

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Th15c

ADDENDUM

Date: July 9, 2012

To: COMMISSIONERS & INTERESTED PERSONS

From: JOHN AINSWORTH, DEPUTY DIRECTOR
SOUTH COAST DISTRICT STAFF

Subject: Commission Hearing of July 12, 2012, **item Th15c** of agenda, Coastal Development Permit Appeal No. A-5-MDR-162 (Legacy Partners Residential), Marina del Rey, Los Angeles County.

1. On the front page of the staff report the name of the applicant should be changed from "County of Los Angeles" to "Legacy Partners Residential".
2. In the staff report on page 10, first paragraph, last sentence should be modified as follows:

...If the park cannot be constructed for whatever reason, the County would need to submit an amendment to the LCP for Commission approval to provide alternative mitigation measures ~~so that the development~~ prior to commencement of any development on Parcel FF(14).

3. In the staff report on page 10, first full paragraph, should be modified as follows:

Although the CDP for the wetland restoration and creation of the park has been appealed to the Commission, the County's approval of the CDP is still valid. Since the Commission has not acted on the appeal regarding the wetland parcel in a substantial issue hearing, the local government CDP is merely stayed pending the Commission's consideration of the appeal but will become effective if the Commission finds that the appeal does not raise a substantial issue. As proposed and approved by the County, the project on Parcel FF is consistent with the certified LCP and the access policies of the Coastal Act. Therefore, the proposed project does not raise a substantial issue with respect to conformity with the certified Local Coastal Program or the public access policies of the Coastal Act.

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Th15c

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

STAFF REPORT: APPEAL SUBSTANTIAL ISSUE for A-5-MDR-12-162

Local Government: County of Los Angeles

Local Decision: Approval with Conditions

Appeal Number: **A-5-MDR-12-162**

Applicant: **County of Los Angeles**

Project Location: Parcel 14, at northeasterly corner of Via Marina and Marquesas Way, Marina Del Rey, County of Los Angeles

Project Description: Demolition of an existing 202 space public parking lot, construction of a 55 foot high, 126 unit apartment building, with 19 affordable housing units, parking, 28-foot wide public promenade, landscaping, and temporary use of Parcel 10 for construction staging.

Appellants: **Carla Andrus; Nancy Vernon Marino—We ARE Marina del Rey**

SUMMARY OF STAFF RECOMMENDATION

The appellants contend that the local government action on the coastal development permit is inconsistent with the certified Local Coastal Program. 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 policies in Chapter 3 of the Coastal Act.

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EXHIBITS

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Exhibit 3—Los Angeles County Coastal Development Permit No. 2006-000009(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 30801.]

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 Carla Andrus; and Nancy Vernon Marino—We ARE Marina del Rey. The appellants contend 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 contends:

1. Mitigation to transfer required public park on parcel FF to wetland park on Parcel 9 is unenforceable.
2. Loss of public parking on parcel FF negatively impacts public access.
3. Construction of public park on parcel FF had a time and dollar threshold.
4. Coastal Improvement Fund balance grossly understated in violation of provisions of certified LCP.
5. Abuse of Coastal Improvement Fund credit provided to developers by Los Angeles County understated Coastal Improvement Fund Balance.
6. Additional mitigations provided for loss of public park/open space on parcel FF unenforceable and/or insufficient.
7. Residential apartments on parcel FF not a high priority coastal use.

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-12-1162 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-12-162 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 AREA HISTORY

The applicant proposes to demolish an existing 202 space public parking lot, construct a 55 foot high, 126 unit apartment building, with 19 affordable housing units, parking, 28-foot wide public promenade, landscaping, and temporary use of Parcel 10 for construction staging.

The proposed project is located at the northeasterly corner of Via Marina and Marquesas Way, in Marina del Rey (Parcel 14, formally Parcel FF). The parcel is a 2.04 acre rectangular shaped parcel (**Exhibit No. 1 and 2**).

The currently certified Marina del Rey Local Coastal Program designates Parcel 14 as Residential-III with a Waterfront Overlay Zone (WOZ) for the mole portion of the parcel; Residential V with a WOZ for the non-mole road portion of the parcel. Residential III allows 35 dwelling units per net acre and a height of 45 feet, with special height standard on mole roads. Residential V allows multi-family densities up to 75 dwelling units per net acre, with a height limit of 225 feet.

The County of Los Angeles' Department of Regional Planning issued a Coastal Development Permit (2006-00009-(4)) for the project (**Exhibit No. 4**).

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 LCOPA with suggested modifications. The County accepted the modifications and the LCP was effectively certified as amended.

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 LCOPA 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. 2006-0009-(4), with conditions (see **Exhibit No. 4**). The permit authorized the demolition of an existing 202 space public parking lot, construction of a 55 foot high, 126 unit apartment building, with 19 affordable housing units, parking, 28-foot wide public promenade, landscaping, and temporary use of Parcel 10 for construction staging. On May 15, 2012, the Board approved the coastal development permit. 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.

Appellants' Contentions

1. Appellants contend: Mitigation to transfer required public park on parcel FF to wetland park on Parcel 9 is unenforceable.

The appellants are referring to the creation of a public park on Parcel FF where, under the certified LCP, the developers of Parcel FF are required to provide funds for the restoration of the wetlands and creation of an approximately 1.5 acre park on Parcel 9. The County recently approved a coastal development permit (CDP) for the restoration of the wetland park and that permit has been appealed to the Commission by members of the public. Because the CDP for the wetland park has been appealed the appellants feel that development on Parcel FF cannot be mitigated.

Under the certified LCP, as amended in November 2011, Parcel FF is designated as "Residential". It is not designated as a public park or planned for a public park. In the 1995 LCP, Parcel FF was designated as "Open Space" and used as a public parking lot. Re-designating Parcel FF from "Open Space" to "Residential" was addressed in the approval of the LCPA 1-11, in November 2011 and found consistent with the Coastal Act.

The certified LCP does not require Parcel FF to be built as a park in exchange for residential development; however, the LCP does require all residential development to contribute to the Coastal Improvement Fund (CIF). The CIF was established to finance construction of local park facilities in the Marina del Rey area to mitigate the impacts of new residential development on the regional recreational resources of the Marina and adjacent beaches. Monies in the CIF were not required to go to Parcel FF or to enhance the Oxford Basin (Parcel P) for public use. These two parcels were contemplated for possible use of the funds, and were not required to be improved as park facilities or opened to the public. The monies in the CIF were intended to be used throughout the marina to create park facilities. This issue was fully addressed in the 1995 and 2011 certified LCPA.

In the approval of the November 2011 LCPA, the Commission found that converting Parcel FF from "Open Space" to "Residential" was a low priority use under the Coastal Act and required mitigation. In the 2011 LCPA, suggested modifications that were accepted by the County included doubling the developers contribution into the Coastal Improvement Fund (CIF) to \$1,200 per unit and requiring the developer of Parcel FF to pay 50% of the cost for the restoration of the wetland and creation of an approximately 1.5 acre wetland park on Parcel 9, as well as 9-11 transient slips along Parcel 9. At this time it has not been shown by the appellants that restoration of the wetland, and creation of the wetland park, is not feasible, and the County has recently approved the coastal development permit for the wetland restoration. As required in the certified LCP, and as conditioned by the CDP, the developer, prior to issuance of a building permit, shall pay the necessary amount into the CIF to fund 50% of the design, permitting and construction of a public wetland and upland park on Parcel 9U. If the wetland

park is not developed by the developer of the hotel resort on Parcel 9, the developer of Parcel FF is required to restore the wetlands and create the wetland park. Development of the park is to be completed and opened to the public in advance of issuance of a Final Certificate of Occupancy for the approved apartment building on Parcel FF(14). If the park cannot be constructed for whatever reason, the County would need to submit an amendment to the LCP to provide alternative mitigation measures so that the development on Parcel FF(14).

Although the CDP for the wetland restoration and creation of the park has been appealed to the Commission, the County's CDP is still valid. As proposed and approved by the County, the project on Parcel FF is consistent with the certified LCP and the access policies of the Coastal Act. Therefore, the proposed project does not raise a substantial issue with respect to conformity with the certified Local Coastal Program or the public access policies of the Coastal Act.

2. Appellants contend: loss of public parking on parcel FF negatively impacts public access.

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, this issue of loss of public parking due to the re-designation of Parcel FF from "Open Space" to "Residential" was addressed in the approval of the LCPA 1-11 in November 2011. As stated, the proposed project is located on a parcel designated as Residential III and Residential V with Water Overlay Zones (WOZ) under the certified LCP as recently amended in November 2011 (LCPA-MDR-1-11). Furthermore, the proposed project will provide adequate parking on-site for the development consistent with the parking requirements in the LCP. The proposed use is consistent with the land use designation and the access provisions in the certified LCP and Coastal Act.

Prior to the certification of the LCPA 1-11 and redesignating the land use to "Residential", Parcel FF was used as a public parking lot (202 spaces), and currently still is. However, in approving the LCPA 1-11, the Commission found that based on evidence provided by the County, the parking on Parcel FF was under-utilized by the public, except at holiday peak periods (such as Fourth of July, or Memorial Day, as the appellants have claimed in their appeal) because the parking was not located near any of the marina's visitor-serving destinations, such as Marina Park, Burton Chase Park, or Fisherman's Village. Therefore, parking on Parcel FF was allowed to be relocated to other areas of the marina where the parking would better serve the public in improving public access in the marina. The LCPA requires that the County provide ½ or 101 spaces from Parcel FF to be financed at Chace Park or Marina Beach. Since Chace Park is shown as an area which does not have sufficient convenient parking, this was found to be a significant improvement in public access to this popular facility, as well as Marina Beach. Furthermore, the developer of Parcel FF is required to contribute twice the amount (\$1,200 per residential unit) to the Coastal Improvement Fund to mitigate the conversion of the parcel to a lower priority use.

Moreover, parking supply in any beach community is generally designed to accommodate demands generated during a typical summer weekend, not for holidays. Parking supplies in any beach community are generally not adequate to support the increase demand during summer holidays, such as Fourth of July and Memorial Day, and the Commission has not required public projects, such as public parks or public parking lots, nor private development, to design their parking supply to meet demand based on summer holiday demands.

As proposed and approved by the County, the project is consistent with the certified LCP and the access policies of the Coastal Act. Therefore, the proposed project does not raise a substantial issue with respect to conformity with the certified Local Coastal Program or the public access policies of the Coastal Act.

3. Appellants contend: construction of public park on parcel FF had a time and dollar threshold.

The appellants are referring to the 1995 certified LCPA and the suggested modification for a “Coastal Access and Recreation Improvement Fund” that was suggested in a Staff Memorandum to the Commission, dated May 9, 1995. The purpose of the suggested Fund was to finance construction of local park facilities in the marina. This particular Fund and the provisions with regards to timing and fund thresholds were not accepted as part of the 1995 certification. A similar fund, the Coastal Improvement Fund (CIF), was adopted in 1995 and is part of the 2011 LCP, however, the CIF does not have the timing and threshold provisions as referred to by the appellants and the currently certified LCP designates Parcel FF as “Residential” and does not require the creation of a park on the parcel.

As proposed, the residential project approved by the County is consistent with the LCP land use designation and all other provisions of the LCP. Therefore, the proposed project does not raise a substantial issue with respect to conformity with the certified Local Coastal Program.

4. Appellants contend: coastal Improvement Fund balance grossly understated in violation of provisions of certified LCP.

The appellants do not provide any information as to how understating the Coastal Improvement Fund (CIF) balance is a violation of the certified LCP with regards to the proposed project. As stated above, under the certified LCP, as amended in November 2011, Parcel FF is designated as “Residential”. In the 1995 LCP, Parcel FF was designated as “Open Space” and used as a public parking lot. Re-designating Parcel FF from “Open Space” to “Residential” was addressed in the certification of the LCPA 1-11, in November 2011 and found consistent with the Coastal Act.

Furthermore, as currently certified, the LCP requires that the County Department of Beaches and Harbors provide an annual report to Los Angeles County Regional Planning and to the Executive Director of the Commission regarding the expenditure of funds from the CIF to ensure that funds are being appropriately used. The proposed project will be required to contribute to the CIF; however, since the LCP amendment No. 1-11 was certified four months ago and this is one of the first projects to be approved by the County under the newly certified LCP, an annual report has not yet been submitted, but is forthcoming.

The CIF and the development of Parcel FF has previously been addressed in the LCP and the proposed project is consistent with all relevant provisions of the LCP. Therefore, the proposed project does not raise a substantial issue with respect to conformity with the certified Local Coastal Program.

5. Appellants contend: abuse of Coastal Improvement Fund credit provided to developers by Los Angeles County understated Coastal Improvement Fund Balance.

As stated above, one of the suggested modifications that was accepted by the County in the LCPA 1-11 was a requirement for accounting of the funds in the Coastal Improvement Fund (CIF) and the preparation and submittal of an annual report to Los Angeles County Regional Planning and to the Executive Director of the California Coastal Commission to ensure that monies were collected and used for the intended purpose as required under the Coastal Improvement Fund (CIF).

As required by the County's Coastal Development Permit, the applicant is required to contribute to the CIF, which will be used to develop recreational facilities to offset increases in residential densities caused by the project. An accounting of these monies, and contributions from other projects, will be addressed in the County Beaches and Harbors' annual report. Any questions on accounting, collecting of funds, and use of funds will be addressed at that time. This project has been conditioned to contribute to the CIF, consistent with the certified LCP. Therefore, the proposed project does not raise a substantial issue with respect to conformity with the certified Local Coastal Program

6. Appellants contend: Additional mitigations provided for loss of public park/open space on parcel FF unenforceable and/or insufficient.

As stated, the re-designation of Parcel FF was addressed in the certification of the 2011 amendment to the LCP. In approving the LCPA in November 2011, the Commission found that re-designating Parcel FF from "Open Space" to "Residential", with provisions provided in the LCPA to increase open space in other areas of the marina, and developer participation in the Coastal Improvement Fund, and other mitigation measures, the change from "Open Space" to "Residential" was found consistent with the Coastal Act. In certifying the LCPA 1-11, the Commission found all mitigation measures associated with development of Parcel FF adequate, and all required mitigation measures per the LCP have been incorporated into the conditions of the County's permit. Therefore, the proposed project does not raise a substantial issue with respect to conformity with the certified Local Coastal Program.

7. Appellants contend: That the residential apartments on parcel FF not a high priority coastal use.

This priority use issue was addressed in the certification of the LCPA 1-11, in November 2011. As stated, the proposed project is located on a parcel designated as Residential III and Residential V with Water Overlay Zones (WOZ) under the certified LCP, as recently amended in November 2011 (LCPA-MDR-1-11). In approving the LCPA in November 2011, the Commission found that re-designating Parcel FF land use from "Open Space" to "Residential", with provisions provided in the LCPA to increase open space in other areas of the marina, and developer participation in the Coastal Improvement Fund, and other mitigation measures, the change from "Open Space" to "Residential" was found consistent with the Coastal Act.

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 conformity with the certified Local Coastal Program or public access.

Conclusion

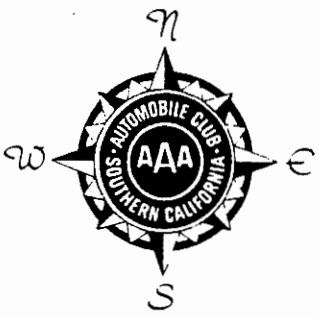
The Commission finds that no substantial issues exist with respect to the grounds on which the appeal was filed, as there has been no showing of any manner in which the approved project is not in conformance with the County's certified LCP or the public access or recreation policies of the Coastal Act.

APPENDIX--SUBSTANTIVE FILE DOCUMENTS:

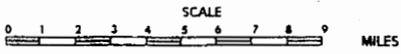
1. Marina Del Rey certified Local Coastal Plan, as amended in 2011.
2. Los Angeles County CDPs No. 98-172; 91-329; 98-134-(4); and 2010-00003-(4).



Location



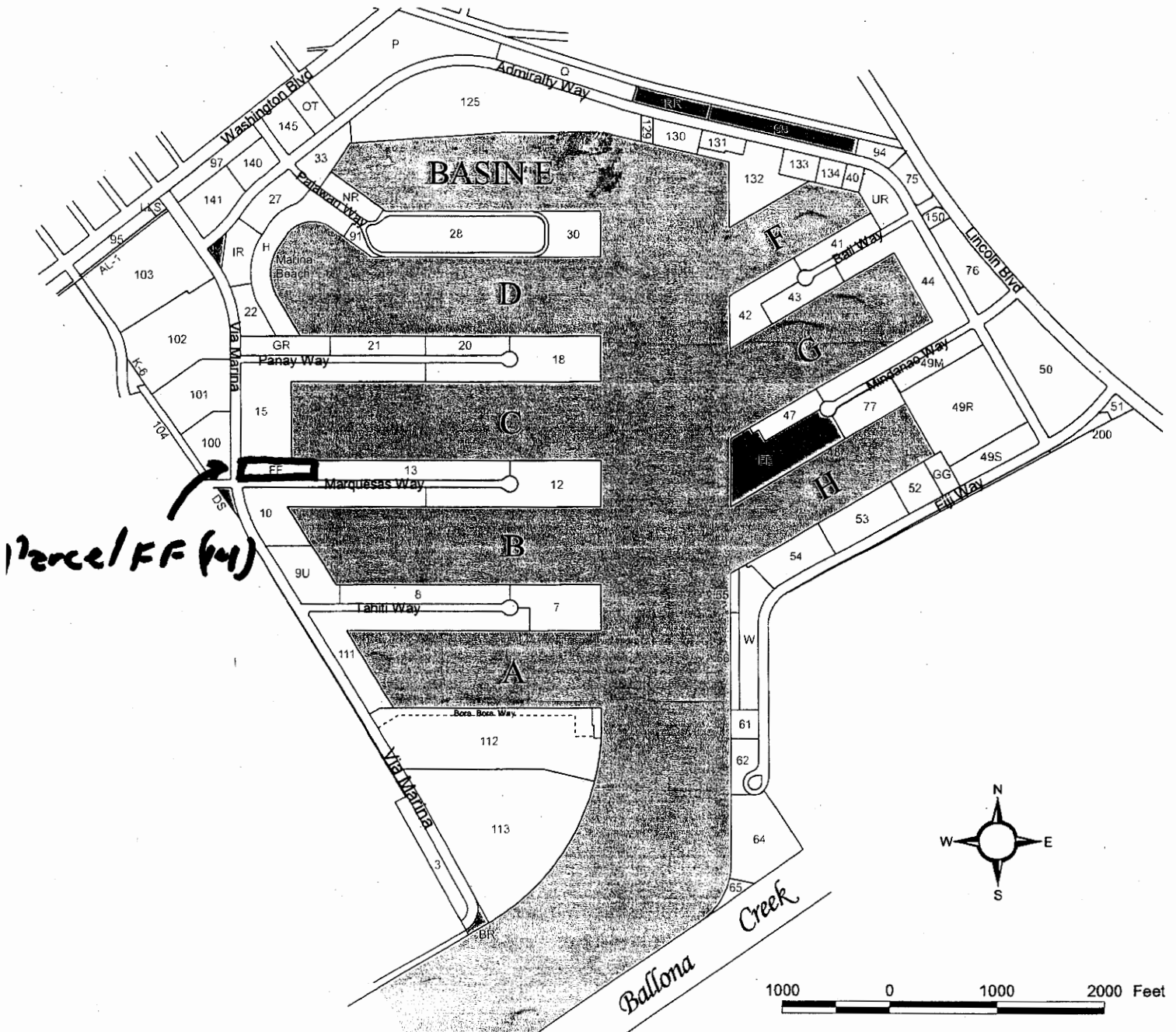
LOS ANGELES AREA



RECEIVED
South Coast Region
CALIFORNIA
COASTAL COMMISSION

HUNTINGTON BI
EXHIBIT NO. 2
APPLICATION NO. A5-MDR-12-162
Vicinity Map
California Coastal Commission

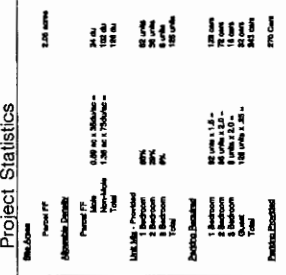
Marina del Rey Lease Parcel Areas



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

EXHIBIT NO.	2
Application Number	A5-MDR-12-162
Parcel Map	
California Coastal Commission	

5.12.12





COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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May 15, 2012

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES
#23 OF MAY 15, 2012

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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. 8
04/26/11

Re: **PROJECT NUMBER R2006-03652-(4)**
COASTAL DEVELOPMENT PERMIT NUMBER 2006-00009-(4)
CONDITIONAL USE PERMIT NUMBER 2006-00290-(4)
VARIANCE NUMBER 2006-00014-(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 202-space public parking lot and the construction of a 126-unit apartment complex, consisting of one apartment building, a 28-foot-wide waterfront pedestrian promenade, and other site amenities and facilities on Parcel 14 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 *[Signature]*
JOSEPH M. NICCHITTA
Associate County Counsel
Property Division

APPROVED AND RELEASED:

EXHIBIT NO. 4
Application Number A5-MDR-12-162
County CDP# 2006-00009
California Coastal Commission

[Signature]
WEISS
Assistant County Counsel

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NO. R2006-03652-(4)
COASTAL DEVELOPMENT PERMIT NUMBER 2006-00009-(4)
CONDITIONAL USE PERMIT NUMBER 2006-00290-(4)
VARIANCE NUMBER 2006-00014-(4)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing in the matter of Project No. R2006-03652-(4), consisting of Coastal Development Permit No. 2006-00009-(4) ("CDP"), Conditional Use Permit No. 2006-00290-(4) ("CUP"), and Variance No. 2006-00014-(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. 2006-00014-(4) ("Plan Amendment"), a request for an amendment to the Marina del Rey ("Marina") Local Coastal Program ("LCP"). For reasons discussed in Finding Nos. 30-34, 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 202-space public parking lot on Marina Parcel 14 ("Parcel 14"), and the construction of a 126-unit apartment complex consisting of one apartment building, a 28-foot-wide waterfront pedestrian promenade, and other site amenities and facilities ("Project"). Nineteen of the 126 apartment units will be designated as affordable housing units, as further described in Finding Nos. 69-71.

The Project was heard concurrently by the Commission and the Board with the following: (a) Project No. R-2006-03647-(4), to authorize the demolition of an existing 136-unit apartment complex and appurtenant landside facilities on Marina Parcel 10, and the construction of a 400-unit apartment complex with site amenities and facilities ("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 Parcel 9 ("Hotel Project").

3. The CDP is a request to authorize demolition of an existing parking lot and the construction of the improvements described in Finding No. 2, and for the permittee's temporary use of Marina Parcel 10 as a construction staging site during construction.

4. The CUP is a request to authorize on-site grading in excess of 100,000 cubic yards.
5. The Variance is a request to authorize approximately 125 square feet of on-site signage in excess of the signage that otherwise would 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 waterfront promenade from a 10-foot required setback to a zero setback.
6. The Project site is 2.048 acres in size, and is located in the Playa del Rey Zoned District at the northeast corner of the intersection of Via Marina and Marqueses Way in the unincorporated community of the Marina.
7. The Project site is zoned "Specific Plan" within the LCP and its existing land use designation under the LCP is Residential-III ("R-III") with a waterfront overlay zone ("WOZ") (for the "mole road" portion of the parcel) and Residential-V ("R-V") with a WOZ (for the "non-mole road" portion of the parcel).
8. The Project site is rectangular, predominantly level, and currently developed with a surface parking lot containing 202 public parking spaces and ornamental landscaping.
9. The surrounding zoning includes:

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

North:	Multi-family residential (rental apartments) and Marina Basin C;
South:	Multi-family residential (rental apartments);
East:	Multi-family residential (rental apartments); and
West:	Multi-family residential (condominiums in the City of Los Angeles).
11. The site plan for the Project depicts one apartment building 55 feet in height, exclusive of rooftop appurtenant structures and mechanical equipment, with four stories of apartments over two levels of subterranean garage parking. The site plan also depicts a 28-foot-wide public pedestrian promenade along the parcel's water frontage, a driveway providing vehicular access into the apartment building's garage, and a view corridor over the easterly portion of the parcel.
12. Parking for the Project will be provided by the apartment building garage. Consistent with parking requirements under the County Code for a 126-unit apartment complex, a total of 242 on-site parking spaces will be provided, 210 of which will be dedicated for residents and 32 of which will be dedicated for guests. A total of eight of the 242 parking spaces will be dedicated for disabled persons.

13. 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 Document Reporting Procedures and Guidelines for the County. Based on the Initial Study, the County Department of Regional Planning ("Regional Planning") determined that an Environmental Impact Report ("EIR") was the appropriate environmental document for the Project.
14. 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.
15. 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. Because the Project does not result in the demolition of any existing housing units in the Marina, the permittee has no obligation under the Affordable Housing Policy or the Mello Act to provide replacement affordable housing units.
16. To comply with the inclusionary housing requirement in the Affordable Housing Policy and Mello Act, 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 19 units of inclusionary affordable housing, based on the calculation of 15 percent multiplied by the 126 net new units to be developed on-site, where six of the inclusionary affordable units will be designated for very low-income households (four of which will be one-bedroom units and two of which will be two-bedroom units), seven of the units will be designated for low-income households (four of which will be one-bedroom units and three of which will be two-bedroom units), and six of the units will be designated for moderate-income households (four of which will be one-bedroom units and two of which will be two-bedroom units).

17. The Commission opened its duly-noticed public hearing on the Project on October 29, 2008. The permittee 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 need for local services if the Project is built; (d) the Marina's intended purpose was for public recreation and its use should be dedicated to such purpose; and (e) the existing public parking lot is used by residents of and visitors to the Marina and should not be converted to a residential development.

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

18. Prior to the November 5, 2008, continued public hearing, Regional Planning staff determined that the Draft EIR should be updated and recirculated to address potential cumulative impacts related to the proposed City of Los Angeles dual force main alignment Project and the County Department of Public Works' ("Public Works") sewer upgrades in the Marina. A revised draft EIR ("Revised Draft EIR") was prepared and circulated to the involved agencies and to 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.
19. 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.
20. On April 15, 2009, at a regularly scheduled Commission meeting, the Commission scheduled an August 8, 2009, site visit for Parcel 14 and adjoining parcels, and also scheduled a continued public hearing for the Project for August 12, 2009, to be held in the Marina.
21. On August 8, 2009, the Commission conducted a site visit of Parcel 14 and adjoining parcels, and concluded the site visit with a boat tour, viewing the site and adjacent parcels from the harbor.
22. 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, testimony from the permittee, and testimony from persons in opposition to the Project. The opponents raised substantially similar claims to those raised at the previous public hearing sessions, and further contended that, among other things: (a) the height of the proposed structure will negatively impact sailing winds in Marina Basin B; (b) the

Revised Draft EIR should be updated and recirculated to adequately analyze climate change and high-risk liquefaction; (c) construction haulers for the Project will use Via Dolce and thus adversely impact residences on Via Dolce; (d) the solid waste impacts of the Project have not been adequately analyzed; and (e) the Revised Draft EIR did not adequately analyze the alternative use of Parcel 14 as a public park.

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

23. On October 14, 2009, the Commission held a 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.
24. In response to the Commission's direction, the permittee enhanced the 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.
25. The Commission held the continued public hearing for the Project on February 3, 2010, where staff informed the Commission 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.
26. The Commission held the continued public hearing on the Project on March 10, 2010. Among other testimony provided to the Commission, the Commission heard testimony from 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.
27. Pursuant to 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 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.

28. 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 similar claims to those that were 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 underutilized parking lot, and will create a number of construction-related jobs.
29. 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 to recommend approval of the Plan Amendment to the California Coastal Commission ("Coastal Commission"). As for the other Marina projects heard concurrently with the 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 review.

The 2012 Amended LCP

30. Separate and apart from the Project, but processed during the same timeframe, was a major amendment to the Marina LCP ("Major Amendment").
31. On September 1, 2009, the Board adopted a motion directing Regional Planning 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 14 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.
32. 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 14, the Major Amendment: (a) reduced the number of development zones in the Marina providing sufficient residential density for the instant Project; (b) changed the site's land use designation from open space to R-III (WOZ) (mole portion) and

R-V (WOZ) (non-mole portion); (c) modified the parcel's density allowances to allow the permittee to average residential densities evenly over the parcel; (d) established a maximum building height of 75 feet for the parcel; and (e) provided open space replacement on the southern portion of Marina Parcel 9. The Major Amendment also imposed Project-related requirements on the permittee, including requirements that the permittee: (a) pay certain amounts for the restoration and development of the Wetland Park; (b) construct transient docks on Parcel 9 for seven to eleven vessels; and (c) deposit funds into the coastal improvement fund established by the LCP.

33. 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").
34. Because of adoption of the 2012 Amended LCP, which contained the amendments to the LCP that were 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.
35. The Board finds that, consistent with the 2012 Amended LCP, the Project has been reviewed and 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.
36. 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 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 a high potential for liquefaction.
37. The Board finds that the conditions of approval require the permittee to conduct site development in conformity with the archaeological reporting requirements of the County Code.

