replacement (water surface to seafloor) and assure that the ends seal the area to preclude re-suspended sediments from entering other areas of the small-craft harbor.</p> <p>Sedimentation collars are used similar to silt screens as a means of controlling or reducing turbidity in the vicinity of the construction zone. The collars are placed around piles to be removed and extend from the bottom of the marina to above the water line. Once the collars are in-place the piles are extracted. During this process turbidity is increased. Sediment collars would be left in place until the clarity of water inside the sediment collar approaches normal conditions in the marina (measured via the use of a seiche disk) at which time the sediment collar is removed.</p> <p>Details shall be provided to and approved by RWQCB Los Angeles Region staff prior to construction. (Parcel 10R and public-serving boat space project only)</p> <p>5.5-2. In the event a pile should break during removal, use divers to cut the broken pile at the mudline to reduce the resuspension of deeper sediments that are possibly more contaminated than the surficial material. While diver-generated turbidity would be expected during cutting operations, the reduction of sediment resuspension from this removal method would be expected to reduce degradation of water quality and seafloor impacts.</p> <p>Place impervious barriers (i.e., hay bales) around the perimeter of all onshore areas of exposed dirt. Grade the dirt to provide for drainage away from the small-craft harbor. (Parcel 10R and public-serving boat space project only)</p> <p>5.5-3. Waterside development and construction activities will be</p>	The applicant shall incorporate BMP for sedimentation control as part of the NPDES compliance.	Department of Public Works and Regional Water Quality Control Board	Prior to issuance of demolition and grading permits
		Qualified biologist to monitor construction activities	Department of Regional Planning	During construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	curtailed during the March to September California least tern breeding season, as long as it is known that the species is still nesting in the Venice Beach habitat. (Parcel 10R and public-serving boat space project only)			
Direct impacts on terrestrial special status species associated with construction and operation on the project sites are not considered significant, except nesting migratory birds when found nesting in project area landscape trees.	5.5-4 To avoid impacts to native nesting birds (California Fish and Game Code (Section 3503, 3503.5 and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. (Parcel 10R, FF, 9U hotel project, and public-serving boat space project only)	Qualified biologist to monitor construction activities and provide pre-construction nesting bird survey	Department of Regional Planning and Public Works	Prior to and during construction
Direct impacts on terrestrial special status species associated with construction and operation on the project sites are not considered significant, with the exception of black-	5.5-5 During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on	Qualified biologist to monitor construction activities	Department of Regional Planning	During construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
crowned night-heron and snowy egret when found nesting in project area landscape trees.	these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. (Parcel 10R, FF, 9U hotel project, and public-serving boat space project only)			
	<p>In addition, the project would incorporate the following additional measures to ensure impacts are minimized:</p> <ul style="list-style-type: none"> The project biologist shall survey areas within three hundred feet of the Project site and the median of Via Marina and Marquesas Way and shall apply the above mitigation measures, as well as the additional measures described below, to any nests in this area. The project biologist shall possess noise-monitoring equipment or work in conjunction with a noise-monitoring consultant to measure noise levels at active nesting sites. The project biologist (or noise monitoring consultant, if required) shall be present at all weekly construction meetings and during all activities anticipated to generate noise over a threshold of 85 dB at any nest site. If the monitor observes any nesting bird behaviors that indicate noise disturbance, the biologist shall have the authority to stop work until additional measures can be taken to avoid further disturbance. As a guideline, noise levels from construction, measured at the nest, should not exceed 85 dB. If the biologist determines that nesting bird behavior can withstand greater noise levels, construction shall continue with greater noise levels but the biologist shall monitor bird behavior and noise levels to provide to the County upon request. If stress behaviors are observed in nesting birds in response to 	Qualified biologist to monitor construction activities	Department of Regional Planning	Prior to and during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	<p>construction activity, the biologist shall be authorized to call for additional noise control measures, as necessary, until nesting bird stress behaviors cease.</p> <ul style="list-style-type: none"> Construction staging areas or equipment should not be located under any nesting trees. Construction employees should be prohibited from bringing pets (e.g., dogs and cats) to the construction site. Any lights used at the construction site should be shielded downward. (Parcel 10R, FF, 9U hotel project, and public-serving boat space project only) 			
VISUAL QUALITY				
The height and mass of the proposed Woodfin Suite Hotel and Timeshare Resort Project from Viewing Locations One, Two, and Three, would be out-of-character with surrounding land uses. As such, impacts are considered significant and mitigation is required..	<p>5.6-1. A deed restriction shall be placed of the southern portion of Parcel 9U requiring that the wetland park be retained as natural open space. (Parcel 9U hotel project only)</p> <p>5.6-2. On the street level of the project landscaping to the satisfaction of the County of Los Angeles Design Control Board shall be implemented to reduce visual impacts of the project when viewed from this location. Further, if approved by the Design Control Board, areas of landscaping shall be included on terraces and balconies that could be incorporated into the design of the hotel structure and associated parking structure. (Parcel 9U hotel project only)</p> <p>5.6-3. Articulation and variations in color or building materials could be incorporated into the lower levels of the hotel and parking structure. These actions would reduce visual resource impacts on Via Marina. (Parcel 9U hotel project only)</p>	<p>Recordation of deed restriction over Parcel 9U for wetland park</p> <p>Approval of landscape and final design plans</p>	Department of Regional Planning	Prior to issuance of building permit
TRAFFIC/ACCESS				

