Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

July 30, 2009

TO: Leslie G. Bellamy, Chair
Wayne Rew, Vice Chair
Esther L. Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner

FROM: Samuel Dea
Section Head
Special Projects Section

SUBJECT: Woodfin Suites Hotel/Neptune Marina Apartments Project Nos. R2006-03643, R2006-03644, R2006-03647, R2006-03652, and TR067861

A public hearing was heard by your commission on the above-mentioned projects (Project) on October 29, 2008. At the this hearing, your commission heard the staff presentation and testimony from the project applicants and interested members of the public. Unfortunately, due to time constraints, public testimony was not heard on Project Nos. R2006-03643 and R2006-03644.

Your commission continued the hearing to November 5, 2008 and directed staff to determine possible hearing dates when the commission may hold a hearing in the community of Marina del Rey. Your Commission also instructed staff to arrange a field trip to all of the proposed project sites which would allow the Commission to have to better understand the Project. At the November 5, 2008 continued hearing, your commission chose November 22, 2008 told hold the community hearing and field trip.

Prior to the field trip and public hearing, the applicants and County Counsel determined that the Draft Environmental Impact Report (DEIR) needed to be recirculated to address previously unrecognized impacts. Specifically, potential impacts related to the proposed City of Los Angeles Dual Force Main alignment through Marina del Rey and the Los Angeles County Department of Public Works' Marina del Rey sewer upgrades associated with the proposed projects needed to be addressed in the DEIR. The items were taken off calendar and a Recirculated Draft Environmental Impact Report (RDEIR) was prepared that addressed these issues and provided some additional visual simulations and updated shade and shadow studies to assist in the analysis of the Project.

The RDEIR was recirculated for public input on June 11, 2009. A copy of this document was also provided to your commission on June 11, 2009. Revisions were made to the Project Description, Noise, Air Quality, Visual Quality, Traffic/Access, Sewer Service, and Solid Waste Service sections. The public review period for the RDEIR closed on July 27, 2009, and a new public hearing has been scheduled in the community of Marina del Rey on August 12, 2009 at 6:00 p.m. The field trip to the project sites has been scheduled for August 8, 2009 at 9:00 a.m.

At the October 29, 2008 public hearing, your commission directed staff to prepare a summary of the various concerns that were expressed by the public at the hearing and instructed the applicants to respond to the concerns raised by the opponents.

October 29, 2008 Public Hearing Summary

The following are comments and concerns that were raised by the public regarding the Project's DEIR and general development projects in Marina del Rey:

- The County is piecemealing development and needs to create a master plan for the Marina.
- The Marina is too densely developed and needs more open space and parks.
- The California Coastal Commission (CCC) has performed a periodic review of the Marina del Rey Local Coastal Program (LCP), and a comprehensive update of the plan should be done prior to the Regional Planning Commission approving any Marina projects.
- The CCC has requested that all future amendments to the LCP be batched together; therefore, individual projects with plan amendments should not be approved by the Planning Commission.
- The number of small boats slips in Marina del Rey will be reduced as a result of the current redevelopment projects.
- The projects do not provide adequate parking.
- The traffic studies in the DEIR are inadequate and antiquated.
- The DEIR fails to adequately assess cumulative impacts on traffic, dust, noise, and local services.
- The shadow and wind studies in the DEIR are inadequate.
- The Noise section of the DEIR is inadequate and does not recognize that many Marina residents are at home on weekdays.
- The Marina should be dedicated to public recreation because this was its intended purpose.

Agenda Item 6 - Project No. R2006-03647-(4) - Parcel 10R

Coastal Development Permit to authorize demolition of all existing landside improvements and construction of a 400 unit apartment complex.

Conditional Use Permit for site grading, export of earth in excess of 100,000 cubic yards, and parking for boater related uses

Variance for excess signage and a reduction of the required setback from the waterside promenade.

Amendments to the Marina del Rey Local Coastal Program to authorize the transfer of development units from an abutting Development Zone (Tahiti Development Zone) into the subject Development Zone (Marquesas Development Zone) and the averaging of the R-III and R-V residential densities on Parcel 10R; and a **Coastal Approval in Concept** for the proposed marina demolition activities and subsequent marina construction activities on the waterside portion of Parcel 10R.

The following are comments and concerns that were raised by the public regarding the proposed project on Parcel 10R:

- The proposed project will result in a reduction of boat slips.
- An amendment to the LCP is premature. The County needs to conduct a comprehensive review of the LCP prior to granting approval of any development permits in Marina del Rey.
- The proposed units will not be affordable to the current residents of Marina del Rey.

Agenda Item 7 - Project No. R2006-03652-(4) - Parcel FF

Coastal Development Permit to authorize demolition of all existing landside improvements and the construction of a new 126 unit apartment complex.

Conditional Use Permit for site grading and the export of earth from the site.

Variance for excess signage and a reduction of the required setback from the waterside promenade.

Amendments to the Marina del Rey Local Coastal Program: transfer development units from abutting and nearby Development Zones (Tahiti and Bora Bora Developments Zones) into the

subject Marquesas Development Zone; to change Parcel FF's land use designation from "Open Space" to the "Residential III" and "Residential V" designations with a Water Overlay Zone; to provide Open Space replacement on the lower portion of Parcel 9U; to change Parcel FF's height category from Category 1 to Category 3; to allow the development of Parcel FF to commence prior to the replacement of the existing public parking spaces that will be displaced; and to average the densities of the proposed R-III and R-V residential categories on Parcel FF.

The following are comments and concerns that were raised by the public regarding Parcel FF:

- The proposed project is inconsistent with the policies of the LCP.
- The DEIR mischaracterized the current status of the Parcel FF parking lot. The lot appeared underutilized because it was used as a construction staging area and because the parking rate is too high.
- The Variance for the promenade setback should not be granted.
- The CCC is opposed to the conversion of public parking lots and open space lots to private uses.
- Parcel FF is not underutilized during major holidays and events such as Independence Day and the Christmas Boat Parade.
- The signage variance is unnecessary because the Marina is a small place and large signs will seem out of place.
- The public needs more parking in Marina del Rey.
- New residential projects should not be approved because local schools are at maximum capacity.

Agenda Item 8 - Project No. TR067861 – Parcel 9U North

Coastal Development Permit to authorize construction of a hotel with 288 rooms and with associated grading of approximately 44,000 cubic yards, with approximately 1,800 cubic yards of cut soil being balanced on-site and approximately 42,200 cubic yards of the cut soil being exported to a designated landfill.

Conditional Use Permit for the construction of a new parking structure for the hotel, the installation of signs, the sale of alcoholic beverages for on-site consumption at the proposed hotel facility, and for the construction and maintenance of an emergency rooftop heliport.

Variance for the reduction of the required setback from the pedestrian promenade.

Parking Permit to authorize reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces.

Vesting Tentative Tract Map to authorize a condominium subdivision for 136 timeshare units.

The following are comments and concerns that were raised by the public regarding the proposed project on Parcel 9U:

- Parcel 9U should be turned into a public park.
- The existing wetland on Parcel 9U should be considered an Environmentally Sensitive Habitat Area (ESHA).
- The proposed timeshare units should require an amendment to the LCP.
- The LCP should prohibit fractional ownership, such as timeshare units, because it inhibits public access to the Marina del Rey.
- The proposed hotel is out of character with the surrounding residential neighborhood.
- More expensive hotel rooms are not needed in the Marina. Developing this parcel with a hotel will diminish opportunities for development of low cost recreation facilities.
- A better visualization of the proposed view corridor is needed to assess the potential visual impacts of the project.
- The height of the proposed hotel will cause wind issues for boaters.
- The hotel will cause shading of nearby residential areas.
- The proposed heliport will create noise intrusion in the Marina.

One member signed up to speak on this project that was unable to due to time constraints.

Agenda Items 9a and 9b - Project Nos. R2006-03643 and R2006-03644 – Parcel 9U south and the adjacent basin

Coastal Development Permit to authorize construction and maintenance of a public wetland and upland park

Coastal Approval in Concept to authorize construction of public anchorage with approximately 2,923 square feet of dock area and approximately 542 linear feet of public-serving boat docking space.

Due to time constraints, the Regional Planning Commission was unable to take testimony on these projects. Staff has included a list of the speakers who registered to speak on these projects. (Attachment No. 5)

The following attached documents include additional correspondence received by staff since the October 29, 2009 public hearing.

1. Previously submitted RPC Packages (Staff reports, Draft Findings, and Conditions, and letters received from other departments and the public)
2. Letters received from other departments regarding the Recirculated Draft Environmental Impact Report (RDEIR).
3. Letters received from the public regarding the RDEIR.
4. Correspondence from the applicant's consultant regarding the utilization of Parking Lot FF.
5. List of speakers at the October 29, 2008 hearing who registered to speak on Project Nos. R2006-03643 and R2006-03644, but due to time constraints were unable to testify.
6. Documents submitted by the public at the October 29, 2008 hearing.

Agenda Item 6- Project No. R2006-03647 – Neptune Marina Apartments on Parcel 10R

STAFF EVALUATION

Please see the attached staff report for a detailed evaluation.

STAFF RECOMMENDATION

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Coastal Development Permit No. 200600008-(4), Conditional Use Permit No. 200600289-(4) and Variance No. 200600013-(4) (for removal of the proposed pedestrian promenade setback requirement) subject to the attached conditions. Staff also recommends that the Regional Planning Commission prepare a resolution recommending approval of Plan Amendment No. 200600013-(4) to the Board of Supervisors. With respect to the variance request for signage in excess of what is permitted by the code, the applicant must provide more detailed evidence why a greater proportion of signage is necessary.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare a resolution recommending the approval of Plan Amendment No. 200600013-(4) to the Board of Supervisors and prepare findings and conditions of approval for Coastal Development Permit No. 200600008-(4), Conditional Use Permit No. 200600289-(4) and Variance No. 200600013.

Agenda Item 7 - Project No. R2006-03652 – Neptune Marina Apartments on Parcel FF

STAFF EVALUATION

Please see the attached staff report for a detailed evaluation.

STAFF RECOMMENDATION

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Coastal Development Permit No. 200600009-(4), Conditional Use Permit No. 200600290-(4) and Variance No. 200600014-(4) (for removal of the proposed pedestrian promenade setback requirement), subject to the attached conditions. Staff also recommends that the Regional Planning Commission prepare a resolution recommending approval of Plan Amendment No. 200600014-(4) to the Board of Supervisors. With respect to the variance request for signage in excess of what is permitted by the code, the applicant must provide more detailed evidence why a greater proportion of signage is necessary.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare a resolution recommending the approval of Plan Amendment No. 200600014-(4) to the Board of Supervisors and prepare findings and conditions of approval for Coastal Development Permit No. 200600009-(4), Conditional Use Permit No. 200600290-(4) and Variance No. 200600014.

Agenda Item 8 - Project No. TR067861 – Woodfin Suites Hotel and Timeshare Resort

STAFF EVALUATION

Please see the attached staff report for a detailed evaluation.

STAFF RECOMMENDATION

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Coastal Development Permit No. 200600007-(4), Conditional Use Permit No. 200600288-(4), Parking Permit No. 200600020, Variance No. 200600012-(4), and Vesting Tentative Tract Map No. 067861.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare findings and conditions of approval for Coastal Development Permit No. 200600007-(4), Conditional Use Permit No. 200600288-(4), Parking Permit No. 200600020, Variance No. 200600012 and Vesting Tentative Tract Map No. 067861.

Agenda Items 9a and 9b - Project Nos. R2006-03643 and R2006-03644

STAFF EVALUATION

Please see the attached staff report for a detailed evaluation.

STAFF RECOMMENDATION

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Coastal Development Permit No. 200600006-(4), and Coastal Approval in Concept 200602191.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare findings and conditions of approval for Coastal Development Permit No. 200600006-(4) and Coastal Approval in Concept 200602191.

If you need further information, please call Mr. Michael Tripp of my staff at (213) 974-4813 or mtripp@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

Agenda Item No. 7 - Project No. TR067861

Regional Planning Commission package submitted October 29, 2008.

RPC MEETING DATE 10/29/08
AGENDA ITEM NO. **9 a, b, c, d & e**

REGIONAL PLANNING COMMISSION TRANSMITTAL CHECKLIST

PROJECT NO: TR067861

CASE NO. Tentative Tract Map No. 067861
Coast Development Permit No. 200600007-(4)
Conditional Use Permit Case No. 200600288-(4)
Variance Case No. 200600012-(4)
Parking Permit No. 2006-00012-(4)

CONTACT PERSON: Michael Tripp

- ☒ STAFF REPORT
- ☒ DRAFT CONDITIONS (tract map only)
- ☒ BURDEN OF PROOF STATEMENT (CUP Request)
- ☒ ENVIROMENTAL DOCUMENTATION (DEIR submitted on 09/11/08)
- ☒ THOMAS BROTHERS MAP (Identifying Subject Property)
- ☒ LAND USE RADIUS MAP
- ☒ SITE PLAN
- ☐ PHOTOGRAPHS
- ☐ CORRESPONDENCE
- ☒ ATTACHMENTS
- ☒ VICINITY/GIS MAP
- ☐ _____

Reviewed By: _____

Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. TR 067861-(4)
CDP200600007-(4),CUP200600288-(4),
PKP200600020-(4), VAR200600012-(4)

RPC/HO MEETING DATE: 10/29/08	CONTINUE TO
AGENDA ITEM 9 a, b, c, d & e	
PUBLIC HEARING DATE 10/29/08	

APPLICANT	OWNER	REPRESENTATIVE
Woodfin Suite Hotels, LLC	Los Angeles County	Aaron Clark

REQUEST

Coastal Development Permit to authorize construction of a 19-story 288 room hotel and timeshare resort improvements and approximately 44,000 cubic yards of grading will be required, with approximately 1,800 cubic yards of cut soil being balanced on-site and approximately 42,200 cubic yards of the cut soil being exported to a landfill located in Los Angeles County.