38. 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.
39. The Board finds that the Project is consistent with the R-III (WOZ) (mole portion) and R-V (WOZ) (non-mole portion) land use designations for Parcel 14.
40. The Board finds that the Project adequately accounts for the loss of land previously designated for open space by requiring the permittee to pay for at least 50 percent of the cost to construct and develop the Wetland Park. The Wetland Park will be located near the site and will be 1.46 acres in size. A "muted" tidal salt marsh approximately 0.47 acres in size will be established at the center of the park and will be surrounded by a buffer of no less than 25 feet. The park area surrounding the salt marsh will be planted in appropriate native vegetation and will serve as a public open space area for the enjoyment of wildlife and biological resources reflecting the ecology and geography that existed in the Marina before the harbor was built there. Interpretive signage will be installed to enhance the public's visiting experience, and a permeable turf block area at the northern end of the park, which will include natural vegetation, will provide a study space for lectures, seating for bird-watchers, and an access-way for maintenance and emergency vehicles. The Board further finds the Wetland Park is a unique opportunity to provide the public with a privately funded, ecologically themed park on the western, predominantly residential side of the Marina.
41. To further account for the loss of land previously designated for open space, the Board finds that the permittee has been appropriately conditioned to construct a public "transient" boat anchorage adjoining the Parcel 9 bulkhead, which will consist of 1.12 waterside acres and will provide the Marina with approximately 542 lineal feet of new public dock area. This new public anchorage will accommodate between seven to 11 transient vessels, provide a docking area for dinghies and be consistent with contemporary standards, as provided for by the California Department of Boating and Waterways and the federal Americans with Disabilities Act.
42. The Board finds that the Wetland Park and public "transient" anchorage together represent a significant asset to the public and will provide opportunities for recreational boating, the enjoyment of open space, and environmental restoration. The Board has not been presented any evidence of a current or forthcoming proposal, public or private, to develop a public park at Parcel 14. The Board nevertheless finds that the development of the Wetland Park on Parcel 9 will provide a more expansive waterfront park to a greater number of visitors than a comparable development on Parcel 14, because Parcel 9 contains a larger water frontage than Parcel 14 and fronts a major, non-mole road, Via Marina, whereas Parcel 14 fronts a smaller mole road, Marquesas Way.

43. 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.
44. 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 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.
45. The approved traffic report concludes that the Project will generate 41 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 41 p.m. peak-hour trips, the Board further finds that the permittee has been appropriately conditioned to pay a total traffic mitigation fee of \$233,290, \$65,600 of which will be allocated for traffic improvements to internal Marina routes and \$167,690 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.

46. The Board finds that the proposed maximum 55-foot height of the apartment building on-site is 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 building 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 southeastern corner of Panay Way and Via Marina.
47. The Board finds that the Project will provide a view corridor from the road to the waterside of Parcel 14 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 a 55-foot-tall building on the site provide a 26.67 percent view corridor along the site's water frontage. The Board finds that the permittee's provision of an expanded view corridor comprising 26.7 percent of the site's water frontage satisfies the view corridor requirements of the 2012 Amended LCP for the proposed 55-foot-tall apartment building. For these reasons, the Board further finds that the Project is consistent with the height design concepts described in the 2012 Amended LCP.
48. 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 be provided along the parcel's bulkhead, to the satisfaction of DCB.

49. The Board finds that the Project has been designed so that planes of 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.
50. 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.
51. 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 242 on-site parking spaces, 210 of which will be dedicated for residents, and 32 of which will be dedicated for guests. Also, of the 242 parking spaces, eight spaces will be dedicated for disabled persons.
52. The Board finds that the existing 202-space public parking lot on the site is and has been underutilized due to its relatively distant location from recreational uses or visitor attractions in the Marina, which fact was acknowledged by Coastal Commission staff in its Marina del Rey Periodic Review Staff Recommendation, dated July 20, 2006, at page 128:

[T]here are a few public parking lots that the County provides that are not located adjacent to key visitor attractions and may be underutilized due to their location. Parcels [14] and OT are examples of such parking lots . . . The nearest key visitor-serving or recreational facilities [to Parcel 14] are Marina Beach and the North Jetty, both located over 1,000 feet from the parking lot. The closest recreational facility is the promenade, which runs along a portion of the parking lot. Although the promenade is a significant recreational facility, people generally access the promenade in other areas and do not rely on this parking lot.

The Marina del Rey Land Use Plan in effect prior to the Major Amendment also recognized that the existing parking lot on the site is underutilized throughout most of the year and was being contemplated for development as residential uses.

53. The Board finds that two parking utilization surveys commissioned by the permittee in August 2004 and July 2009 demonstrate that the public's use of the existing parking lot on the site is minimal. The surveys were conducted by the traffic engineering firm, Crain & Associates of Southern California. The surveys

found that the public parking spaces on the site were not heavily utilized, with an average peak parking demand of 27 vehicles for three count days. Additionally, the majority of the vehicles accessing the parking lot were associated with residential parking needs for the adjacent apartment uses. The Board further finds that the results of the more recent July 2009 survey, which analyzed counts conducted at the parking lot on Memorial Day 2009 and on a non-holiday weekend in June 2009, were consistent with the results of the August 2004 study, and that the Board has been presented with no credible evidence to rebut the analysis and conclusions of these surveys.

54. The Board finds that a March 2009 Right-Sizing Study of Parking Lots in the Marina, conducted by the County Department of Beaches and Harbors and based on field observations in 2005 and 2007, also confirms that the public's use of the existing parking lot on the site is minimal. The Board further finds that the Coastal Commission's April 2009 revised findings in support of its periodic review of the LCP also concluded that the parking lot on the site is underutilized by the public because it is not located near visitor-serving or recreational attractions.
55. The Board finds that impacts on parking in the Marina from the demolition of the existing 202-space parking lot have been adequately analyzed, and that no immediate public parking shortage will occur as a result of such demolition. The Board further finds that the permittee has been appropriately conditioned to pay into the coastal improvement fund, as described in and governed by the 2012 Amended LCP, the amount necessary to fund the construction of 101 public "replacement" parking spaces at a recreational/visitor-serving Marina location, to be identified by the County, which will enhance the public's access to the coast by providing parking in a more desirable location than the currently underutilized parking lot. The Board also finds, based on the evidence in the record regarding parking relocation issues, that the deferred construction of these replacement parking spaces will not result in a shortage of public parking in the vicinity of the Project.
56. The Board finds that the apartment building 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 any building permit for the Project.
57. 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.
58. 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.

59. The Board finds that the Project provides public pedestrian access and ensures passive recreational use to and along all portions of the Parcel 14 bulkhead, in conformance with the California Coastal Act ("Coastal Act") and the 2012 Amended LCP. The Board further finds 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.
60. 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 14, and public lateral access ways across the site from Marquesas Way to the public waterfront promenade. Development adjacent to the bulkhead (i.e., the public promenade) will provide pedestrian access ways, benches, and rest areas along the bulkhead.
61. The Board finds that 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.
62. 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.
63. The Board finds that the permittee has been appropriately conditioned to contribute to the coastal improvement fund, which funds will be used to develop recreational facilities to offset increases in residential densities caused by the Project.
64. 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. Construction of the new public "transient" anchorage will be coordinated to ensure that adverse impacts to existing boating facilities are minimized to the extent practically feasible.
65. The Board finds that, prior to obtaining 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.
66. The Board finds that the Project was appropriately reviewed during the CEQA review process to determine potential impacts on cultural resources, and no such impacts were identified.
67. The Board finds that, through the redevelopment of Parcel 14, the Project will help maintain the physical and economic viability of the Marina.
68. The Board finds that 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.

69. The Board finds that the Mello Act requires that any project requiring the demolition of dwelling units occupied by low- or moderate-income households within the coastal zone shall provide affordable replacement dwelling units. The Board finds that the Project is not subject to the affordable replacement housing provisions of the Mello Act because no existing dwelling units will be demolished as part of the Project.
70. The Board finds that the Project's 19-unit inclusionary affordable housing requirement complies with the Affordable Housing Policy, in that 15 percent of the 126 net new incremental units to be developed on the site, or 19 units will be dedicated for exclusive use by qualifying "very low-income," "low-income," and "moderate-income" households for the term of the extended lease of Parcel 14. Six of the Project's 19 affordable housing units will be designated for "very low-income" households (four of which will be one-bedroom units and two of which will be two-bedroom units), seven of the units will be designated for "low-income" households (four of which will be one-bedroom units and three of which will be two-bedroom units), and six of the units will be designated for "moderate-income" households (four of which will be one-bedroom units and two of which will be two-bedroom units).
71. The Board finds that the provision of 19 inclusionary affordable housing units 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.
72. 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.
73. 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 review, which policies and objectives have not been materially altered by the 2012 Amended LCP as it relates to the Project.
74. 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 C, which abuts the site to the north. 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 C. The studies found that only minor changes in wind

speed and direction are anticipated in the western end of Marina Basin C, 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 C 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 building 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.

75. 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.
76. 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.
77. 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.
78. 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 be accomplished in an environmentally sensitive manner, in conformance with all applicable Public Works requirements.
79. 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.
80. 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 eight feet, adjacent to the bulkhead, of the 28-foot-wide waterfront pedestrian promenade has been enhanced with landscaping, shaded benches, light standards, drinking fountains, and other pedestrian amenities, consistent with the 2012 Amended LCP.

81. 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 this 126-unit Project meets these density requirements.
82. Regarding signage, the County Code would limit the Project's on-site signage to approximately 125 square feet and the permittee has requested a Variance to exceed that signage requirement by approximately 125 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.
83. 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 an additional developable area to accommodate the 10-foot building setback adjacent to the promenade.
84. 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 special privilege inconsistent with the limitations upon other properties in the vicinity of the site.
85. The Board 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.

86. 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.
87. The Board finds that the Project is consistent with applicable goals and policies of the Housing Element of the Countywide General Plan ("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.
88. 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.
89. 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 Project site has ready access to requisite public infrastructure, utilities, and services.
90. The Board finds that the permittee is subject to payment of the California Department of Fish and Game fees related to the Project's effect on wildlife resources pursuant to Section 711.4 of the California Fish and Game Code.
91. The Board finds that the permittee will be required to pay the applicable County library facilities mitigation fee pursuant to the County Code.
92. 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.
93. At the public 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.

94. 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 10.
95. At the April 26, 2011, public hearing, 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.
96. 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.
97. The Board finds that the MMP for the Project is consistent with the conclusions and recommendations of the Final EIR and that the MMP's requirements are incorporated into the conditions of approval for this Project.
98. 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.

99. Approval of this Project is conditioned on the permittee's compliance with the attached conditions of approval and the MMP.
100. The Board finds that the permittee has demonstrated the suitability of the site for the proposed uses. The Board finds that establishment of the proposed uses at such location is in conformity with good zoning practice. The Board further finds that the permittee's compliance with the conditions of approval will ensure compatibility with surrounding land uses and consistency with all applicable General Plan policies.
101. 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.
102. 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:

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, 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. 2006-00009-(4), Conditional Use Permit No. 2006-00290-(4), and Variance No. 2006-00014-(4), subject to the attached conditions.

**CONDITIONS OF APPROVAL
PROJECT NO. R2006-03652-(4)
COASTAL DEVELOPMENT PERMIT NUMBER 2006-00009-(4)
CONDITIONAL USE PERMIT NUMBER 2006-00290-(4)
VARIANCE NUMBER 2006-00014-(4)**

1. This grant authorizes the following:
 - A. A coastal development permit ("CDP") for the demolition of a surface public parking lot containing 202 parking spaces, and the construction of a multi-family residential apartment building of 126 units and associated landscaping, hardscape, garage parking, waterside public pedestrian promenade, and other site amenities and facilities, on Parcel 14 in Marina del Rey ("Marina"). The CDP also authorizes the temporary use of Marina Parcel 10 as a staging site for construction.
 - B. A conditional use permit ("CUP") for on-site grading in excess of 100,000 cubic yards.
 - C. A variance ("Variance") to allow approximately 125 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 authorizes a reduction of 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 apartment complex shall consist of one apartment building and shall be limited to 126 rental dwelling units.
17. The maximum height of the project's apartment building shall be 55 feet, exclusive of rooftop appurtenant structures and mechanical equipment.
18. The apartment complex for the project shall have one front yard and two side yards, where: the front yard shall front Marquesas Way, shall be contiguous with the southern property line of Parcel 14, and shall be maintained at a minimum of 10 feet in width, measured north to south; one side yard shall front Via Marina, shall be contiguous with the western property line of Parcel 14, and shall be maintained at a minimum of five feet in width, measured east to west; and the second side yard shall be contiguous with the eastern property line of Parcel 14

and shall be maintained at a minimum of five feet in width, measured east to west.

19. 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 19 rental dwelling units ("Designated Units") of the approved 126 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 14.
20. The 19 Designated Units shall be considered "inclusionary affordable units," where: six such units shall be occupied exclusively by qualified very low-income households (four of which shall be one-bedroom units and two of which shall be two-bedroom units); seven such units shall be occupied exclusively by qualified low-income households (four of which shall be one-bedroom units and three of which shall be two-bedroom units); and six such units shall be occupied exclusively by qualified moderate-income households (four of which shall be one-bedroom units and two 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.
21. 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.
22. 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.

23. 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.
24. The permittee shall maintain all applicable records and satisfy all applicable reporting requirements imposed by CDC to monitor compliance with the Affordable Housing Covenant.
25. 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.
26. 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.
27. The non-discrimination/non-segregation provisions and conditions set forth in Condition Nos. 25 and 26 shall remain in effect in perpetuity.
28. 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").
29. 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.

30. 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 a revised Exhibit "A" approved by the Director.
31. 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.
32. Prior to obtaining any building permit for the project, the permittee shall obtain approval by the Marina Design Control Board ("DCB") of the project's proposed final 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.
33. 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.
34. 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.
35. 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.

36. This project shall comply with the County's green building and drought-tolerant landscaping ordinances.
37. Prior to obtaining any building permit for the project, the permittee shall contribute its fair share of funding to the coastal improvement fund described and governed by the LCP ("Coastal Improvement Fund"), for park and public access facilities and/or improvements as described in the LCP, to the satisfaction of the Director. The permittee's estimated contribution to this fund based on the 126 proposed residential units on Parcel 14 is \$151,200 (\$1,200.00 x 126 new residential units).
38. Prior to obtaining any building permit for the project, the permittee shall contribute to the Coastal Improvement Fund the amount necessary to fund the County's construction of 101 public parking spaces at a Marina location, which location and amount of the contribution shall be determined by the Director and DBH.
39. Prior to obtaining any building permit for the project, the permittee shall contribute to the Coastal Improvement Fund the amount necessary to fund 50 percent of the cost for the permitting, design, and construction of the 1.46-acre public wetland and upland park on the southern portion of Parcel 9 in the Marina ("Wetland Park"), approved concurrently with this project.
40. The Wetland Park shall be permitted, designed, and built in its entirety by the permittee or the permittee of the hotel project proposed for the northern portion of Parcel 9 ("Hotel Project"), or both, as set forth in this condition:
 - A. The first such permittee to obtain a building permit for its respective project shall be required to permit, design, and construct the entire Wetland Park (the "Responsible Permittee"), and shall also be required to comply with all conditions of approval for the Wetland Park, set forth in Coastal Development Permit No. 2006-00006-(4) and approved concurrently herewith and attached hereto, in the manner set forth in those conditions of approval. The conditions of approval for the Wetland Park shall be incorporated herein in their entirety by this reference.
 - B. The Responsible Permittee shall have the right to receive reimbursement of up to 50 percent of the permitting, design, and construction costs from funds contributed, if any, to the Coastal Improvement Fund by the non-responsible permittee ("Non-Responsible Permittee") for the permitting, design, and construction of the Wetland Park, with the method and timing of said reimbursement to be agreed upon by and between the Responsible Permittee and the Director.
 - C. Funds deposited into the Coastal Improvement Fund by the Responsible Permittee pursuant to Condition No. 39 shall be disbursed from time-to-time to pay for the Responsible Permittee's permitting, design, and

construction of the Wetland Park, with the method and timing for the disbursement of said funds to be agreed upon by and between the Responsible Permittee and the Director.

- D. If the instant permittee is the Non-Responsible Permittee and the Responsible Permittee does not or is unable to complete the permitting, design, or construction of the Wetland Park for any reason, the instant permittee shall be responsible for the full permitting, design, and construction of the entire Wetland Park.
 - E. If both the instant permittee and the permittee for the Hotel Project do not or are unable to complete the permitting, design, or construction of the Wetland Park for any reason, the County shall have the right to assume control of the construction of the Wetland Park and/or use any and all remaining funds in the Coastal Improvement Fund, for the purposes of permitting, designing, and constructing the Wetland Park, to the extent such funds were contributed by either permittee for the permitting, design, and construction of the Wetland Park.
- 41. Prior to obtaining a certification of occupancy for the project, the permittee shall ensure that construction of the Wetland Park is substantially complete and open to the public, to the satisfaction of the Director and DBH.
 - 42. Prior to obtaining any building permit for the project, the permittee shall contribute to the Coastal Improvement Fund the amount necessary to design and construct a public "transient" boat anchorage adjoining Marina Parcel 9's bulkhead in the southwestern portion of Marina Basin B (the "Anchorage"), the amount of which shall be determined by the Director and DBH. Development of the Anchorage shall be as shown on the approved Exhibit "A" or revised Exhibit "A" approved by the Director.
 - 43. Prior to obtaining a certificate of occupancy for the project, the permittee shall ensure that the Anchorage described in Condition No. 42 is substantially complete and open to the public, to the satisfaction of the Director and DBH.
 - 44. 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.
 - 45. 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.
 - 46. The permittee shall provide fire sprinklers and smoke detectors in the project's buildings to the satisfaction of the Fire Department.

47. 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 10. If the permittee chooses to provide parking for construction workers or storage of construction equipment/materials off-site at Marina Parcel 10, 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; and

- 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.
- 48. In conformance with the approved parking plans on file with Regional Planning and contained within Exhibit "A," the permittee shall provide a minimum of 242 parking spaces on-site, of which 234 spaces shall be standard parking spaces and 8 spaces shall be disabled parking spaces. In addition, of the 242 on-site parking spaces, 210 spaces shall be reserved for apartment tenant parking and 32 spaces shall be reserved for apartment guest parking.
 - 49. 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.
 - 50. 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.
 - 51. Site development shall be conducted in conformance with the archeological reporting requirements set forth in the Zoning Code.
 - 52. 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.

53. 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.
54. 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.
55. 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 the project's apartment building a promotional kiosk or bulletin board containing information on visitor-serving attractions in the Marina.
56. 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.
57. 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.
58. 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.
59. 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.
60. 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.
61. 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.

62. 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.
63. 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.
64. The project's buildings shall be designed and constructed utilizing earthquake-resistant construction and engineering practices so as to withstand a seismic event. Public Works shall determine in its discretion whether the permittee shall be required to undertake an earthquake study prior to obtaining any building permit for the project. If any earthquake study is undertaken, such study shall comply with the latest recommendations of the state Department of Conservation and the Seismic Safety Board.
65. 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.
66. 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.
67. 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.
68. 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.

69. 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.
70. Outside lighting shall be arranged to prevent glare or direct illumination onto any adjacent properties and shall be subject to the requirements of DCB.
71. Project development shall conform to the phasing schedules in the LCP. The phasing schedules include requirements for circulation, and public recreation improvements and infrastructure.
72. 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.
73. 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 \$105,336.00, which is calculated by multiplying the fee per dwelling unit (\$836.00) by 126 dwelling units ($\$836.00 \times 126 = \$105,336.00$).
74. The aforementioned conditions shall run with the land and shall be binding on all lessees and sublessees of Marina Parcel 14.

Attachment:

Mitigation Monitoring Plan (Pages 1-28)

Conditions of Approval for Wetland Park (Pages 1-15)

(Coastal Development Permit Number 2006-00006-(4))

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

Mitigation Monitoring Program

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
<p>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>	<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>	<p>The applicant shall submit an Erosion Control Plan to protect the project from improper surface drainage.</p>	<p>Department of Public Works, Building and Safety</p>	<p>Prior to the issuance of grading permit</p>
	<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>Field inspections</p>	<p>Building and Safety</p>	<p>On going during construction</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>			

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

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

Mitigation Monitoring Program

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>			

Mitigation Monitoring Program

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.				
	<p>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.</p>	Field inspection	Building and Safety	On going during construction
	<p>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.</p>	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	<p>Vibration Impacts</p> <p>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)</p>	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)			
<p style="text-align: center;">HYDROLOGY AND DRAINAGE</p> <p>During construction, landslide 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</p>				
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

Mitigation Monitoring Program

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
<p>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.</p>				
<p>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>	<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>	<p>Implementation of boat slip sublease agreements by the applicant</p>	<p>County Beaches and Harbors, Harbor Patrol</p>	<p>Throughout the life of the project</p>

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	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: a. Configure construction parking to minimize traffic interference. b. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person). c. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable. d. Reroute construction trucks away from congested streets. e. Consolidate truck deliveries when possible. f. Provide dedicated turn lanes for movement of construction trucks and equipment on and off site. g. Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions. h. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.	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, FE, 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>			

Mitigation Monitoring Program

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	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	the individual project components.			
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.	<p>Global Climate Change</p> <p>5.4-11. The project shall achieve energy efficiency equivalent to the California Energy Commission Tier II building energy use standards.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>5.4-15. The project applicant shall install high-efficiency toilets (maximum 1.28 gallons/flush) when tank-type toilets are installed.</p> <p>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.</p>	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.

Mitigation Monitoring Program

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>	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
	<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>	Qualified biologist to monitor construction activities	Department of Regional Planning	During construction
	<p>5.5-3. Waterside development and construction activities will be</p>			

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
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.	<p>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)</p> <p>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)</p>	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

Mitigation Monitoring Program

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
<p>crowned night-heron and snowy egret when found nesting in project area landscape trees.</p>	<p>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>			
	<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 	<p>Qualified biologist to monitor construction activities</p>	<p>Department of Regional Planning</p>	<p>Prior to and during construction</p>

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				

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.				
Cumulative Impacts 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>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)	The applicant shall pay fees to the transportation improvement fund.	Department of Public Works	Prior to construction
SEWER SERVICE				
The proposed development would generate an increase demand for sewage.	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	The applicant shall submit a will serve letter from the Department of Public Works, Sewer Maintenance Division	Department of Public Works, Sewer Maintenance Division	Prior to the issuance of building permits

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.	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)	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)	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: <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				
Construction Impacts Site development and construction would normally not require services from the County Sheriff's Department, except in the cases of trespass, theft, and/or vandalism. Implementation of standard construction-traffic control procedures such as flagmen and signage would further reduce any potential impact. 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>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>	The applicant shall submit site design to the County Sheriff's Department	County Sheriff's Department	Prior to issuance of demolition and grading permits

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>	<p>The applicant shall submit a Fire Safe Plan</p>	<p>County of Los Angeles Fire Department</p>	<p>Prior to issuance of building permits</p>

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>			
<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>LIBRARY SERVICES</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>	Applicant for residential apartments to pay library mitigation impact fee to County Librarian	Los Angeles County Librarian	Prior to issuance of certificate of occupancy

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.				

**CONDITIONS OF APPROVAL
PROJECT NUMBER R2006-03643-(4)
COASTAL DEVELOPMENT PERMIT NUMBER 2006-00006-(4)**

1. This grant authorizes the site preparation, extraction of structural pilings, construction and maintenance of a 1.46-acre public upland and wetland park ("Wetland Park") on the southern portion of Parcel 9 in Marina del Rey ("Marina"). This grant also authorizes the construction of a 28-foot-wide waterfront pedestrian promenade on the waterside of Parcel 9. All improvements described herein shall be 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, or bearing the obligation to perform the conditions 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 14. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 2, 5, 6, 7, 9, 10, and 14 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 plans, the Wetland Park Restoration Plan, and the other related 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 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 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.
15. 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").
16. 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.
17. All development shall comply with the requirements of Title 22 of the Los Angeles 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.
18. 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.
19. 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.
20. 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: (a) show the size, type and location of all landscaping, irrigation and watering facilities, and on-site plants and trees; (b) include details for the waterfront public pedestrian promenade, including surfacing materials, lighting, benches and other facilities; and (c) contain a planting plan prohibiting the use of exotic invasive plants. 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.

21. 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.
22. 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. The permittee shall comply with the provisions of Chapter 12.12 of the Los Angeles County Code ("County Code") governing construction noise.
 - 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 sources of stationary construction noise shall be sheltered or enclosed 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 an adjacent off-site location, which off-site location shall be approved by the Director, agreed to by the lessee of said location, and buffered from nearby residences.
- F. If the permittee chooses to provide parking for construction workers or storage of construction equipment/materials off-site, the permittee shall submit plans for temporary construction worker parking and equipment/materials storage to the Director for the Director's prior review and approval. Such plans shall demonstrate to the satisfaction of the Director that the off-site parking will not interfere with the enjoyment of any uses then-existing on the off-site property.
- G. 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.
- H. Prior to any construction activities for the project, the permittee shall post a notice in a conspicuous location at the staging site and along the project-related truck hauling route. The notice shall describe the project, the anticipated duration of construction activity, and provide a phone number where people can lodge questions and complaints. The site plan submitted by the permittee to the Director shall show the location and state the content of the required notice. 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 Regional Planning upon request.
- I. Prior to any construction activities for the project, the permittee shall submit a site plan to the Director for approval depicting the location of all construction staging areas, providing the expected duration of construction activities, and stating the location and content of any project-related notices required by these conditions.
- J. The permittee shall develop and implement a construction management plan, as approved by the Director and the Director of Public Works, which includes all of the following measures as recommended by the South

Coast Air Quality Management District ("SCAQMD"), or other measures of equivalent effectiveness approved by the SCAQMD:

- i. Configure construction parking to minimize traffic interference;
 - ii. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person);
 - iii. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable as determined by the Director of Public Works;
 - iv. Consolidate truck deliveries when possible;
 - v. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site;
 - vi. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at (800) 242-4022 for daily forecasts;
 - vii. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators, except as approved by the Director;
 - viii. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices; and
 - ix. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.
- K. 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.
- L. 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.
23. In conformance with the approved parking plans on file with Regional Planning and contained in Exhibit "A," the permittee shall provide a minimum of 21 public parking spaces on-site for use by visitors to the Wetland Park. These parking spaces shall comply with the requirements set forth in Part 11 of Chapter 22.52

of the County Code and will be subject to an hourly use fee to be determined by the County.

24. 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.
25. The permittee shall install conspicuous signage, as shown on the final signage plan approved by DCB, at each bulkhead entrance and along the length of the waterfront promenade identifying these locations as public access ways.
26. The permittee shall install benches along the waterfront promenade to the satisfaction of DCB.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.

32. Site development shall be conducted in conformance with the archeological reporting requirements in the Zoning Code.
33. 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.
34. The permittee shall maintain the site in a neat and orderly fashion and free of litter. All areas of the project site 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.
35. Outside lighting shall be arranged to prevent glare or direct illumination onto any adjacent properties and shall be subject to the requirements of DCB.
36. 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, and the submittal of biological reports and construction monitoring. 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.
37. Prior to initiating development of the project, the permittee shall retain a licensed wetland restoration ecologist ("Project Restoration Specialist") pre-approved by the Director. The Project Restoration Specialist shall be responsible for ensuring the permittee's compliance with Condition Nos. 38 through 42.
38. In order to maximize wildlife values, no trails or gathering areas, such as picnic tables or pavilions, shall be allowed: (a) between the parking lot located on Marina Parcel 8, which parking lot is adjacent to the Wetland Park, and the wetland area within the park; or (b) between the waterfront promenade and the wetland area within the park. These restrictions do not apply to the 28-foot wide public pedestrian promenade to be developed along the Parcel 9 bulkhead.
39. The permittee shall adhere to the following performance standards for a period of five years commencing on the date the Wetland Park opens to the public ("Establishment Term"). The permittee shall have the right to record an affidavit reflecting the commencement of the Establishment Term.

Vegetation Performance Standards

A. *Saltwater Marsh Plantings*

First-Year Monitoring

Success Standard: 30 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall be represented in the restoration site; and
- No more than 10 percent coverage by non-native plant species shall be allowed.

Second-Year Monitoring

Success Standard: 40 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall be represented in the restoration site; and
- No more than five percent coverage by non-native plant species shall be allowed.

Third-Year Monitoring

Success Standard: 50 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall each attain at least five percent cover of the total native cover; and
- No more than five percent coverage by non-native plant species shall be allowed.

Fourth-Year Monitoring

Success Standard: 60 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall each attain at least five percent cover of the total native cover; and
- No more than five percent coverage by non-native plant species shall be allowed.

Fifth-Year Monitoring

Success Standard: 75 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall each attain at least five percent cover of the total native cover; and
- No more than five percent coverage by non-native plant species shall be allowed.

B. *Coastal Prairie Plantings*

First-Year Monitoring

Success Standard: 35 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall be represented in the restoration site; and
- No more than 10 percent coverage by non-native plant species shall be allowed.

Second-Year Monitoring

Success Standard: 50 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall be represented in the restoration site; and
- No more than five percent coverage by non-native plant species shall be allowed.

Third-Year Monitoring

Success Standard: 60 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall each attain at least five percent cover of the total native cover; and
- No more than five percent coverage by non-native plant species shall be allowed.

Fourth-Year Monitoring

Success Standard: 70 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall each attain at least five percent cover of the total native cover; and
- No more than five percent coverage by non-native plant species shall be allowed.

Fifth-Year Monitoring

Success Standard: 80 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall each attain at least five percent cover of the total native cover; and
- No more than five percent coverage by non-native plant species shall be allowed.

C. *Coastal Sage Scrub, Coastal Bluff Scrub and Maritime Chaparral Plantings*

First-Year Monitoring

Success Standard: 35 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- No more than 10 percent coverage by non-native plant species shall be allowed.

Second-Year Monitoring

Success Standard: 50 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- No more than five percent coverage by non-native plant species shall be allowed.

Third-Year Monitoring

Success Standard: 60 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- No more than five percent coverage by non-native plant species shall be allowed.

Fourth-Year Monitoring

Success Standard: 70 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- No more than five percent coverage by non-native plant species shall be allowed.

Fifth-Year Monitoring

Success Standard: 80 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- No more than five percent coverage by non-native plant species shall be allowed.

40. The permittee shall adhere to the following requirements during the 5-Year Wetland Park Establishment Term:

Saltwater Marsh; Coastal Prairie Plantings; and Coastal Sage Scrub, Coastal Bluff Scrub and Maritime Chaparral Plantings

- A. **Weeding:** Weeding shall be conducted as necessary and/or as directed by the Project Restoration Specialist. At a minimum, weeding shall be conducted monthly during the first six months of the Establishment Term, and quarterly during months seven through 60 thereafter. The permittee shall ensure all maintenance personnel are properly trained to identify target species so as to avoid the inadvertent removal of such species during weeding. Because the non-native seed bank will be removed and tidal inundation will suppress many of the common weeds, the amount of weeding may be limited, and thus the Project Restoration Specialist shall coordinate all weeding activities.