Mitigation Monitoring Program

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
<p>The project is expected to generate approximately 3,104 net new trips per day. Of this total, an estimated 253 trips would occur during the morning peak hour, and 228 new trips would occur during the evening peak hour. These new trips would be added to the project area roadway network once the existing development is removed and the proposed project is completed and fully occupied. The incremental project traffic would significantly impact the (LOS) forecasts during the PM peak hours at three of the study intersections, Admiralty Way and Via Marina, Washington Blvd. at Ocean Avenue and Via Marina, and Admiralty Way and Mindanao Way. During the AM</p>	<p>5.7-1. Through the implementation of area traffic improvement measures recommended in the adopted Marina del Rey Specific Plan Transportation Improvement Program (TIP) project (i.e., existing + ambient growth + project) traffic related impacts would be reduced to a less than significant level. Based on the expected net project trip generation of 228 PM peak hour trips, the project would be required to pay \$1,297,320 in trip mitigation fees (\$716,940 attributable to Legacy Partners and \$580,380 attributable to Woodfin). A portion of these fees is designated toward the Category 3 (regional) transportation improvements. (Parcel 10R and FF (\$716,940) and Parcel 9U hotel project (\$580,380) only).</p>	<p>Submittal of plan review</p>	<p>Department of Public Works</p>	<p>Prior to construction</p>

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
peak hour only the Admiralty Way/Mindanao intersection would be significantly affected.				
<p>Cumulative Impacts</p> <p>The results of the cumulative development analysis show that the potential additional traffic resulting from area-wide development would significantly impact 12 of the 17 study intersections, resulting in several locations nearing or exceeding capacity. The proposed project would also contribute incrementally to these cumulative impacts.</p>	<p>The intersection improvement measures recommended to address these cumulative traffic impacts, consistent with the detailed specific intersection improvement measures in the December 2007 Traffic Analysis prepared by Crain and Associates, include the intersections of:</p> <ul style="list-style-type: none"> Admiralty Way and Via Marina Washington Boulevard and Via Marina/Ocean Avenue Admiralty Way and Palawan Way Washington Boulevard and Palawan Way Lincoln Boulevard and Washington Boulevard Lincoln Boulevard and Marina Expressway (SR-90) - Lincoln Boulevard and Bali Way Lincoln Boulevard and Mindanao Way Lincoln Boulevard and Fiji Way Admiralty Way and Bali Way Admiralty Way and Mindanao Way Marina Expressway (SR-90) Eastbound and Mindanao Way (Parcels 10R, FF, and 9U hotel project only) 	<p>The applicant shall pay fees to the transportation improvement fund.</p>	<p>Department of Public Works</p>	<p>Prior to construction</p>
SEWER SERVICE				
<p>The proposed development would generate an increase demand for sewage.</p>	<p>5.8-1. Prior to issuance of building permits, the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants shall demonstrate sufficient sewage capacity for the proposed project by providing a "will serve" letter from LACDPW's Sewer</p>	<p>The applicant shall submit a will serve letter from the Department of Public Works, Sewer Maintenance Division</p>	<p>Department of Public Works, Sewer Maintenance Division</p>	<p>Prior to the issuance of building permits</p>