Conditional Use Permit for the construction of a new parking structure to service the hotel/timeshare resort, the installation of signs, the sale of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort, and for the construction and maintenance of an emergency rooftop heliport.

Variance for the reduction of the required setback from the pedestrian promenade.

Parking Permit to authorize reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces.

Vesting Tentative Tract Map to authorize a condominium subdivision for 136 timeshare units.

LOCATION/ADDRESS	ZONED DISTRICT		
Northeast corner of Via Marina and Tahiti Way. Also known as Marina del Rey Parcel 9U (North).	Playa del Rey		
	COMMUNITY Marina del Rey		
ACCESS Via Tahiti Way (South) and Via Marina (West)	**EXISTING ZONING** SP (Specific Plan) Hotel		
SIZE 3.66 acres	**EXISTING LAND USE** Vacant Land	**SHAPE** Rectangular	**TOPOGRAPHY** Flat

SURROUNDING LAND USES & ZONING	
North: SP (Specific Plan) Multifamily Residential	East: SP (Specific Plan) Water/Multifamily Residential
South: SP (Specific Plan) Multifamily Residential	West: SP (Specific Plan) City of Los Angeles Multifamily Residential

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Countywide	N/A	N/A	N/A
Specific Plan	Hotel	N/A	Yes

ENVIRONMENTAL STATUS
Environmental Impact Report.

DESCRIPTION OF SITE PLAN
The site plan depicts the proposed 19-story 288 room hotel and timeshare resort.

KEY ISSUES
Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code Conditional Use Permit Burden of Proof requirements, 22.56.290, the Variance Burden of Proof, 22.56.2320, the Coastal Development Burden of Proof, and 22.56.1020, the Parking Plan Burden of Proof.

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

*(O) = Opponents (F) = In Favor

Project No. 067861

COMMITTEE RECOMMENDATION (Subject to revision based on public hearing)

☒ APPROVAL ☐ DENIAL

☐ No improvements ___ 20 Acre Lots ___10 Acre Lots ___2½ Acre Lots ___Sect 191.2

☒ Street improvements _X_ Paving _X_ Curbs and Gutters _X_ Street Lights

_X_ Street Trees ___ Inverted Shoulder _X_ Sidewalks ___Off Site Paving ___ft.

☒ Water Mains and Hydrants ☒ Drainage Facilities

☒ Sewer ☐ Septic Tanks ☐ Other_____

☐ Park Dedication "In-Lieu Fee"

SPECIAL INDIVIDUAL DEPARTMENT CONCERNS

Engineer

Road

Flood

Forester & Fire Warden

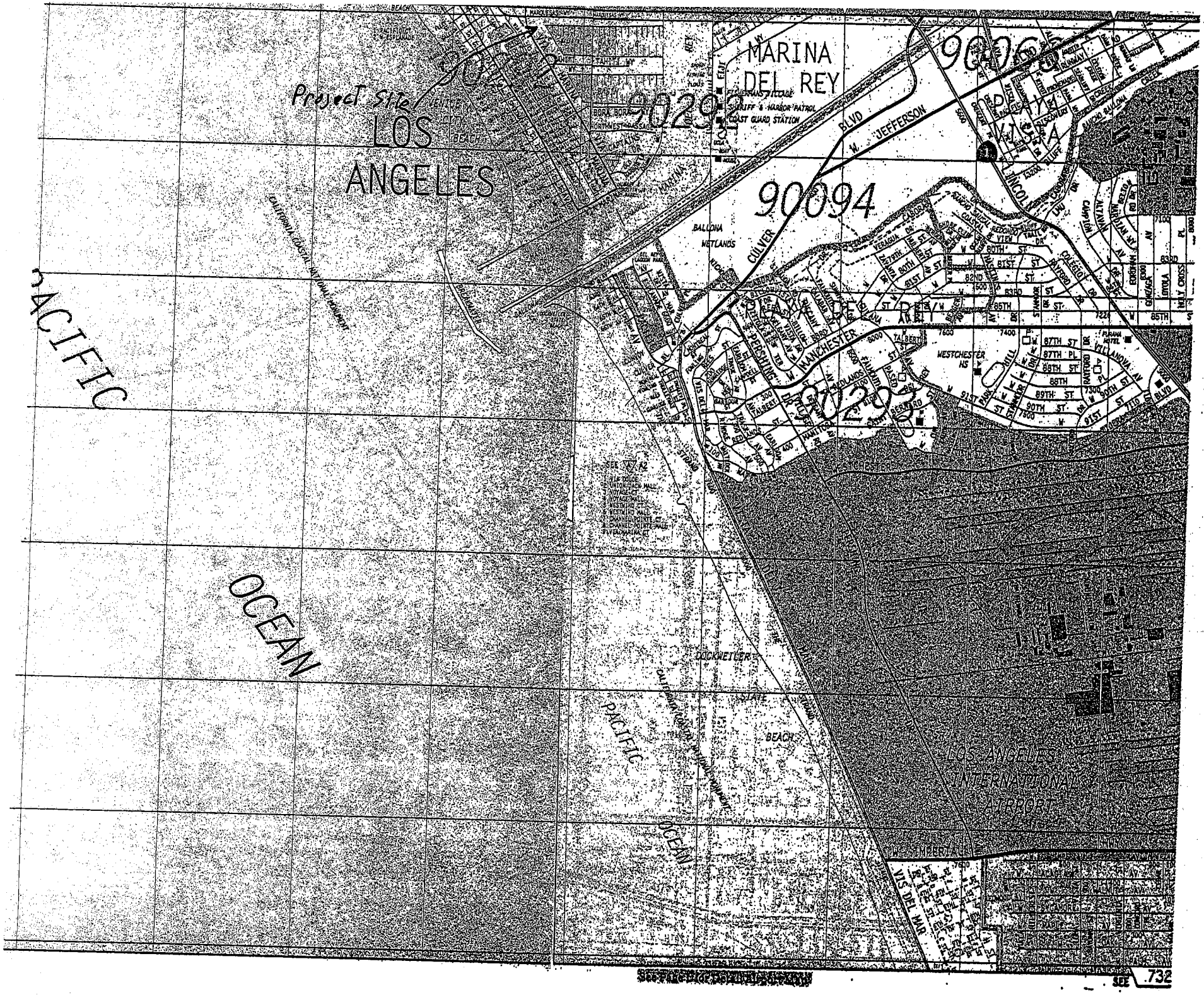
Parks & Rec.

Health

Planning

ISSUES AND ANALYSIS

Prepared by: Michael Tripp



See Page 1 for Detail Airport Map

STAFF ANALYSIS

PROJECT NUMBER
TR067861

CASE NUMBERS
Coastal Development Permit Case No. 200600007-(4)
Conditional Use Permit Case No. 200600288-(4)
Parking Permit Case No. 200600020-(4)
Variance Case No. 200600012-(4)
Vesting Tentative Tract Map No. 067861

OVERVIEW OF PROPOSED PROJECT
The applicant, Woodfin Suite Hotels, LLC, is requesting a Coastal Development Permit, a Conditional Use Permit, Parking Permit, Variance and a Vesting Tentative Tract Map to authorize, site preparation and construction of hotel and timeshare resort, the sale of alcoholic beverages for onsite consumption, construction of a parking structure that will include boater parking, an emergency roof helipad and a 28' wide pedestrian promenade. The proposal consists of one 19-story, 288 room (152 hotel suites and 136 timeshare units) building and a six-level parking structure for 360 spaces.

DESCRIPTION OF SUBJECT PROPERTY
Location
The subject property is located at the northeast corner of Via marina and Tahiti Way, in Marina del Rey and in the Playa Vista Zoned District. The property is also known as Marina del Rey Parcel 9U.

Physical Features
The subject property is a rectangular shaped parcel with a total landside area of 3.66 acres. The site is currently vacant.

Project Services Availabilities
The subject property does not current have vehicular access. The property has a street frontage on Via Marina, a secondary highway.

Proposed vehicular access is from Via Marina. Pedestrian access is proposed via the pedestrian promenade and Via Marina.

ENTITLEMENTS REQUESTED
- A Coastal Development Permit to authorize the site preparation and the construction of a 288 room hotel/timeshare resort, a six-level parking structure with approximately 360 spaces, a 28' wide pedestrian promenade and approximately 44,000 cubic yards of project grading with 1,800 cubic yards of cut soil being balanced on-site and approximately 42,200 cubic yards of the cut soil being exported for offsite disposal.

- A Conditional Use Permit to authorize the construction of a new parking structure to service the hotel/timeshare resort, the installation of signs, the sale of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort, and for the construction and maintenance of an emergency rooftop heliport.

STAFF ANALYSIS

- A Parking Permit to authorize reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces.

- A Variance from development standards to allow a reduction of the required setback from the required 28 foot wide pedestrian promenade. Current standards require uses to be setback 10' from the pedestrian promenade. The applicant is requesting a zero setback from the promenade.

- Vesting Tentative Tract Map 067861 to authorize a condominium subdivision for the proposed 136 timeshare units on a 3.66 acre parcel.

EXISTING ZONING

Subject Property

Zoning on the subject property is SP Marina del Rey Specific Plan (Hotel).

Surrounding Properties

Surrounding zoning consists of:
North: Residential V

South: Residential III and Residential V

East: Residential III

West: Multifamily residential (City of Los Angeles)

EXISTING LAND USES

Subject Property

The subject property is currently vacant.

Surrounding Properties

Surrounding land uses consist of:
North: Apartment complex

South: Apartment complex

East: Apartment complex and water

West: Condominiums and Apartment complexes (City of Los Angeles)

PREVIOUS CASES/ZONING HISTORY

In March of 1983, the Regional Planning Commission approved a 300-room hotel complex.

STAFF ANALYSIS

In January of 1999, Conditional Use Permit No. 99-205 was filed for a 288 room hotel and a 527 unit residential complex. This application was denied due to inactivity.

MARINA DEL REY LOCAL COASTAL PROGRAM (LAND USE PLAN)

Land Use Designation

The subject property is classified as, "Hotel," with a "Water Overlay Zone," in the Marina del Rey Land Use Plan. Hotels with timeshare components are a permitted use in the, "Hotel/Water Overlay Zone," Land Use Categories.

The following Local Coastal Plan (LCP) policies are applicable to the proposed project:

Shoreline Access (Marina del Rey Land Use Plan (LUP) Chapter 1)

- **Public Access to Shoreline a Priority.** Maximum public access to and along the shoreline within the LCP area shall be a priority goal of this plan, balanced with the need for public safety, and protection of private property rights and sensitive habitat resources. This goal shall be achieved through the coordination and enhancement of the following components of a public access system: pedestrian access, public transit, water transit, parking, bikeways, circulation network, public views and directional signs and promotional information. (LUP Chapter 1, Policy 1)

  The project provides public pedestrian access along all portions of the Parcel 9U bulkhead. The proposed landside improvements include a 28 foot wide public pedestrian promenade along the parcel bulkhead. The applicant will also provide signage at the bulkhead entrance and at conspicuous locations along the length of the promenade identifying the access ways as public.

- Existing public access to the shoreline or water front shall be protected and maintained. All developments shall be required to provide public shoreline access consistent with policy 1. (LUP Chapter 1,Policy 2)

  The project will enhance public pedestrian access to the waterfront by the addition of the proposed 28 foot wide pedestrian promenade and directional signage. The applicant will also provide benches, rest areas and landscaping along the proposed promenade.

- All development in the existing Marina shall be designed to improve access to and along the shoreline. All development adjacent to the bulkhead in the existing Marina shall provide pedestrian access ways, benches and rest areas along the bulkhead. (LUP Chapter 1, Policy 3)

STAFF ANALYSIS

The project improves access to and along the shoreline through the enhanced waterfront pedestrian promenade. The project will also provide benches, rest areas and directional signs along the promenade. Currently, the vacant lot currently has perimeter fencing and in inaccessible to the public.

- All development in the existing Marina shall provide for public access from the first public road to the shoreline along all fire roads and across all dedicated open space areas consistent with the Shoreline Access Improvements, shown on Map 4. (LUP Chapter 1, Policy 4)

  The project provides public access from public roads fronting the project to the shoreline along all fire roads and across all dedicated project open space areas.

- All development projects, including hotel, office, commercial, and residential redevelopment in the Marina, that contain more than 75 parking spaces shall be designed to incorporate turn out area(s) for future shuttle stops and/or transit stops. (LUP Chapter 1, Policy 10)

  The project will be conditioned to incorporate a turn out area for shuttle stops and/or transit stops.

- To further insure improved coastal access, a shuttle bus system shall be established to serve Marina del Rey with connecting service to nearby park-and-ride lots, parks, and local beaches in Venice and Playa del Rey. All new visitor serving commercial, hotels, and residential development in Marina del Rey shall, as a condition of development, agree to participate in their proportionate share of the cost of running the shuttle system. (LUP Chapter 1, Policy 11)

  The project will be conditioned to require the applicant to pay a proportional share of the funding of the potential shuttle system through collection of Category 3 traffic mitigation fees. The traffic mitigation fees for the Woodfin Hotel and Timeshare Resort are estimated to be $580,380.

- Public awareness of shoreline access ways and public areas shall be promoted by the provision of appropriate signs, outdoor exhibits and brochures. All development in the existing Marina shall be required to incorporate the following informational features to improve the public's awareness of access opportunities and the coastal environment:

  a. Outdoor maps indicating the location and type of public access ways and parks;
  b. Identifying and directional signs;
  c. As appropriate, facilities for brochures and other informational aides; and
  d. Outdoor exhibits describing historical, biological and recreational aspects of the coastal environment, which should be coordinated and integrated with similar such exhibits which may be established in other areas of Playa Vista project. (LUP Chapter 1, Policy 13)

STAFF ANALYSIS

The project will incorporate directional signage to enhance public awareness of the public promenade. The applicant will also provide and outdoor map showing locations of public waterfront access ways and parks located in Marina del Rey and will have a kiosk within the hotel lobby that will provide information on visitor-serving activities in Marina del Rey. The Marina del Rey Design Control Board has approved the proposed signage for this project.