For coastal prairie, coastal scrub and chaparral plantings, weeding shall be conducted as necessary and/or as directed by the Project Restoration Specialist. At a minimum, weeding shall be conducted monthly during the first six months of the Establishment Term, and quarterly during months seven through 60 thereafter. Once plantings are established, mulch may be incorporated into problem areas to suppress weeds, if approved by the Project Restoration Specialist.

- B. **Plant Replacement:** Dead or damaged container stock, as identified by the Project Restoration Specialist during on-site field surveys, shall be replaced during the first year as necessary to ensure compliance with the performance standards outlined in Condition No. 39 of this grant.
- C. **Trash Removal:** Trash removal shall be conducted during weeding and other maintenance visits.

41. Following the expiration of the five-year Establishment Term, the permittee shall adhere to the following requirements for the life of the project:

Saltwater Marsh

Once the above-referenced performance standards in Condition Nos. 39 and 40 have been achieved for the salt marsh habitat, the saltwater influence should suppress any undesirable non-native plants for the life of the project. Therefore, no weeding shall be required within the wetland area after the Project Restoration Specialist confirms in writing to the Director that the above-referenced performance standards have been achieved. The permittee shall continue to conduct trash removal on a monthly basis, or more frequently as needed.

Coastal Prairie Plantings; and Coastal Sage Scrub, Coastal Bluff Scrub and Maritime Chaparral Plantings

Once the performance standards in Condition Nos. 39-40 have been achieved, as confirmed by the Project Restoration Specialist in writing to the Director, weeding shall only be performed for aesthetic purposes, as determined by the Project Restoration Specialist in coordination with the permittee's project landscape contractor. The permittee shall continue to conduct trash removal on a monthly basis, or more frequently as needed.

42. At the end of each of the five-year monitoring seasons outlined in Condition No. 39, the Project Restoration Specialist shall prepare and submit a report to the Director, the Director of the County Department of Beaches and Harbors, and the Executive Director of the California Coastal Commission, on or before December 31, of the calendar year in which the applicable monitored period ended, which report shall assess the attainment of yearly target criteria and the progress toward final success criteria, and shall include the following information:
- A. A list of names, titles, and companies of all persons who prepared the content of the annual report and participated in monitoring activities for that year;
 - B. An analysis of all qualitative monitoring data;
 - C. Copies of monitoring photographs;
 - D. Maps identifying monitoring areas, transects, planting zones, and other information, as appropriate; and
 - E. Copies of all previous reports.

43. The aforementioned conditions shall run with the land and shall be binding on all lessees and sublessees of the Wetland Park on Marina Parcel 9.

RECEIVED
South Coast Region**CALIFORNIA COASTAL COMMISSION**SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 591-5084

JUN 7 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: Carla Andrus (individual) and Nancy Vernon Marino - We ARE Marina del Rey

Mailing Address: PO BOX 9096

City: Marina del Rey

Zip Code: 90295

Phone: 310-306-3181

SECTION II. Decision Being Appealed

1. Name of local/port government:

Los Angeles County

2. Brief description of development being appealed:

Project Number R2006-03652-(4)/Coastal Development Permit Number 2006-00009-(4) on former Parcel FF, now known as Parcel 14 in Marina del Rey. Demolition of an existing 202-space public parking lot and the construction of a 126-unit apartment complex.

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

Parcel 14 (formerly Parcel FF) at the Northeast corner of Via Marina and Marquesas in Marina del Rey, Los Angeles County, Playa del Rey Zoned District.

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

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

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-5-MDR-12-162

DATE FILED:

6/7/12

DISTRICT:

South Coast

EXHIBIT NO.

5

Application Number

A5-MDR-12-162

Appeal Letter

California Coastal Commission

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 Number R2006-03652-(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) Santos Kreimann, Director, 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 and related exhibits

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.

Carla Andrus

Nancy Vernon Marino

Signature of Appellant(s) or Authorized Agent

Date: 6/5/12

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#2006-00009-(4) Does not Conform to the Certified Marina del Rey LCP and the Public Access and Recreation sections of the Coastal Act

The proposed 126-unit residential project on Parcel 14, formerly known as Parcel FF in Marina del Rey, herein referred to as Parcel FF (Coastal Development Permit #2006-00009-(4), the "Parcel FF Project") does not conform with the Marina del Rey Certified Local Coastal Program or with the public access and recreation policies of the Coastal Act for the following reasons:

1) MITIGATION TO TRANSFER REQUIRED PUBLIC PARK ON PARCEL FF TO WETLAND PARK ON PARCEL 9 IS UNENFORCEABLE

The proposed mitigation for the Parcel FF Project does not conform to Chapter 5a of Certified MdR LCP because the proposed mitigation to transfer the public park from Parcel FF to the wetland park on Parcel 9 is unenforceable.

Per the 1996 MdR LCP, LA County was required to build a public park on parcel FF in exchange for/as mitigation for adding 1500 units of residential development potential to the LCP. The amendment established the Coastal Improvement Fund whereby developers were to deposit \$600 per new unit of development to build a public park on Parcel FF and to enhance the Oxford Basin for public use.

The public park was never built despite collecting sufficient funds (see section 4 below). Fifteen years later, as part of the 2012 MdR LCP amendment, the existing mitigation was mitigated by transferring the public park from Parcel FF to the proposed Wetland Park on Parcel 9 before the merits of the proposed wetland park were reviewed by Commissioners.

This new mitigation of the original mitigation is unenforceable. The concurrent appeal of the proposed Wetland Park (CDP #200600006-(4)) by David Barish of We ARE Marina del Rey and Marcia Hanscom of the Wetlands Defense Fund, shows that the Wetland Park project violates the Coastal Act and the Certified MdR LCP, and cannot be built (Exhibit 1).

Thus a wetland park cannot be used as mitigation for building apartments on Parcel FF. And as detailed in section 6 below, the additional mitigations provided for the loss of open space/park space on Parcel FF are unenforceable and/or insufficient.

Therefore, CDP # 2006-00009-(4), does not conform to the Mdr LCP and the Coastal Act and requires a de novo hearing by the Coastal Commission.

2) LOSS OF PUBLIC PARKING ON PARCEL FF NEGATIVELY IMPACTS PUBLIC ACCESS

The loss of public parking in the area will negatively impact public access to the Marina and to nearby areas including Venice Beach, the visitor serving amenities on Washington Boulevard, the Venice Canals walkway and the Ballona Lagoon Public Sidewalk. This past Memorial Day, May 28, 2012, Parking lot FF was full. This negative impact on public coastal access violates Coastal Act Sections 30211, 30213, 30221 and 30222.

Therefore, CDP # 2006-00009-(4), does not conform to the Coastal Act and requires a de novo hearing by the Commission.

3) WHAT HAPPENDED TO TIME AND DOLLAR THRESHOLDS TO BUILD THE PUBLIC PARK ON PARCEL FF?

A few key provisions approved by the Coastal Commission in May 1995 during the hearings for the MdR LCP amendment (Exhibit 2, pages 2, 3, 10, 35 and 36 of staff report) required that LA County commence construction of the public park on Parcel FF when:

1. the Coastal Improvement Fund balance reached \$200,000. The \$200,000 figure was calculated based on the \$100,000 cost per acre to build park space (per the MdR LCP) multiplied by the 2-acre size of Parcel FF.
2. If, after 3 years, the fund balance had not reached \$200,000, then LA County was required to start construction of the public park with the funds that were available.
3. If, after 5 years, the public park had not commenced construction, LA County was to return to the Coastal Commission seeking an amendment that found a way to fund public park construction costs.

Repeated requests to Coastal Commission Staff to determine what happened to these provisions have yielded no answers to date.

We believe LA County has grossly mishandled, and may have manipulated, the accounting of the Coastal Improvement Fund (see section 4 below), in order to keep the Coastal Improvement Fund under the \$200,000 estimated cost. Then they could state there were insufficient funds available to build the public park and gain approval from the Coastal Commission on November 3, 2011 to get out of the requirement to build a public park on Parcel FF.

4) COASTAL IMPROVEMENT FUND BALANCE GROSSLY UNDERSTATED IN VIOLATION OF PROVISIONS OF CERTIFIED LCP

The monies collected in the Coastal Improvement Fund have been materially understated. This fund was established by the Coastal Commission in 1996 to collect money to specifically build a public park on Parcel FF.

At the November 3, 2011 LCP amendment public hearing, Deputy Director Ainsworth reported to the Commission that only \$35,000 was in Coastal Improvement Fund and, thus, there were insufficient funds to build the park. He was responding to critical questions about the public park on parcel FF raised by Commissioner Sanchez (See Exhibit 3 transcript of questions and answers between Commissioner Sanchez and Deputy Director Ainsworth).

LA County also previously stated on numerous occasions during the Parcel FF Project approval process that there were insufficient funds to build a park on Parcel FF in order to justify the Parcel FF Project.

We believe, the lack of funds in the Coastal Improvement Fund, along with the other factors listed in this appeal, prompted the Commission to allow LA County to get out of building a public park on Parcel FF and to convert the land use from open space to residential use.

After the hearing last November, local residents, Carla Andrus and mathematician Daniel Gottlieb, discovered that monies due to the Coastal Improvement Fund were either unpaid, unaccounted for or credited inappropriately leading to the conclusion that the Coastal Improvement Fund was materially understated and LA County did actually have sufficient funds to build a public park on Parcel FF.

Starting from a Coastal Improvement Fund balance spreadsheet dated May 17, 2011 (obtained through from LA County through a Public Records Act Request, Exhibit 4), Ms. Andrus and Mr. Gottlieb submitted further public records requests and asked more questions which revealed the following:

- a payment of \$76,800 plus interest of \$50,000 was sitting in the actual County designated Coastal Improvement Fund account. This total of over \$126,800 was unaccounted for in the fund balance.
- The amount of \$32,855 from Admiralty Apartments was uncollected and past due by at least 3-4 years in violation of their CDP. This may be why the developer finally made their payment to LA County on the day of the LCP amendment hearing (November 3, 2011).
- The amount of \$30,660 from Esprit 1 was located in an unrelated LA County non-interest bearing account.

- The amount of \$43,905 from Esprit 2 was not yet collected because the developer had not received building permits.

Based on the above, at the time of the hearing on November 11, 2011 in Oceanside, there was in fact \$192,461 in the Coastal Improvement Fund (Exhibit 5) not including interest that should have accrued on the \$30,660 payment from Esprit I that was due over five years ago.

5) ABUSE OF COASTAL IMPROVEMENT FUND CREDIT PROVIDED TO DEVELOPERS BY LA COUNTY UNDERSTATED COASTAL IMPROVEMENT FUND BALANCE

The monies collected in the Coastal Improvement Fund have been understated because fund credits were provided to developers in an abusive manner.

Developers were given credits against monies due to the Coastal Improvement Fund for private onsite open space improvements in violation of the MdR LCP, which requires credits only be provided for certain public use improvements built onsite.

After further review of LA County documents (Exhibit 6) and discussions with LA County staff regarding these credits, it was determined that:

- One developer received credits worth \$302,625 for their resident swimming pool and spa¹ and residential courtyards, deck areas and onsite landscaping. With the credit, the developer paid \$0 into the fund. Without the credit, the developer would have owed up to \$131,576, which would have been payable in early 2011.

¹*LA County is stating that the developer will make their pool and spa open to the public, however, there were no details about this in the project plans or EIR, there is no public parking on site and it is doubtful that this will come to fruition, given that the Ritz Carlton stopped allowing the public to their pool even though it was required.*

- Another developer received credits worth \$31,944 for non-waterfront sidewalk improvements and landscaping along said sidewalk, which is already required for new developments to obtain a CDP in the first place (i.e., double dipping).
- Another developer received credits worth \$159,539 for improving the existing promenade along the water, which is already required for new developments to obtain a CDP in the first place. In order to build a lower coastal priority use, public access and recreation must be provided. To also claim this improvement for open space improvement credits is double dipping.

- And another developer received credits of \$67,413, for what we are not sure because LA County was unable to produce the details of the credits received.

In total, there is \$390,472 in questionable credits issued to developers, all prior to the hearing in November 2011.

The questionable credits combined with the unaccounted for monies together would greatly exceed the \$200,000 cost/threshold to build a public park and are materially higher than the \$35,000 reported to the Commission by Deputy Director Ainsworth on November 3, 2011.

Therefore, CDP # 2006-00009-(4) does not conform to the Mdr LCP and the Coastal Act and requires a de novo hearing by the Commission.

6) ADDITIONAL MITIGATIONS PROVIDED FOR LOSS OF PUBLIC PARK/OPEN SPACE ON PARCEL FF UNENFORCEABLE AND/OR INSUFFICIENT

As part of the 2012 MdR LCP Amendment, additional mitigations were provided for the loss on Parcel FF of public parking, the public park and open space. The additional proposed mitigations of this original mitigation were provided for as follows:

1. Move open space from Parcel FF to Parcel 9 Wetland Park
2. Add open space to parcels 45 and 47 in Burton Chase Park
3. Move 101 public parking spaces to Burton Chase Park area
4. Add an 11-slip transient dock in front of the proposed hotel on parcel 9
5. Require the developer to pay \$1200 per unit into the Coastal Improvement Fund versus \$600

However, these mitigations are either unenforceable or insufficient because:

- Parcel 9 is existing open space and has provided open space to visitors and the community for over 40 years. Thus the open space transfer from FF is not a gain of 1.46 acres but a net loss of 2 acres.
- Parcels 45 and 47 Open space mitigations are unenforceable because the Yacht Club Lease on Parcel 47 was extended for up to 8 years by the LA County Board of Supervisors on August 30, 2011. Thus any open space on this parcel may not happen for eight years, if at all.

Additionally, the MdR LCP designates Parcels 45 and 47 with the Waterfront Overlay Zone (WOZ) designation. This allows LA County to convert the current uses (including the proposed open space uses) to other uses without amendment or Commission approval.

Thus, there is no guarantee that open space will ever be provided on Parcels 45 or 47 especially given LA County's existing track record of agreeing to mitigations and not carrying them out. Thus, this mitigation is unenforceable and fails to mitigate the loss of open space from the proposed residential project on parcel FF.

- The 11-slip transient dock at the foot of proposed hotel has limited general public use and is most likely to be used for hotel guests not the general public. It fails to mitigate loss of open space and public park from Parcel FF.
- Concentrating open space near Burton Chase Park is inconsistent with Section 30212.5 of the Coastal Act
- Some of these mitigations for the 1500 additional residential units of development potential on the West side of the Marina are being placed far from where the impacts will occur
- There is no guarantee that LA County will use the extra mitigation fees charged to the developer of the Parcel FF Project for their stated purposes. These are the same fees that were set up to build a park on Parcel FF which LA County never honored and misled the Coastal Commission as to the true balance of the account (see Section 5 below).

Therefore, CDP # 2006-00009-(4) does not conform to the Mdr LCP and the Coastal Act and requires a de novo hearing by the Coastal Commission.

7) RESIDENTIAL APARTMENTS ON PARCEL FF NOT A HIGH PRIORITY COASTAL USE

Residential apartments on Parcel FF is a very low coastal priority use compared to a public park and public parking/access. Thus the proposed project, CDP # 2006-00009-(4), violates the Mdr LCP policies Chapter 8 Land Use: Section e Policies and Actions: Priority Objectives #1 pg 8-11 and Non-Priority Uses #1 pg 8-13 in addition to Coastal Act Sections 30221 and 30221.

Therefore, CDP # 2006-00009-(4) does not conform to the Mdr LCP and the Coastal Act and requires a de novo hearing by the Coastal Commission.

Although Parcel FF is now designated for residential use, residential use per the Mdr LCP includes public parking and public parks.

8) OUR PROPOSAL

We propose that LA County construct a public park on Parcel FF that retains 50 public parking spaces using the existing coastal improvement funds of \$193,000. The park and a public parking lot are both permitted uses under the residential land use designation provided by the current certified LCP.

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 591-5084

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

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

SECTION I. Appellant(s)

Name: David Barish - We ARE Marina del Rey AND Marcia Hanscom - Wetlands Defense Fund
Mailing Address: David Barish PO BOX 9096, MdR CA 90292/Marcia Hanscom 322 Culver Blvd, Ste. 317
City: Playa del Rey Zip Code: 90293 Phone: 310-909-6697

SECTION II. Decision Being Appealed

1. Name of local/port government:

Los Angeles County

2. Brief description of development being appealed:

Proposed Wetland Park, Project Number R2006-03643-(4)/CDP #200600006-(4) on Parcel 9 in Marina del Rey which proposes to restore the existing delineated wetland

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

Parcel 9 at Tahiti Way and Via Marina in Marina del Rey, Los Angeles County

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

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

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

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 Number R2006-03643-(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:

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

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) The Hardage Group, 11975 El Camino Real, Suite 104, San Diego, CA 92130

(4) Anita Gutierrez Principal Planner and Richard Bruckner, Director of Los Angeles County Department of Regional Planning

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

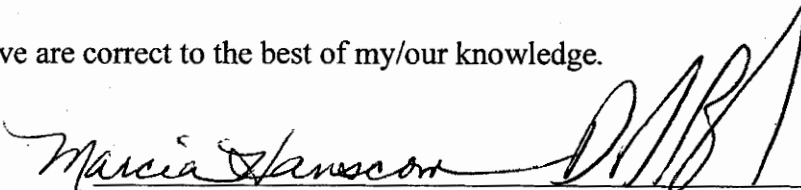
- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local 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 and related exhibits.

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: 6/6/2012

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#2006-00006-(4) does not Conform to the Certified Marina del Rey LCP and the Public Access and Recreation sections of the Coastal Act

The proposed Wetland Park Project (CDP #200600006-(4), the 'Wetland Project') calls for the construction of a 1.46-acre public wetland and upland park on the southern portion of the 3.66-acre Parcel 9 in Marina del Rey.

Because of the reasons listed below, the Wetland Project does not conform to the standards set forth in Section 5a of the Certified Marina del Rey Local Coastal Program which incorporates Coastal Act Section 30233 because:

1. The filling of wetlands to make room for commercial development is not permissible per Coastal Act Section 30233 and existing case law (Bolsa Chica Land Trust et al., v. Superior Court of San Diego County) AND
2. The filling and/or restoration of wetlands is only permitted where there is no feasible less environmentally damaging alternative (Coastal Act Section 30233)
3. The existing wetland boundary appears to have been underestimated. Therefore, the extent of the existing wetland proposed to be filled is underestimated
4. The buffer provided for in the Wetland Project is only 25 feet

Based on our review of the restoration plan, site plans and related documents, we have determined that the Wetland Projects restoration plan will do the following:

1. Fill in parts of the northern end of the existing delineated wetland, which includes a 3-parameter delineated area (the extent of one parameter wetland, which is protected under the Coastal Commission's legally supported guidelines is needed to determine what area needs protection). The 3-parameter approach is what is used by the US Army Corps of Engineers and is a definition that was determined for use after researchers had studied mostly east coast wetlands. The one-parameter approach takes into account more arid, low rainfall areas, like the southwestern United States, and is also the approach used by the U.S. Fish & Wildlife Service.
AND
2. Create a new wetland environment (a type conversion of habitat) on the remaining existing wetland AND on the southern end of the parcel, an area which is currently not included in the delineated wetland boundary

In other words, the restoration "fills and moves" the existing wetland south to make room for the proposed hotel project on the same Parcel 9.

Therefore, we urge the Coastal Commission to find that substantial issue has been raised by our appeal and that a de novo hearing be scheduled.

1. WETLAND CANNOT BE FILLED/MOVED AND/OR RESTORED FOR COMMERCIAL DEVELOPMENT PURPOSES

The restoration plan for the proposed Wetland Project violates Coastal Act Section 30233 because case law, including *Bolsa Chica Land Trust et al., v. Superior Court of San Diego County*, has found that neither restoration that is carried out for the purpose of development nor the movement/fill of wetlands for the purpose of development is permitted under Section 30233.

We took the proposed Parcel 9 hotel project site plans, both original (Exhibit 1A) and as most recently modified (Exhibit 1B), and measured two lines across the parcel that represent the edge of a 25-foot buffer around the existing wetland AND the edge of the 3-parameter wetland area within the existing wetland (Exhibits 1A/1B).

The result was the hotel grounds (original plans) and hotel building (modified plans) would extend into a 25-foot buffer around the existing wetland. Additionally, the hotel's fire lane under both plans would extend into the 3-parameter wetland area within the existing wetland (about 40-50 feet). A one-parameter wetland area needs to be delineated in order to determine exact compliance under the Coastal Act and the Coastal Commission's guidelines.

We also took the wetland delineation boundary map from the project EIR and measured two lines across the parcel that represent the edge of a 25-foot buffer around the existing wetland AND the edge of the proposed Wetland Project including 25-foot buffer (Exhibit 1C). This diagram clearly demonstrates how parts of the existing wetland will be filled and shows the southward movement of the restored wetland under the proposed Wetland Project when compared to the existing wetland.

The proposed hotel plans cannot fit onto Parcel 9 alongside the existing delineated wetland. Thus, in order to make room for the proposed hotel project on Parcel 9, including its required fire lane and the included 25-foot buffer around the proposed wetland park, the Wetland Project restoration plan calls for filling parts of the existing wetland; reshaping and moving the existing wetland south by approximately 40-50 feet; and adding new wetland areas on the south that were not delineated as wetland previously. (Exhibits 2A/2B)

In fact, the developer for the proposed hotel admitted in an email LA County's consultant, Andi Culbertson dated June 3, 2004, that the hotel will encroach on the wetland (Exhibit 3).

And Richard Bruckner, Director of LA County's Department of Regional Planning, confirmed in his memo to Commissioner Shallenberger dated 11/1/2011 (Exhibit 4) that the hotel does encroach on the existing wetland but not as reconfigured:

"Basically, the commenters impose the 25-foot buffer around this construction relic* as it currently exists as opposed to as reconfigured by restoration jointly prepared by the County and Coastal Commission Staff." (emphasis included in original memo)

*By construction relic, he means the existing delineated wetland.

In other words, the proposed hotel projects would encroach on the existing wetland but not the Wetland Park as proposed and restored. This is the exact issue that was litigated in the Bolsa Chica decision. The wetlands were not in a convenient location for the developers, and they wanted to move them so that the housing and roads could be more easily located together. The Appeals Court found this to be impermissible.

Based on the site plans in Exhibits 1-2, this means an existing 3-parameter delineated area within the overall existing wetland will be filled in and the buffer zone of the proposed Wetland Park and fire lane of the proposed Hotel will be built over the existing wetland.

LA County has not indicated any plans to proceed with the site restoration absent any development. In fact, the Wetland Park is integrally tied to the Parcel FF Project, CDP#2006-00009-(4) because the proposed Wetland Park is serving as mitigation for the loss of open space/public park (Exhibit 5), a project that is concurrently being appealed to this Commission (see Parcel FF Appeal).

Furthermore, the cost of the proposed Wetland Park project will be funded in full by the developers of the proposed adjacent hotel project and the developers of the Parcel FF Project.

Coastal Act Section 30233 and existing case law (Bolsa Chica Land Trust et al., v. Superior Court of San Diego County) do not permit restoration that is carried out for the purpose of development nor do they allow wetlands to be moved/filled in for the purpose of development or restoration.

Therefore, CDP # 2006-00006-(4), violates the MdR LCP and the Coastal Act and requires a de novo hearing by the Commission.

2. WETLAND PARK NOT LESS ENVIRONMENTALLY DAMAGING ALTERNATIVE

Coastal Act section 30233 only permits restoration where there is no feasible less environmentally damaging alternative. The proposed Wetland Park is not a less environmentally damaging alternative as a 3-parameter delineated wetland currently exists on site, and it has been utilized by wildlife, including Great Blue Herons and Great Egrets foraging (feeding) and resting for many years.

Additionally, the restoration plan for the proposed Wetland Park calls for taking a large part of the existing 3-parameter wetland and turning it into a tidally influenced salt marsh which will be inundated daily with the tides. This will preclude the presence of current wetland indicator plants (hydrophytic vegetation), which are more in harmony with the fresh and brackish water marshes that the historical T-sheets inform us were present. Thus, a 3-parameter wetland will be converted to a 1-parameter wetland (or possibly 2-parameters), and it will be a type-conversion of habitat—not the sort of habitat that currently exists there nor the type of habitat historically present in this area. A feasible, less damaging alternative is to design the project so as to leave the present habitat values in place, design buffers, buildings and walkways so as to avoid impacts to the currently functioning wetland and to plant additional wetland plants that would complement the current conditions, not remove the current conditions and create a new wetland.

Therefore, CDP # 2006-00006-(4), violates the MdR LCP and the Coastal Act and requires a de novo hearing by the Commission.

3. EXISTING WETLAND BOUNDARY UNDERESTIMATED

Based on a review of the 2008 Jurisdictional Wetland Status Memo prepared by Glen Lukos and Associates (Exhibit 6), including the data forms in Appendix A and B to said memo, we have determined that the biologist had incorrectly established the wetland boundary due to inconsistencies in application of the 1-parameter Coastal Commission methodology of wetland delineation and due to misstatements of facts and findings.

The Coastal Commission methodology of wetland delineation requires only one of three wetland parameters be met: wetland hydrology, hydric soils OR hydrophytic vegetation.

Northern Boundary

The data forms included in Appendix B of the 2008 JDR Memo for points 08H to 08N, points all located to the north of the northern wetland boundary detailed on Exhibit 3 of the 2008 JDR Memo all show that one of the three parameters are met, eg a predominance of hydrophytic vegetation is present. In fact, data points 08-D, 08F and 08G are all included in the 1-parameter wetland delineation despite showing just one parameter is met, that of a predominance of hydrophytic vegetation.

To justify the exclusion of data points 8J-8N from the wetland delineation, the author of the memo, Tony Bomkamp, concludes:

‘Each of the five data points exhibited a predominance of plants with an indicator status of FAC or wetter, including sicklegrass (*Parapholis incurva*, OBL), Australian saltbush (*Atriplex semibaccata*, FAC), small-flowered iceplant (*Mesembryanthemum nodiflorum*, FAC), fivehook bassia

(*Bassia hyssopifolia*, FAC), Bermuda grass (*Cynodon dactylon*, FACU), Italian ryegrass (*Lolium multiflorum*, UPL), seaside heliotrope (*Heliotropium curassavicum*, FAC) and riggut brome (*Bromus diandrus*, UPL). However, relative to the areas vegetated with pickleweed and sicklegrass that are included within the one-parameter wetland boundary discussed above and depicted by Exhibit 3, which included no dominant facultative species, **these five data points contained a significant number of facultative and upland species. More importantly, these areas demonstrably lack wetland hydrology and as such, the plants cannot be growing as "hydrophytes" because the area lacks wetland hydrology.** (emphasis added)

However, the conclusions above are not supported by the underlying data collected in the field by the author as demonstrated by the following table:

Data Point	% Cover OBL/FACW	% Cover FAC	% Cover UPL	% Cover Bare Ground	Dominant FAC Species
08-J	95%	2%	3%	0%	None
08-K	65%	0%	0%	35%	None
08-L	45%	10%	0%	45%	None
08-M	95%	0%	5%	5%	1 (20% cover)
08-N	42%	0%	0%	58%	None

First, on all the data forms for the above points, Hydrophytic Vegetation was checked as present. And as you can see from these table, these five data points **DO NOT** contain significant number of facultative and upland species, in fact, just minimal percentages. Only one data point includes one dominant FAC species (08-M). In fact, bare ground is a perfectly acceptable—and even desirable—condition for wetlands, particularly ones where seasonally inundated soils exist.

Second, the author claims that because these data points did not exhibit wetland hydrology, a second wetland parameter under the Coastal Act, these points could not be included in the wetland. But this statement contradicts the Coastal Act which requires only meeting 1-parameter, not 2 or 3.

Furthermore, there are three data points (08-D, 08-F and 08-G) that only meet 1-parameter, a predominance of hydrophytic vegetation, which are included in the wetland boundary. The only evidence the author suggests for differentiating these points from points 08-H to 08N is that the former do not include any FAC or UPL plants, while the latter points contained a significant number of facultative and upland species. However, as shown in the table above, of the 5 additional data points excluded from the wetland boundary, only two show minimal presence of FAC plants and two show minimal presence of UPL plants. Thus, there is no conclusive evidence as to why certain data points that meet 1-

parameter definition of a predominance hydrophytic vegetation were included and the others were not.

The data supports INCLUSION of points 08H to 08N in the 1-parameter coastal commission based wetland delineation and an expansion of the wetland boundary.

Southern Boundary

To the south of the southern wetland boundary, the .22-acre willow community along the southern berm was not included in the 1-parameter Coastal Commission delineated wetland. Data point 3, dated 10/22/04, showed *salix exigua* at 50% cover, along with *bromus diandrus* at 50%. Since this date, the willow community has grown and visually, is the dominant vegetation. This data point was not reviewed again in 2008 and based on the evidence, it has not proven that it should be excluded from the wetland delineation.

To conclude, data points 8H to 8N should be included in the Coastal Commission 1-parameter wetland delineation and the boundary redrawn. Additionally, the .22-acre willow community should be included in the wetland delineation. Once this is done, the project would need to be revisited to determine its impacts on the existing wetland.

Therefore, CDP # 2006-00006-(4), violates the MdR LCP and the Coastal Act and requires a de novo hearing by the Commission.

4. BUFFER OF PROPOSED WETLAND PARK

The record does not show any evidence as to why a 25 foot buffer was selected for the wetland. Coastal Commission typically requires a 100 foot buffer and 50 foot for riparian wetlands. The minimum buffer should be 50 ft. for this type of wetland area.

Based on this, CDP # 2006-00006-(4), may violate the MdR LCP and the Coastal Act and requires a de novo hearing by the Commission.