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	Maintenance Division. (Parcels 10R, FF, and 9U hotel project only)			
WATER SERVICE				
The proposed development of the project would increase the demand for water in the project area.	<p>5.9-1. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area. (Parcels 10R, FF, and 9U Hotel Project only)</p>	The applicant shall submit a landscape plan	Department of Regional Planning	During plan check
Implementation of MWD 25-year comprehensive Integrated Water Resources Plan (IRP)	<p>5.9-2. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall incorporate into the building plans water conservation measures as outlined in the following items:</p> <ul style="list-style-type: none"> • Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals; • Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixtures; and • Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water. (Parcels 10R, FF, and 9U Hotel Project only) 	The applicant shall submit building plans incorporating water conservation methods	Department of Public Works	Prior to the issuance of building permit
	5.9-3. Prior to the issuance of grading permits, the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicant shall provide to the Los Angeles County Department of Regional Planning a letter from WWD No. 29 confirming that it is able to provide water service to the project phase under consideration. (Parcels 10R, FF, and 9U Hotel Project only)	The applicant shall submit water service letter from Waterworks District No. 29 of ability to provide sufficient water supply	Department of Regional Planning	Prior to the issuance of grading permit

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
SOLID WASTE SERVICE				
Demolition of the existing structures would generate construction debris.	5.10-1. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The W5.10-1. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.	The applicant shall submit a Recycling and Reuse Plan	Department of Public Works	Prior to issuance of demolition and grading permits
During project operation, The Neptune Marina Apartments and Anchorage/Woodfin Hotel Suite and Timeshare Resort project would generate a net increase of solid waste generation.	5.10-2. To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.	The applicant shall submit a solid waste management plan.	Department of Public Works	Prior to issuance of demolition and grading permits
Hazardous materials	5.10-3. If hazardous materials are encountered during demolition, the	The applicant shall submit	Department of	Prior to

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
could be encountered during demolition of Parcels 10R and FF.	Neptune Marina Project Parcel 10R applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County. (Parcels 10R and FF only)	a contract with a hazardous material handler as required.	Public Works	issuance of building permit
EDUCATION				
Cumulative Impacts A total of approximately 2,069 students would be generated by cumulative development within the attendance boundaries of the schools serving the project site. Without mitigation, the cumulative impact of the Neptune Marina Project and other related projects would be considered significant because the number of additional students would exceed existing capacity at the elementary, middle and high schools and would place additional demands on services and facilities at all three	As with the proposed project, the applicants of the related projects would be required to pay state-mandated developer fees to the LAUSD. According to Section 65995 of the Government Code, payment of the developer fees is deemed to be "full and complete mitigation" for school facility impacts. Payment of such fees by the proposed project and related projects would ensure that the cumulative impacts on school services would be less than significant. (Parcels 10R and FF only)	Applicant for residential apartments to pay developer fees to school district	Los Angeles Unified School District	Prior to issuance of certificate of occupancy