- Public opportunities for viewing the Marina's scenic elements, particularly the small craft harbor water areas, shall be enhanced and preserved.

  a. All development on the waterfront side of Via Marina, Admiralty Way and Fiji Way shall provide windows to the water, wherever possible, while, at the same time, screening unsightly elements such as parking areas and trash receptacles with landscaping.

  b. All development -- particularly visitor-serving commercial uses -- proposed adjacent to the main channel shall provide additional opportunities and vantage points to public viewing of boating activity.

  c. All development, redevelopment or intensification on waterfront parcels shall provide an unobstructed view corridor of no less than 20 percent of the parcel's water front providing public views of the Marina boat basins and/or channels. (LUP Chapter 1, Policy 14)

  The proposed project will provide a window to the water that represents 40% of the parcel's water frontage.

Recreation and Visitor-Serving Facilities (Marina del Rey Land Use Plan Chapter 2)

- As defined by the Coastal Act and specified in the specific design guidelines fore each parcel in the Local Implementation Program, new development shall provide additional recreational opportunities including trails, bikeways (additions and/or extensions of existing bike path), open space/park areas and viewing areas as appropriate. Adequate support facilities (bike storage lockers, drinking fountains, etc.) shall be provided. (LUP Chapter 2, Policy 2)

  The proposed project provides new recreational opportunities in the form of a hotel, waterfront restaurant, cocktail lounge, pool and spa. The applicant also meets this requirement by contributing funding for the proposed wetland and upland park on the southern portion of Parcel 9U.

- Lower cost visitor-serving facilities shall be protected and, to the extent feasible, new lower cost visitor-serving uses shall be encouraged and provided with the existing Marina. (LUP Chapter 2, Policy 4)

STAFF ANALYSIS

The proposed project will contribute to the funding of the wetland and upland park on the southern portion of Parcel 9U.

- All development, including redevelopment, expansion projects or new construction, shall be subject to the applicable parking requirements set forth in Los Angeles County Code, Title 22 (Zoning), as certified by the Commission in Appendix B of the Specific Plan. In addition, public recreation areas shall be supported with visible public parking consistent with the standards of Title 22, except that boat launch, boat storage, and marina parking and design shall be provided as specified in the Dept. of Beaches and Harbors' Specification and Minimum Standards of Architectural Treatment and Construction, adopted in 1989. (LUP Chapter 2, Policy 6)

The applicant has requested a parking permit to authorize reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces.

Marine Resources (Marina del Rey Land Use Plan Chapter 4)

- All development shall include measures consistent with the Santa Monica Bay Restoration Plan and the programs of the Department of Public Works to reduce contaminated runoff into bay and Ballona Creek waters, including filtration of low flows, control and filtration of runoff from parking lots and roofs, reduction of impervious surfaces, and provision of pump out facilities, and other necessary measures to reduce harmful pollutants from storm drain waters prior to these waters entering the Marina. (LUP Chapter 4, Policy 2)

The applicant has a drainage plan for the project which has been approved by the Department of Public Works and will be required to comply with the California Regional Water Quality Control Board's National Pollution Discharge Elimination Requirements.

Cultural Heritage Resources (Marina del Rey Land Use Plan Chapter 7)

- Proposed projects shall be reviewed for potential cultural resource impacts through the County environmental review process. Appropriate environmental documentation and reasonable mitigation measures shall be required as determined by the Department of Regional Planning and the State Historic Preservation Office. These mitigation measures shall be incorporated into any development approved pursuant to the certified local coastal program. (LUP Chapter 7, Policy 1)

The Draft Environmental Impact Report for this project determined that no known cultural or archaeological resources exist on or near the project site and mitigation measures are included if such resources are encountered during project implementation.

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- To insure proper surface site recordation, the State Historic Preservation Office shall be notified, along with Regional Planning, if any resource is discovered during any phase of development construction. A professional archaeologist shall be retained to monitor any earth-moving operations in the study area. A halt-work condition shall be in place in the event of cultural resource discovery during construction. (LUP Chapter 7, Policy 3)

  The project will be conditioned to require that all work be stopped and the Department of Regional Planning and State Historic Preservation Office be noticed in the event that any item of cultural or archaeological significance is found.

Land Use Plan (Marina del Rey Land Use Plan Chapter 8)

- **Preservation of the Small Craft Harbor facility a Priority.** The primary purpose of the Land Use Plan shall be to maintain Marina del Rey as a Small Craft harbor for recreational purposes. A secondary purpose shall be to promote and provide visitor-serving facilities. (LUP Chapter 8, Policy 1)

  The proposed hotel and timeshare resort is a visitor-serving facility.

- Maintenance of the physical and economic viability of the marina a priority. Lessees shall be encouraged to replace structures and facilities which are physically or economically obsolete. (LUP Chapter 8, Policy 2)

  The redevelopment of a vacant lot with a hotel and timeshare resort will increase the economic viability of the Marina.

- **Design Control Board.** The Design Control Board, appointed by the Board of Supervisors, shall review all new development proposals, including renovations, for consistency with the Manual for Specifications and Minimum Standards of Architectural Treatment and Construction and the certified LCP, including the identity and accessibility of the Marina as a public boating and recreational facility, and shall recommend such modifications to the design as they deem appropriate.

  Such review shall be completed prior to any application for development being submitted to the Department of Regional Planning for case processing. (LUP Chapter 8, Policy 6)

  The project has received conceptual design approval Marina del Rey Design Control Board. Design Control Board recommendation is attached (Attachment A)

Coastal Visual Resources (Marina del Rey Land Use Plan Chapter 9)

- **Views of the Harbor a Priority.** Maintaining and enhancing views of the Marina shall be a

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priority goal of this Plan. Enhancing the ability of the public to experience and view the Marina waters shall be a prime consideration in the design of all new, modified or expanded development. This goal shall be achieved by placing conditions on permits for new development to enhance public viewing, to allow for greater public access and to create new view corridors of the waterfront. (LUP Chapter 9, Policy 1)

The project complies with this policy by providing equaling 40% of Parcel 9U's water frontage and a 28 foot wide pedestrian promenade along the entire length of the bulkhead.

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

  The project will have a view corridor, greater than 20% of the parcel's water front, that will provide views of Marina Basin B.

- **Wind Factor.** Development shall not significantly increase infringements of wind access for boats in their berths, in the fairways, or in the Main Channel. Wind studies shall be required to determine the significant adverse impact of taller buildings on wind currents and sailing by small boats within the Marina. All structures proposed at heights greater than 45 feet shall determine the cumulative impact of taller buildings on wind currents within the Marina. Development shall only be approved if all identified significant adverse impacts, including cumulative impacts of a pattern of higher buildings, are fully mitigated. (LUP Chapter 9, Policy 9)

  A wind study was conducted in conjunction with the Draft Environmental Impact Report. The study concluded that the proposed structure would not have a significant wind impact.

Hazard Areas (Marina del Rey Land Use Plan Chapter 10)

- As a prerequisite to all development approval of a flood control, runoff and storm drain plan by the Department of Public Works consistent with the Santa Monica Bay Recovery Plan Shall be required. (LUP Chapter 10, Policy 1)

  The applicant will be required to have flood control, runoff and storm drain plans approved by the Department of Public Works prior to construction.

- Future development shall be based on through site specific geologic and soils studies, including specific geotechnical studies related to mitigation of liquefaction and lateral spreading. (LUP

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Chapter 10, Policy 2)

The applicant will be required to have a geologic report approved by the Department of Public Works prior to construction.

Circulation (Marina del Rey Land Use Plan Chapter 11)

- Development shall not be approved that will exceed the capacity of the internal Marina del Rey street system. The total potential for additional units and amount of commercial and residential development allocated under this Local Coastal Program will generate a traffic impact within Marina del Rey than can be mitigated within the Marina by the improvements listed in Policy 2 below shall be allocated proportionately among the development approved within the LCP area such that each approvable development constructs or contributes its fair share of the improvements which are expected to fully mitigate the direct impact the development is expected to have on traffic within Marina del Rey. (LUP Chapter 11, Policy 1)

  The Draft Environmental Impact Report concluded that the proposed project will not cause in increase in traffic that will exceed the capacity of the internal Marina del Rey street system. The proposed projects traffic impacts will be mitigated through the payment of the LCP's required Peak Hour Traffic Mitigation Fees.

- **Category 3 Sub-regional Transportation and Circulation Improvements-Cumulative Impacts**
  Development shall not be approved that will significantly exceed the capacity of the sub-regional street system. Traffic impacts, generated by development in the LCP study area, upon the circulation system outside the unincorporated area of Marina del Rey, shall be mitigated by the developer prior to receiving final discretionary permits. (LUP Chapter 11, Policy 3)

  The applicant will be required to pay traffic mitigation fees to fund Category 3 transportation improvements. This requirement has been included in the draft conditions and also as part of the mitigation measures.

Public Works (Marina del Rey Land Use Plan Chapter 12)

- This Land Use Plan includes a phasing program. Necessary public works facilities shall be provided at the same time as the development creating the need for the public facility occurs. (LUP Chapter 12, Policy 2)

  Necessary public works improvements will be required to be completed prior to the issuance of a Certificate of Occupancy for this project. The Department of Public Works

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has reviewed the proposed development and their recommendations are included in the draft conditions.

- In cases where existing unused capacity cannot meet increased demand, developer-financed improvement of existing water and/or sewerage facilities shall be required before new development and/or intensification can proceed. (LUP Chapter 12, Policy 4)

  The project will be conditioned to require the applicant to finance any required improvements to the existing water or sewer facilities.

- Water conservation technology shall be employed in all development, including landscaping and irrigation, that increases water use of the parcel. Design of new development requiring the installation and operation of additional water service shall be reviewed for water conservation. (LUP Chapter 12, Policy 6).

  The proposed project will be conditioned to require water-conserving technology as part of the landscape plan approval.

- **Sprinklers.** All new development shall be required to provide fire sprinklers consistent with the specifications of the Fire Dept. Remodeling or expansion projects involving 50 percent or more of the existing floor area of the structure shall be subject to review by the Fire Dept. for sprinkler requirements. (LUP Chapter 12, Policy 10)

  The proposed project will have fire sprinklers in conformance with Fire Dept. and LCP requirements.

SITE PLAN

General Description

The applicant's site plan depicts the proposed 19-story 288 room hotel and timeshare resort (152 traditional hotel rooms/136 timeshare units), the proposed six-level parking structure, and the proposed 28' wide pedestrian promenade on the 3.66 acre site. The proposed hotel is approximately 225 feet height. The proposed parking structure is approximately 73 feet in height with 360 parking spaces.

Vehicular access is provided an entrance of Via Marina.

Compliance with Applicable Zoning Codes

Pursuant to Section 22.46.1370 of the County Code, establishments in the Hotel Land Use Category are subject to the following development standards.

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- Building height is limited to a maximum of 225 feet;
- Front, rear and side yard setbacks shall be a minimum of 10 feet, in addition to the required highway and promenade setback.
- View corridors, public open space areas and/or access ways required in this Specific Plan may be designed and integrated with the required front, side and rear yard setbacks or located elsewhere on the property if such design will enhance visual and physical access to the shoreline;

The proposed building is shown as 225' in height. Currently the site plan shows all of the setbacks being met except for required 10' setback from the pedestrian promenade. The applicant is proposing a Variance from development standards to eliminate the promenade setback.

- Hotels shall not reduce the amount of land area devoted to existing public parks, boating, or coastal-dependent marine commercial uses.

The subject property is currently vacant land.

A. With the exception of facilities located on Parcels 1, 54, 56 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 Marina, and water and/or anchorage access necessary to allow the use to operate is preserved

Boating facilities are not proposed to be removed in conjunction with this project.

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 before the development which displaces it may commence;

The proposed project is not relocating a coastal-dependent boating use.

C. Visitor-serving uses shown on LUP Map 6, Existing/Proposed Visitor-Serving Facilities, shall be preserved or replaced on-site, as part of redevelopment;

The Visitor-serving uses shown on LUP Map 5 will not be impacted by this development.
D. Other existing recreation, visitor-serving and marine commercial facilities not shown on LUP Map 6 may be relocated in conjunction with development as long as the use is replaced within the Marina before the development which displaces it may commence.

No visitor-serving or marine commercial facilities are currently located on the subject parcel.

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BURDEN OF PROOF (CDP)

Pursuant to 22.56.2410 of the Los Angeles County Code, the applicant must meet the burden of proof requirements for a Coastal Development Permit.

1. That the proposed development is in conformity with the certified local coastal program.

2. That any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code:

   "In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. (California Coastal Act (CCA) Section 3010)"

   Based upon a review of these sections and the above-mentioned references to the project's consistency with the land use requirements of the Marina del Rey Local Coastal Program, staff analysis indicates that applicant has satisfied the Burden of Proof provisions.

Coastal Development Burden of Proof Responses

Applicant's responses attached (**Attachment B**). Staff is of the opinion that the applicant has sufficiently addressed Burden of Proof issues in a fashion that substantiates the findings required by Section 22.56.2410 of the Los Angeles County Code.

BURDEN OF PROOF (CUP)

Pursuant to Los Angeles County Code Section 22.56.040 the applicant must meet the burden of proof requirements for conditional use permits.

A. That the requested use at the location proposed will not:
   1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
   2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
   3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

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B. That 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 this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

C. That the proposed site is adequately served:
   1. By other public or private service facilities as are required.
   2. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and

Additional Findings per Code

Pursuant to Los Angeles County Code Section 22.56.195, the applicant must meet the Burden of Proof requirements for the on-site sale of a full line of alcoholic beverages.

1. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600 foot radius.
2. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
3. That the requested use at the proposed location will not result in an undue concentration of similar premises, or that the public convenience or necessity for the proposed facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within 500 feet of any other facility selling alcoholic beverages for either on-site of off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than 5 percent of the total shelf space in the establishment.
4. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

That the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

Conditional Use Permit Burden of Proof Responses

Applicant's responses attached (**Attachment C**). Staff is of the opinion that the applicant has sufficiently addressed Burden of Proof issues in a fashion that substantiates the findings required by Section 22.56.040 of the County Code.