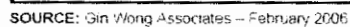


FIGURE 3.0-12

Site Plan: Woodfin Suite Hotel and Timeshare Resort

Exhibit 1B Modified Hotel Project Site Plans

Appeal of CDP#2006-00006-(4)

Appendix H Modified Woodfin Hotel Plans

THE HARDAGE GROUP
ARCHITECTS

COURTYARD
MARINA DEL REY, CALIFORNIA

SITE PLAN
SCALE 1" = 60'

edge of
restored
wetland park
and hotel
firelane
10R #

GWA
GIN WONG ASSOCIATES
PROJECT NO. 2110200
REVISED APRIL 8, 2011

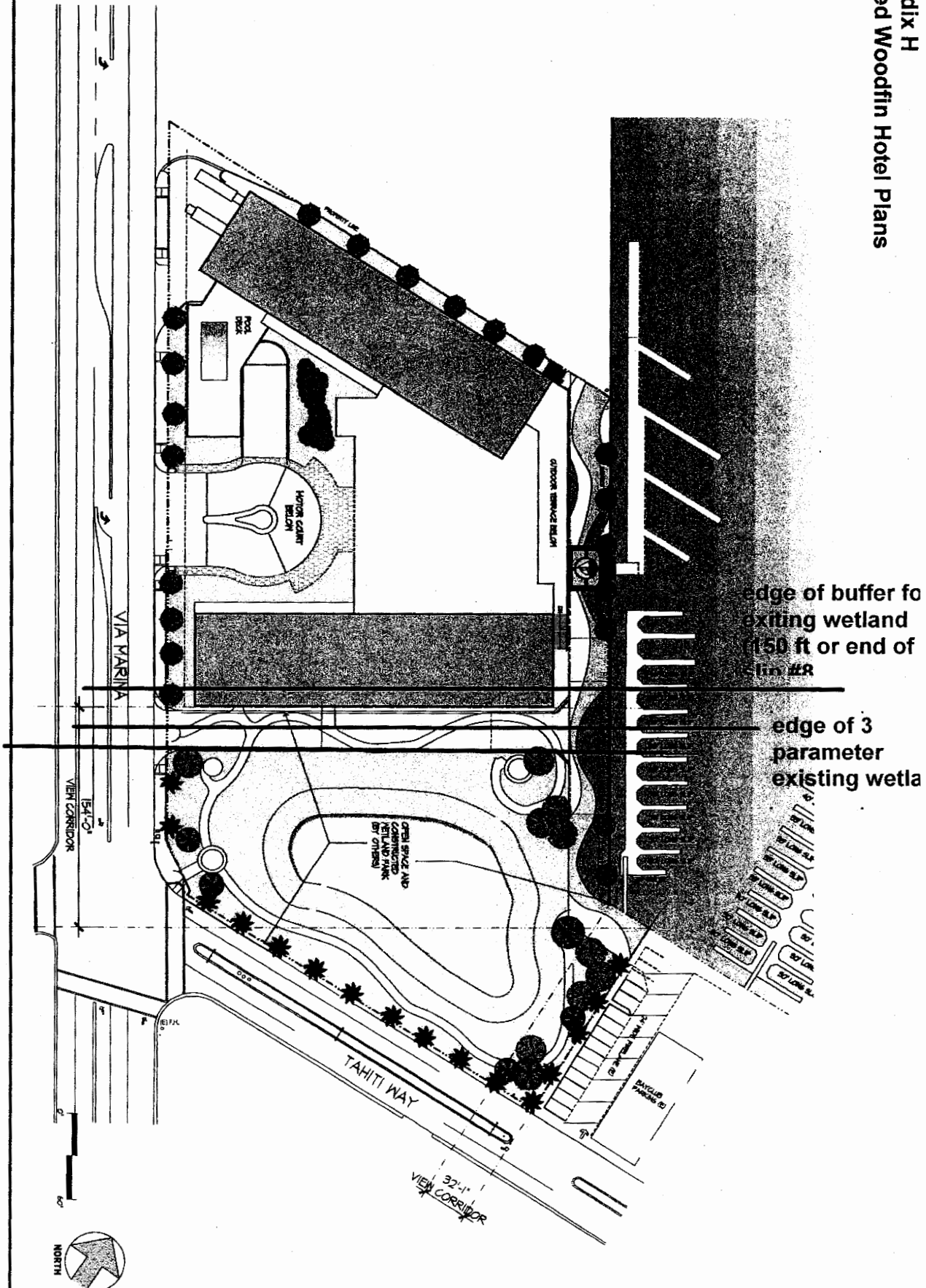
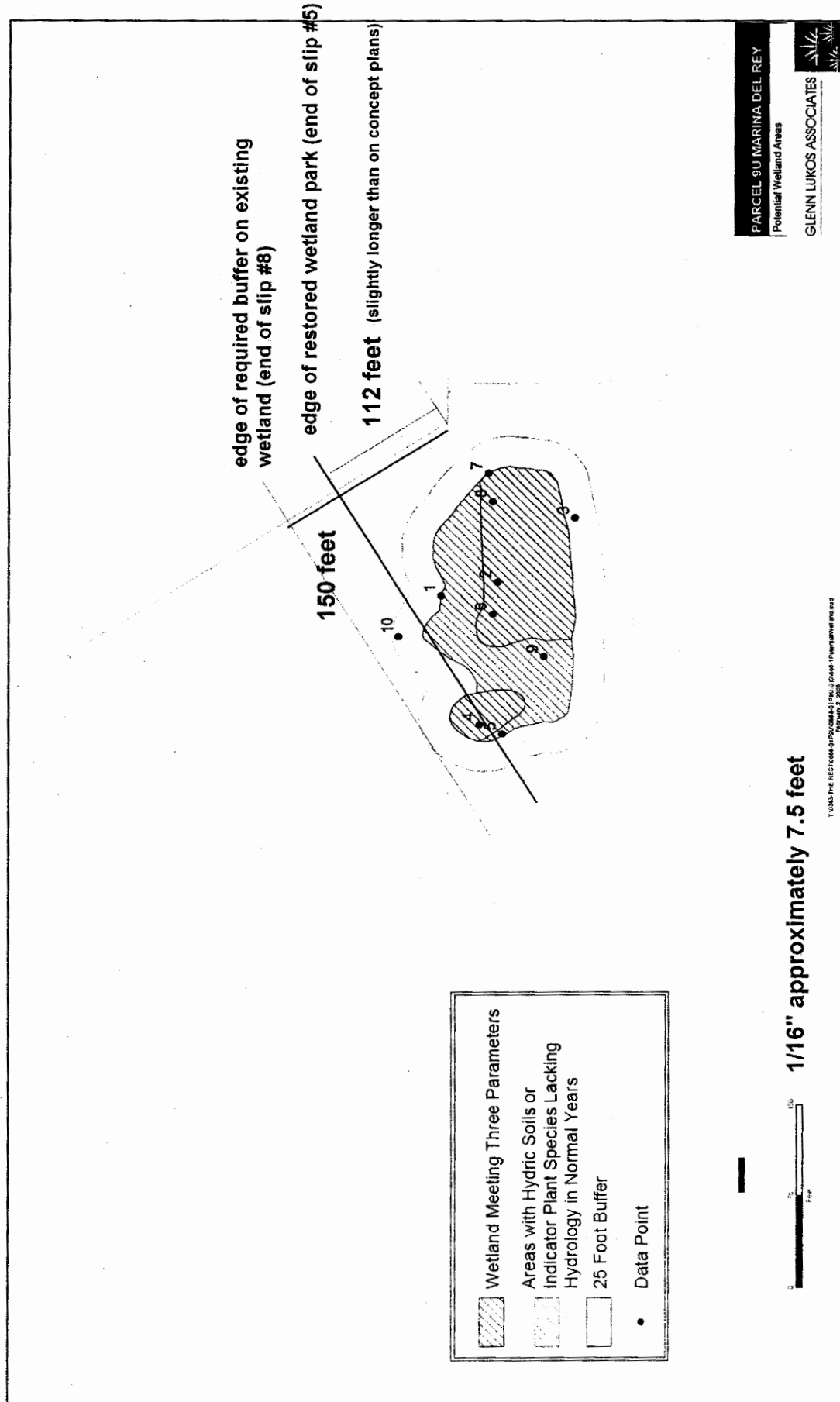


Exhibit 1C 2006 Wetland Delineation Report

Appeal of CDP#2006-00006-(4)

Appendix H 2006 Wetland Delineation Boundary



Appendix H

Concept Restoration Map from EIR Appendices 5.5c Concept Restoration Plan

end of buffer for existing wetland
by using slips

end of buffer for existing wetland
by using feet

edge of restored wetland and
Woodfin hotel fireline approx 90'
(just past edge of slip 5 and into 6)

COASTAL SAND SCRUB
PLANTING AREAS WITH BERMS

28' WIDE TURBIDLOCK FIRE
ACCESS ROUTE WITH
CONCRETE PEDESTRIAN PATH

PICNIC TABLE/SEATING AREA

SCREENING HEDGE

DECOMPOSED GRANITE PATH

PARK ENTRANCE AND
EDUCATIONAL GATHERING AREA
• INFORMATIONAL SIGNAGE
• SEATING AREAS
• WOOD OVERHEAD
• VIEWING AREA

OUTDOOR TERRACE

28' WIDE TURBIDLOCK FIRE
ACCESS ROUTE WITH
CONCRETE PEDESTRIAN PATH

28' WIDE FIRELANE AND
WATERFRONT PROMENADE PER
WATERFRONT STROLL GUIDELINES

EDUCATIONAL GATHERING AREA
• INFORMATIONAL SIGNAGE
• SEATING AREAS
• WOOD OVERHEAD

COASTAL BLUFF SCRUB
PLANTING AREAS WITH BERMS

CONNECTION TO PROVIDE
TOTAL INFLUENCE

PICNIC TABLE/SEATING AREA

DECOMPOSED GRANITE PATH

MARINA
(WATER LEVEL)

PROPOSED SALT WATER MARSH

COASTAL PRAIRIE PLANTINGS
AROUND PERIMETER OF
SALT WATER MARSH

25' BUFFER AREA

MARITIME CHAMPAGNE
PLANTING AREA WITH BERMS



PHOTOGRAPHS OF CREATED
WETLANDS AND SURROUNDING
SALT MARSH AND MARSH
PHOTOGRAPH FOR THE
WOODFIN SUITES PARK SITE

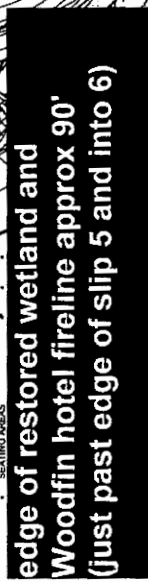
WOODFIN SUITES
CONCEPTUAL PARK PLAN

5/16" = 16'

GRAPHIC SCALE 1/16" = 1' 0"

WOODFIN SUITES CONCEPTUAL PARK PLAN

end of buffer for existing wetland
by using slips |



Conceptual Wetland Mitigation Plan

Exhibit 3 Email from Woodfin to LA County about Hotel encroachment on wetland

Appeal of CDP#2006-00006-(4)

Julie Carpenter

From: Tom Farrell [tfarrell@woodfinsuites.com]
Sent: Thursday, June 03, 2004 2:22 PM
To: Joe Chesler; M. Andriette Culbertson Esq. (E-mail); Roger Moliere; Alex Kalamaros
Cc: Moore, Charles J.; Aaron Clark; Julie Carpenter
Subject: Meeting/Conf Call w/Andi Culbertson

Joe,

Just a note to thank you, Alex and company for taking the time for our conference call this morning. I was impressed by Andi's grasp of the problem and I've got to believe if we work together on this we'll find a way to solve the problem.

One thing Andi mentioned was the likelihood that Coastal would want to know whether we had explored the alternative of switching places between the hotel and the park. At the behest of Aaron and Impact Sciences, I had Gin Wong conduct this exercise last month, and I can report that leaving the park the same area as before does not allow us to fit all the pieces for the hotel on the remaining portion of the site to the North. The geometry of the site with the tight acute angle limits useable area, and we're not able to fit in the parking structure, for example. Even if we did reduce the size of the park, we would still have to reduce the scope of the hotel, and in any event the required fire lane would have to encroach into the "wetland". And of course, the resulting park would be far less desirable in terms of public access.

Again, thanks for the time this morning, we're looking forward to following up with Andi to find a common-sense solution.

Tom

Julie Cook, AICP, Planner
Dept of Beaches & Harbors
13483 Fjl Way #3
Marina del Rey, CA 90292

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ph - 310-305-9530
fx - 310-821-7856
jcook@dbh.co.la.ca.us

Commissioner Mary K. Shallenberger

November 1, 2011

Page 4

Research. In fact, as noted in those guidelines, the only way a park is acceptable particularly in an urban environment such as Marina del Rey, is with noise walls and other noise inclusion features, and even so, new park development is discouraged. Therefore, this is not a reasonable use for this property.

Hotel plans encroach on the wetland on Parcel 9

Again, only by redefining the facts can the commenters reach the conclusion that the required 25-foot setback from this construction relic, now legitimately meeting the wetland definition used by the Coastal Commission is not met. Basically, the commenters impose the 25-foot buffer around this construction relic as it currently exists as opposed to as reconfigured by restoration jointly prepared by the County and Coastal Commission staff. In the restoration of this wetland, no structures will penetrate the 25-foot buffer except a small footpath, interpretative exhibits, and assembly areas (for lectures, etc.) which are acceptable resource-dependent uses.

In addition, the commenters' claims that the wetland park and the hotel site bear more wetland indicators than stated in the delineations, is similarly incorrect. The Commission has previously dealt with such issues in other local projects and not found these indicators as wetland indicators. Therefore, the four delineations that have been done remain accurate.

The DeLange memo

The County incorporates its response to WAMDR here with respect to the insistence that the resources involved are ESHA, and that the Commission may not consider new evidence showing that they are not. Again, the County draws the reader's attention to the memo from Dan Cooper, Cooper Ecological Monitoring, Inc., in this regard.

Conclusion

Throughout this LCPA and Periodic review process, the County has endeavored to consider each and every suggestion, proposal, criticism and complaint. The County has changed its plans in several ways to accommodate the concerns of local residents, while still carrying out what the County considers the Coastal Act's objectives of increasing general visitor opportunities. Consistent with the Commission's suggestions in the 1995 amendment and in the 2008 Periodic review, the County has sought ways of compelling long-term leases in good standing to provide public amenities. For this reason, the project must be fairly regarded as connected – Parcel OT's development is connected to the delivery of additional parking at Marina Beach, and to the creation of the plaza park. In similar fashion, the County's approval of development on Parcel FF catalyzes the creation of a wetland park on Parcel 9, together with transient docks.

Exhibit 5 Email from Legacy Partner's Attorney to LA County

Appeal of CDP#2006-00006-(4)

Julie Carpenter

From: Aaron Clark [aaron@ag-landuse.com]
Sent: Monday, August 09, 2004 3:42 PM
To: Julie Carpenter
Subject: RE: Park

Well, the park is really related to both proposals, though it is located on Parcel 9U (Woodfin's parcel). Legacy needs the park in order to build apartment units on Parcel FF; Woodfin is tied to the park because it will be sited on its parcel, 9U. The plan is for Woodfin and Legacy to split the cost of constructing the park, but Woodfin has agreed to pay for the park maintenance. As our DCB narrative states, Legacy is going to need a plan amendment to authorize the conversion of the "park" portion of Parcel 9U from "Hotel" to "Open Space." Woodfin does not require a plan amendment for that purpose because it is able to construct a park on its "Hotel" designated parcel as a matter of course per the site zoning. Let me know if you have any further questions.

AC

-----Original Message-----

From: Julie Carpenter [mailto:jcarpenter@dbh.co.la.ca.us]
Sent: Monday, August 09, 2004 1:48 PM
To: Aaron Clark
Subject: Park

Aaron -

Both P-9 and P-10/FF discuss the park. My understanding is that it is formally part of the P-9 submittal. Please confirm.

Thanks,

Julie

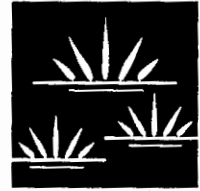
Julie Carpenter, AICP, Planner
Dept of Beaches & Harbors
13483 Fiji Way #3
Marina del Rey, CA 90292

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ph - 310-305-9530
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jcarpenter@dbh.co.la.ca.us

GLENN LUKOS ASSOCIATES

Regulatory Services



June 9, 2005

Tom Farrell
Woodfin Suite Hotels
12730 High Bluff Drive
San Diego, California 92130

SUBJECT: Jurisdictional Wetland Status of Parcel 9U, Marina del Rey, Los Angeles County, California

Dear Mr. Farrell:

This letter report summarizes our preliminary findings of U.S. Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG) jurisdiction, as well as California Coastal Commission (CCC) wetlands for the above-referenced property.¹ The subject parcel covers approximately 3.8 acres and includes an excavated depression in the southern portion of the site. The depression was created in 1984 during construction activities within an upland area that were abandoned and left unfinished. Areas outside the depression are vegetated with upland ruderal species. The excavated depression supports a mixture of plant species that exhibit a range relative to their wetland indicator status from upland (UPL) to obligate (OBL). The southern margin of the basin consists of a berm comprised of spoil materials excavated from the basin. The berm supports narrow-leaf willow (*Salix exigua*, OBL) and upland grasses. Soils below the upper 0.6 feet to two feet of existing soil profile, which consist of dredge material deposited in the 1950s and early 1960s, appear to be relictual hydric soils that formed at depth prior to excavation of the basin. Limited areas within the upper two feet exhibit hydric soil characteristics that appear to have formed in place due to ponding, consistent with the depressional topography. Exhibits 1 and 2 are regional and vicinity maps. Exhibit 3 depicts the location of wetland areas within the excavated depression. Exhibits 4-7 are historic aerials of the site from 1928, 1936, 1956, and 1962 showing changes in land use, including initial development of the site between 1928 and 1936 with further development associated with construction of the marina in the late 1950s through early 1960s.

¹ This report presents our best effort at estimating the subject jurisdictional boundaries using the most up-to-date regulations and written policy and guidance from the regulatory agencies. Only the regulatory agencies can make a final determination of jurisdictional boundaries. If a final jurisdictional determination is required, GLA can assist in getting written confirmation of jurisdictional boundaries from the agencies.

Tom Farrell
Woodfin Suites
June 9, 2005
Page 2

On August 18, October 22, November 3, and December 1, 2004, and January 14, 2005 Regulatory Specialists of Glenn Lukos Associates, Inc. (GLA) examined the project site to determine potential presence of (1) Corps jurisdiction pursuant to Section 404 of the Clean Water Act, (2) CDFG jurisdiction pursuant to Division 2, Chapter 6, Section 1600 of the Fish and Game Code, and (3) any wetlands as defined by the California Coastal Commission. Enclosed is a 125-scale map [Exhibit 3], which depicts the areas of potential Corps jurisdiction as well as potential wetlands as defined under the California Coastal Act. Wetland data sheets are attached as Appendix A.

I. METHODOLOGY

Prior to beginning the field delineation a 200-scale aerial photograph and 100-scale base topographic map of the property, were evaluated along with previous constraints reports prepared by PCR Service and EDAW to determine the locations of potential areas of Corps/CDFG jurisdiction and CCC-defined wetlands. Suspected jurisdictional areas were field checked for the presence of wetland vegetation, soils and hydrology using the methodology set forth in the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual² (Wetland Manual). While in the field locations where vegetation, soils, and hydrology data were collected were recorded onto a 100-scale base topographic map using visible landmarks. The field data were recorded onto wetland data sheets.

As noted above, site visits were conducted on August 18, October 22, November 3, and December 1, 2004, with the October 22 and November 3 visits timed to evaluate the site within seven days of significant rainfall events, providing for optimal conditions for evaluating wetland hydrology. A succession of winter storms during late December and early January, which ended on January 10, 2005, resulted in record rainfall for a 15-day period. This period of rainfall that accounted for approximately 15 inches, and resulted in inundation of the depression. For purposes of determining wetland hydrology, this period does not represent a "normal" or "average" rainfall year and is not suitable for making a positive determination for wetland hydrology. As such, the limits of jurisdictional wetlands (or potential wetlands) discussed below are based on the data collected prior to the storms of late December and early January 2004/05.

² Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experimental Station, Vicksburg, Mississippi.

A. Soils

The Soil Conservation Service (SCS)³ has mapped the "Oceano" soil type as occurring in the general vicinity of the project site.⁴ A review of historic aerial photographs indicate that prior to development in the late 1920s or early 1930s, the site consisted of "Tidal Flats", a soil type not included in the Los Angeles County Soil Survey. Currently, the entire site is overlain by dredge spoils/hydraulic fill that were placed behind the seawall constructed during development of the marina [Exhibit 7 shows the site following deposition of the hydraulic fill]. The fill varies from over ten feet deep on the highest portions of the site to between 0.6 and 2.0 feet in the lowest portions of the depression.⁵

Oceano

Oceano soils occur on undulating dune-like areas between sea level and 100 feet. These soils are over 60 inches deep and exhibit rapid permeability. They have grayish-brown, slightly acid and medium acid sand surface layers with strongly acid substratum also consisting of sand.

The soil series Oceano is not included in the SCS's publication, Hydric Soils of the United States⁶; and are not identified as hydric in the local hydric soils list for the Los Angeles Area, California. Previous activities on the site have included deposition of dredge spoils during construction of the adjacent marina and excavation performed during construction of commercial facilities that was halted shortly after the excavation was completed. As such, soil conditions on the site do not appear to represent the "native" condition but rather, reflect the various activities that have occurred on the site during the last four to five decades.

Tidal Flats

Tidal flats are nearly level areas adjacent to bays and lagoons along the coast. Periodically these are covered by tidal overflow. Some of the higher areas are covered only during very high tides. Tidal flats are stratified clayey to sandy deposits. They are poorly drained and high in salts. As noted above, hydraulic fill was deposited on the site, and the excavation in 1984 removed much

³ SCS is now known as the National Resource Conservation Service or NRCS.

⁴ United States Department of Agriculture, Soil Conservation Service. 1969. Report and General Soil Map, Los Angeles County, California. Foldout map accompanying report is dated 1994.

⁵ Van Beveren & Butelo, Inc. Letter Report to Mr. Thomas Farrell. Subject: Surface of Natural Soil Deposits Proposed Hotel and parking Structure Site, Marina del Rey, Los Angeles County, California.

⁶ United States Department of Agriculture, Soil Conservation Service. 1991. Hydric Soils of the United States, 3rd Edition, Miscellaneous Publication Number 1491. (In cooperation with the National Technical Committee for Hydric Soils.)

of this material leaving only 0.6 to 2.0 feet overlaying the native substrate that consisted presumably of tidal flats, which remain under the layer of fill.

B. Aerial Photographic Analysis

In order to better understand the site conditions and how previous activities have altered the site, GLA has conducted an analysis of historic aerial photographs of the site in conjunction with a review of the history of the site covering the period between 1927 and the present. This review includes a review of previous documentation that addresses soil/geological conditions on the site and interviews with local experts who have conducted geotechnical investigations during the previous five decades.

II. JURISDICTION

Federal Jurisdiction

A. Army Corps of Engineers

1. Section 404 of the Clean Water Act

Pursuant to Section 404 of the Clean Water Act, the Corps regulates the discharge of dredged and/or fill material into waters of the United States. The term "waters of the United States" is defined in Corps regulations at 33 CFR Part 328.3(a) as:

- (1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;*
- (2) All interstate waters including interstate wetlands;*
- (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect foreign commerce including any such waters:*
 - (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or*
 - (ii) From which fish or shell fish are or could be taken and sold in interstate or foreign commerce; or*
 - (iii) Which are used or could be used for industrial purpose by industries in interstate commerce...*

- (4) *All impoundments of waters otherwise defined as waters of the United States under the definition;*
- (5) *Tributaries of waters identified in paragraphs (a) (1)-(4) of this section;*
- (6) *The territorial seas;*
- (7) *Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) (1)-(6) of this section.*

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 123.11(m) which also meet the criteria of this definition) are not waters of the United States.

In the absence of wetlands, the limits of Corps jurisdiction in non-tidal waters, such as intermittent streams, extend to the OHWM which is defined at 33 CFR 328.3(e) as:

...that line on the shore established by the fluctuation of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

The term "wetlands" (a subset of "waters of the United States") is defined at 33 CFR 328.3(b) as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support...a prevalence of vegetation typically adapted for life in saturated soil conditions." In 1987 the Corps published a manual to guide its field personnel in determining jurisdictional wetland boundaries. The methodology set forth in the 1987 Wetland Delineation Manual generally requires that, in order to be considered a wetland, the vegetation, soils, and hydrology of an area exhibit at least minimal hydric characteristics. While the manual provides great detail in methodology and allows for varying special conditions, a wetland should normally meet each of the following three criteria:

- more than 50 percent of the dominant plant species at the site must be typical of wetlands (i.e., rated as facultative or wetter in the National List of Plant Species that Occur in Wetlands⁷);

⁷ Reed, P.B., Jr. 1988. National List of Plant Species that Occur in Wetlands. U.S. Fish and Wildlife Service Biological Report 88(26.10).

- soils must exhibit physical and/or chemical characteristics indicative of permanent or periodic saturation (e.g., a gleyed color, or mottles with a matrix of low chroma indicating a relatively consistent fluctuation between aerobic and anaerobic conditions); and
 - hydrologic characteristics must indicate that the ground is saturated to within 12 inches of the surface for at least five percent of the growing season during a normal rainfall year⁸.
- a. Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, et al.

Pursuant to Article I, Section 8 of the U.S. Constitution, federal regulatory authority extends only to activities that affect interstate commerce. In the early 1980s the Corps interpreted the interstate commerce requirement in a manner that restricted Corps jurisdiction on isolated (intrastate) waters. On September 12, 1985, EPA asserted that Corps jurisdiction extended to isolated waters that are used or could be used by migratory birds or endangered species, and the definition of "waters of the United States" in Corps regulations was modified as quoted above from 33 CFR 328.3(a).

On January 9, 2001, the Supreme Court of the United States issued a ruling on *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, et al.* (SWANCC). In this case the Court was asked whether use of an isolated, intrastate pond by migratory birds is a sufficient interstate commerce connection to bring the pond into federal jurisdiction of Section 404 of the Clean Water Act.

The written opinion notes that the court's previous support of the Corps' expansion of jurisdiction beyond navigable waters (*United States v. Riverside Bayview Homes, Inc.*) was for a wetland that abutted a navigable water and that the court did not express any opinion on the question of the authority of the Corps to regulate wetlands that are not adjacent to bodies of open water. The current opinion goes on to state:

In order to rule for the respondents here, we would have to hold that the jurisdiction of the Corps extends to ponds that are not adjacent to open water. We conclude that the text of the statute will not allow this.

Therefore, we believe that the court's opinion goes beyond the migratory bird issue and says that no isolated, intrastate water is subject to the provisions of Section 404(a) of the Clean Water Act (regardless of any interstate commerce connection). However, the Corps and EPA have issued a

⁸ For most of low-lying southern California, five percent of the growing season is equivalent to 18 days.

joint memorandum which states that they are interpreting the ruling to address only the migratory bird issue and leaving the other interstate commerce clause nexuses intact..

b. Adjacency and Adjacent Wetlands

As noted in Paragraph 7 of 33 CFR 328.3, the Corps regulates wetlands that are adjacent to other jurisdictional waters. Corps regulations define adjacent to mean "bordering, contiguous, or neighboring" and further state: "Wetlands separated from other waters of the United States by man-made dikes or barriers, natural river berms, beach dunes and the like are 'adjacent wetlands'. It should be noted that the courts have interpreted the 'criterion' for adjacency broadly, and found that wetland were 'adjacent' even when separated by substantial distances or by substantial barriers. For example, one court found adjacency for lots one-half-mile from a navigable water and in another instance where a wetland was separated from a navigable water by a fifty-foot-wide paved street.

2. **Section 10 of the Rivers and Harbors Act**

Pursuant to Section 10 of the Rivers and Harbors Acts of 1899 (33 U.S.C. 403), the Corps regulates any obstruction or alteration to navigable waters of the United States. Navigable waters of the Pacific Ocean extend to the line on the shore reached by the mean of the higher high waters (MHHW)⁹. The MHHW reaches an elevation of about 3.0 feet near Marina del Rey.

State of California Jurisdiction

B. California Coastal Commission - California Coastal Act

1. **California Coastal Act Wetland Definitions and Policy Guidance**

The CCC regulates the diking, filling, or dredging of wetlands within the coastal zone. Section 30121 of the Coastal Act defines "wetlands" as land "*which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.*" The 1981 CCC Statewide Interpretive Guidelines state that hydric soils and hydrophytic vegetation "*are useful indicators of wetland conditions, but the presence or absence of hydric soils and/or hydrophytes alone are not necessarily determinative when the Commission identifies wetlands under the Coastal Act. In the past, the Commission has considered all relevant information in making such*

⁹ Corps of Engineers. Los Angeles District. November 29, 1972. Public Notice Relative to Navigable Waters Within the Los Angeles District.

determinations and relied upon the advice and judgment of experts before reaching its own independent conclusion as to whether a particular area will be considered wetland under the Coastal Act. The Commission intends to continue to follow this policy."

The 1981 CCC Statewide Interpretive Guidelines define riparian habitats as areas of riparian vegetation. Riparian vegetation is defined as "*an association of plant species which grows adjacent to freshwater watercourses, including perennial and intermittent streams, lakes, and other bodies of fresh water.*" Riparian habitats may encompass wetland areas, but may also extend beyond those areas.

As discussed above (and below), areas regulated by the Corps, CCC, and CDFG are often not coincident due to the differing goals of the respective regulatory programs and also because these agencies use different definitions for determining the extent of wetland areas. For example, the Corps requires that positive indicators for the presence of wetland hydrology, hydric soils, and a predominance of hydrophytic vegetation be present for an area to meet the Corps' wetland definition. The Coastal Commission does not necessarily require that indicators for wetland hydrology, hydric soils, and a predominance of hydrophytic vegetation be present for an area to be determined to be a "wetland"; rather, the presence of hydric soils in the absence of a predominance of hydrophytes (or vice versa) could be sufficient for a positive wetland determination.