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
area schools.				
POLICE PROTECTION				
<p>Construction Impacts</p> <p>Site development and construction would normally not require services from the County Sheriff's Department, except in the cases of trespass, theft, and/or vandalism. Implementation of standard construction-traffic control procedures such as flagmen and signage would further reduce any potential impact. Additionally, construction-related impacts to the County Sheriff's Department, including Harbor Patrol services, will be less than significant. Given the temporary nature of construction-related activities, this potential impact is considered</p>	<p>5.12-1. Prior to construction, the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall install navigational aids such as buoys and lights as defined by the US Coast Guard to ensure safe access within all channels of the small-craft harbor. (Parcel 10R only)</p> <p>5.12-2. As part of the building permit process, the County Sheriff's Department shall review the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the project.</p> <p>5.12-3. During construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12.08 and 12.12 Los Angeles County Code).</p> <p>Mitigation measure 5.12-4 is the same as 5.12-1 but for Component 1 on Parcel 10R. Mitigation measures 5.12-5, 5.12-7, 5.12-9, 5.12-11 and 5.12-13 are the same as 5.12-2 but for the individual project components. Mitigation measures 5.12-6, 5.12-8, 5.12-10, 5.12-12 and 5.12-14 are the same as 5.12-3 but for the individual project components.</p>	<p>The applicant shall submit site design to the County Sheriff's Department</p>	<p>County Sheriff's Department</p>	<p>Prior to issuance of demolition and grading permits</p>

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
less than significant				
FIRE PROTECTION				
<p>Construction Impacts During construction, a large amount of wood framing and other flammable construction materials would be present on the project site(s). In addition, construction traffic would occur on and near the project site during working hours due to commuting construction workers, trucks and other large construction vehicles that would increase traffic volumes during the AM peak hour and potentially slow emergency response times. However, no significant impacts will occur with implementation of standard County safety measures.</p>	<p>5.13-1. Applicants associated with the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall submit and have approved by the County of Los Angeles Fire Department, a Fire Safe Plan. The Fire Safe Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant will provide a Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each project. Typically, such plans, defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safe Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval. (Parcels 10R, FF, and 9U hotel project only)</p> <p>5.13-2. During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department. (Parcels 10R, FF, and 9U hotel project only)</p> <p>5.13-3. Consistent with the Fire Safe Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval. (Parcels 10R, FF, and 9U hotel project only)</p> <p>5.13-4. The development of this project shall comply with all</p>	The applicant shall submit a Fire Safe Plan	County of Los Angeles Fire Department	Prior to issuance of building permits

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	<p>applicable code and ordinance requirements for access, water mains, fire flows, and fire hydrants. (Parcels 10R, FF, and 9U hotel project only)</p> <p>Mitigation measure 5.13-5 and 5.13-9 are the same as 5.13-1 but for the individual project components. Mitigation measures 5.13-6 and 5.13-10 are the same as 5.13-2 but for the individual project components. Mitigation measures 5.13-7 and 5.13-11 are the same as 5.13-3 but for the individual project components. Mitigation measures 5.13-8 and 5.13-12 are the same as 5.13-4 but for the individual project components.</p>			
LIBRARY SERVICES				
<p>Construction Impacts Construction activities associated with the project would not result in library impacts.</p> <p>Operation Impacts: Level of Service The Lloyd Taber - Marina del Rey Library is large enough to accommodate an additional 7,339 residents and can, therefore, accommodate the increased residential population from the project.</p> <p>Operational Impacts: Funding</p>	<p>5.14-1. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicant shall pay the library mitigation impact fee in effect at the time building permits for the project are issued (\$772.00 per residential unit as of July 1, 2007) for the total of all new units (526 units). Fees are paid to Los Angeles County to offset the demand for library items and building square footage generated by the proposed project. (Parcels 10R and FF only)</p>	<p>Applicant for residential apartments to pay library mitigation impact fee to County Librarian</p>	<p>Los Angeles County Librarian</p>	<p>Prior to issuance of certificate of occupancy</p>

Mitigation Monitoring Program

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
The proposed project will be responsible for payment of the library mitigation impact fee. Payment of this fee would constitute full mitigation, and impacts to library services would be less than significant.				