Section 22.56.195 (B) Findings for the Sale of Alcoholic Beverages

Pursuant to County Code, the following findings must be made for the approval of alcoholic beverages.

1. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.

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There are no schools, parks, playgrounds, places used exclusively for religious worship or other similar uses within 600' of the proposed hotel and timeshare resort.

2. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
Although residential apartments are proposed near the proposed hotel and timeshare resort, the sale of alcoholic beverages within the hotel's lounge and restaurant should not adversely affect the surrounding area.

3. The requested use at the proposed location will not result in an undue concentration of similar premises.
According to the California Alcoholic Beverage Control (ABC), there are six (6) other establishments within the subject property's census tract which sell alcoholic beverages for off-site consumption. There are twenty-seven (27) businesses that sell alcohol for on-site consumption. The maximum number of licenses permitted within the census tract is thirteen (13). Seven (7) of those licenses are intended for on-site consumption and six (6) are for off-site use. ABC has noted that the subject property is located in a high crime area and considers this area to have an over-concentration of alcoholic beverage licenses. While there is an undue concentration of premises that sell alcohol within the subject property's census tract, there are no other businesses that sell alcohol within 500' of the proposed hotel and timeshare resort. As such, a finding of public convenience and necessity can be made in this case; staff does not believe that an undue over-concentration of alcohol-serving businesses is a significant issue at this location.

4. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
The alcoholic beverages would be incidental to the operation of the hotel and timeshare resort. It does not appear that an additional establishment authorized to sell alcoholic beverages to restaurant patrons would adversely affect the economic welfare of the nearby community

5. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

The exterior appearance of the structure was approved by the Marina del Rey Design Control Board.

BURDEN OF PROOF (Parking Permit)

Pursuant to Los Angeles County Code Section 22.56.1020 the applicant must meet the following

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Parking Permit burden of proof requirements:

1. That there will be no need for the number of parking spaces required by Part 11 of Chapter 22.52 because:
    a) The age and/or physical condition of the residents is such that the use of an automobile is unlikely, or
    b) The nature of the use is such that there is a reduced occupancy, or
    c) The business or use has established a viable transportation program for its employees and/or customers to use transportation modes other than the single-occupant automobile. Such a program shall include positive incentive such as van pools, transit fare subsidies, commuter travel allowances, car pools or bicycle commuter facilities. Where appropriate, proximity to freeways with high-occupancy vehicle (HOV) lanes, bus routes, park-and-ride facilities, people-movers, rapid transit stations, bikeways, or other similar facilities, shall be a factor in this consideration, or
    d) Sufficient land area is reserved or an alternative arrangement is approved to insure that the parking requirements may be complied with should the use, occupancy, or transportation program change. Such reservation or alternative may be waived for certain senior citizen and handicapped person housing developments where the director finds that it is unnecessary because of the anticipated permanent nature of such use. If required, the reserved land shall be so located and developed in such a manner that it can be feasibility converted to parking if needed;
2. That there will be no conflicts arising from special parking arrangements allowing shared facilities, tandem spaces or compact spaces because:
    a) Uses sharing parking facilities operate at different times of the day or days of the week, or
    b) Parking facilities using tandem spaces will employ valets or will utilize other means to insure a workable plan, or
    c) Apartment houses using compact spaces for a portion of the required parking have a management program or homeowners' association to assure an efficient distribution of all parking spaces;
3. That off-site facilities, leases of less than 20 years, rear lot transitional parking lots and uncovered residential parking spaces will provide the required parking for uses because:
    a) Such off-site facilities are controlled through ownership, leasing or other arrangement by the owner of the use for which the site serves and are conveniently accessible to the main use, or
    b) Such leases are written in such a way as to prevent multiple leasing of the same spaces or cancellation without providing alternate spaces; such leases shall contain other guarantees assuring continued availability of the spaces, or
    c) Such transitional lots are designed to minimize adverse effects on surrounding properties, or
    d) Uncovered parking for low and moderate income residential developments will be appropriately screened and compatible with the surrounding neighborhood;

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

Parking Permit Burden of Proof Responses

Applicant's responses attached (**Attachment D**). Staff is of the opinion that the applicant has met the burden of proof for the parking permit.

BURDEN OF PROOF (Variance)

Pursuant to Los Angeles County Code Sections 22.56.290, an applicant requesting a Variance must substantiate the following facts.

A. That there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification; and

B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone; and

C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

Variance Burden of Proof Responses

Applicant's responses attached (**Attachment E**). Staff is of the opinion that the applicant has met the burden of proof for the reduction of the 10' setback from the pedestrian promenade. Due to the shape and size of the subject property, and existing and the existing and proposed development pattern of the area, stall is of the opinion that it would be appropriate to grant the applicant's request. The applicant is proposing a view corridor equal to 40% of the project site's waterfront area. The large view corridor and the 1.46 acre upland and wetland park occupy a significant portion of the usable area of Parcel 9U.

ENVIRONMENTAL DOCUMENTATION

A Draft Environmental Impact Report (DEIR), which was transmitted to the Regional Planning Commission on September 11, 2008, has been prepared for the project. The DEIR covered following five development proposals:

1. A 400-unit apartment complex on Parcel 10R;
2. A 126-unit apartment complex on Parcel FF;
3. A 288-room hotel and timeshare resort on the northern portion of Parcel 9U;

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4. A public wetland and upland park on the southern portion or Parcel 9U;
5. A public boat anchorage located adjacent to the Parcel 9U bulkhead.

The DEIR examined the potential impacts of the proposed projects both singularly and cumulatively. When viewed as a group, the DEIR found 17 areas of potential concern. Cumulatively, the DEIR found significant and unavoidable impacts related to traffic, solid waste, population and land use. The DEIR determined that the proposed projects may pose potentially significant environment impacts in the following areas:

NOISE
TRAFFIC/ACCESS
LAND USE AND PLANNING
HYDROLOGY AND DRAINAGE
VISUAL QUALITY
WATER SERVICE
EDUCATION
FIRE PROTECTION
PARKS AND REC
AIR QUALITY
POPULATION AND HOUSING
GEOTECHINICAL AND SOIL RESOURCES
BIOTA
SEWER SERVICE
SOLID WASTE SERVICE
POLICE PROTECTION
LIBRARY SERVICES

The Draft Environmental Impact Report (DEIR) concludes that with the implementation of the proposed mitigation measures, all potentially significant impacts associated with 14 of the 17 above-described areas of concern can be mitigated to levels of insignificance at the project level. Cumulatively, significant impacts can be reduced to a level of insignificance in 13 of the 17 above-described areas. The DEIR concludes that potential air quality, noise, and visual quality impacts for the proposed 288-room hotel and timeshare resort cannot be reduced to levels of insignificance through the implementation of mitigation measures. The following is a summary of some of the key factors identified and discussed in the DEIR.

Noise

During construction, sensitive uses located within 50 feet of the project site may experience noise levels that may reach 94 dB(A). Sensitive uses along the haul route may experience noise impacts ranging from 83 to 88 dB(A). Vibration impacts may also occur do to the use of pile driving equipment which is required for foundation construction

Even with mitigation measures, the DEIR concludes that construction related noise and vibration impacts are considered significant and unavoidable.

Air Quality

Emissions associated with concurrent demolition, excavation, grading and construction may exceed the South Coast Air Quality Management District's emission thresholds for carbon monoxide, oxides of nitrogen and volatile organic compounds as well as cause localized significant ambient air quality impacts for particulate matter and oxides of nitrogen.

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Even with mitigation measures, construction related air quality impacts are considered significant and unavoidable.

Visual Quality

The existing apartment complex on Parcel 10R does not allow views of the Marina from Via Marina, which is a designated scenic highway. The proposed new apartment complex will have four view corridors, one of which will be visible from Via Marina.

The proposed structures on 10R would cast shadows on portions of Via Marina, Marquesas Way, and the proposed apartment complex on Parcel FF. However, no single use would be exposed to shadows cast by the project for more than 3 hours and the impact of these shadows is not considered significant.

Even with mitigation measures, the visual quality impacts associated with the proposed project on Parcel 9U are considered significant and unavoidable.

Traffic/Access

According to the traffic analysis contained in the DEIR, the proposed Woodfin Hotel and Timeshare Resort project on Parcel 9U is expected to generate approximately 1,538 net new trips per day. An estimated 117 trips would occur during the peak AM hour and 102 would occur during the peak PM hour.

The analysis of the DEIR determined that with the implementation of the identified mitigation measures, this project would not have a significant impact on Traffic/Access. Cumulative development analysis performed in the DEIR determined that area-wide development would significantly impact 12 of the 17 study intersections. This impact is considered significant and unavoidable.

Population and Housing

No permanent population or housing can be attributed to the Woodfin Hotel and Timeshare Resort.

When this project is viewed cumulatively with other related projects in the area, there is a potential to exceed SCAG's 2010 population projects. These potential impacts are significant and unavoidable.

Land Use and Planning

When the proposed project on Parcel 9U is viewed by itself, it is not expected to have a significant impact on Land Use and Planning.

When the proposed project is combined cumulatively with other related projects, there is the potential for significant and unavoidable impacts.

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Geotechnical and Soil Resources

The proposed project has the potential to expose people and structures to seismic shaking that could potentially occur at the project site. In addition, there is a potential for liquefaction induced ground subsidence on the lot and methane gas is known to exist under the soil in certain areas in and around Marina del Rey. Surficial wind and water erosion on the project site may increase during construction and have the potential to result in short term impacts related to soil erosion and loss of topsoil.

With proposed mitigation, potential impacts related to geotechnical and soil resources are less than significant.

Hydrology and Drainage

Construction related grading and excavation operations may result in increased water and wind erosion and a potential for the discharge of sediment into the small craft harbor. De-watering systems for the proposed subterranean garages also have the potential to discharge sediments from excavation areas directly to the small-craft harbor.

With mitigation measures, construction related hydrology and drainage impacts are less than significant.

Biota

The removal of existing pilings and placement of new pilings associated with the replacement of the existing dock may cause significant impacts to the existing water quality and the associated marine fauna living in the sea floor, due to the re-suspension of sediment. This impact is also considered potentially significant due to the use of the water by the Endangered Brown Pelican and California Least Tern

With mitigation measures, construction related biota impacts are expected to be less than significant.

Sewer Service

Based on the analysis of the DEIR, the proposed project will not have a cumulative impact on sewer service during either the construction or operational phases of the project.

Water Service

The DEIR did not foresee any significant impacts related to water service provided that the Marina water system upgrades are made, and the suggested water conservation measures are taken.

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Solid Waste

The construction of the new hotel and timeshare resort on Parcel 9U will result in an incremental increase of solid waste disposal at landfills and other waste disposal facilities.

Mitigation measures are proposed to recycle at least 50% of demolition and construction related waste. Operation related impacts related to solid waste were not considered significant, but the applicant is proposing a plan to promote recycling and reuse materials. The cumulative impacts of the proposed project and related projects in the area may have a significant and unavoidable impact unless additional landfill space or other disposal alternatives are approved.

Education

The proposed hotel and timeshare resort in not expected to contribute any new children to local schools.

Police Protection

Construction related activities are not expected to cause a significant impact on police services in the Marina del Rey area. To help mitigate possible operational impacts, the Los Angeles County Sheriff's Department will review the project in regards to lighting, landscaping, building access and visibility, street circulation, building design and defensible space.

The DEIR determined that the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities.

Fire Protection

Construction of the proposed project would result in a large amount of flammable material being stored at the project site. In addition, the increase in construction related traffic could potentially slow response times of emergency vehicles.

Mitigation measures, including project fencing and private security during construction, are proposed to bring the construction related project impact to a level of insignificance. To address potential fire protection impacts related to project operation, the applicant will provide the Los Angeles County Fire Department with a Fire Safe Plan, which must be approved prior to the issuance of building permits.

The DEIR determined that the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered Fire Department facilities.

Library Services

The DEIR determined that the proposed hotel and timeshare resort would not have a significant impact on library services.

Parks and Recreation

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Hotel and resort projects are not required to provide compensatory recreational facilities to offset the increased demand for park and recreational facilities associated with new development. They are also not subject to the Quimby Act. The DEIR determined that he proposed hotel and timeshare resort would not have a significant impact on parks or recreational facilities.