2. California Coastal Act – Environmentally Sensitive Habitat Areas

The California Coastal Act (California Public Resources Code Division 20, Section 30240a) restricts land uses within or adjacent to environmentally sensitive habitat areas (ESHAs). The Coastal Act Section 30107.5 defines an ESHA as:

...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Included within this definition are wetlands, estuaries, streams, riparian habitats, lakes, and portions of open coastal waters, which meet the rare or valuable habitat criteria. Not all wetlands necessarily meet the "rare or valuable habitat criteria" and as set forth in Section 30233, "where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects" degraded or low-value

wetlands that do not which meet the rare or valuable habitat criteria may be subject to restoration in accordance with Section 30233.7.¹⁰

B. Regional Water Quality Control Board

Subsequent to the SWANCC decision, the Chief Counsel for the State Water Resources Control Board issued a memorandum that addressed the effects of the SWANCC decision on the Section 401 Water Quality Certification Program.¹¹ The memorandum states:

California's right and duty to evaluate certification requests under section 401 is pendant to (or dependent upon) a valid application for a section 404 permit from the Corps, or another application for a federal license or permit. Thus if the Corps determines that the water body in question is not subject to regulation under the COE's 404 program, for instance, no application for 401 certification will be required...

The SWANCC decision does not affect the Porter Cologne authorities to regulate discharges to isolated, non-navigable waters of the states....

Water Code section 13260 requires "any person discharging waste, or proposing to discharge waste, within any region that could affect the waters of the state to file a report of discharge (an application for waste discharge requirements)." (Water Code § 13260(a)(1) (emphasis added).) The term "waters of the state" is defined as "any surface water or groundwater, including saline waters, within the boundaries of the state." (Water Code § 13050(e).) The U.S. Supreme Court's ruling in SWANCC has no bearing on the Porter-Cologne definition. While all waters of the United States that are within the borders of California are also waters of the state, the converse is not true—waters of the United States is a subset of waters of the state. Thus, since Porter-Cologne was enacted California always had and retains authority to regulate discharges of waste into any waters of the state, regardless of whether the COE has concurrent jurisdiction under section 404. The fact that often Regional Boards opted to regulate discharges to, e.g., vernal pools, through the 401 program in lieu of or in addition to issuing waste discharge requirements (or waivers thereof) does not preclude the regions

¹⁰ Although ESHA policies do not exist within the LCP, this report elaborates on ESHA policies simply to demonstrate that the evidence does not suggest this area constitutes ESHA.

¹¹ Wilson, Craig M. January 25, 2001. Memorandum addressed to State Board Members and Regional Board Executive Officers.

from issuing WDRs (or waivers of WDRs) in the absence of a request for 401 certification....

Thus, discharge of fill material into waters of the State that do not fall under the jurisdiction of the Corps pursuant to Section 404 of the Clean Water Act, may require authorization through application for waste discharge requirements (WDRs) or through waiver of WDRs.

C. California Department of Fish and Game

Pursuant to Division 2, Chapter 6, Sections 1600-1603 of the California Fish and Game Code, the CDFG regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife.

CDFG defines a "stream" (including creeks and rivers) as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation." CDFG's definition of "lake" includes "natural lakes or man-made reservoirs."

CDFG jurisdiction within altered or artificial waterways is based upon the value of those waterways to fish and wildlife. CDFG Legal Advisor has prepared the following opinion:

- Natural waterways that have been subsequently modified and which have the potential to contain fish, aquatic insects and riparian vegetation will be treated like natural waterways...
- Artificial waterways that have acquired the physical attributes of natural stream courses and which have been viewed by the community as natural stream courses, should be treated by [CDFG] as natural waterways...
- Artificial waterways without the attributes of natural waterways should generally not be subject to Fish and Game Code provisions...

Thus, CDFG jurisdictional limits closely mirror those of the Corps. Exceptions are CDFG's exclusion of isolated wetlands (those not associated with a river, stream, or lake), the addition of artificial stock ponds and irrigation ditches constructed on uplands, and the addition of riparian habitat supported by a river, stream, or lake regardless of the riparian area's federal wetland status.

III. RESULTS

A. Review of Historic Conditions

An aerial photograph from 1928 [Exhibit 4] indicates that historically, the site was part of the Balloña wetland complex and likely supported salt marsh vegetation. Between 1928 and 1936 development occurred on the site, which remained generally unchanged until the extensive development associated with construction of the marina in the late 1950s through early 1960s. Exhibits 5 and 6 depict the site as developed between 1936 and 1956. Construction of the marina in the late 1950s and early 1960s included construction of a seawall that allowed for deposition of hydraulic fill behind the seawall to create a pad for future building construction.¹² Exhibit 7 is an aerial photograph from 1962 that shows the site with the sewer vent that is now located within the excavated depression.

The depression was excavated in 1984 for a development project, but was halted well before completion, leaving between 0.60 and two feet of historic fill overlaying the natural surface in the lowest portions of the excavated depression as noted in Section I.A above. The I-beam pilings installed as part of the construction operation still ring the site and a concrete foundational structure, which was installed within the excavated basin, is still intact. The excavated depression is clearly not a natural feature and is hydrologically isolated (i.e., the closed basin does not exhibit surface hydrological connections to other jurisdictional waters including the adjacent marina). Rather, the site is surrounded on all sides by existing development. While limited areas within this feature exhibit positive indicators for the presence of wetland characteristics, as discussed below under "Jurisdictional Delineation", wetland functions associated with the feature are minimal as noted below under "Wetland Functions".

B. Jurisdictional Delineation

The entire site covers approximately 3.8 acres and the excavated depression in the southern portion of the site covers little over one acre. Areas outside the depression are vegetated with upland ruderal species including riput (*Bromus diandrus*, UPL), soft chess (*Bromus hordeaceus*, UPL), bur clover (*Medicago polymorpha*, UPL), foxtail barley (*Hordeum murinum*ssp. *Leporinum*, NI), cheeseweed (*Malva parviflora*, UPL), small-flowered iceplant (*Mesembryanthemum nodiflorum*, UPL), and garland chrysanthemum (*Chrysanthemum coronarium*, UPL). The excavated depression supports a mixture of plant species that exhibit a range relative to their wetland indicator status from upland (UPL) to obligate (OBL), based at

¹² Van Beveren & Butelo, Inc. Letter Report to Mr. Thomas Farrell. Subject: Surface of Natural Soil Deposits Proposed Hotel and parking Structure Site, Marina del Rey, Los Angeles County, California.

least in part with their location in the basin. The southern margin of the basin consists of a berm made up of spoil materials, which is presumed to have been created using material from the excavated basin. The berm supports narrow-leaf willow (*Salix exigua*, OBL) and upland grasses. Data was collected at ten locations including eight locations within the depression and two on the berm. A description of the vegetation, soils, and potential hydrology are discussed for each data collection point.

1. Three Parameter Wetlands [Potential Corps and Coastal Commission Wetlands]

Data collected at Data Points 2, 4, 6, and 8 [encompassed by the polygons depicted on Exhibit 3], exhibit vegetation, soils and hydrology that are consistent with the presence of wetlands. The wettest area in the vicinity of Data Points 2 and 8, support alkali bulrush (*Scirpus maritimus*, OBL), alkali weed (*Cressa truxillensis*, FACW) with the presence of the alkali bulrush as the strongest indicator for wetland conditions. Hydric soil indicators observed at Data Points 2, 4, 6, and 8 appear to have formed in response to current site hydrological conditions including sulfidic odor in Soil Pit 2 (i.e., Data Point 2) and low chroma matrix with areas with redoxymorphic features for Data Points 4, 6, and 8. Wetland hydrology, at Data Points 2, 4, 6, and 8, was indicated by the presence of saturated lenses within the upper 12 inches of the soil.

As noted above, the Corps requires that all three parameters be present in order to make a positive wetland determination. Because the area encompassed by the polygons that include data points 2, 4, 6, and 8 satisfy all three criteria, the area could be determined to be a jurisdictional wetland if the Corps determines that the wetland area is adjacent to the jurisdictional waters associated with Marina del Rey. The area encompassed by the two polygons covers approximately 0.26 acre.

The 0.26-acre area that exhibits positive indicators for wetland hydrology, hydric soils and hydrophytic vegetation is not connected hydrologically to other navigable waters (i.e., Marina del Rey/Pacific Ocean). As discussed in II.A.1.b above, the Corps could assert jurisdiction over the 0.26-acre area based on adjacency to other navigable waters (i.e., Marina del Rey/Pacific Ocean), and given the proximity of the 0.26-acre area to the marina (approximately 85 feet) it is expected that the Corps will in fact assert jurisdiction over this feature.

2. Single Parameter Wetlands [Potential Coastal Commission Wetlands]

Data collected at Data Points 1, 5, and 9 [encompassed by the polygon on Exhibit 3], do not exhibit all three parameters; however, they do exhibit positive indicators for hydric soils [Data Point 1] or hydrophytic vegetation [Data Points 1, 5, and 9]. These areas lacked wetland hydrology during the field visits conducted in October, November and early December 2004, although rainfall totals were above average during this period. Subsequently, following the

extreme storms of late December 2004 and early January 2005, the area became inundated; however the approximately 15 inches of rain in a two week period do not represent "normal" conditions and would not be used in determining whether the site exhibits wetland hydrology. Nevertheless, the presence of hydric soils (potentially relictual) and/or hydrophytic vegetation may be sufficient for the Coastal Commission to make a wetland determination for this portion of the site and as such it is identified as an area with hydric soils and hydrophytic vegetation. The area encompassed by this polygon covers approximately 0.21 acre. Combined, the 0.26 acre area that exhibits characteristics consistent with the presence of a three-parameter wetland and 0.21-acre area that exhibits at least one parameter would both be regulated as wetland by the Coastal Commission for a total of 0.47 acre of Coastal Commission jurisdiction.

3. California Department of Fish and Game

The excavated depression does not meet the definition of either a lake or a stream in accordance with the California Fish and Game Code, and would not be subject to regulation by CDFG pursuant to Section 1602 of the California Fish and Game Code.

4. Regional Water Quality Control Board

If the Corps asserts jurisdiction over the 0.26-acre portion of the isolated depression, it will be necessary to obtain a Section 401 Water Quality Certification from the Regional Board as a condition of the Section 404 from the Corps. If the Corps does not assert jurisdiction over this feature, then the Regional Board would assert jurisdiction in accordance with the Porter Cologne Act and require a waste discharge permit (WDR).

C. Wetland Functions Associated with Portions of Excavated Basin

As noted above, approximately 0.26 acre of the excavated basin meets the Corps definition of wetland as it exhibits positive indicators (albeit minimally) for wetland hydrology, hydric soils and a predominance of hydrophytes. An additional 0.21 acre exhibits positive indicators for the presence of hydric soils and/or hydrophytes and could be considered wetland under the California Coastal Act.

It does not follow from the mere presence of wetland indicators, that the 0.26 acre area or 0.21 acre area exhibit important or even measurable wetland functions. In fact, the excavated basin exhibits minimal wetland function as it supports very limited areas of native vegetation and includes a large percentage of non-native species. The site does not support or have the potential to support state- or federally listed plants or animals or other special-status plants or animals. Additionally, as noted above, the small site (less than four acres with the potential wetland areas totaling less than 0.50 acre combined) is completely surrounded by development and supports

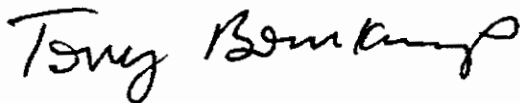
Tom Farrell
Woodfin Suites
June 9, 2005
Page 14

only wildlife species that are adapted to the urban environment. Because the potential wetland areas are associated with a closed depression the potential for hydrologic or water quality functions are very limited.

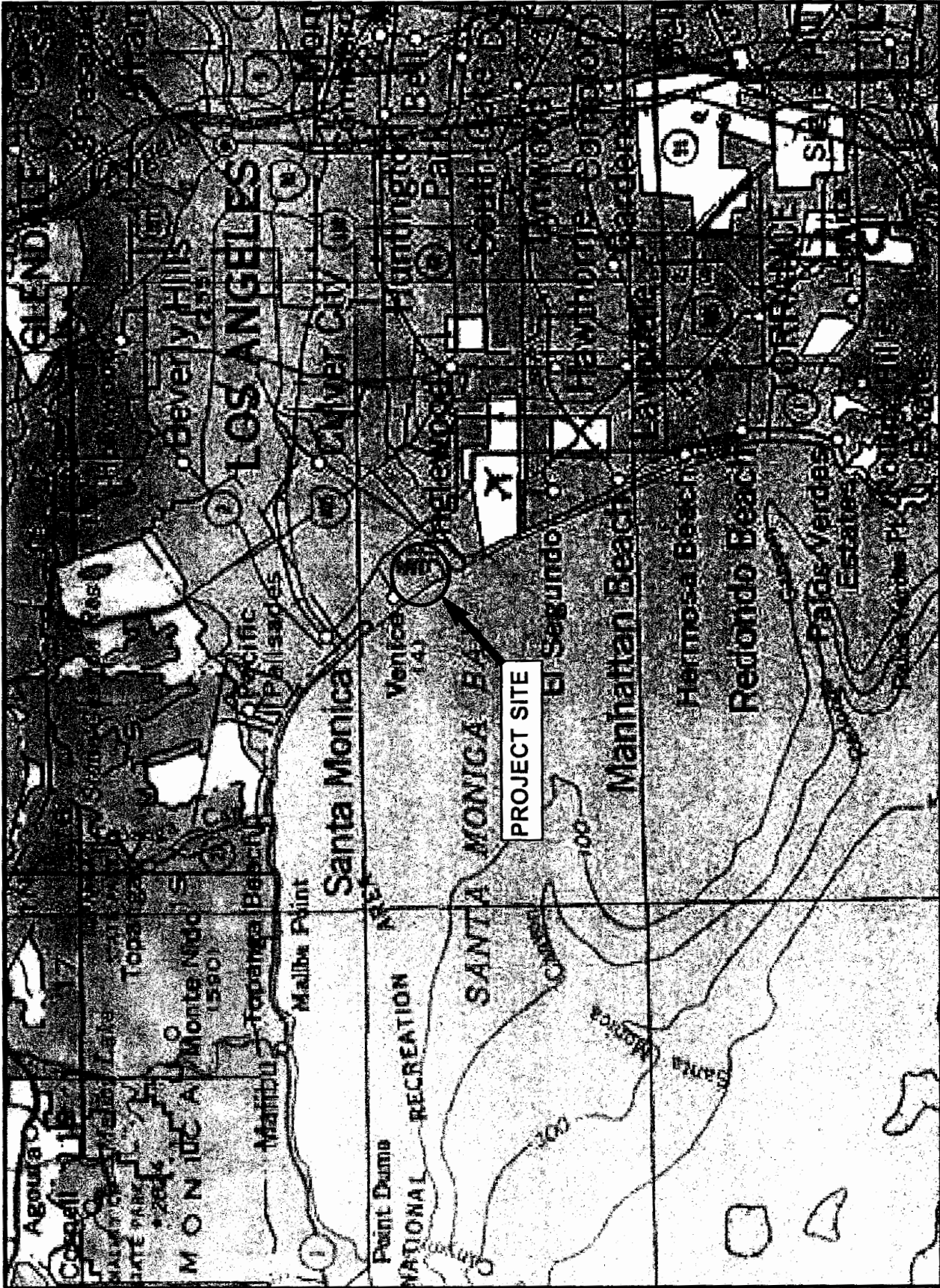
If you have any questions about this letter report, please contact Tony Bomkamp at (949) 837-0404.

Sincerely,

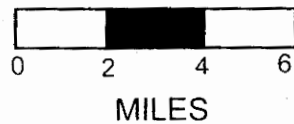
GLENN LUKOS ASSOCIATES, INC.

A handwritten signature in black ink that reads "Tony Bomkamp". The signature is written in a cursive, flowing style.

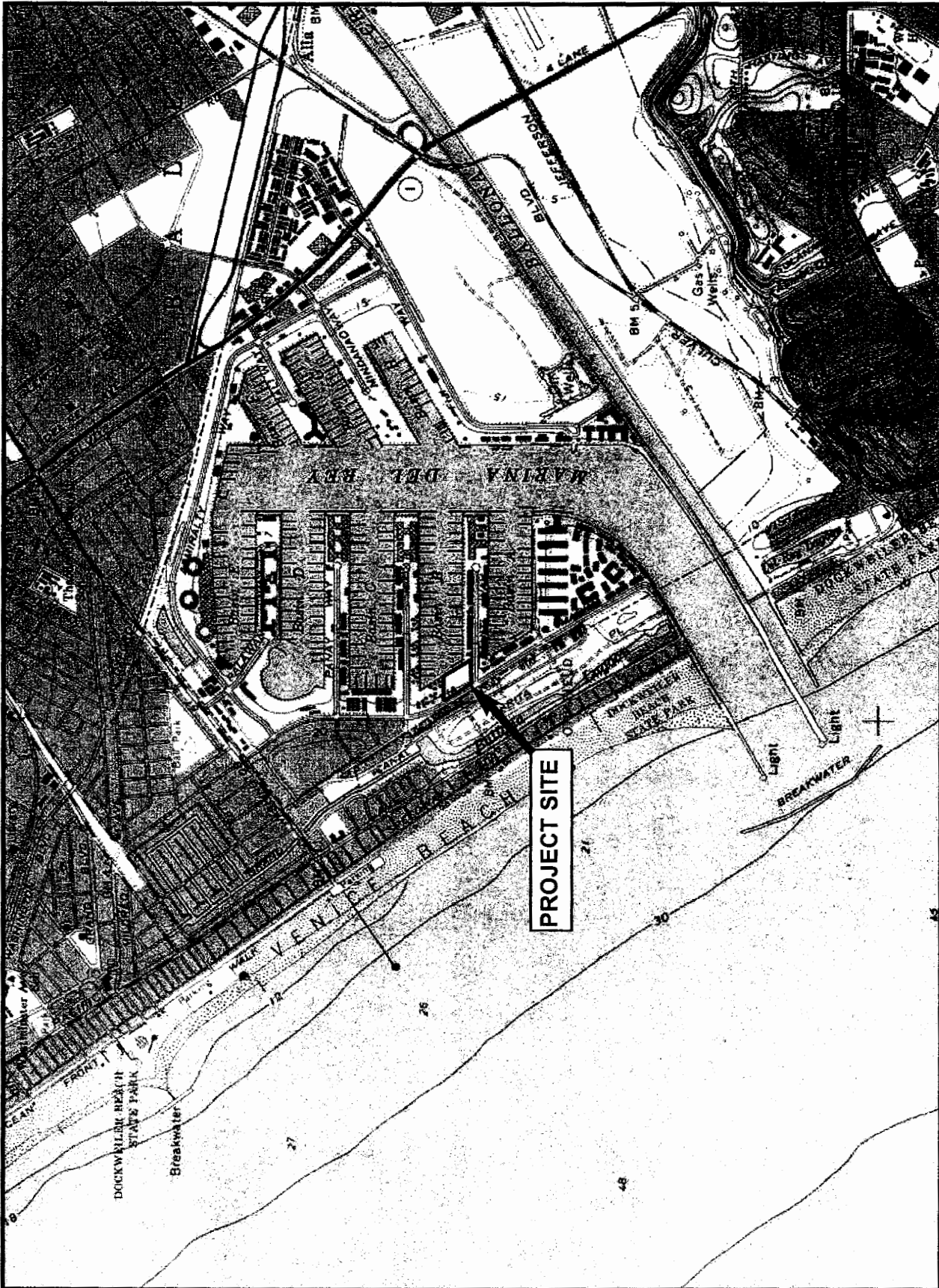
Tony Bomkamp
Regulatory Specialist



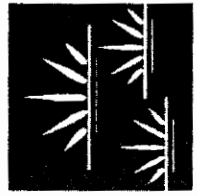
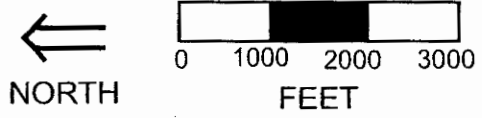
Adapted from National Geographic TOPOI