COUNTY DEPARTMENT COMMENTS

Los Angeles County Fire Department

On June 5, 2008, a letter was received from the Los Angeles County Fire Department regarding the project. The letter confirmed that fire protection and emergency services for the Marina area were sufficient and stated furthermore that additional assistance was available from the City of Los Angeles in the event of a major structure fire. The letter also listed various Fire Department requirements that the proposed project would be required to meet. (**Attachment F**)

On July 4, 2008, a letter was received from the Los Angeles County Fire Department. The letter cleared the project for public hearing. (**Attachment G**)

Los Angeles County Health Department

On June 24, 2008, a letter was received from the Los Angeles County Health Department. The letter stated that the proposed project had the potential for construction related significant impacts on the surrounding community in the areas of Noise and Air Quality. The letter outlined specific mitigation measures that should be taken to help mitigate those impacts. (**Attachment H**)

Los Angeles County Department of Public Works (DPW)

On July 3, 2008 a letter was received from DPW. The letter cleared the Tentative Tract Map for Parcel 9U for public hearing. (**Attachment I**)

Los Angeles County Sheriff's Department

On May 12, 2008, a letter was received from the Los Angeles County Sheriff's Department. The letter also stated that the Station agreed with the conclusions of the cumulative analysis on the impacts of this and other projects on the police protection in the area, and that a portion of tax revenues generated from these developments should be directed toward addressing the future need for additional resources at the Marina del Rey Station. (**Attachment J**)

Los Angeles County Department of Parks and Recreation

On July 2, 2008, a letter was received from the Department of Parks and Recreation. The letter determined that no park fees would be required for the project. (**Attachment K**)

OTHER AGENCY COMMENTS

California Department of Conservation's Division of Oil, Gas and Thermal Resources

On September 15, 2008, a letter was received from the Department of Conservation. The letter stated that there are two unplugged wells in the vicinity of the proposed project, and requested that any future maps of the project plot the wells. The letter gave recommendations for building near abandoned wells and stated that the Division of Oil, Gas and Thermal Resources should review the proposed plans prior to building construction. (**Attachment L**)

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California Department of Transportation
On October 2, 2008, a letter was the California Department of Transportation (DOT). The letter stated that the traffic study did not adequately address comments that had previous been made by DOT. The letter requested that DOT's comments regarding the projects potential impacts of State facilities be addressed prior to finalization of the Environmental Impact Report. (**Attachment M**)

Metropolitan Water District of Southern California
On September 28, 2008, a letter was received from the Metropolitan Water District of Southern California (MWD). The letter stated that MWD had determined that the proposed project was not regionally significant to them. They also stated that they are concerned with water conservation and encouraged the project to incorporate measures to conserve water. (**Attachment N**)

PUBLIC COMMENTS
Seven letters were received in opposition of the proposed project. (**Attachment O**)

LEGAL NOTIFICATION/COMMUNITY OUTREACH
Hearing notices were mailed to 1,138 residents within a 500-foot radius of the subject property and other interested parties on September 3, 2008. The Draft Environmental Impact Report was mailed to Lloyd Taber Marina del Rey County Library in Marina del Rey, the Venice-Abbot Kinney Memorial Library in the City of Los Angeles, and the Julian Dixon Library in Culver City on September 2, 2008. Advertisements were published in the Argonaut and in *La Opinion* on September 4, 2008. According to the applicant, public hearing notices were posted at the project site on September 3, 2008.

STAFF EVALUATION
Issues

Pursuant to Sections 22.46.1350, Title 22 of the County Code (Zoning Ordinance) hotel and timeshare resort is a permitted use in the Hotel Land Use Category of the Marina del Rey Specific Plan. A Coastal Development Permit is required to undertake any development in the Coastal Zone. Staff finds that the proposed hotel and timeshare resort is consistent with the requirements for a Coastal Development Permit.

Staff considers the proposed Conditional Use Permit for the construction of a new parking structure to service the hotel/timeshare resort, the installation of signs, the sale of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort, and for the construction and maintenance of an emergency rooftop heliport to be incidental to the operation of a hotel and timeshare resort. The alcohol sales will be limited to onsite consumption within the proposed hotel and timeshare resort. In addition, the welfare of the surrounding neighborhood will also be ensured by limitations imposed by ABC and the CUP conditions.

As proposed, the project would require a Variance from development standards to allow a reduction of the required setback from the 28 foot wide pedestrian promenade from 10 feet to 0 feet. Staff is of the opinion that the proposed view corridor, which is equal to 40% of the project site's waterfront area and the

STAFF ANALYSIS

1.46 acre upland and wetland park occupy a significant portion of the usable area of Parcel 9U. Given the limited amount of space available on Parcel 9U, a Variance in this case seems justified.

STAFF RECOMMENDATION

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Coastal Development Permit No. 200600007-(4), Conditional Use Permit No. 200600288-(4), Parking Permit No. 200600020, Variance No. 200600012-(4), and Vesting Tentative Tract Map No. 067861.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare findings and conditions of approval for Coastal Development Permit No. 200600007-(4), Conditional Use Permit No. 200600288-(4), Parking Permit No. 200600020, Variance No. 200600012 and Vesting Tentative Tract Map No. 067861.

Report prepared by Michael Tripp, Principal Regional Planning Assistant
Reviewed by Samuel Dea, Section Head of Special Projects

Attachments:
Copy of Thomas Brothers Map
Burden of Proof /Burden of Proof Addendum
Draft Conditions
Photographs
Land Use Map
Site Plan/Floor Plan

SD:MRT:mrt

DEPARTMENT OF REGIONAL PLANNING
VESTING TENTATIVE TRACT MAP NO. 067861 **MAP DATE: 6-4-08**

DRAFT CONDITIONS:

1. Conform to the requirements of the Los Angeles County Code (Subdivision and Zoning Ordinances) and the requirements of the Marina del Rey Specific Plan. Also, comply with the requirements of Coastal Development Permit No. 200600007, Conditional Use Permit No. 200600288 and Parking Permit No. 200600020.

2. Show Via Marina as a dedicated street and Tahiti Way as a private and future street on the final map.

3. Construct or bond with the Department of Public Works for driveway paving, a minimum of 28 feet to the satisfaction of the Department of Regional Planning and the Fire Department.

4. Show the driveway on the final map as a "Private Driveway and Fire Lane" or on a plat to be recorded concurrently with the final map and label as a "Private Driveway and Fire Lane."

5. Post the driveway with signs stating "No Parking" and provide for continued posting and enforcement of the restriction in a maintenance agreement or Covenants, Conditions and Restrictions. Submit a copy of the Covenants, Conditions, and Restrictions or maintenance agreement to the Department of Regional Planning for review prior to final map approval.

6. Submit a letter to the Department of Regional Planning agreeing to provide an adequate lighting system along all walkways to be constructed within the common areas to the satisfaction of the Department of Regional Planning.

7. Provide in the Covenants, Conditions and Restrictions a method for the continuous maintenance of the common areas, including the driveway and the lighting system along all walkways to the satisfaction of the Department of Regional Planning with a copy of the document to be recorded prior to filling of the final map.

8. This tract map is approved as a condominium project for a total of 136 timeshare units in one building. Place a note or notes on the final map to this effect to the satisfaction of the Department of Public Works and the Department of Regional Planning.

9. A final tract map is required for this land division. A waiver is not allowed.

10. The subdivider shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim, action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not, thereafter, be responsible to defend, indemnify, or hold harmless the County.

11. In the event that any claim, action, or proceeding as described above is filed against the County, the subdivider shall within ten days of the filing pay the Department of 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 the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to the permittee or permittee's counsel. The permittee shall pay the following supplemental deposits, from which actual costs shall be billed and deducted:

    1. If during the litigation process, actual costs incurred reach 80 percent of the amount on 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.

    At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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

17. Except as modified herein by the Regional Planning Commission, this approval is subject to all those conditions set forth in the attached reports recommended by the Los Angeles County Subdivision Committee that consists of the Department of Pubic Works, the Fire Department, the Department of Parks and Recreation and the Department of Health Services.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – SUBDIVISION
TRACT NO. 67861 (Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The following reports consisting of 11 pages are the recommendations of Public Works.

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Details and notes shown on the tentative map are not necessarily approved. Any details or notes which may be inconsistent with requirements of ordinances, general conditions of approval, or Department policies must be specifically approved in other conditions, or ordinance requirements are modified to those shown on the tentative map upon approval by the Advisory agency.

2. Easements are tentatively required, subject to review by the Director of Public Works to determine the final locations and requirements.

3. Easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication for public streets, highways, access rights, building restriction rights, or other easements until after the final map is filed with the Registrar-Recorder/County Clerk's Office. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the final map.

4. In lieu of establishing the final specific locations of structures on each lot/parcel at this time, the owner, at the time of issuance of a grading or building permit, agrees to develop the property in conformance with the County Code and other appropriate ordinances such as the Building Code, Plumbing Code, Grading Ordinance, Highway Permit Ordinance, Mechanical Code, Zoning Ordinance, Undergrounding of Utilities Ordinance, Water Ordinance, Sanitary Sewer and Industrial Waste Ordinance, Electrical Code, and Fire Code. Improvements and other requirements may be imposed pursuant to such codes and ordinances.

5. All easements existing at the time of final map approval must be accounted for on the approved tentative map. This includes the location, owner, purpose, and recording reference for all existing easements. If an easement is blanket or indeterminate in nature, a statement to that effect must be shown on the tentative map in lieu of its location. If all easements have not been accounted for, submit a corrected tentative map to the Department of Regional Planning for approval.

Rev'd 07-30-2008

6. Adjust, relocate, and/or eliminate lot lines, lots, streets, easements, grading, geotechnical protective devices, and/or physical improvements to comply with ordinances, policies, and standards in effect at the date the County determined the application to be complete all to the satisfaction of Public Works.

7. Place time-share resort/condominium notes on the final map to the satisfaction of Public Works.

8. Quitclaim or relocate easements running through proposed structures.

9. Label driveways and multiple access strips as "Private Driveway and Fire Lane" and delineate on the final map to the satisfaction of Public Works.

10. Reserve reciprocal easements for drainage, ingress/egress, sewer, water, utilities, and maintenance purposes, etc., in documents over the private driveways to the satisfaction of Public Works.

11. A final tract map must be processed through the Director of Public Works prior to being filed with the Registrar-Recorder/County Clerk's Office.

12. Prior to submitting the tract map to the Director of Public Works for examination pursuant to Section 66442 of the Government Code, obtain clearances from all affected Departments and Divisions, including a clearance from the Subdivision Mapping Section of the Land Development Division of Public Works for the following mapping items; mathematical accuracy; survey analysis; and correctness of certificates, signatures, etc.

13. A final guarantee will be required at the time of filing of the final map with the Registrar-Recorder/County Clerk's Office.

14. Within 30 days of the approval date of this land use entitlement or at the time of first plan check submittal, the applicant shall deposit the sum of $2,000 (Minor Land Divisions) or $5,000 (Major Land Divisions) with Public Works to defray the cost of verifying conditions of approval for the purpose of issuing final map clearances. This deposit will cover the actual cost of reviewing conditions of approval for Conditional Use Permits, Tentative Tract and Parcel Maps, Vesting Tentative Tract and Parcel Maps, Oak Tree Permits, Specific Plans, General Plan Amendments, Zone Changes, CEQA Mitigation Monitoring Programs and Regulatory Permits from State and Federal Agencies (Fish and Game, USF&W, Army Corps, RWQCB, etc.) as they relate to the various plan check activities and improvement plan designs. In addition, this deposit will be used to conduct site field reviews and attend meetings requested by the applicant and/or his agents for the purpose of resolving technical issues on condition compliance as they relate to improvement plan design, engineering studies, highway alignment studies and tract/parcel map boundary, title and easement issues. When 80% of the deposit is expended, the applicant will be required to provide additional funds to restore the initial deposit. Remaining balances in the deposit account will be refunded upon final map recordation

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
WWW.DPW.LACOUNTY.GOV

TRACT NO.: 67861

TENTATIVE MAP DATE: 6/04/08
EXHIBIT MAP DATE: 6/04/08

STORM DRAIN SECTION CONDITIONS OF APPROVAL, PHONE: (626) 458-4921

Prior to Improvement Plans Approval:

1. Comply with the requirements of the Drainage Concept/Hydrology Study/Standard Urban Stormwater Mitigation Plan (SUSMP), which was approved on 7/03/08 to the satisfaction of the Department of Public Works.
2. Obtain approval or letter of non-jurisdictional from the State Department of Fish and Game.
3. Obtain approval or letter of non-jurisdictional from the State Water Resources Control Board.
4. Obtain approval or letter of non-jurisdictional from the Corps of Engineers.
5. Provide a permit from Department of Public Works for proposed outlets through the marina bulkhead to the satisfaction of the Department of Public Works and Department of Beaches and Harbor.
6. Obtain and provide all applicable permits.

Prior to Building Permit:

1. Provide SUSMP for rood drains (separate from site) as proposed on Drainage Concept/Hydrology Study/Standard Urban Stormwater Mitigation Plan (SUSMP), which was approved on 7/03/08 to the satisfaction of the Department of Public Works.

Name Lizbeth Cardoza LC Date 7/03/08 Phone (626) 458-4921

County of Los Angeles Department of Public Works
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION
GEOLOGIC REVIEW SHEET
900 So. Fremont Ave., Alhambra, CA 91803
TEL. (626) 458-4925

DISTRIBUTION
__ Geologist
__ Soils Engineer
1 GMED File
1 Subdivision

TENTATIVE TRACT 67861
SUBDIVIDER Woodfin Suite Hotels, LLC
ENGINEER Hunsaker & Associates
GEOLOGIST Van Beveren & Butelo
SOILS ENGINEER Van Beveren & Butelo

TENTATIVE MAP DATED Rev. 6/4/08
LOCATION Via Marina and Tahiti Way, Marina Del Rey
GRADING BY SUBDIVIDER [Y]
REPORT DATE 2/18/04, 10/23/06
REPORT DATE 6/30/08, 5/16/08, 1/7/08, 10/23/06, 2/18/04

TENTATIVE MAP FEASIBILITY IS RECOMMENDED FOR APPROVAL FROM A GEOLOGIC STANDPOINT

THE FOLLOWING CONDITIONS MUST BE FULFILLED:

1. The final map must be approved by the Geotechnical and Materials Engineering Division (GMED) to assure that all geotechnical requirements have been properly depicted. For Final Map clearance guidelines refer to GS051.0 in the Manual for Preparation of Geotechnical Reports (http://www.dpw.lacounty.gov/gmed/manual.pdf).

2. A grading plan must be geotechnically approved by the GMED prior to Final Map approval. The grading depicted on the plan must agree with the grading depicted on the tentative tract or parcel map and the conditions approved by the Planning Commission. If the subdivision is to be recorded prior to the completion and acceptance of grading, corrective geologic bonds may be required.

3. Prior to grading plan approval a detailed engineering geology and soils engineering report must be submitted that addresses the proposed grading. All recommendations of the geotechnical consultants must be incorporated into the plan (Refer to the Manual for Preparation of Geotechnical Reports at http://www.dpw.lacounty.gov/gmed/manual.pdf).

4. All geologic hazards associated with this proposed development must be eliminated. Alternatively, the geologic hazards may be designated as restricted use areas (RUA), and their boundaries delineated on the Final Map. These RUAs must be approved by the GMED, and the subdivider must dedicate to the County the right to prohibit the erection of buildings or other
__ structures within the restricted use areas (refer to GS063.0 in the manual for preparation of Geotechnical Reports*).

5. The Soils Engineering review dated 7/3/08 is attached.

THE FOLLOWING INFORMATION IS APPLICABLE TO THIS DIVISION OF LAND:

- The subdivider is advised that approval of this division of land is contingent upon the installation and use of a sewer system.
- Groundwater is less than 10 feet from the ground surface on lot 1

Prepared by _____ Michael Montgomery Reviewed by _____ Date 7/3/08

Please complete a Customer Service Survey at http://dpw.lacounty.gov/go/gmedsurvey

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION

SOILS ENGINEERING REVIEW SHEET

Address: 900 S. Fremont Ave., Alhambra, CA 91803
Telephone: (626) 458-4925
Fax: (626) 458-4913

District Office 12.0
Job Number GMPH
Sheet 1 of 1

Hotel Buildings and Parking Structure
Tract Map (Tract) 67861
Location Via Mariana and Tahiti Way, Marina Del Rey
Developer/Owner Woodfin Suite Hotels, LLC
Engineer/Architect ----
Soils Engineer Van Beveren & Butelo, Inc. (04-012.3)
Geologist Same as above

DISTRIBUTION:
___ Drainage
___ Grading
1 Geo/Soils Central File
___ District Engineer
1 Geologist
1 Soils Engineer
1 Engineer/Architect

Review of:
Tentative (Tract) Map Dated by Regional Planning 6/4/08
Soils Engineering and Geologic Report Dated 6/30/08, 5/16/08, 1/7/08, 10/23/06
Previous Review Sheet Dated 6/23/08

ACTION:

Tentative Map feasibility is recommended for approval, subject to conditions below:

REMARKS:

1. At the grading plan stage, submit 40-scale grading plans and/or foundation plans to the Soils Section for verification of compliance with County codes and policies.

2. At the grading plan stage, submit a grading plan and/or foundation plan geotechnical report to the Soils Section for verification that the proposed work complies with County codes and policies. The geotechnical report must describe proposed work shown on the plans and include performance criteria, ground modification procedures, testing, monitoring, etc..

NOTE(S) TO THE PLAN CHECKER/BUILDING AND SAFETY ENGINEER:
ON-SITE SOILS ARE SEVERELY CORROSIVE TO CONCRETE AND FERROUS METALS.

REGISTERED PROFESSIONAL ENGINEER YOSHIYA MORISAKU No. 67587 Exp. 6/30/09 CIVIL STATE OF CALIFORNIA

Reviewed by _____ Yoshiya Morisaku Date 7/3/08

NOTICE: Public safety, relative to geotechnical subsurface exploration, shall be provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – GRADING
TRACT MAP NO. 67861

TENTATIVE MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

REQUIREMENTS PRIOR TO GRADING PLAN APPROVAL:

1. Submit the following agency approvals:

   a. The latest drainage concept/hydrology/Standard Urban Stormwater Mitigation Plan (SUSMP) by the Storm Drain and Hydrology Section of Land Development Division.

   b. The grading plan by the Geotechnical & Materials Engineering Division (GMED).

   c. A permit or a letter of non-jurisdiction from the State of California Regional Water Quality Control Board.

   d. A permit or a letter of non-jurisdiction from the State of California Department of Fish and Game.

   e. A permit or a letter of non-jurisdiction from the Army Corps of Engineers.

   f. A permit/letter of non-jurisdiction may be required from State of California Coastal Commission.

REQUIREMENTS PRIOR TO FINAL MAP RECORDATION:

2. Submit a grading plan for approval. The grading plan must show and call out the following items, including but not limited to: construction of all drainage devices and details, paved driveways, elevation and drainage of all pads, SUSMP devices (if applicable), and any required landscaping and irrigation not within a common area or maintenance easement. Acknowledgement and/or approval from all easement holders may be required.

3. A maintenance agreement may be required for privately maintained drainage devices.

4. Provide a draft copy of the CC&Rs

MDh

JF Name David Esfandi Date June 26, 2008 Phone (626) 458-4921

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – ROAD
TRACT NO. 67861 (Rev)

TENTATIVE MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Dedicate the right to restrict vehicular access along the property frontage on Via Marina.

2. The exhibit map is not necessarily approved as shown.

3. Repair any displaced, broken, or damaged curb, gutter, sidewalk, and pavement along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

4. Provide a property return radius of 27 feet at the intersection of Via Marina and Tahiti Way plus additional right of way for corner- cut off to meet current guidelines of the Americans with Disabilities Act (ADA) to the satisfaction of Public Works. The delineation of the corner-cut off on the tentative map is not necessarily approved.

5. The proposed property line corner cut off and ramps at the intersection of Via Marina and Tahiti Way are not necessarily approved as shown on the map.

6. The proposed median opening for the driveway on Via Marina is not necessarily approved as shown.

7. Provide 5 feet of additional right of way (6 feet from the curb face) on Tahiti Way along the property frontage and construct a minimum of 5 feet sidewalk to the satisfaction of Public Works. Additional right of way will be required for sidewalk pop-outs in the vicinity of any above ground utilities/ obstructions to meet Americans with Disabilities act (ADA) requirements.

8. Provide additional right of way for a standard 8 feet parkway on Via Marina along the property frontage.

9. Construct parkway improvements (sidewalk, driveway, etc.) that either serve or form a part of a Pedestrian Access Route to meet current ADA requirements along the property frontage on Via Marina to the satisfaction of Public Works. A minimum width of 5 feet sidewalk is required along the property frontage. Additional sidewalk pop-outs in the vicinity of any above ground utilities/obstructions will be necessary to meet Americans with Disabilities act (ADA) requirements

10. Reconstruct the existing curb ramp at the Via Marina and Tahiti Way intersection to meet current ADA requirements to the satisfaction of Public Works.

11. Remove the existing chain link fence from the dedicated right of way along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

12. Provide adequate landing area with three percent grade (or to the satisfaction of Public Works) on the subterranean driveway exit and provide adequate sight distance from the subterranean driveway exit to the sidewalk (both directions) to the satisfaction of Public Works. Line of sight shall not be impaired by any proposed wall and/or landscaping adjacent to the driveway exit and line of sight easement dedication may be required.

13. Plant street trees along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

14. Underground all new utility lines to the satisfaction of Public Works and Southern California Edison.

15. Comply with the mitigation measures identified in the attached June 12, 2008 letter from our Traffic and Lighting Division or any letter issued from Traffic and Lighting Division superseding the June 12, 2008 letter, to the satisfaction of Public Works. Additional signing and striping and/or signal plans may be required. Also, please note that a superseding letter may prompt the need to modify, add, or remove project conditions.

16. Comply with the conditions for Conditional Use permit (CUP) 2006-06216.

17. Comply with any additional requirements from City of Los Angeles where applicable.

18. Provide detailed Signing and Striping Plans on Via Marina along the roperty frontage to the satisfaction of Public Works.

19. Provide a detailed traffic signal modification plan for the intersection of Via Marina and Tahiti Way if any traffic signal equipment is impacted by the modification to north east corner of the intersection.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - SEWER
TRACT NO. 67861(Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Relocate all proposed improvements outside of existing sanitary sewer easements dedicated to Los Angeles County.

2. A sewer area study for the proposed subdivision (PC12086AS, dated 07-03-2008) was reviewed and approved. No additional mitigation measures are required. The approved sewer area study shall remain valid for two years after initial approval of the tentative map. After this period of time, an update of the area study shall be submitted by the applicant if determined to be warranted by Public Works.

3. If applicable, provide a digital copy (PDF Format) of the approved area study and approved sewer improvement plans.

4. Proposed 8" sewer alignment on Via Marina shall correspond with the above approved area study.

Prepared by Tony Khalkhali Phone (626) 458-4921 Date 06-30-2008
tr67861s-rev2.doc

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - WATER
TRACT NO. 67861 (Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. A water system maintained by the water purveyor, with appurtenant facilities to serve all buildings in the land division, must be provided. The system shall include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total commercial and fire flows.

2. There shall be filed with Public Works a statement from the water purveyor indicating that the water system will be operated by the purveyor, and that under normal conditions, the system will meet the requirements for the land division, and that water service will be provided to each building.

3. If needed, easements shall be granted to the County, appropriate agency or entity for the purpose of ingress, egress, construction and maintenance of all infrastructures constructed for this land division to the satisfaction of Public Works.

4. Submit landscape and irrigation plans for each commercial/open space/graded slope lot/ in the land division, with landscape area greater than 2,500 square feet, in accordance with the Water Efficient Landscape Ordinance.

Prepared by Lana Radle Phone (626) 458-4921 Date 06-30-2008

tr67861w-rev2.doc

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – GRADING
TRACT MAP NO. 67861

TENTATIVE MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

REQUIREMENTS PRIOR TO GRADING PLAN APPROVAL:

1. Submit the following agency approvals:

   a. The latest drainage concept/hydrology/Standard Urban Stormwater Mitigation Plan (SUSMP) by the Storm Drain and Hydrology Section of Land Development Division.

   b. The grading plan by the Geotechnical & Materials Engineering Division (GMED).

   c. A permit or a letter of non-jurisdiction from the State of California Regional Water Quality Control Board.

   d. A permit or a letter of non-jurisdiction from the State of California Department of Fish and Game.

   e. A permit or a letter of non-jurisdiction from the Army Corps of Engineers.

   f. A permit/letter of non-jurisdiction may be required from State of California Coastal Commission.

REQUIREMENTS PRIOR TO FINAL MAP RECORDATION:

2. Submit a grading plan for approval. The grading plan must show and call out the following items, including but not limited to: construction of all drainage devices and details, paved driveways, elevation and drainage of all pads, SUSMP devices (if applicable), and any required landscaping and irrigation not within a common area or maintenance easement. Acknowledgement and/or approval from all easement holders may be required.

3. A maintenance agreement may be required for privately maintained drainage devices.

4. Provide a draft copy of the CC&Rs

MDh

JF

Name David Esfandi Date June 26, 2008 Phone (626) 458-4921
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COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – ROAD
TRACT NO. 67861 (Rev)

TENTATIVE MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Dedicate the right to restrict vehicular access along the property frontage on Via Marina.

2. The exhibit map is not necessarily approved as shown.

3. Repair any displaced, broken, or damaged curb, gutter, sidewalk, and pavement along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

4. Provide a property return radius of 27 feet at the intersection of Via Marina and Tahiti Way plus additional right of way for corner- cut off to meet current guidelines of the Americans with Disabilities Act (ADA) to the satisfaction of Public Works. The delineation of the corner-cut off on the tentative map is not necessarily approved.

5. The proposed property line corner cut off and ramps at the intersection of Via Marina and Tahiti Way are not necessarily approved as shown on the map.

6. The proposed median opening for the driveway on Via Marina is not necessarily approved as shown.

7. Provide 5 feet of additional right of way (6 feet from the curb face) on Tahiti Way along the property frontage and construct a minimum of 5 feet sidewalk to the satisfaction of Public Works. Additional right of way will be required for sidewalk pop-outs in the vicinity of any above ground utilities/ obstructions to meet Americans with Disabilities act (ADA) requirements.

8. Provide additional right of way for a standard 8 feet parkway on Via Marina along the property frontage.

9. Construct parkway improvements (sidewalk, driveway, etc.) that either serve or form a part of a Pedestrian Access Route to meet current ADA requirements along the property frontage on Via Marina to the satisfaction of Public Works. A minimum width of 5 feet sidewalk is required along the property frontage. Additional sidewalk pop-outs in the vicinity of any above ground utilities/obstructions will be necessary to meet Americans with Disabilities act (ADA) requirements

10. Reconstruct the existing curb ramp at the Via Marina and Tahiti Way intersection to meet current ADA requirements to the satisfaction of Public Works.

11. Remove the existing chain link fence from the dedicated right of way along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

12. Provide adequate landing area with three percent grade (or to the satisfaction of Public Works) on the subterranean driveway exit and provide adequate sight distance from the subterranean driveway exit to the sidewalk (both directions) to the satisfaction of Public Works. Line of sight shall not be impaired by any proposed wall and/or landscaping adjacent to the driveway exit and line of sight easement dedication may be required.

13. Plant street trees along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

14. Underground all new utility lines to the satisfaction of Public Works and Southern California Edison.

15. Comply with the mitigation measures identified in the attached June 12, 2008 letter from our Traffic and Lighting Division or any letter issued from Traffic and Lighting Division superseding the June 12, 2008 letter, to the satisfaction of Public Works. Additional signing and striping and/or signal plans may be required. Also, please note that a superseding letter may prompt the need to modify, add, or remove project conditions.

16. Comply with the conditions for Conditional Use permit (CUP) 2006-06216.

17. Comply with any additional requirements from City of Los Angeles where applicable.

18. Provide detailed Signing and Striping Plans on Via Marina along the roperty frontage to the satisfaction of Public Works.

19. Provide a detailed traffic signal modification plan for the intersection of Via Marina and Tahiti Way if any traffic signal equipment is impacted by the modification to north east corner of the intersection.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - SEWER
TRACT NO. 67861(Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Relocate all proposed improvements outside of existing sanitary sewer easements dedicated to Los Angeles County.

2. A sewer area study for the proposed subdivision (PC12086AS, dated 07-03-2008) was reviewed and approved. No additional mitigation measures are required. The approved sewer area study shall remain valid for two years after initial approval of the tentative map. After this period of time, an update of the area study shall be submitted by the applicant if determined to be warranted by Public Works.

3. If applicable, provide a digital copy (PDF Format) of the approved area study and approved sewer improvement plans.

4. Proposed 8" sewer alignment on Via Marina shall correspond with the above approved area study.

Prepared by Tony Khalkhali Phone (626) 458-4921 Date 06-30-2008
tr67861s-rev2.doc

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - WATER
TRACT NO. 67861 (Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. A water system maintained by the water purveyor, with appurtenant facilities to serve all buildings in the land division, must be provided. The system shall include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total commercial and fire flows.