PARCEL 9U
Regional Map

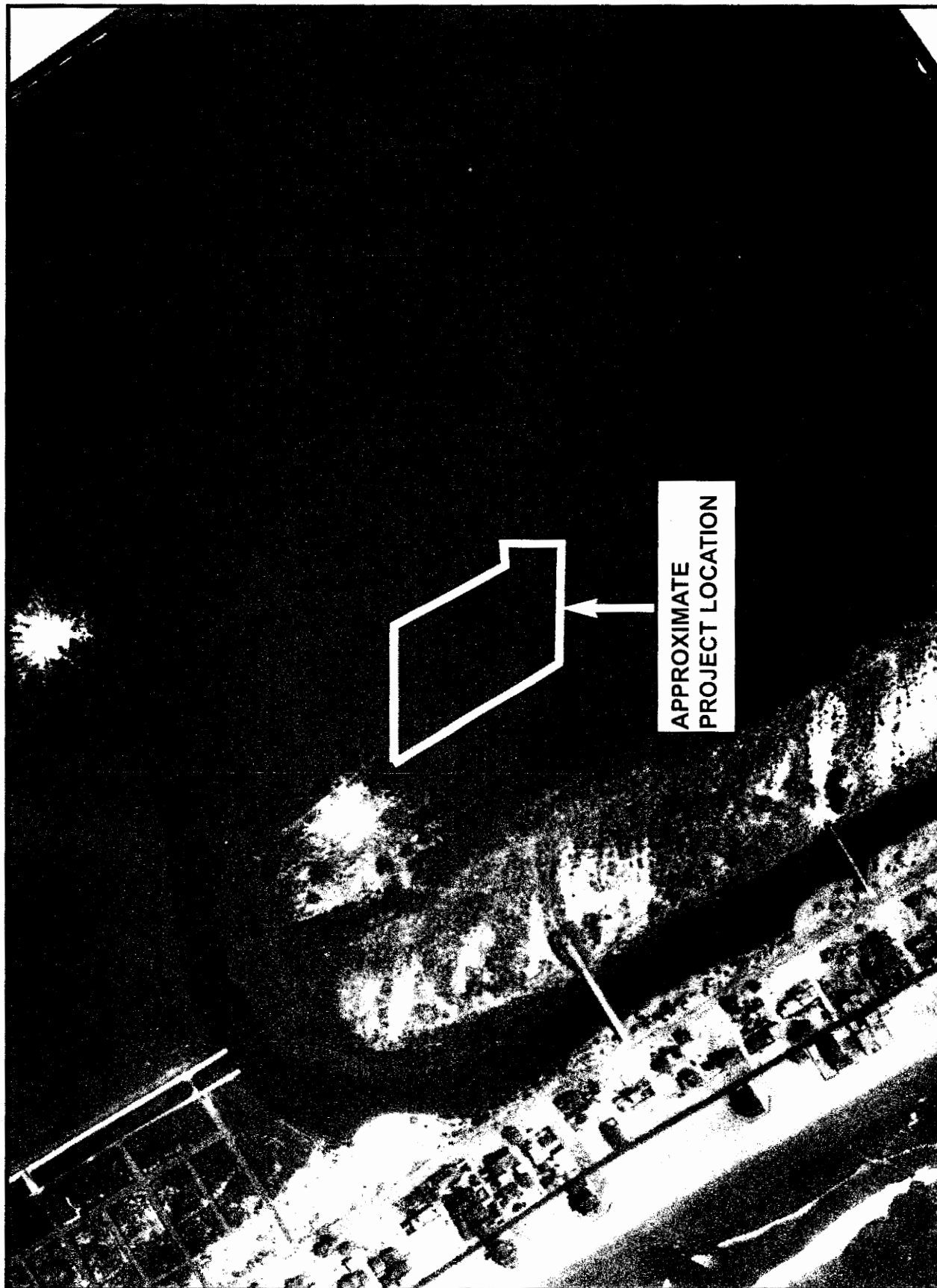


Adapted from USGS Venice quadrangle



GLENN LUKOS ASSOCIATES
EXHIBIT 2

PARCEL 9U
Vicinity Map



Adapted from Fairchild Aerial Photography Collection Flight C-164 Frame 14

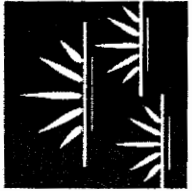


GLENN LUKOS ASSOCIATES

Exhibit 4

PARCEL 9U

1928 Historic Aerial Photograph

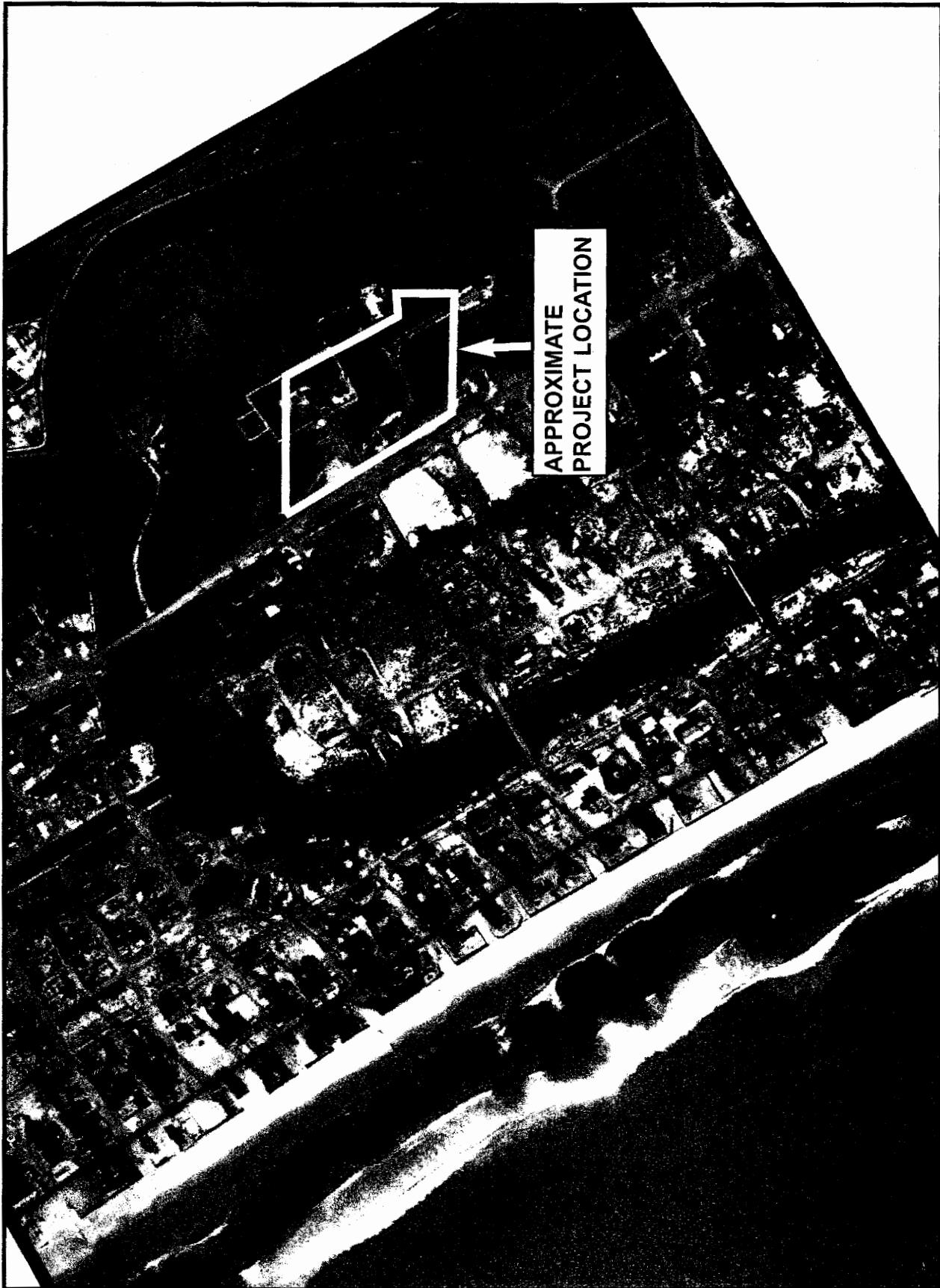


GLENN LUKOS ASSOCIATES

Exhibit 5

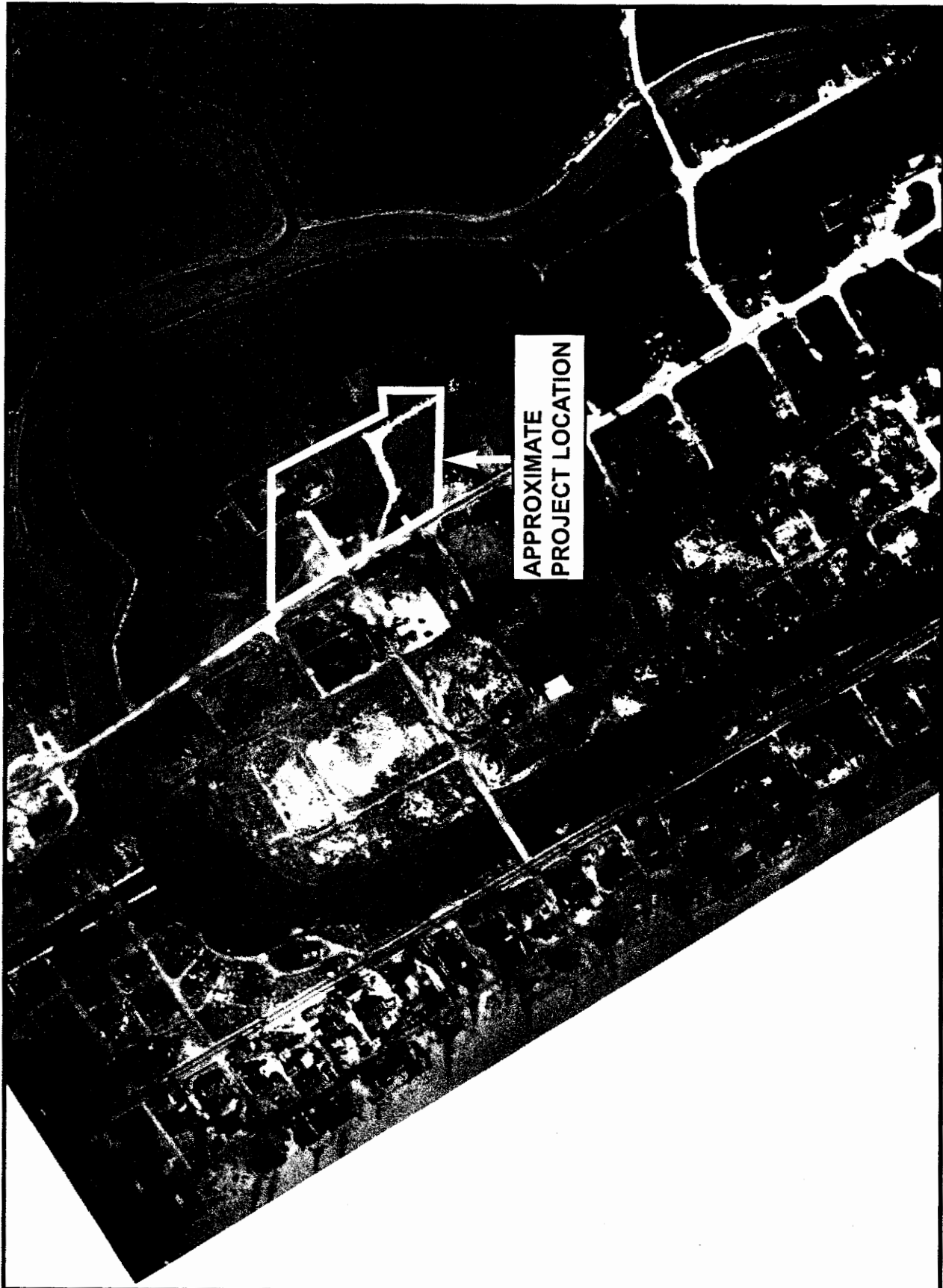
PARCEL 9U

1936 Historic Aerial Photograph



Adapted from Fairchild Aerial Photography Collection
Flight C-3847 Frame 11

↑↑
NORTH



GLENN LUKOS ASSOCIATES

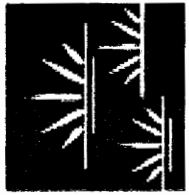
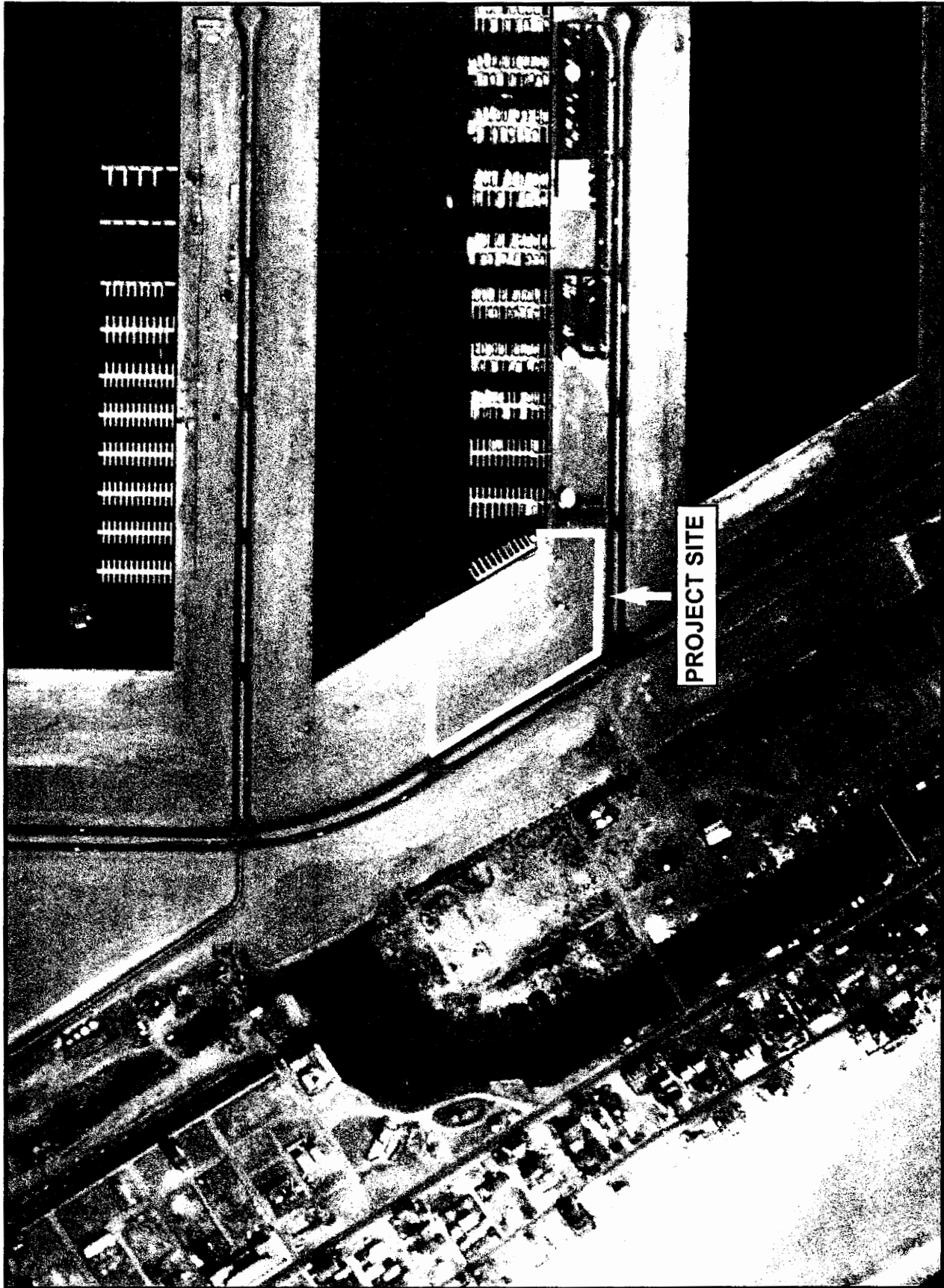
Exhibit 6

PARCEL 9U

1956 Historic Aerial Photograph

Adapted from Fairchild Aerial Photography Collection
Flight C-22403A Frame 11

↑
NORTH



GLENN LUKOS ASSOCIATES

Exhibit 7

PARCEL 9U

1962 Historic Aerial Photograph

Adapted from Fairchild Aerial Photography Collection
Flight C-24400 Frame 16:101

↑
NORTH

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>Parcel 90 - Marina del Rey</u> Applicant/Owner: <u>Woodfin Suites</u> Investigator: <u>T. Bankamp</u>	Date: <u>10-22-04</u> County: <u>LA</u> State: <u>CA</u>
Do Normal Circumstances exist on the site? <input checked="" type="radio"/> Yes <input type="radio"/> No Is the site significantly disturbed (Atypical Situation)? <input type="radio"/> Yes <input checked="" type="radio"/> No Is the area a potential Problem Area? <input type="radio"/> Yes <input checked="" type="radio"/> No (If needed, explain on reverse.)	Community ID: <u>Ruderal</u> Transect ID: _____ Plot ID: <u>1</u>

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Cressa truxillensis</u>	<u>H</u>	<u>FACW</u>	9. _____	_____	_____
2. <u>Bassia hyssopifolia</u>	<u>H</u>	<u>FAC</u>	10. _____	_____	_____
3. <u>Parapholis incurva</u>	<u>H</u>	<u>OBL</u>	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): 100%

Remarks: _____

HYDROLOGY

<p>Recorded Data (Describe in Remarks):</p> <p> <input type="checkbox"/> Stream, Lake, or Tide Gauge <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other <input checked="" type="checkbox"/> No Recorded Data Available </p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: <u>NONE</u> (in.)</p> <p>Depth to Free Water in Pit: <u>NONE</u> (in.)</p> <p>Depth to Saturated Soil: <u>NONE</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p> <input checked="" type="checkbox"/> Inundated <input checked="" type="checkbox"/> Saturated in Upper 12 inches <input checked="" type="checkbox"/> Water Marks <input checked="" type="checkbox"/> Drift Lines <input checked="" type="checkbox"/> Sediment Deposits <input checked="" type="checkbox"/> Drainage Patterns in Wetlands </p> <p>Secondary Indicators (2 or more required):</p> <p> <input checked="" type="checkbox"/> Oxidized Root Channels in Upper 12 inches <input checked="" type="checkbox"/> Water-Stained Leaves <input checked="" type="checkbox"/> Local Soil Survey Data <input checked="" type="checkbox"/> FAC-Neutral Test <input checked="" type="checkbox"/> Other (Explain in Remarks) </p>
<p>Remarks: <u>Rain on 10/16 + 10/20</u></p> <p><u>PIT to 14" - no saturation - only slightly moist</u></p>	

SOILS

Map Unit Name (Series and Phase): <u>OLCAND</u>		Drainage Class: <u>EXCESSIVE</u>	
Taxonomy (Subgroup): <u>N/A</u>		Field Observations Confirm Mapped Type? Yes <u>No</u>	
Profile Description:			
Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Matrix Color (Munsell Moist)
		See Data Sheet From 8-18-04	
Hydric Soil Indicators:			
<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chrome Colors		<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)	
Remarks:			

WETLAND DETERMINATION

Hydrophytic Vegetation Present? <u>Yes</u> <u>No</u> (Circle) Wetland Hydrology Present? <u>Yes</u> <u>No</u> (Circle) Hydric Soils Present? <u>Yes</u> <u>No</u> (Circle)	(Circle) Is this Sampling Point Within a Wetland? <u>Yes</u> <u>No</u>
Remarks: Meets single parameter Potential wetland for CCC.	

DATA FORM
ROUTINE WETLAND DETERMINATION
 (1987 COE Wetlands Delineation Manual)

Project/Site: <u>Parcel 90 - Marina del Rey</u> Applicant/Owner: <u>CITY OF L.A.</u> Investigator: <u>T. B. KAMP</u>	Date: <u>8-18-04</u> County: <u>LA</u> State: <u>CA</u>
Do Normal Circumstances exist on the site? <input checked="" type="radio"/> Yes <input type="radio"/> No Is the site significantly disturbed (Atypical Situation)? <input type="radio"/> Yes <input checked="" type="radio"/> No Is the area a potential Problem Area? <input type="radio"/> Yes <input checked="" type="radio"/> No (If needed, explain on reverse.)	Community ID: <u>Bulrush</u> Transect ID: _____ Plot ID: <u>2</u>

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Cressa truxillensis</u>	<u>H</u>	<u>FACW</u>	9. _____	_____	_____
2. <u>Scirpus maritimus</u>	<u>H</u>	<u>OBL</u>	10. _____	_____	_____
3. _____	_____	_____	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): 100%

Remarks: _____

HYDROLOGY

<p>Recorded Data (Describe in Remarks):</p> <p> <input type="checkbox"/> Stream, Lake, or Tide Gauge <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other <input checked="" type="checkbox"/> No Recorded Data Available </p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: <u> </u> (in.)</p> <p>Depth to Free Water in Pit: <u> </u> (in.)</p> <p>Depth to Saturated Soil: <u> </u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p> <input type="checkbox"/> Inundated <input type="checkbox"/> Saturated in Upper 12 inches <input type="checkbox"/> Water Marks <input type="checkbox"/> Drift Lines <input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patterns in Wetlands </p> <p>Secondary Indicators (2 or more required):</p> <p> <input type="checkbox"/> Oxidized Root Channels in Upper 12 inches <input type="checkbox"/> Water-Stained Leaves <input type="checkbox"/> Local Soil Survey Data <input checked="" type="checkbox"/> FAC-Neutral Test <input type="checkbox"/> Other (Explain in Remarks) </p>
Remarks: <u>Dry at 18"</u>	<u>One secondary indicator-</u>

SOILS

Map Unit Name (Series and Phase): <u>Ocean</u>		Drainage Class: <u>Well</u>	
Taxonomy (Subgroup): <u>N/A</u>		Field Observations Confirm Mapped Type? Yes <input checked="" type="radio"/> No <input type="radio"/>	

Profile Description:					
Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
0-2		10YR 2/2	NONE		
2-9		2.5Y 3/2	7.5Y 4/6	Common/Distinct	Sandy loam
9-18		3/N	7.5Y 4/6	" "	" "

Hydric Soil Indicators:	
<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)

Remarks: Hydric soils appear to have formed under
 Regime of Groundwater Saturation - NOT
 Present currently - Further investigation
 needed to determine whether it is existing.

WETLAND DETERMINATION

Hydrophytic Vegetation Present? <input checked="" type="radio"/> Yes <input type="radio"/> No (Circle) Wetland Hydrology Present? <input checked="" type="radio"/> Yes <input type="radio"/> No TBD Hydric Soils Present? <input checked="" type="radio"/> Yes <input type="radio"/> No	Is this Sampling Point Within a Wetland? <input checked="" type="radio"/> Yes <input type="radio"/> No (Circle) TBD
Remarks: * May be relicual - TBD	

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>Panel 9 U</u> Applicant/Owner: <u>WOODPA Sinks</u> Investigator: <u>B. Boudreau</u>	Date: <u>10-22-04</u> County: <u>LA</u> State: <u>CA</u>		
Do Normal Circumstances exist on the site? Is the site significantly disturbed (Atypical Situation)? Is the area a potential Problem Area? (If needed, explain on reverse.)	<table style="width: 100%;"> <tr> <td style="text-align: center;"> <input checked="" type="radio"/> Yes <input type="radio"/> No </td> <td style="text-align: center;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </td> </tr> </table>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No
<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No		
Community ID: <u>EMERGENT MARSH</u> Transect ID: _____ Plot ID: <u>2</u>			

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>SCIRPUS MARITIMUS</u>	<u>H</u>	<u>OBL</u>	9. _____	_____	_____
2. <u>CRESSA TRUXILLensis</u>	<u>A</u>	<u>FACW</u>	10. _____	_____	_____
3. _____	_____	_____	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): 100%

Remarks: _____

HYDROLOGY

<p>Recorded Data (Describe in Remarks):</p> <p> <input type="checkbox"/> Stream, Lake, or Tide Gauge <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other <input checked="" type="checkbox"/> No Recorded Data Available </p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: <u>NONE</u> (in.)</p> <p>Depth to Free Water in Pit: <u>7-8"</u> (in.)</p> <p>Depth to Saturated Soil: <u>6-7"</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p> <input type="checkbox"/> Inundated <input checked="" type="checkbox"/> Saturated in Upper 12 Inches <input type="checkbox"/> Water Marks <input type="checkbox"/> Drift Lines <input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patterns in Wetlands </p> <p>Secondary Indicators (2 or more required):</p> <p> <input type="checkbox"/> Oxidized Root Channels in Upper 12 Inches <input type="checkbox"/> Water-Stained Leaves <input type="checkbox"/> Local Soil Survey Data <input type="checkbox"/> FAC-Neutral Test <input type="checkbox"/> Other (Explain in Remarks) </p>
Remarks: _____	

DATA FORM
ROUTINE WETLAND DETERMINATION
 (1987 COE Wetlands Delineation Manual)

Project/Site: <u>Parcel 90 Marina del Rey</u> Applicant/Owner: <u>CITY OF LA</u> Investigator: <u>T. B. K. Kump</u>	Date: <u>8-18-04</u> County: <u>LA</u> State: <u>CA</u>		
Do Normal Circumstances exist on the site? Is the site significantly disturbed (Atypical Situation)? Is the area a potential Problem Area? (If needed, explain on reverse.)	<table style="width: 100%;"> <tr> <td style="text-align: center;"> <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Yes <input checked="" type="radio"/> No </td> <td style="vertical-align: top;"> Community ID: <u>Ruderal</u> Transect ID: _____ Plot ID: <u>3</u> </td> </tr> </table>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Yes <input checked="" type="radio"/> No	Community ID: <u>Ruderal</u> Transect ID: _____ Plot ID: <u>3</u>
<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Yes <input checked="" type="radio"/> No	Community ID: <u>Ruderal</u> Transect ID: _____ Plot ID: <u>3</u>		

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Salix exigua</u>	<u>S</u>	<u>OBL</u>	9. _____	_____	_____
2. <u>Bromus diandrus</u>	<u>H</u>	<u>UPL</u>	10. _____	_____	_____
3. _____	_____	_____	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): 50%

Remarks: _____

HYDROLOGY

<p>Recorded Data (Describe in Remarks):</p> <p> <input type="checkbox"/> Stream, Lake, or Tide Gauge <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other <input checked="" type="checkbox"/> No Recorded Data Available </p> <p>Field Observations:</p> <p>Depth of Surface Water: <u>Dry</u> (in.)</p> <p>Depth to Free Water in Pit: <u>Dry</u> (in.)</p> <p>Depth to Saturated Soil: <u>Dry</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p> <input checked="" type="checkbox"/> Inundated <input checked="" type="checkbox"/> Saturated in Upper 12 inches <input checked="" type="checkbox"/> Water Marks <input checked="" type="checkbox"/> Drift Lines <input checked="" type="checkbox"/> Sediment Deposits <input checked="" type="checkbox"/> Drainage Patterns in Wetlands </p> <p>Secondary Indicators (2 or more required):</p> <p> <input checked="" type="checkbox"/> Oxidized Root Channels in Upper 12 inches <input checked="" type="checkbox"/> Water-Stained Leaves <input checked="" type="checkbox"/> Local Soil Survey Data <input checked="" type="checkbox"/> FAC-Neutral Test <input checked="" type="checkbox"/> Other (Explain in Remarks) </p>
Remarks: <u>Pit to 18" - very Dry</u>	

SOILS

Map Unit Name (Series and Phase): <u>Ocean</u>		Drainage Class: <u>Well</u>	
Taxonomy (Subgroup): <u>NA</u>		Field Observations Confirm Mapped Type? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Profile Description:		Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
Depth (inches)	Horizon				
0-18		2.5Y3/3	7.5Y4/6	Few Distinct	Clay areas Mixed w/ sand

Hydric Soil Indicators:	
<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)

Remarks: Soils Relictant

WETLAND DETERMINATION

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (Circle) Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (Circle) Hydric Soils Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (Circle)	Is this Sampling Point Within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (Circle)
Remarks:	

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>Panel 9V</u> Applicant/Owner: <u>Woodfin</u> Investigator: <u>T. Thompson</u>	Date: <u>10-22-04</u> County: <u>LA</u> State: <u>CA</u>
Do Normal Circumstances exist on the site? <input checked="" type="radio"/> Yes <input type="radio"/> No Is the site significantly disturbed (Atypical Situation)? <input type="radio"/> Yes <input checked="" type="radio"/> No Is the area a potential Problem Area? <input type="radio"/> Yes <input checked="" type="radio"/> No (If needed, explain on reverse.)	Community ID: <u>Willows</u> Transect ID: _____ Plot ID: <u>3</u>

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Salix exigua</u>	<u>S</u>	<u>OBL</u>	9. _____	_____	_____
2. <u>Bromus diandrus</u>	<u>H</u>	<u>UPL</u>	10. _____	_____	_____
3. _____	_____	_____	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC+): 50%

Remarks: _____

HYDROLOGY

<p>Recorded Data (Describe in Remarks):</p> <p> <input type="checkbox"/> Stream, Lake, or Tide Gauge <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other <input checked="" type="checkbox"/> No Recorded Data Available </p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: <u>NONE</u> (in.)</p> <p>Depth to Free Water in Pit: <u>NONE</u> (in.)</p> <p>Depth to Saturated Soil: <u>NONE</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p> <input checked="" type="checkbox"/> Inundated <input checked="" type="checkbox"/> Saturated in Upper 12 Inches <input checked="" type="checkbox"/> Water Marks <input checked="" type="checkbox"/> Drift Lines <input checked="" type="checkbox"/> Sediment Deposits <input checked="" type="checkbox"/> Drainage Patterns in Wetlands </p> <p>Secondary Indicators (2 or more required):</p> <p> <input checked="" type="checkbox"/> Oxidized Root Channels in Upper 12 Inches <input checked="" type="checkbox"/> Water-Stained Leaves <input checked="" type="checkbox"/> Local Soil Survey Data <input checked="" type="checkbox"/> FAC-Neutral Test <input checked="" type="checkbox"/> Other (Explain in Remarks) </p>
<p>Remarks: _____</p>	

[illegible]

Hydrophytic Vegetation Present?	Yes	No (Circle)		
Wetland Hydrology Present?	Yes	No		
Hydric Soils Present?	Yes	No	Is this Sampling Point Within a Wetland?	Yes No
Remarks:				

Approved by HOUSEACE 3/91

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>Parcel 9 v Marina del Rey</u> Applicant/Owner: <u>CITY OF LA</u> Investigator: <u>T. B. Kamp</u>	Date: <u>8-18-04</u> County: <u>LA</u> State: <u>CA</u>
Do Normal Circumstances exist on the site? <input checked="" type="radio"/> Yes <input type="radio"/> No Is the site significantly disturbed (Atypical Situation)? <input type="radio"/> Yes <input checked="" type="radio"/> No Is the area a potential Problem Area? <input type="radio"/> Yes <input checked="" type="radio"/> No (If needed, explain on reverse.)	Community ID: <u>Pudna</u> Transect ID: <u>4</u> Plot ID: <u>4</u>

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Croton tiliaceus</u>	<u>H</u>	<u>PAEN</u>	9. _____	_____	_____
2. _____	_____	_____	10. _____	_____	_____
3. _____	_____	_____	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): _____

Remarks: _____

HYDROLOGY

<p>___ Recorded Data (Describe in Remarks):</p> <p style="margin-left: 20px;">___ Stream, Lake, or Tide Gauge</p> <p style="margin-left: 20px;">___ Aerial Photographs</p> <p style="margin-left: 20px;">___ Other</p> <p><input checked="" type="checkbox"/> No Recorded Data Available</p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: <u>NONE</u> (in.)</p> <p>Depth to Free Water in Pit: <u>NONE</u> (in.)</p> <p>Depth to Saturated Soil: <u>NONE</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p><u>NONE</u> <input type="checkbox"/> Inundated</p> <p><u>NONE</u> <input type="checkbox"/> Saturated in Upper 12 Inches</p> <p><u>NONE</u> <input type="checkbox"/> Water Marks</p> <p><u>NONE</u> <input type="checkbox"/> Drift Lines</p> <p><u>NONE</u> <input type="checkbox"/> Sediment Deposits</p> <p><u>NONE</u> <input type="checkbox"/> Drainage Patterns in Wetlands</p> <p>Secondary Indicators (2 or more required):</p> <p><u>NONE</u> <input type="checkbox"/> Oxidized Root Channels in Upper 12 Inches</p> <p><u>NONE</u> <input type="checkbox"/> Water-Stained Leaves</p> <p><u>NONE</u> <input type="checkbox"/> Local Soil Survey Data</p> <p><u>NONE</u> <input type="checkbox"/> FAC-Neutral Test</p> <p><u>NONE</u> <input type="checkbox"/> Other (Explain in Remarks)</p>
<p>Remarks: <u>Pit dry to 18"</u></p>	

SOILS

Map Unit Name (Series and Phase): <u>Oceanic</u>		Drainage Class: <u>well</u>	
Taxonomy (Subgroup): <u>NA</u>		Field Observations Confirm Mapped Type? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Profile Description:					
Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottled Colors (Munsell Moist)	Mottled Abundance/Contrast	Texture, Concretions, Structure, etc.
0-4		Sand			
4-7	{ Sand Transition	5Y 4/3	alternating w/		
		2.5Y 4/1	NONE		
		2.5Y 3/2			
7-12		10YR 3/6	NONE		
12-18		Layers of Gleyed sand + clay			

Hydric Soil Indicators:	
<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chrome Colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)

Remarks: <u>Potential Redox Formation</u>

WETLAND DETERMINATION

Hydrophytic Vegetation Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Circle) Wetland Hydrology Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Circle) Hydric Soils Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Circle)	Is this Sampling Point Within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Remarks:	

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>Parcel 9U</u> Applicant/Owner: <u>WPAFFA Suites</u> Investigator: <u>T. Borkamp</u>	Date: <u>10-27-04</u> County: <u>LA</u> State: <u>CA</u>				
Do Normal Circumstances exist on the site? Is the site significantly disturbed (Atypical Situation)? Is the area a potential Problem Area? (If needed, explain on reverse.)	<table style="width: 100%;"> <tr> <td style="text-align: center;">Yes <input checked="" type="radio"/> No <input type="radio"/></td> <td style="text-align: center;">Yes <input type="radio"/> No <input checked="" type="radio"/></td> </tr> <tr> <td style="text-align: center;">Yes <input type="radio"/> No <input checked="" type="radio"/></td> <td style="text-align: center;">Yes <input type="radio"/> No <input checked="" type="radio"/></td> </tr> </table>	Yes <input checked="" type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Yes <input checked="" type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>				
Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>				
Community ID: <u>Ruderal</u> Transect ID: _____ Plot ID: <u>4</u>					

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Cressa fraxillans</u>	<u>A</u>	<u>FACW</u>	9. _____	_____	_____
2. _____	_____	_____	10. _____	_____	_____
3. _____	_____	_____	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-1): 100%

Remarks: _____

HYDROLOGY

<p>Recorded Data (Describe in Remarks):</p> <p> <input type="checkbox"/> Stream, Lake, or Tide Gauge <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other <input checked="" type="checkbox"/> No Recorded Data Available </p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: <u>NONE</u> (in.)</p> <p>Depth to Free Water in Pit: <u>11-12</u> (in.)</p> <p>Depth to Saturated Soil: <u>11-12</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p> <input checked="" type="checkbox"/> Inundated <input checked="" type="checkbox"/> Saturated in Upper 12 Inches <input type="checkbox"/> Water Marks <input type="checkbox"/> Drift Lines <input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patterns in Wetlands </p> <p>Secondary Indicators (2 or more required):</p> <p> <input type="checkbox"/> Oxidized Root Channels in Upper 12 Inches <input type="checkbox"/> Water-Stained Leaves <input type="checkbox"/> Local Soil Survey Data <input type="checkbox"/> FAC-Neutral Test <input type="checkbox"/> Other (Explain in Remarks) </p>
<p>Remarks: <u>Saturated zone at 11-12 inches on top of clay area</u></p>	

SOILS

Map Unit Name (Series and Phase): <u>Oceanic</u>		Drainage Class: <u>Excessive</u>	
Taxonomy (Subgroup): <u>NA</u>		Field Observations Confirm Mapped Type? Yes <input type="radio"/> No <input checked="" type="radio"/>	

Profile Description:		Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
Depth (inches)	Horizon				
<p>See sheet from 8-18-04</p>					

Hydric Soil Indicators:	
<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)

Remarks:	Redox observed on 8-18-04 consistent w/ shallow perched water at 11-12 inches
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WETLAND DETERMINATION

Hydrophytic Vegetation Present? <input checked="" type="radio"/> Yes <input type="radio"/> No (Circle) Wetland Hydrology Present? <input checked="" type="radio"/> Yes <input type="radio"/> No Hydric Soils Present? <input checked="" type="radio"/> Yes <input type="radio"/> No	Is this Sampling Point Within a Wetland? <input checked="" type="radio"/> Yes <input type="radio"/> No (Circle)
Remarks:	

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>Pinell 90 - Marina del Rey</u> Applicant/Owner: <u>CITY OF LA</u> Investigator: <u>T. Borkamp</u>	Date: <u>8-18-04</u> County: <u>LA</u> State: <u>CA</u>
Do Normal Circumstances exist on the site? Is the site significantly disturbed (Atypical Situation)? Is the area a potential Problem Area? (If needed, explain on reverse.)	<div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="radio"/> Yes <input type="radio"/> No </div> <div> <input type="radio"/> Yes <input checked="" type="radio"/> No </div> </div> Community ID: <u>Ruderal</u> Transect ID: _____ Plot ID: <u>5</u>

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Cynodon dactylon</u>	<u>H</u>	<u>FAC</u>	9. _____	_____	_____
2. <u>Bromus diandrus</u>	<u>H</u>	<u>UPL</u>	10. _____	_____	_____
3. <u>Parapholis incurva</u>	<u>H</u>	<u>OBL</u>	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-I): 66/67%

Remarks: _____

HYDROLOGY

<p>Recorded Data (Describe in Remarks):</p> <p> <input type="checkbox"/> Stream, Lake, or Tide Gauge <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other </p> <p><input checked="" type="checkbox"/> No Recorded Data Available</p> <p>Field Observations:</p> <p>Depth of Surface Water: <u>Dry</u> (in.)</p> <p>Depth to Free Water in Pit: <u>Dry</u> (in.)</p> <p>Depth to Saturated Soil: <u>Dry</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p> <input checked="" type="checkbox"/> Inundated <input checked="" type="checkbox"/> Saturated in Upper 12 Inches <input checked="" type="checkbox"/> Water Marks <input checked="" type="checkbox"/> Orift Lines <input checked="" type="checkbox"/> Sediment Deposits <input checked="" type="checkbox"/> Drainage Patterns in Wetlands </p> <p>Secondary Indicators (2 or more required):</p> <p> <input checked="" type="checkbox"/> Oxidized Root Channels in Upper 12 Inches <input checked="" type="checkbox"/> Water-Stained Leaves <input checked="" type="checkbox"/> Local Soil Survey Data <input checked="" type="checkbox"/> FAC-Neutral Test <input checked="" type="checkbox"/> Other (Explain in Remarks) </p>
Remarks: <u>Dry to 18"</u>	

SOILS

Map Unit Name (Series and Phase): <u>OCEAND</u>			Drainage Class: <u>well</u>		
Taxonomy (Subgroup): <u>NA</u>			Field Observations Confirm Mapped Type? Yes <input checked="" type="radio"/> No <input type="radio"/>		
Profile Description:					
Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
0-8	Sandy	2.5Y	3/2 - 3/3	None	
8-12		2.5Y	3/1	NONE	

Hydric Soil Indicators:

<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)
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Remarks:

WETLAND DETERMINATION

Hydrophytic Vegetation Present? <input checked="" type="radio"/> Yes <input type="radio"/> No (Circle) Wetland Hydrology Present? <input checked="" type="radio"/> Yes <input type="radio"/> No (Circle) Hydric Soils Present? <input checked="" type="radio"/> Yes <input type="radio"/> No (Circle)	Is this Sampling Point Within a Wetland? Yes <input checked="" type="radio"/> No <input type="radio"/>
Remarks:	

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>Parcel 9V</u> Applicant/Owner: <u>WOODFIN Suites</u> Investigator: <u>Thomas Kamp</u>	Date: <u>10-22-04</u> County: <u>LA</u> State: <u>CA</u>				
Do Normal Circumstances exist on the site? Is the site significantly disturbed (Atypical Situation)? Is the area a potential Problem Area? (If needed, explain on reverse.)	<table style="width: 100%;"> <tr> <td style="text-align: center;">Yes <input checked="" type="radio"/> No <input type="radio"/></td> <td rowspan="3" style="vertical-align: top;"> Community ID: <u>Ruderal</u> Transect ID: _____ Plot ID: <u>5</u> </td> </tr> <tr> <td style="text-align: center;">Yes <input type="radio"/> No <input checked="" type="radio"/></td> </tr> <tr> <td style="text-align: center;">Yes <input type="radio"/> No <input checked="" type="radio"/></td> </tr> </table>	Yes <input checked="" type="radio"/> No <input type="radio"/>	Community ID: <u>Ruderal</u> Transect ID: _____ Plot ID: <u>5</u>	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Yes <input checked="" type="radio"/> No <input type="radio"/>	Community ID: <u>Ruderal</u> Transect ID: _____ Plot ID: <u>5</u>				
Yes <input type="radio"/> No <input checked="" type="radio"/>					
Yes <input type="radio"/> No <input checked="" type="radio"/>					

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Cynodon dactylon</u>	<u>H</u>	<u>FAC</u>	9. _____	_____	_____
2. <u>Bromus diandrus</u>	<u>H</u>	<u>VPL</u>	10. _____	_____	_____
3. <u>Parapholis incurva</u>	<u>H</u>	<u>OBL</u>	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): 67%

Remarks: _____

HYDROLOGY

<p>Recorded Data (Describe in Remarks):</p> <p>Stream, Lake, or Tide Gauge _____</p> <p>Aerial Photographs _____</p> <p>Other _____</p> <p><input checked="" type="checkbox"/> No Recorded Data Available</p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: <u>DRY to 18"</u> (in.)</p> <p>Depth to Free Water in Pit: <u>DRY to 18"</u> (in.)</p> <p>Depth to Saturated Soil: <u>DRY to 18"</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p><u>NONE</u> _____ Inundated</p> <p>_____ Saturated in Upper 12 Inches</p> <p>_____ Water Marks</p> <p>_____ Drift Lines</p> <p>_____ Sediment Deposits</p> <p>_____ Drainage Patterns in Wetlands</p> <p>Secondary Indicators (2 or more required):</p> <p><u>NONE</u> _____ Oxidized Root Channels in Upper 12 Inches</p> <p>_____ Water-Stained Leaves</p> <p>_____ Local Soil Survey Data</p> <p>_____ FAC-Neutral Test</p> <p>_____ Other (Explain in Remarks)</p>
<p>Remarks: _____</p>	

DATA FORM
ROUTINE WETLAND DETERMINATION
 (1987 COE Wetlands Delineation Manual)

Project/Site: <u>Parcel 90</u> Applicant/Owner: <u>Woodfin Suites</u> Investigator: <u>T. Gunkamp</u>	Date: <u>10-22-04</u> County: <u>LA</u> State: <u>CA</u>
Do Normal Circumstances exist on the site? <input checked="" type="radio"/> Yes <input type="radio"/> No Is the site significantly disturbed (Atypical Situation)? <input type="radio"/> Yes <input checked="" type="radio"/> No Is the area a potential Problem Area? <input type="radio"/> Yes <input checked="" type="radio"/> No (If needed, explain on reverse.)	Community ID: <u>Rudral</u> Transect ID: _____ Plot ID: <u>6</u>

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Oreocera fraxillensis</u>	<u>H</u>	<u>FACW</u>	9. _____	_____	_____
2. <u>Bassia hyssopifolia</u>	<u>H</u>	<u>FAC</u>	10. _____	_____	_____
3. _____	_____	_____	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): 100%

Remarks: _____

HYDROLOGY

<p>Recorded Data (Describe in Remarks):</p> <p> <input type="checkbox"/> Stream, Lake, or Tide Gauge <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other <input checked="" type="checkbox"/> No Recorded Data Available </p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: <u>NONE</u> (in.)</p> <p>Depth to Free Water in Pit: <u>* 12-13</u> (in.)</p> <p>Depth to Saturated Soil: <u>* 12-13</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p> <input type="checkbox"/> Inundated <input checked="" type="checkbox"/> Saturated in Upper 12 Inches <input type="checkbox"/> Water Marks <input type="checkbox"/> Drift Lines <input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patterns in Wetlands </p> <p>Secondary Indicators (2 or more required):</p> <p> <input type="checkbox"/> Oxidized Root Channels in Upper 12 Inches <input type="checkbox"/> Water-Stained Leaves <input type="checkbox"/> Local Soil Survey Data <input type="checkbox"/> FAC-Neutral Test <input type="checkbox"/> Other (Explain in Remarks) </p> <p style="font-size: 1.5em; margin-left: 20px;">None</p>
<p>Remarks: <u>* Perched zone of saturation between 12 and 13 inches</u></p>	

SOILS

Map Unit Name (Series and Phase): <u>Ocean</u>		Drainage Class: <u>Excessive</u>	
Taxonomy (Subgroup): <u>N/A</u>		Field Observations Confirm Mapped Type? Yes <input type="radio"/> No <input checked="" type="radio"/>	

Profile Description:		Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
Depth (inches)	Horizon				
0-8		10YR 2/2	7.5YR 4/6	Common/distinct	Sandy loam
8-18		2.5YR 3/2	Same	" "	" "
		Mottles may be Relict			

Hydric Soil Indicators:	
<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input checked="" type="checkbox"/> Aquic Moisture Regime - narrow packed zone <input type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)

Remarks:

WETLAND DETERMINATION

Hydrophytic Vegetation Present? <input checked="" type="radio"/> Yes <input type="radio"/> No (Circle) Wetland Hydrology Present? <input checked="" type="radio"/> Yes <input type="radio"/> No Hydric Soils Present? <input checked="" type="radio"/> Yes <input type="radio"/> No	Is this Sampling Point Within a Wetland? <input checked="" type="radio"/> Yes <input type="radio"/> No (Circle)
Remarks:	

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>Parcel 9V</u> Applicant/Owner: <u>WOODFIN SITES</u> Investigator: <u>E. BARKUM / E. HOFFMAN</u>	Date: <u>12-1-04</u> County: <u>LA</u> State: <u>CA</u>				
Do Normal Circumstances exist on the site? Is the site significantly disturbed (Atypical Situation)? Is the area a potential Problem Area? (If needed, explain on reverse.)	<table style="width: 100%;"> <tr> <td style="text-align: center;">Yes <input checked="" type="radio"/> No <input type="radio"/></td> <td rowspan="3" style="vertical-align: top;"> Community ID: <u>Willow Scrub</u> Transect ID: _____ Plot ID: <u>7</u> </td> </tr> <tr> <td style="text-align: center;">Yes <input type="radio"/> No <input checked="" type="radio"/></td> </tr> <tr> <td style="text-align: center;">Yes <input type="radio"/> No <input checked="" type="radio"/></td> </tr> </table>	Yes <input checked="" type="radio"/> No <input type="radio"/>	Community ID: <u>Willow Scrub</u> Transect ID: _____ Plot ID: <u>7</u>	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Yes <input checked="" type="radio"/> No <input type="radio"/>	Community ID: <u>Willow Scrub</u> Transect ID: _____ Plot ID: <u>7</u>				
Yes <input type="radio"/> No <input checked="" type="radio"/>					
Yes <input type="radio"/> No <input checked="" type="radio"/>					

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Salix exigua</u>	<u>S</u>	<u>OBL</u>	9. _____	_____	_____
2. <u>Cynodon dactylon</u>	<u>H</u>	<u>FAC</u>	10. _____	_____	_____
3. _____	_____	_____	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): 100%

Remarks: _____

HYDROLOGY

<p>Recorded Data (Describe in Remarks):</p> <p> <input type="checkbox"/> Stream, Lake, or Tide Gauge <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other <input checked="" type="checkbox"/> No Recorded Data Available </p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: <u>Dry to 16"</u> (in.)</p> <p>Depth to Free Water in Pit: <u>1'</u> (in.)</p> <p>Depth to Saturated Soil: <u>9'</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p> <input type="checkbox"/> Inundated <input type="checkbox"/> Saturated in Upper 12 inches <input type="checkbox"/> Water Marks <input type="checkbox"/> Drift Lines <input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patterns in Wetlands </p> <p>Secondary Indicators (2 or more required):</p> <p> <input type="checkbox"/> Oxidized Root Channels in Upper 12 inches <input type="checkbox"/> Water-Stained Leaves <input type="checkbox"/> Local Soil Survey Data <input type="checkbox"/> FAC-Neutral Test <input type="checkbox"/> Other (Explain in Remarks) </p>
<p>Remarks: <u>Pit ≈ 1/2 way up slope</u></p>	

SOILS

Map Unit Name (Series and Phase): <u>OCEANO</u>		Drainage Class: <u>EXCESSIVE</u>	
Taxonomy (Subgroup): <u>NA</u>		Field Observations Confirm Mapped Type? Yes <u>(No)</u>	

Profile Description:					
Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
<u>0-16</u>		<u>2.5 Y 3/2</u>	<u>NONE</u>		<u>SAND + SILT</u>

Hydric Soil Indicators:	
<u>NONE</u> <ul style="list-style-type: none"> <input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chrome Colors 	<u>NONE</u> <ul style="list-style-type: none"> <input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)

Remarks:

WETLAND DETERMINATION

Hydrophytic Vegetation Present? <u>(Yes)</u> <u>Na</u> (Circle) Wetland Hydrology Present? <u>Yes</u> <u>(Na)</u> Hydric Soils Present? <u>Yes</u> <u>(No)</u>	(Circle) Is this Sampling Point Within a Wetland? <u>(Yes)</u> <u>No</u>
Remarks: Sampling Point at Wetland Boundary	

Approved by HQUSACE 3/92

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>Parcel 90</u> Applicant/Owner: <u>Woodfin Suites</u> Investigator: <u>E Borkamp / F Hoffman</u>	Date: <u>12-1-04</u> County: <u>LA</u> State: <u>CA</u>
Do Normal Circumstances exist on the site? Yes No Is the site significantly disturbed (Atypical Situation)? Yes No Is the area a potential Problem Area? Yes No (If needed, explain on reverse.)	Community ID: <u>Willow Scrub</u> Transect ID: _____ Plot ID: <u>8</u>

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Salix exigua</u>	<u>S</u>	<u>OBL</u>	9. _____	_____	_____
2. <u>Cressa truxillensis</u>	<u>H</u>	<u>FACW</u>	10. _____	_____	_____
3. _____	_____	_____	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-I): 100%

Remarks: _____

HYDROLOGY

<p>Recorded Date (Describe in Remarks):</p> <p>___ Stream, Lake, or Tide Gauge</p> <p>___ Aerial Photographs</p> <p>___ Other</p> <p><input checked="" type="checkbox"/> No Recorded Date Available</p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: <u>NONE</u> (in.)</p> <p>Depth to Free Water in Pit: <u>11-12</u> (in.)</p> <p>Depth to Saturated Soil: <u>11-12</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p>___ Inundated</p> <p><input checked="" type="checkbox"/> Saturated in Upper 12 Inches</p> <p>___ Water Marks</p> <p>___ Drift Lines</p> <p>___ Sediment Deposits</p> <p>___ Drainage Patterns in Wetlands</p> <p>Secondary Indicators (2 or more required):</p> <p>___ Oxidized Root Channels in Upper 12 Inches</p> <p>___ Water-Stained Leaves</p> <p>___ Local Soil Survey Data</p> <p>___ FAC-Neutral Test</p> <p>___ Other (Explain in Remarks)</p>
<p>Remarks: _____</p>	

SOILS

Map Unit Name (Series and Phase): <u>Oleano</u>		Drainage Class: <u>Excessive</u>	
Taxonomy (Subgroup): <u>NA</u>		Field Observations Confirm Mapped Type? Yes <input type="radio"/> No <input checked="" type="radio"/>	

Profile Description:		Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
Depth (Inches)	Horizon				
<u>0-4</u>		<u>2.5Y 5/2</u>	<u>10YR 5/8</u>		
<u>4-16</u>		<u>2.5Y 3/1</u>	<u>NONE</u>		

Hydric Soil Indicators:	
<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input checked="" type="checkbox"/> Gleyed or Low-Chrome Colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)
<u>Potentially Relictual though could be from Subsurface Hydrology</u>	
Remarks:	

WETLAND DETERMINATION

Hydrophytic Vegetation Present? <input checked="" type="radio"/> Yes <input type="radio"/> No (Circle) Wetland Hydrology Present? <input checked="" type="radio"/> Yes <input type="radio"/> No Hydric Soils Present? <input checked="" type="radio"/> Yes <input type="radio"/> No	Is this Sampling Point Within a Wetland? <input checked="" type="radio"/> Yes <input type="radio"/> No (Circle)
Remarks: <u>Potentially Relictual but presumed in due to presence of subsurface hydrology</u>	

DATA FORM
ROUTINE WETLAND DETERMINATION
 (1987 COE Wetlands Delineation Manual)

Project/Site: <u>Parcel 9 v</u> Applicant/Owner: <u>WOODFIN Suites</u> Investigator: <u>T. Brunkamp</u>		Date: <u>10-22-04</u> County: <u>LA</u> State: <u>CA</u>
Do Normal Circumstances exist on the site? Yes No Is the site significantly disturbed (Atypical Situation)? Yes No Is the area a potential Problem Area? Yes No (If needed, explain on reverse.)		Community ID: <u>Ruderal</u> Transect ID: _____ Plot ID: <u>9</u>

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Cressa truxillensis</u>	<u>H</u>	<u>FACW</u>	9. _____	_____	_____
2. <u>Bassia hyssopifolia</u>	<u>H</u>	<u>FAC</u>	10. _____	_____	_____
3. _____	_____	_____	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-I). 100%

Remarks:

HYDROLOGY

<p> <input type="checkbox"/> Recorded Data (Describe in Remarks): <input type="checkbox"/> Stream, Lake, or Tide Gauge <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other <input checked="" type="checkbox"/> No Recorded Data Available </p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: <u>DRY TO 18"</u> (in.)</p> <p>Depth to Free Water in Pit: <u>DRY TO 18"</u> (in.)</p> <p>Depth to Saturated Soil: <u>DRY TO 18"</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p><u>NONE</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Inundated <input type="checkbox"/> Saturated in Upper 12 Inches <input type="checkbox"/> Water Marks <input type="checkbox"/> Drift Lines <input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patterns in Wetlands <p>Secondary Indicators (2 or more required):</p> <p><u>NONE</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Oxidized Root Channels in Upper 12 Inches <input type="checkbox"/> Water-Stained Leaves <input type="checkbox"/> Local Soil Survey Data <input type="checkbox"/> FAC-Neutral Test <input type="checkbox"/> Other (Explain in Remarks)
Remarks:	

SOILS

Map Unit Name (Series and Phase): <u>Oceanic</u>		Drainage Class: <u>Excessive</u>	
Taxonomy (Subgroup): <u>NA</u>		Field Observations Confirm Mapped Type? Yes <input checked="" type="radio"/> No <input type="radio"/>	

Profile Description:		Matrix Color	Mottle Colors	Mottle	Texture, Concretions,
Depth	Horizon	(Munsell Moist)	(Munsell Moist)	Abundance/Contrast	Structure, etc.
0-16		2.5Y 3/3	NONE	clean Brown Soil on	
				Small Rise at elevation 2.5	

Hydric Soil Indicators:	
<input checked="" type="checkbox"/> Histosol <input checked="" type="checkbox"/> Histic Epipedon <input checked="" type="checkbox"/> Sulfidic Odor <input checked="" type="checkbox"/> Aquic Moisture Regime <input checked="" type="checkbox"/> Reducing Conditions <input checked="" type="checkbox"/> Gleyed or Low-Chroma Colors	<input checked="" type="checkbox"/> Concretions <input checked="" type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input checked="" type="checkbox"/> Organic Streaking in Sandy Soils <input checked="" type="checkbox"/> Listed on Local Hydric Soils List <input checked="" type="checkbox"/> Listed on National Hydric Soils List <input checked="" type="checkbox"/> Other (Explain in Remarks)

Remarks:

WETLAND DETERMINATION

Hydrophytic Vegetation Present? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No (Circle) Wetland Hydrology Present? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No Hydric Soils Present? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	Is this Sampling Point Within a Wetland? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No (Circle)
Remarks: <div style="margin-left: 400px;"> * Area lacks hydrology and soil clearly different and more "upland" than in areas around Pits 1 and 4. However based on vege - potential CCC wetland </div>	

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>Parcel 94 Marina del Rey</u> Applicant/Owner: <u>Woodfin Sates</u> Investigator: <u>T. Bontkamp</u>	Date: <u>10-22-04</u> County: <u>LA</u> State: <u>CA</u>
Do Normal Circumstances exist on the site? <input checked="" type="radio"/> Yes <input type="radio"/> No Is the site significantly disturbed (Atypical Situation)? <input type="radio"/> Yes <input checked="" type="radio"/> No Is the area a potential Problem Area? <input type="radio"/> Yes <input checked="" type="radio"/> No (If needed, explain on reverse.)	Community ID: <u>Rudra1</u> Transect ID: _____ Plot ID: <u>16</u>

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Mesembryanthemum nodiflorum</u>	<u>H</u>	<u>UPL</u>	9. _____	_____	_____
2. <u>Bromus rubens</u>	<u>H</u>	<u>UPL</u>	10. _____	_____	_____
3. <u>Cressa trochiloides</u>	<u>H</u>	<u>FACW</u>	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-I): 33%

Remarks: _____

HYDROLOGY

<p>Recorded Date (Describe in Remarks): _____ Stream, Lake, or Tide Gauge _____ Aerial Photographs _____ Other <input checked="" type="checkbox"/> No Recorded Date Available</p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: <u>None</u> (in.)</p> <p>Depth to Free Water in Pit: <u>None</u> (in.)</p> <p>Depth to Saturated Soil: <u>None</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p><u>None</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Inundated <input type="checkbox"/> Saturated in Upper 12 Inches <input type="checkbox"/> Water Marks <input type="checkbox"/> Drift Lines <input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patterns in Wetlands <p>Secondary Indicators (2 or more required):</p> <p><u>None</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Oxidized Root Channels in Upper 12 Inches <input type="checkbox"/> Water-Stained Leaves <input type="checkbox"/> Local Soil Survey Data <input type="checkbox"/> FAC-Neutral Test <input type="checkbox"/> Other (Explain in Remarks)
<p>Remarks: <u>Rain on 10/16 + 10/20</u> <u>Pit to 14" no saturation - some moisture in profile</u></p>	

SOILS

Map Unit Name (Series and Phase): <u>Ollano</u>			Drainage Class: <u>EXCESSIVE</u>		
Taxonomy (Subgroup): <u>—</u>			Field Observations Confirm Mapped Type? Yes <input type="radio"/> No <input checked="" type="radio"/>		

Profile Description:		Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
Depth (inches)	Horizon				
0-8		2.5Y 3/3	NONE		Sandy loam
8-12		2.5Y 3/1	NONE		Sandy loam

Hydric Soil Indicators:	
<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)

Remarks:

WETLAND DETERMINATION

Hydrophytic Vegetation Present?	Yes <input type="radio"/> No <input checked="" type="radio"/> (Circle)	
Wetland Hydrology Present?	Yes <input type="radio"/> No <input checked="" type="radio"/> (Circle)	
Hydric Soils Present?	Yes <input type="radio"/> No <input checked="" type="radio"/> (Circle)	
		Is this Sampling Point Within a Wetland? Yes <input type="radio"/> No <input checked="" type="radio"/> (Circle)

Remarks:

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071



May 9, 1995

MEMORANDUM

TO: Commissioners and Interested persons

FROM: Charles Damm, District Director, South Coast District
South Coast District Staff

SUBJECT: Corrections and Changes to Staff Recommendation on Marina
del Rey LCP amendment Los Angeles County 94-1 (LCPA),
discussion of changes and correspondence received.
Wednesday, Item 15 A

I. Summary of changes to staff recommendation.

Height limits on Via Marina and parcel 64--raise maximum height to 140 feet.

In response to comments from the County Staff and the Lessee's association, the staff is recommending changes in height on certain Residential V RV) zoned parcels located on the loop roads. Currently the staff recommendation is for these parcels to be limited to 45 feet, or if a 40% view corridor is provided, to extend to a maximum of 75 feet, or seven stories.

The staff has changed its recommendation to allow these parcels (113, 112, 111, 10 and 64) to extend to 140 feet (fourteen stories) if view corridor conditions are met. These parcels would only be allowed to exceed 45 feet if they provide a minimum 100 foot wide view corridor (or as provided below), and if they can demonstrate that there will be no individual or cumulative wind impacts. This change is in response to statements by the County staff that the steel structures, underground parking and fire equipment necessary to exceed 45 feet would not be economically feasible with only 75 feet. The County staff states that in their view a 75 foot maximum would not result in any view corridors being provided and that the view corridors are important to their goal of opening up views of the water for the public.

This program increases maximum heights to some parcels along view marina in the western marina. Therefore the names of the categories have changed to reflect the inclusion of western parcels 113, 112, 111, 64 and 10 in the height category formerly applied on Admiralty only. Parcel 15 is not included in these incentives because it is designated Residential IV (RIV). Also hotels located on parcels 22 and 27 located adjacent to the public beach which have shading issues have not been granted additional heights. The recommendation to increase maximum heights is based on assertions by the County staff that additional height is necessary to assure redevelopment.

View corridor configuration on four irregularly shaped parcels (113, 112, 132 and 64).

Staff is also recommending changes in the view corridor configuration on three triangular parcels located on the main channel, 64, 113 and 132, and on parcel 112 which is separated from the water by a road except on its short side. Although 40% view corridor from the loop road to the bulkhead is appropriate for the typical rectangular parcel, Parcels 64, 113 and 132 are triangular in shape, with a proportionately larger part of their land area consisting of waterfront frontage. Requiring a view corridor to be 40% of the bulkhead frontage on these would result in a greater proportion of the land area provided for view corridor than would be required on other parcels. On the other hand, allowing these parcels to locate their view corridor areas on the waterfront would provide public views of the channel. As recommended below, the 75 foot wide required open space area on parcel 113 1n 2 112 and the 45 foot wide open space area on parcel 64 is roughly proportional to the amount that would be required of other parcels.

In response to the comments and request by the lessees association and County staff, staff is recommending:

1. Change the timing mechanism of the public park development language so the occupancy of approved structures would not be contingent upon construction of parks, but so that the County would still be required to develop and open public waterfront parks as lower priority uses were developed. The County staff has stated that there may be considerable time after initial development is approved before enough money is contributed to the fund to develop a park. The initial developers might then be unable to occupy their completed structures. The County staff states, on the other hand, that a fund of \$200,000 is sufficient to develop and open a two acre park. In view of the public ownership of the Marina sites, and in view of the fact that each site now contains a n economically viable use, it is possible to defer development of redeveloped and intensified uses that would require additional parks until

the money in the fund is spent on opening a park. In this way public park development would be guaranteed, but the County would not face empty, abandoned units.

2. The County staff has also suggested modifying the LCP to require a lower ratio of parks to population reflecting the subdivision ordinance rather than the general plan, proposing allowing "private" recreation to be considered as fulfilling the recreation requirement, and allowing two public parking lots (OT and UR) to convert to private uses. The County staff has also prepared a list of publicly owned parcels that could be developed as parks. This list does not distinguish between waterfront and non waterfront parcels. Under the Coastal Act, waterfront parcels suitable for public recreation shall be preserved for that use. Public recreation has a priority over private residential and commercial uses. Therefore the staff does not support the County staff's alternative language.
3. Change the Coastal Access and Recreation Improvement Fund language to reflect the requirement that funds be spent in a timely fashion.
4. Change designation of the inland portion of Parcel 132 to hotel designation at the request of the Lessees Association and the County staff.
5. Amplification to the lower cost overnight accommodation standards to permit an in lieu fee similar to what is employed in the currently certified LCP. This is in response to the request of the Lessees Association and County staff.
6. Minor changes in view corridor standards to describe allowable uses in view corridors. The standard as recommended would allow tables, patios, low delineation walls and play equipment, but not swimming pools or automobiles, in view corridors, in response to comments by the Lessees Association.
7. In response to strong objections by the County staff, staff withdraws the recommendation to update the Design Control Board to respond to High-rise development, and now recommends that the Design Control Board language be as submitted, modified only to include the certified LCP as a standard of review.
8. Changes to Appendix G, the Transportation Improvement Fund, so that the language is identical to the language in the implementation ordinance.
9. Changes in the replacement of boating support facility requirement in the LIP in response to the Lessees, who requested that the language allow replacement of larger facilities anywhere in the Marina, and in response to the Pioneer Skippers Association, a boater group, who requested that boater landslide parking and loading at anchorages would be protected during redevelopment.
10. Also, at the request of the Lessee's Association, to allow 25% of the site in the Marine Commercial Zone to be developed as Marine related office uses as a conditional use.

Changes to staff recommendation Suggested Modifications to LCP
Page 4

11. Changes to reflect typographic errors and minor clarifications brought to the staff's attention by the County staff, the Lessees and the public.

II. Attachments Correspondence and Exhibits.

1. The attached Exhibit 21 page 4 should replace Exhibit 21, page 4 of 12. The reason for the change is due to an error in labeling the entire parcel as Residential III. The Via Marina portion of the parcel is Residential IV (RIV).
2. Letters of opposition. Since the mailing of the Staff Report, the South Coast office has received additional letters objecting to the LCP amendment. Major issues raised include traffic impacts from the proposed potential development and the proposed traffic mitigation, the adequacy of open space, and public parks, the obligations of the Marina as a public facility, and the decision making process. Copies of the letters are included. Where multiple copies of the same letter were received, only examples are provided.
3. Letters from government agencies. The South Coast office has received a letter from Mr. John Jalili, City Manager, of the City of Santa Monica. The letter addresses a number of concerns with the proposed amendment and staff's recommendation. The issues addressed are: a) local traffic mitigation vs. regional traffic mitigation, b) disagreement with Commission Staff's suggested modification to permit no more than 50% of development to proceed until adequate traffic improvements are approved and funded, b) air quality, and c) the proposed amendment's lack of low and moderate income housing and its subsequent impact on the Santa Monica housing market. Letter is attached.
4. Letters of support. The South Coast office has received a letter from Mr. Douglas R. Ring, one of the general partners of the leasehold interest in Parcels No. 12 and 15. In the letter Mr. Ring concurs with Commission Staff's modification of 45-foot maximum height limits on his two mole road parcels. The Lessees Association has provided alternate language addressing the unresolved issues. Letters are attached.

III. Changes to the Executive Summary:

Page 9 of the Executive Summary refers to parcel 111 when parcel 113 is meant. Parcel 113 is 23 acre parcel immediately adjacent to the entrance channel. The paragraph should read:

Finally, when high intensity development is approved, staff recommends modifications to increase recreational public access and recreation on the

~~Prior to occupancy of the 1936th to the 1285th additional residential unit, the fourth park, the land portion of Parcel P, shall be improved and open.~~

b Limitations.

Once the Coastal Access and Recreation Improvement fund has accumulated \$200,000 the Director of Beaches and Harbors shall construct and open incremental improvements of new park land and recreational facilities within the marina as described in subsection a above. Thereafter the fund shall not accumulate more than \$200,000 before additional increments of park and recreational facilities are improved. In no event shall mitigation fees be held in the fund for more than three years without expenditure of the accumulated monies in improving new public waterfront parks in the Marina del Rey. After \$200,000 is in the fund, no new development applications shall be approved until the money has been spent and the park land is open or unless the developer can provide public parks to mitigate its project prior to occupancy of the development. Any alternate dispersion of the monies, shall require an amendment this LUP. If after five years, the funds are not spent, retention or disbursement the money shall require an amendment to this LCP.

This method reflects the fact that the County is the landowner, and that all present lessees in the marina del Rey have a use on their property. Therefore only the intensification would be denied pending construction of the new park or parks.

2. Recreation: lower cost overnight accommodations, in lieu fee option.

Change the following language relating to lower cost overnight accommodations:

4. Lower cost visitor-serving facilities shall be protected and, to the extent feasible, new lower cost visitor-serving uses shall be encouraged and provided within the existing Marina. **At a minimum, every new hotel developed shall reserve and develop no less than 25% of the site as a lower cost overnight accommodation, or less area if one lower cost bed is provided for every ten market rate rooms.**

a. **If the applicant demonstrates that development of a lower cost accommodation on site is not feasible, the applicant shall pay a fee for each hotel room representing the prorated share of 10% of the cost of one bed in a lower cost overnight accommodation. Said share shall include the prorated share of land acquisition, construction and furnishing of 10% of one bed and that bed's prorated share of necessary common lobby, kitchen and sanitary facilities.**

2.5 ~~No occupancy of any Additional residential development shall occur in the Marina del Rey before construction of all improvements required to mitigate all increased impacts of such development on public recreation and visitor serving uses. Additional residential development in the Marina shall require the park improvements identified in Policy 1.5 in four phases of 645 units. Each additional 645 units shall require a minimum of 3.88 acres of improved public park land and shall be based on the County standard of 4 acres of park per 1,000 additional residents. Residential occupancy shall be based on 1990 census rates of 1.5 persons per new unit. Prior to occupancy of each 645 units, a minimum of 3.88 acres of park shall be improved and open to the public.~~

a) Phasing of Development.

- Construction of any allowable additional residential development in the Marina del Rey shall occur in four phases of 645 units. Each phase requires a minimum of 3.88 acres of improved park land. No more than 645 additional residential units may be developed before improvement and opening of each new public park as specified below:

- Prior to development of any additional residential unit after the 645th unit, the first park, parcel UR, as well as additional picnic areas and public bathrooms in Admiralty Park and parcel 3 shall be improved and open,

- Prior to development of any additional residential unit after the 1291st unit, the second park, parcel FF, shall be improved and open.

- Prior to development of any additional residential unit after the 1976th unit, the third park, parcel 9, shall be improved and open.

b) Limitation on Occupancy.