2. There shall be filed with Public Works a statement from the water purveyor indicating that the water system will be operated by the purveyor, and that under normal conditions, the system will meet the requirements for the land division, and that water service will be provided to each building.

3. If needed, easements shall be granted to the County, appropriate agency or entity for the purpose of ingress, egress, construction and maintenance of all infrastructures constructed for this land division to the satisfaction of Public Works.

4. Submit landscape and irrigation plans for each commercial/open space/graded slope lot/ in the land division, with landscape area greater than 2,500 square feet, in accordance with the Water Efficient Landscape Ordinance.

Prepared by Lana Radle Phone (626) 458-4921 Date 06-30-2008

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COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
WWW.DPW.LACOUNTY.GOV

TRACT NO.: 67861

TENTATIVE MAP DATE: 6/04/08
EXHIBIT MAP DATE: 6/04/08

STORM DRAIN SECTION CONDITIONS OF APPROVAL, PHONE: (626) 458-4921

Prior to Improvement Plans Approval:

1. Comply with the requirements of the Drainage Concept/Hydrology Study/Standard Urban Stormwater Mitigation Plan (SUSMP), which was approved on 7/03/08 to the satisfaction of the Department of Public Works.
2. Obtain approval or letter of non-jurisdictional from the State Department of Fish and Game.
3. Obtain approval or letter of non-jurisdictional from the State Water Resources Control Board.
4. Obtain approval or letter of non-jurisdictional from the Corps of Engineers.
5. Provide a permit from Department of Public Works for proposed outlets through the marina bulkhead to the satisfaction of the Department of Public Works and Department of Beaches and Harbor.
6. Obtain and provide all applicable permits.

Prior to Building Permit:

1. Provide SUSMP for rood drains (separate from site) as proposed on Drainage Concept/Hydrology Study/Standard Urban Stormwater Mitigation Plan (SUSMP), which was approved on 7/03/08 to the satisfaction of the Department of Public Works.

Name Lizbeth Cardoza LS Date 7/03/08 Phone (626) 458-4921

County of Los Angeles Department of Public Works
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION
GEOLOGIC REVIEW SHEET
900 So. Fremont Ave., Alhambra, CA 91803
TEL. (626) 458-4925

DISTRIBUTION
__ Geologist
__ Soils Engineer
1 GMED File
1 Subdivision

TENTATIVE TRACT 67861
SUBDIVIDER Woodfin Suite Hotels, LLC
ENGINEER Hunsaker & Associates
GEOLOGIST Van Beveren & Butelo
SOILS ENGINEER Van Beveren & Butelo

TENTATIVE MAP DATED Rev. 6/4/08
LOCATION Via Marina and Tahiti Way, Marina Del Rey
GRADING BY SUBDIVIDER [Y]
REPORT DATE 2/18/04, 10/23/06
REPORT DATE 6/30/08, 5/16/08, 1/7/08, 10/23/06, 2/18/04

TENTATIVE MAP FEASIBILITY IS RECOMMENDED FOR APPROVAL FROM A GEOLOGIC STANDPOINT

THE FOLLOWING CONDITIONS MUST BE FULFILLED:

1. The final map must be approved by the Geotechnical and Materials Engineering Division (GMED) to assure that all geotechnical requirements have been properly depicted. For Final Map clearance guidelines refer to GS051.0 in the Manual for Preparation of Geotechnical Reports (http://www.dpw.lacounty.gov/gmed/manual.pdf).

2. A grading plan must be geotechnically approved by the GMED prior to Final Map approval. The grading depicted on the plan must agree with the grading depicted on the tentative tract or parcel map and the conditions approved by the Planning Commission. If the subdivision is to be recorded prior to the completion and acceptance of grading, corrective geologic bonds may be required.

3. Prior to grading plan approval a detailed engineering geology and soils engineering report must be submitted that addresses the proposed grading. All recommendations of the geotechnical consultants must be incorporated into the plan (Refer to the Manual for Preparation of Geotechnical Reports at http://www.dpw.lacounty.gov/gmed/manual.pdf).

4. All geologic hazards associated with this proposed development must be eliminated. Alternatively, the geologic hazards may be designated as restricted use areas (RUA), and their boundaries delineated on the Final Map. These RUAs must be approved by the GMED, and the subdivider must dedicate to the County the right to prohibit the erection of buildings or other ___ structures within the restricted use areas (refer to GS063.0 in the manual for preparation of Geotechnical Reports*).

5. The Soils Engineering review dated 7/3/08 is attached.

THE FOLLOWING INFORMATION IS APPLICABLE TO THIS DIVISION OF LAND:

- The subdivider is advised that approval of this division of land is contingent upon the installation and use of a sewer system.
- Groundwater is less than 10 feet from the ground surface on lot 1

Prepared by Michael Montgomery Reviewed by _____ Date 7/3/08

Please complete a Customer Service Survey at http://dpw.lacounty.gov/go/gmedsurvey

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION

SOILS ENGINEERING REVIEW SHEET

Address: 900 S. Fremont Ave., Alhambra, CA 91803
Telephone: (626) 458-4925
Fax: (626) 458-4913

District Office 12.0
Job Number GMPH
Sheet 1 of 1

Hotel Buildings and Parking Structure
Tract Map (Tract) 67861
Location Via Mariana and Tahiti Way, Marina Del Rey
Developer/Owner Woodfin Suite Hotels, LLC
Engineer/Architect ----
Soils Engineer Van Beveren & Butelo, Inc. (04-012.3)
Geologist Same as above

DISTRIBUTION:
___ Drainage
___ Grading
1 Geo/Soils Central File
___ District Engineer
1 Geologist
1 Soils Engineer
1 Engineer/Architect

Review of:
Tentative (Tract) Map Dated by Regional Planning 6/4/08
Soils Engineering and Geologic Report Dated 6/30/08, 5/16/08, 1/7/08, 10/23/06
Previous Review Sheet Dated 6/23/08

ACTION:

Tentative Map feasibility is recommended for approval, subject to conditions below:

REMARKS:

1. At the grading plan stage, submit 40-scale grading plans and/or foundation plans to the Soils Section for verification of compliance with County codes and policies.

2. At the grading plan stage, submit a grading plan and/or foundation plan geotechnical report to the Soils Section for verification that the proposed work complies with County codes and policies. The geotechnical report must describe proposed work shown on the plans and include performance criteria, ground modification procedures, testing, monitoring, etc..

NOTE(S) TO THE PLAN CHECKER/BUILDING AND SAFETY ENGINEER:
ON-SITE SOILS ARE SEVERELY CORROSIVE TO CONCRETE AND FERROUS METALS.

REGISTERED PROFESSIONAL ENGINEER
YOSHIYA MORISAKU
No. 67887
Exp. 6/30/09
CIVIL
STATE OF CALIFORNIA

Reviewed by Yoshiya Morisaku Date 7/3/08

NOTICE: Public safety, relative to geotechnical subsurface exploration, shall be provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.

COUN OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

CONDITIONS OF APPROVAL FOR SUBDIVISION - UNINCORPORATED

Subdivision: TR 67861 Map Date June 04, 2008 - Ex. A

C.U.P. _____ Vicinity Map 0439C

☐ **FIRE DEPARTMENT HOLD** on the tentative map shall remain until verification from the Los Angeles County Fire Dept. Planning Section is received, stating adequacy of service. Contact (323) 881–2404.

☒ Access shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 902 of the Fire Code, which requires all weather access. All weather access may require paving.

☒ Fire Department access shall be extended to within 150 feet distance of any exterior portion of all structures.

☐ Where driveways extend further than 150 feet and are of single access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed and maintained to insure their integrity for Fire Department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length.

☒ The private driveways shall be indicated on the final map as "Private Driveway and Firelane" with the widths clearly depicted. Driveways shall be maintained in accordance with the Fire Code.

☒ Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested and accepted prior to construction.

☐ This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to final map clearance. (Contact: Fuel Modification Unit, Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, Phone (626) 969-5205 for details).

☒ Provide Fire Department or City approved street signs and building access numbers prior to occupancy.

☐ Additional fire protection systems shall be installed in lieu of suitable access and/or fire protection water.

☐ The final concept map, which has been submitted to this department for review, has fulfilled the conditions of approval recommended by this department for access only.

☐ These conditions must be secured by a C.U.P. and/or Covenant and Agreement approved by the County of Los Angeles Fire Department prior to final map clearance.

☐ The Fire Department has no additional requirements for this division of land.

Comments: **Submit verification that the proposed alternate all weather access surface will be capable to support 75,000lbs prior to Final Map Clearance. The driveways width as shown on the site plan filed in our office are adequate, a copy of the site plan is attached to this report.**
THIS PROJECT IS CLEARED FOR PUBLIC HEARING.

Inspector: Juan C. Padilla Date July 2, 2008

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

WATER SYSTEM REQUIREMENTS - UNINCORPORATED

Subdivision No. TR 67861 Tentative Map Date June 04, 2008 - Ex. A

Revised Report _____

☐ The County Forester and Fire Warden is prohibited from setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted. However, water requirements may be necessary at the time of building permit issuance.

☐ The required fire flow for public fire hydrants at this location is **3500** gallons per minute at 20 psi for a duration of 3 hours, over and above maximum daily domestic demand. 2 Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.

☐ The required fire flow for private on-site hydrants is ____ gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing ____ gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.

☒ Fire hydrant requirements are as follows:

Install 2 public fire hydrant(s). Verify / Upgrade existing ____ public fire hydrant(s).

Install ____ private on-site fire hydrant(s).

☒ All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal. All on-site hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall.
- ☒ Location: As per map on file with the office.
- ☐ Other location: ____

☒ All required fire hydrants shall be installed, tested and accepted or bonded for prior to Final Map approval. Vehicular access shall be provided and maintained serviceable throughout construction.

☐ The County of Los Angeles Fire Department is not setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted.

☐ Additional water system requirements will be required when this land is further subdivided and/or during the building permit process.

☐ Hydrants and fire flows are adequate to meet current Fire Department requirements.

☐ Upgrade not necessary, if existing hydrant(s) meet(s) fire flow requirements. Submit original water availability form to our office.

Comments: **Install 2 new public fire hydrants as shown on the exhibit map or site plan. The required fire hydrants shall be installed and tested or bonded for prior to Final Map clearance.**

All hydrants shall be installed in conformance with Title 20, County of Los Angeles Government Code and County of Los Angeles Fire Code, or appropriate city regulations. This shall include minimum six-inch diameter mains. Arrangements to meet these requirements must be made with the water purveyor serving the area.

By Inspector Juan C. Padilla Date July 2, 2008

LOS ANGELES COUNTY
DEPARTMENT OF PARKS AND RECREATION

PARK OBLIGATION REPORT

Tentative Map # **67861**	DRP Map Date: **06/04/2008**	SCM Date: **07/07/2008**	Report Date: **07/02/2008**
Park Planning Area # **18B**	**DEL AIR / MARINA DEL REY**		Map Type: **REV. (REV RECD)**

Total Units **0** = Proposed Units **0** + Exempt Units **0**

Sections 21.24.340, 21.24.350, 21.28.120, 21.28.130, and 21.28.140, the County of Los Angeles Code, Title 21, Subdivision Ordinance provide that the County will determine whether the development's park obligation is to be met by:

1) the dedication of land for public or private park purpose or,
2) the payment of in-lieu fees or,
3) the provision of amenities or any combination of the above.

The specific determination of how the park obligation will be satisfied will be based on the conditions of approval by the advisory agency as recommended by the Department of Parks and Recreation.

Park land obligation in acres or in-lieu fees:

ACRES:	**0.00**
IN-LIEU FEES:	**$0**

Conditions of the map approval:

The park obligation for this development will be met by:

This project is exempt from park obligation requirements because:

Non-residential subdivision.

Trails:

No trails.

Comments:

Exempt: Non-residential Subdivision

Contact Patrocenia T. Sobrepeña, Departmental Facilities Planner I, Department of Parks and Recreation, 510 South Vermont Avenue, Los Angeles, California, 90020 at (213) 351-5120 for further information or an appointment to make an in-lieu fee payment.

For information on Hiking and Equestrian Trail requirements contact Trail Coordinator at (213) 351-5135.

By: _____
James Barber, Developer Obligations/Land Acquisitions

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LOS ANGELES COUNTY
DEPARTMENT OF PARKS AND RECREATION

PARK OBLIGATION WORKSHEET

Tentative Map # **67861**	DRP Map Date:**06/04/2008**	SMC Date:**07/07/2008**	Report Date: **07/02/2008**
Park Planning Area # **18B**	**DEL AIR / MARINA DEL REY**		Map Type:**REV. (REV RECD)**

The formula for calculating the acreage obligation and or In-lieu fee is as follows:

(P)eople x (0.003) Goal x (U)nits = (X) acres obligation

(X) acres obligation x RLV/Acre = In-Lieu Base Fee

Where: P = Estimate of number of People per dwelling unit according to the type of dwelling unit as determined by the 2000 U.S. Census*. Assume * people for detached single-family residences; Assume * people for attached single-family (townhouse) residences, two-family residences, and apartment houses containing fewer than five dwelling units; Assume * people for apartment houses containing five or more dwelling units; Assume * people for mobile homes.

Goal = The subdivision ordinance allows for the goal of 3.0 acres of park land for each 1,000 people generated by the development. This goal is calculated as "0.0030" in the formula.

U = Total approved number of Dwelling Units.

X = Local park space obligation expressed in terms of acres.

RLV/Acre = Representative Land Value per Acre by Park Planning Area.