~~No occupancy of any additional residential development shall occur in the Marina del Rey before completion of improvements required to mitigate all impacts of such development on public recreation and visitor serving uses as specified in the schedule set forth below:~~

~~Prior to occupancy of any of the first 645 additional residential units, the first park, parcel UR, and additional picnic areas and public bathrooms in Admiralty Park and parcel 3 shall be improved and open.~~

~~Prior to occupancy of the 646th unit to the 1291st additional residential unit the second park, parcel FF, shall be improved and open.~~

~~Prior to occupancy of the any unit after the 1291st and before the 1936th additional residential unit, the third park, parcel 9, shall be improved and open.~~

Replacement of boat storage and other recreation uses in "Marina" instead of "Development Zone. Make the following change in sections 22.46.1250, 22.46.1290, 22.46.1330; 22.46.1370, 22.46.1410, 22.46.1450, 22.46.1490; 22.46.1530; 22.46.1570; 22.46.1730; 22.46.1770.C:

.. Named use shall not reduce the amount of land area devoted to existing public parks, boating or coastal dependent marine commercial uses. a) With the exception of facilities located on parcels 1, 56, 54, and 55 which shall be preserved on site, boating facilities may be relocated in conjunction with development so long as the same or larger boating facility is replaced within the Development Zone Marina, and water/and or anchorage access necessary to allow the use to operate is preserved. b) Any project which relocates an existing coastal dependent boating use, including but not limited to boat launching, boat storage, boater parking and access, shall be phased so that said use is replaced within the Marina Development Zone before the development which displaces it may commence.

22.46.1800 Coastal Access and Recreation Improvement Fund

A. A Coastal **Access and Recreation** Improvement Fund will be established to finance construction of local **public** park facilities in the Marina del Rey area **to serve all economic segments of the County's population**. New park facilities will mitigate the impacts of new residential development on the regional recreational resources of the Marina and adjacent beaches.

(1) The fund will be generated by charging a fee per unit for additional residential units in the existing Marina. The fund will be a separate interest bearing account and shall only be spent of publicly accessible recreation facilities for the general public within the Marina del Rey. Priority shall be given waterfront parks.

(2) No more than \$200,000 shall accumulate in this fund before such public park improvements are constructed by the Director Beaches and Harbors. If after five years, such improvements have not been made or the funds are not spent, the County shall seek an amendment to this LCP, in order to determine alternate expenditure of the funds that is consistent with the LCP and the California Coastal Act.

(3) Each subsequent development application to construct additional residential units in Marina del Rey shall contribute its calculated share to the Coastal **Access and Recreation Improvement Fund to provide funds for construction of local **public** park facilities in Marina del Rey. The Coastal **Access and Recreation** Improvement Fund may only be used for projects identified in Subsection C, below.**

B. Discussion. Additional residential development will place a burden on the regional recreational resources of the Marina and adjacent areas as new residents utilize these resources to fulfill local recreation needs. Creation and improvement of new park lands and public access areas to serve the new residential population will mitigate the adverse impacts of additional residential development on regional facilities. The Coastal **Access and Recreation** Improvement Fund will provide a mechanism to collect fees to be used for the development of new **public** park and public access facilities in the existing Marina.

The Specific Plan allocates a total of 2,585 *potential* additional dwelling units for the existing Marina. The average occupancy for apartment dwelling units in the Marina del Rey area is 1.5 residents per unit, according to the 1990 Census. Based on these figures, *additional* residential development is expected to add 3,878 residents to the existing Marina.

The Los Angeles County General Plan establishes a local park standard of 4 acres per 1,000 population. Application of this standard against the increased population results in a local park need of 15.5 acres in the existing Marina. These acreages are attributed to the new development only and do not include acreages which are part of the local park space deficit for existing development.

Improvement of Parcel 9 as a 3.67 acre park, parcel UR as a 2.02 acres park, parcel FF as a 2-acre park and improvement of *no less than 2 land acres of Parcel P* as a 10.7-acre open space area with public access area, *and improvement of no less than 5,000 square feet parcel 3 as a picnic and viewing area* will create 12.7 9.77 acres of new local park space and public amenities in the existing Marina, resulting in a 4-acre 5.73 acre deficit. Improvement of another 5.7 acre 2.8-acre site would fulfill the local park need of new development. However, a more feasible alternative is *to require additional acreage upon extending leases for the purposes of redevelopment, and the improvement of the 12.7 9.77 acres (Parcels 9, UR, FF and P and intensifying the Use of Admiralty Park) and the newly dedicated areas with amenities for the public, ultimately equal in value to the cost of improving the entire 15.5 acres.* This will mitigate local park needs attributable to new development, and is preferable to development of another 2.8-acre site.

Area A, Reserved¹

Improvement of land for local *public* park space will cost \$100,000 per acre *based on 1994 costs*. This cost includes the improvements identified in Subsection C(1), below. The cost of improvements is therefore calculated at the rate of \$100,000 per acre *based on 1994 construction costs*, yielding a total cost of \$1,550,000 for improvement of 15.5 acres in the existing Marina, and a total cost of \$1,550,000 for improvement of 15.5 acres in Area A.

The Coastal *Access and Recreation* Improvement Fund fee is determined as follows:

Existing Marina:

\$1,550,000 total funds needed spread over 2,585 residential units results in a cost of \$600 per dwelling unit *based on 1994 costs. Assessments in the future shall be raised according to changes in the CPI or in Los Angeles area park construction costs, whichever is greater. The cost basis of the assessment shall be described in the coastal development permit requiring the assessment.*

Area A:²

Reserved.

¹ This information on Area A has not been certified by the Coastal Commission and is included as background information only. Area A (development zones 13, 14 and 15) has been segmented from the Marina del Rey LCP segment and all language regarding Area A shall be deleted from the Marina del Rey segment.

² The Commission has segmented Area A from the Marina del Rey LCP segment and all language regarding Area A shall be deleted from the Marina del Rey segment.

COASTAL COMMISSION PUBLIC HEARING, NOVEMBER 3, 2011

1 to their submittal. And yes, we did receive that
2 response. It's in the file, and it wasn't part of the
3 addendum.

4 COMMISSIONER SANCHEZ: Packet?

5 MR. AINSWORTH: Right.

6 COMMISSIONER SANCHEZ: It wasn't part of the packet.

7 MR. AINSWORTH: No. There was a follow up. There
8 was another response to We are MDR's issues with regard to
9 traffic that is in the addendum, a more recent response.
10 So there were two responses from the County. The most
11 recent one is in the addendum. The other is not.

12 COMMISSIONER SANCHEZ: Okay.

13 MR. AINSWORTH: But we do have it on file.

14 COMMISSIONER SANCHEZ: Okay. I have another
15 question. There was a speaker -- and I apologize, didn't
16 catch your name -- that talked about and used the
17 terminology of an underutilized park and indicated that
18 that park was supposed to have been used for mitigation,
19 or that land was supposed to have been used as mitigation
20 for a park, and -- for, I think -- I believe it was, like,
21 15 years. Did -- was that, in fact, initially considered
22 mitigation for a park and was the park directed to be
23 developed there?

24 MR. AINSWORTH: Through the Chair, the coastal
25 improvement fee -- in-lieu fee was applied during the --

1 as part of the 1996 amendment. Parcel FF, at that time,
2 was designated as open space, and it had a parking lot on
3 it. And that was one of the sites where this money could
4 go to, to develop a park as well as other sites in the
5 marina.

6 Well, only -- what is it, \$35,000 has been
7 collected to date because there's been no development in
8 Marina del Rey, and there hasn't been enough money to
9 really develop a park. There was no time -- there was no
10 requirement of when those parks were to be constructed or
11 installed. So --

12 COMMISSIONER SANCHEZ: So the community thought that
13 they had a promise of a park there specifically?

14 MR. AINSWORTH: That was their -- that was their
15 perception of that and that that was the intent at that
16 time, that the monies would go to that -- to that Parcel
17 FF to be developed as a park. Now we're reevaluating that
18 and looking at moving the park as part of Chace Park. The
19 other to -- the other mitigation would be at the wetland
20 park.

21 COMMISSIONER SANCHEZ: Okay. Thank you.

22 And this is really my last question that will go
23 to the reason why I supported the amendment, the major
24 reason. Have previous Commissions, the 2006 particularly,
25 made statements regarding no more slip reductions?

Exhibit 4 Appeal of CDP # CDP#2006-00009-(4)

Coastal Improvement Fund Contributions

Project #	Parcel #	Project Name	Net Units	Gross CIF Contrib.	Project Credit	Net CIF Contrib.	Paid
91-329	18	Goldrich & Kest	128	\$76,800	\$99,428.15	\$0.00	N/A
98-134 (I)	12	Ring - Esprit	317	\$190,200	\$159,539.50	\$30,660.50	Yes
98-134 (II)	15	Ring - Esprit	297	\$178,200	\$134,294.70	\$43,905.30	No
98-172	20	Goldrich & Kest	99	\$59,400	\$67,413.00	\$0.00	N/A
00-39	112	Epstein	120	\$72,000	*	*	No
03-029	140	Admiralty Apts.	108	\$64,800	\$31,944.70	\$32,855.30	No
R2005-00234	100/101	The Shores	342	\$205,200	\$302,624.80	\$0.00	N/A
Total:						\$107,421.10	

*00-39 was appealed to CCC and the CIF condition was not included the permit issued by CCC

Project Credit: on-site improved public open space provided by the developer (net amount is 0 if credit is greater than gross)

Paid: status of CIF contribution (N/A indicates on-site mitigation through project credit)

Project #	Parcel #	Project Name	Net Units	Gross CIF Contrib.	Project Credit	Net CIF Contrib.	Paid	Notes
91-329	18	Goldrich & Kest	128	\$ 76,800	-	\$ 76,800	Yes	A
91-329	18	Goldrich & Kest		\$ 50,000	-	\$ 50,000	Yes	B
98-134	12	Esprit I	317	\$ 190,200	159,539	\$ 30,661	Yes	C
98-134	15	Esprit I	297	\$ 178,200	134,295	\$ 43,905	No	D
98-172	20	Goldrich & Kest	99	\$ 59,400	67,413	\$ -	No	E
00-39	112	Epstein	120	\$ 72,000	-	\$ -	No	F
03-029	140	Admiralty Apts	108	\$ 64,800	31,945	\$ 35,000	Yes	G
R2005-00234	100/101	The Shores	342	\$ 205,200	302,625	\$ -	No	H
						<u>\$ 236,366</u>		
						<u>\$ (43,905)</u>	unpaid - permits not issued	
						<u>\$ 192,461</u>		
							Reverse Credit for Shores Pool	
							Reverse Credit for Shores Spa	
					Fund Balance	<u>\$ 192,461</u>		

- A. Paid in 1997
- B. Interest on deposit
- C. Credit provided for promenade improvements
- D. Credit provided for promenade improvements, unpaid because permits not issued
- E. Unsure what credits were for
- F. CCC never applied requirement during de novo hearing
- G. Payment included interest, credits provided for a sidewalk and its landscaping. Funds due paid 3-4 years late
- H. Credits provided for decks, pool, spa, other

EXHIBIT 6 Project FF Appeal

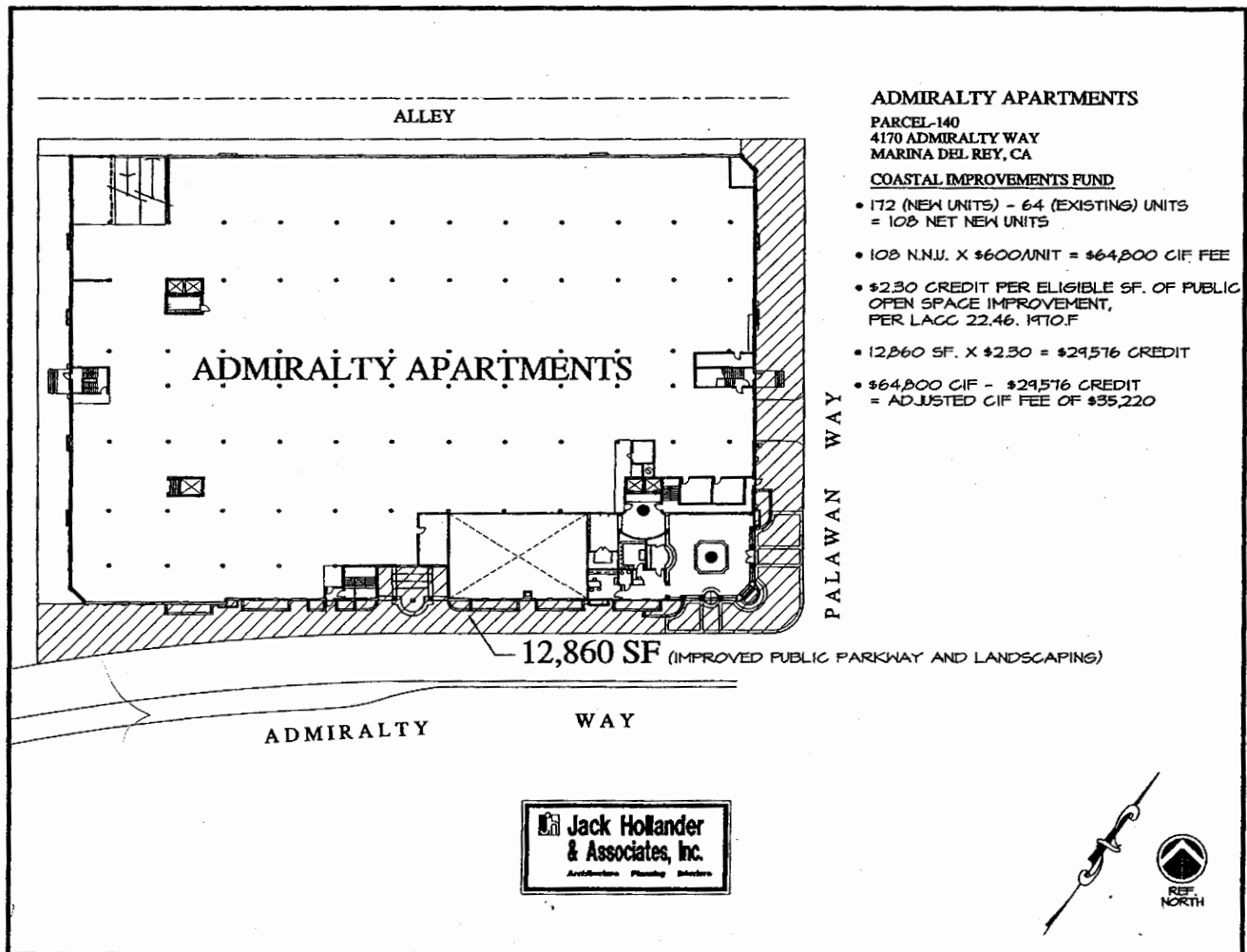
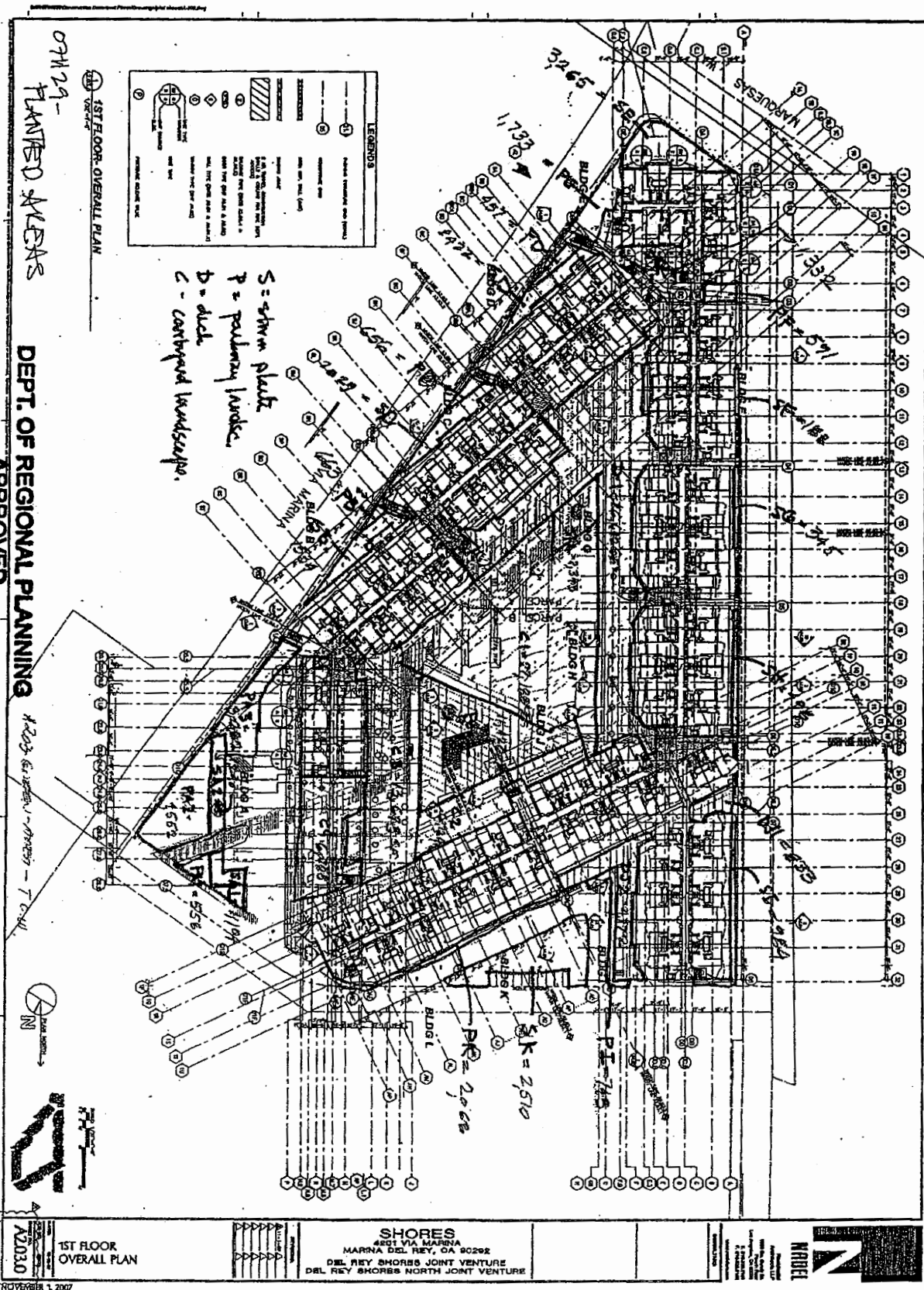


EXHIBIT 6 Project FF Appeal



Del Rey Shores Apartments
4201 Via Marina, Marina del Rey
Nadel No. 05378

Planted areas

*question: why not include net units
where does it say that Existed
units don't count*

Parkway areas		Storm planters		Deck Areas		Special Areas	
PA1	558	SA1	1,104	D1	26,642	spa	2,343
PA2	4,552	SA2	1,240	DE	1,332	C1	27,188
PA3	3,282	SB	1,534	DJ1	833	C2	6,724
PB	663	SC	2,029	DJ2	4,772	C3	13,673
PC	656	SD	2,422			C4	6,708
PD	457	SE	3,265			Pool	11,427
PE	1,733	SF	188				
PF	591	SG	345				
PI	743	SH	498				
PK	2,068	SI	984				
		SK	2,510				
45,303		46,119		33,579		68,063	
14,846		15,088					
						TOTAL	133,064
							131,576

- (1) areas indicated in square feet
- (2) note that 'S' area planters include areas in and adjacent to the SUSMP planter identified by the civil engineer and landscape designer; but as noted do not correspond exactly to the infiltration areas identified for storm water compliance.

Coastal Improvement Fund Calculation

Total Units 544
Existing Units 202
Net New Unit 342

Improvement Fund Fee 342 \$ 600.00 \$ 205,200
Credit ~~133,064~~ \$ 2.30 ~~\$ 306,047~~
Net due to Fund 131,576 \$ 302,625

\$0 due to fund

DEPT. OF REGIONAL PLANNING
APPROVED

Page 1 of 2

R2005-00234
RCDP 200500002-(4)

Based on the calculations presented here, the Shores project does not owe any money to the Coastal Improvement Fund.

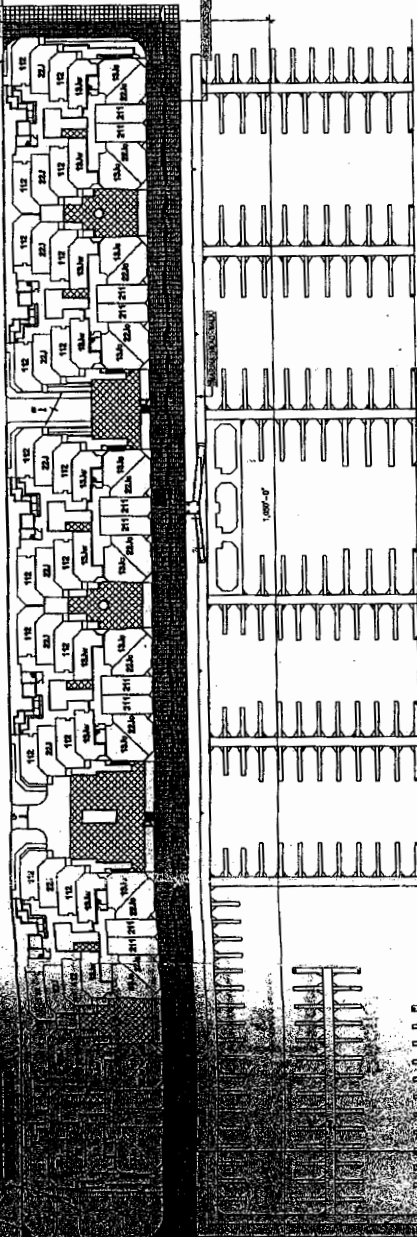
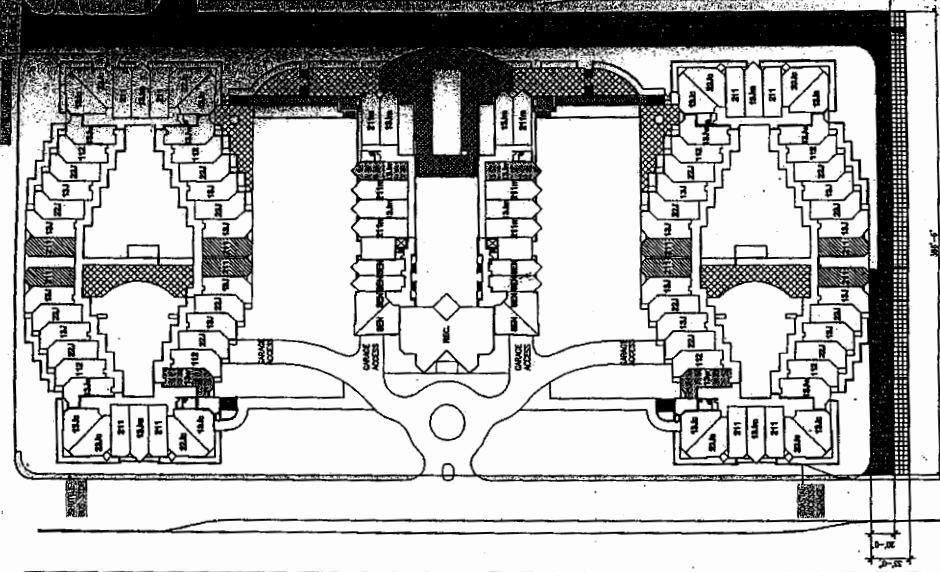
Michael Tripp PRPA 02/24/11

EXHIBIT 6 Project RAPEA

EXHIBIT A

PANAY WAY

VIA MARINA



Coastal Improvement Fund Fee Calculation

No. of Existing Residential Units:	288
Net Increase in Residential Units:	585
Coastal Improvement Fund Fee/Residential Unit:	297
Coastal Improvement Fund Fee SUBTOTAL:	\$600.00
No. of Square Feet of Promenade Improvements:	\$178,200.00
Credit of Improvements Per Square Foot:	58.389
Coastal Improvement Fund Fee Due:	(\$2.30)
TOTAL Coastal Improvement Fund Fee Due:	(\$134,294.70)
	\$43,905.30

NOTE: FEES MUST BE PAID PRIOR TO ISSUANCE OF BUILDING PERMITS FOR EACH PHASE

LOT COVERAGE

Lot Size - Land:	454,864 s.f. (10.4 Acres)
Building Coverage:	157,345 s.f. (35% of Lot)
Landscape Coverage:	297,519 s.f. (65% of Lot)
Landscape/Hardscape:	233,326 s.f. (51% of Lot)
Pedestrian Promenade:	58,389 s.f. (13% of Lot)
Existing public sidewalk:	3,295 s.f.

PARCEL 15 (PHASE 2)

Pedestrian Access Exhibit/
Coastal Improvement Fund Fee Calculation

*See RAPEA 508
Topography
see RAPEA 508*



TOGAWA & SMITH ARCHITECTS
44 West Green Street
Old Pasadena, CA 91105
626 445 4449/445 4440 FAX

E S P R I T
MARINA DEL REY

CASE NO. 98-134

EXHIBIT 6 Project FF Appeal

EXHIBIT A

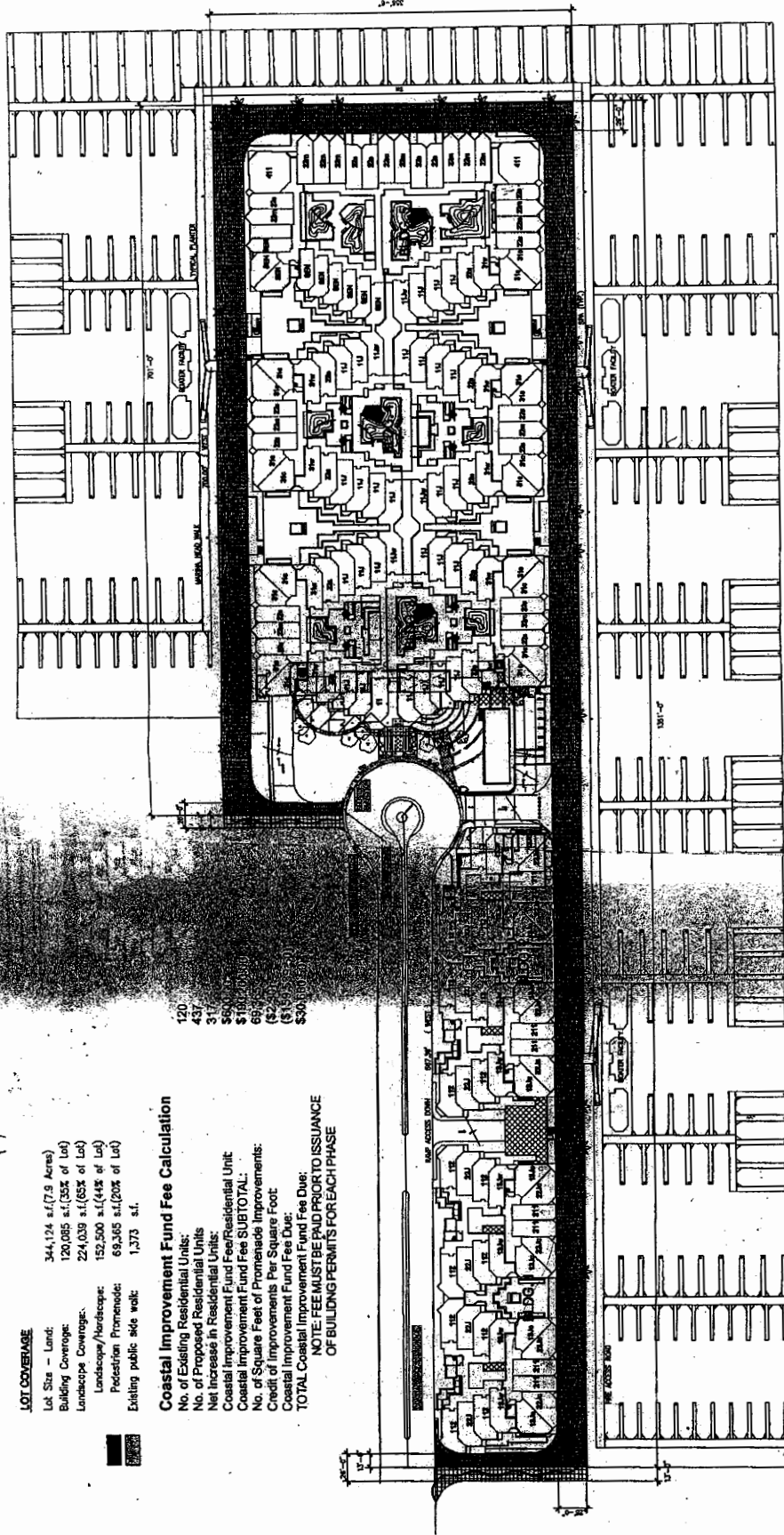
LOT COVERAGE

Lot Size - Land: 344,124 s.f. (7.9 Acres)
 Building Coverage: 120,085 s.f. (35% of Lot)
 Landscape Coverage: 224,039 s.f. (65% of Lot)
 Landscape/Hardscape: 152,500 s.f. (44% of Lot)
 Pedestrian Promenade: 69,365 s.f. (20% of Lot)
 Existing public sidewalk: 1,373 s.f.

Coastal Improvement Fund Fee Calculation

No. of Existing Residential Units: 120
 No. of Proposed Residential Units: 437
 Net Increase in Residential Units: 317
 Coastal Improvement Fund Fee/Residential Unit: \$600
 Coastal Improvement Fund Fee SUBTOTAL: \$190,200
 No. of Square Feet of Promenade Improvements: 69,365
 Credit of Improvements Per Square Foot: (\$2)
 Coastal Improvement Fund Fee Due: (\$138,730)
 TOTAL Coastal Improvement Fund Fee Due: \$51,470

NOTE: FEE MUST BE PAID PRIOR TO ISSUANCE OF BUILDING PERMITS FOR EACH PHASE



25-10-27 reviewed by me

PARCEL 12 (PHASE 1) Pedestrian Access Exhibit/ Coastal Improvement Fund Fee Calculation

E S P R I T
 MARINA DEL REY

CASE NO. 98-134



TOGAWA & SMITH ARCHITECTS
 44 WEST GILBERT AVENUE
 OLD PASADENA, CA 91107
 626 440 4242