Total Units **0** = Proposed Units **0** + Exempt Units **0**

	People*	Goal 3.0 Acres / 1000 People	Number of Units	Acre Obligation
Detached S.F. Units	3.08	0.0030	0	0.00
M.F. < 5 Units	2.93	0.0030	0	0.00
M.F. >= 5 Units	1.56	0.0030	0	0.00
Mobile Units	2.99	0.0030	0	0.00
Exempt Units			0	
			Total Acre Obligation =	**0.00**

Park Planning Area = **18B DEL AIR / MARINA DEL REY**

Goal	Acre Obligation	RLV / Acre	In-Lieu Base Fee
@(0.0030)	0.00	$387,087	**$0**

Lot #	Provided Space	Provided Acres	Credit (%)	Acre Credit	Land
None					
			Total Provided Acre Credit:	**0.00**	

Acre Obligation	Public Land Crdt.	Priv. Land Crdt.	Net Obligation	RLV / Acre	**In-Lieu Fee Due**
0.00	0.00	0.00	0.00	$387,087	**$0**

Supv D N/A
July 02, 2008 10:22:30
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COUNTY OF LOS ANGELES
Public Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Acting Chief Deputy

ANGELO J. BELLOMO, REHS
Director of Environmental Health

ALFONSO MEDINA, REHS
Director of Environmental Protection Bureau

Land Use Program
5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5380 • FAX (626) 813-3016

www.publichealth.lacounty.gov

BOARD OF SUPERVISORS

Gloria Molina
First District

Yvonne B. Burke
Second District

Zev Yaroslavsky
Third District

Don Knabe
Fourth District

Michael D. Antonovich
Fifth District

July 7, 2008

RFS No.08-0017434

Tract Map No. 067861

Vicinity: Marina Del Rey

Tentative Tract Map Date: June 4, 2008 (2nd Revision)

The County of Los Angeles Department of Public Health has no objection to this subdivision and **Vesting Tentative Tract Map 067861** is cleared for public hearing. The following conditions still apply and are in force:

1. Potable water will be supplied by the **Marina Del Rey Water System**, a public water system.

2. Sewage disposal will be provided through the public sewer and wastewater treatment facilities of the **Los Angeles County Sanitation District** as proposed.

If you have any questions or need additional information, please contact me at (626) 430-5380.

Respectfully,

Becky Valenti, E.H.S. IV
Land Use Program

ATTACHMENT A

Design Control Board Review

DCB #04-015

PARCEL NAME: Woodfin Suite Hotel and Vacation Ownership

PARCEL NUMBER: 9U

REQUEST: Consideration of the development of a 20-story building, including 178-suite Woodfin Suite Hotel on the first eleven floors and 108 luxury timeshare units on floors twelve through twenty, a parking structure, a 1.854-acre park, and 0.194 acres of water area containing 10 to 12 transient boat slips, pending confirmation that this project is not on a wetlands.

ACTION: Conceptually approved with conditions.

CONDITIONS: Conditioned upon the determination by the appropriate jurisdictional agencies and governmental bodies of the wetlands designation.

1) Shadow and shade study impacts on the park shall be fully evaluated and the applicant shall consider reorienting the building footprint in order to reduce the impacts from shadow and shade;

2) All of the materials used in construction must be consistent with the theme of a resort Marina and have the same quality and character of a resort Marina as opposed to a commercial quality or character;

3) The curvilinear roof shapes on the top of the parking garage shall be continued throughout the project; and

4) Post-entitlement, the applicant will return with materials, colors, fenestration, landscape, signage and all the issues that are typically addressed by the Board. The Board will also be looking for more "Marina

friendly" materials that are expressive of the Marina environment and less commercial.

In addition to this approval being conditioned on the determination that the site is not a wetland, this approval is also conditional upon the ability of the developer to develop a park, which is equal in square footage to the open space area that is the swap for this project. The park design must be looked at to create the maximum green possible including the use of net lawn or other materials that would expand the green. The applicant must also look at creating a drop off area and reduce the hardscape of the project. All plant materials must be appropriate for the Marina, such as, native vegetation and ecologically and environmentally sustainable park development.

MEETING DATE: August 19, 2004, September 16, 2004, and October 21, 2004

RCDP T200600007

Attachment .

ATTACHMENT B

Marina del Rey Parcel 9U: Woodfin Suite Hotel & Timeshare Resort
Burden of Proof Statements for Coastal Development Permit
Woodfin Suite Hotels, LLC (Applicant)

This exhibit has been prepared pursuant to Section 22.56.2410 of the Los Angeles County Code (LACC), which outlines the requisite findings for approval of a coastal development permit. Each required finding is listed below in bolded italicized font; the applicant's description of how the proposed development project satisfies each finding follows in regular font.

The applicant shall substantiate to the satisfaction of the Planning Commission the following facts:

1. That the proposed development is in conformity with the certified local coastal program.

The proposed development project is consistent with the certified Marina del Rey Local Coastal Program ("LCP"):

The project proposes to develop a visitor-serving hotel and timeshare resort on a parcel that is specifically designated for hotel use. In addition to overnight accommodations, the project will develop other visitor-serving uses to encourage use and enjoyment of the Marina and coastal resources. These include a restaurant, a cocktail lounge, a spa, a pool, conference facilities and a 28-foot pedestrian promenade along the waterfront. The project will also assist the County with funds to develop a visitor-serving wetland park on the property, which will enhance and preserve existing wetland resources on the property. Finally, the project offers a future opportunity for charter boat use arranged through the resort for the general public as well as the resort guests, should adequate parking be identified in the future.

- Consistent with LACC 22.46.1180.12.a, the project has been reviewed and conceptually approved by the Department of Beaches & Harbors' Design Control Board ("DCB").

- Pursuant to LACC 22.46.1180.16.b.v, this project is exempt from the lower-cost overnight facility provisions of the LCP because a prior hotel developer on Parcel 9U has already fulfilled this obligation through prior payment, within 20 years of this application, of a lower-cost overnight accommodations "in-lieu fee." The prior hotel developer received approval for a larger 300-room hotel on the subject Parcel 9U (see CDP A-207-79 and supporting documentation with this application regarding prior Parcel 9U hotel developer's in-lieu fee payment, which fees were utilized by American Youth Hotels, Inc., in support of its construction of a now operational youth hostel located in the Coastal Zone portion of the City of Santa Monica).

- Consistent with LACC 22.46.1190.A.1, proposed site development on Parcel 9U will occur in geologically safe areas.

Attachment

Marina del Rey Parcel 9U: Woodfin Suite Hotel & Timeshare Resort
Burden of Proof Statements for Coastal Development Permit
Woodfin Suite Hotels, LLC (Applicant)

- The Applicant will be required to conduct site development in conformity with the archeological reporting requirements specified in LACC 22.46.1190.2.a-c.

- Consistent with LACC 22.46.1190.A.3, the project will be required to implement a functional transportation systems management (TSM)/Transportation Demand Management (TDM) program incorporating the on-site installation of bike racks and a carpooling informational bulletin board.

- The proposed development project conforms to the phasing schedules in the LCP because:

  - With development of the project, there will be no significant, unmitigated peak-hour adverse traffic impacts created as a result of project development;

  - There is sufficient traffic capacity in both the Marina del Rey internal system and the sub-regional highway system serving the Marina to accommodate the traffic generated by the planned development; and

  - Parcel 9U is located in LCP Development Zone 2 (Tahiti), which has a current hotel room capacity/"cap" of 288 additional hotel rooms. Therefore, the Applicant's planned development of a total of 288 hotel and timeshare rooms on the parcel is consistent with the land use phasing/build-out limitations of the LCP specified for hotel development in Development Zone 3.

- The proposed hotel and timeshare resort development is consistent with the subject parcel's applicable "Hotel-WOZ" land use designation in that:

  - All proposed land uses (i.e., visitor-serving Hotel & Timeshare Resort with accessory restaurant and kitchen, cocktail lounge, gift shop, meeting rooms, pre-function areas, pool and spa, administrative offices, and structured parking and other appurtenances) are permitted land uses in the LCP for the Hotel land use category (see LACC 22.46.1350); a public park, which the project will assist the County with funding to develop on the southerly portion of the property, is also a permitted land use;

  - The proposed project is consistent with the Water Overlay Zone ("WOZ") development standards specified in the certified LCP;

  - The project will not displace existing public recreation or visitor-serving uses. To the contrary, the project substantially enhances public recreational and visitor-serving opportunities at the site. The project will develop a visitor-serving resort

with overnight lodging accommodations and accessory waterfront dining and other visitor-serving uses. The project will assist in developing a public wetland park and will construct a 28-foot-wide public pedestrian promenade along the Parcel 9U's entire water frontage. Currently, the vacant parcel is fenced-off from the public, which precludes any recreational or visitor-serving use of the site;

- The proposed development is in conformity with the front, rear and side yard setbacks specified in LACC 22.46.1370, except as proposed for modification pursuant to the promenade-adjacent yard reduction variance request filed with this application; and

- Consistent with LACC 22.46.1370, the proposed development will not reduce the amount of land area devoted to existing public parks, boating or coastal-dependent marine commercial uses. To the contrary, the planned development will develop substantial new, high-quality visitor-serving land uses, where none now exist. As noted, the vacant parcel is currently fenced-off from the public. With the project, the site will be improved with a hotel and timeshare resort, including a restaurant, cocktail lounge, improved pedestrian promenade, and potential for future marina tour boat excursions. The project will also assist the County with funding to develop a public wetland park on-site.

LCP Development Standards Consistency Analysis:

The LCP outlines development standards for each parcel and each land use category. A project consistency analysis with respect to these standards for the subject Parcel 9U follows:

Principal Permitted Use: The planned hotel and timeshare resort is a principal permitted use in the applicable "Hotel-WOZ" land use designation; public parks are also permitted uses in the Hotel category. Therefore, the proposed hotel/timeshare resort and park development is consistent with Hotel land use category. Pursuant to Section 22.46.1350.C of the Specific Plan, the proposed restaurant, cocktail lounge, recreational services (pool and spa), sundry shop, and conference/meeting rooms are permitted land uses in conjunction with and appurtenant to the principal hotel/timeshare resort use.

Height Category 5: The proposed 225-feet-tall hotel/timeshare structure is consistent with the LCP-prescribed "Height Category 5" building height standard applicable to Parcel 9U, so long as a 40 percent view corridor is provided on the parcel; the project proposes a 40 percent view corridor. Consistent with County Code requirements, the building's height does not include screened rooftop mechanical equipment, helipad and elevator machine room.

View Corridors: The proposed 225-foot-tall structure requires provision of an unobstructed view corridor comprising at least 40 percent of Parcel 9U's lineal water frontage. As depicted on the view corridor site plan exhibit submitted with the application, this 40 percent view corridor requirement has been satisfied. Moreover, per the LCP, view corridors are required to be maintained so as to provide an unobstructed view of the bulkhead edge, masts and horizon for pedestrians and passing motorists. (Unobstructed views are defined in the LCP as views with no inhibition of visual access to the water.) Landscaping within view corridors is required to be placed so as not to obstruct water views. The project will be conditioned by the County to comply with this requirement.

Architectural Treatment: Balconies, terraces and patios are encouraged in the LCP, and have been included within the hotel/timeshare resort. Outdoor dining facilities that do not interfere with public access ways are also encouraged in the LCP, to take advantage of water views and scenic vistas throughout Marina del Rey. This project provides a large outdoor dining terrace directly overlooking Marina waters with direct pedestrian access to the waterfront promenade and the public wetland park on the southerly portion of Parcel 9U.

Promenade: The LCP requires development of a continuous 28-foot-wide pedestrian promenade along the Parcel 9U bulkhead, with seating and landscaping provided along the bulkhead. As depicted on the site plan, the project fully complies with these requirements.

Site Design: Consistent with LCP requirements, the planes of the exterior building walls vary in depth and/or direction so as to avoid bulk and monotony, and have been designed to relate closely to the pedestrian promenade. The hotel/timeshare tower has been oriented on the parcel and designed to avoid long, continuous blocking of water views. Over 40 percent of the parcel will be left open to allow unobstructed views from Via Marina to the water. Moreover, the DCB has reviewed and conceptually approved the proposed architectural design and site plan.

Lot Coverage: Consistent with LCP requirements, project building coverage does not exceed 90 percent of the net area of Parcel 9U and landscaping comprises more than 10 percent of the net lot area.

Parking: The Applicant has submitted a Shared Parking Analysis with the zoning application, prepared by a licensed traffic engineer, which demonstrates that the amount of on-site parking to be provided in the project will be sufficient to accommodate peak parking demand for the project.

Fire Safety: Project structures will be fully sprinklered, in conformance with County Fire Department requirements. Emergency access to all structures and common areas of the project will be provided to the satisfaction of the County Fire Department. A County Fire

Department-approved Fire Safety Plan will be submitted with the Planning Department application.

Landscaping: Consistent with LCP landscaping requirements, the project has been designed so that any landscaped borders used to shield obtrusive uses have a minimum width of eight feet and consist of vegetation of sufficient density to hide the use. Also, landscaping along site perimeters will have a minimum width of eight feet to allow visual access into the lot, except where landscaping is being used to screen an obtrusive use.

Project infrastructure: Proposed project infrastructure has been designed, and will be constructed by the Applicant, in an environmentally sensitive manner, and will follow design policies of the LCP, including landscaping standards required by the DCB.

Marina del Rey Land Use Plan Policy Consistency Analysis:
The project is compliant with the following applicable policies of the MDR Land Use Plan:

Shoreline Access ("SA"): LUP Chapter 1

Policies 1-4 and 10-14 of this element of the LUP establish requirements for new development to follow which would preserve or enhance public access to the shoreline and awareness of shoreline access points.

- (SA Policy 1) (*Public Access to Shoreline a Priority*). The project provides public pedestrian access and ensures passive recreational use to and along all portions of the Parcel 9U bulkhead, in conformance with Sections 30210-30212 of the California Coastal Act and Chapter 1 ("Shoreline Access") of the Marina del Rey Land Use Plan.

  The project implements this key public access policy through provision of a 28-foot-wide public pedestrian promenade along the parcel bulkhead; through provision of public views to the water from streets fronting the project (Via Marina and Tahiti Way); through provision of directional signage regarding the project's public waterfront promenade and assistance in funding for a public wetland park; and through provision of a Marina del Rey visitor-serving activities promotional kiosk in the resort lobby.

  In furtherance of these important shoreline public access policies, the Applicant will provide signage at the project's Via Marina entrance and at each bulkhead entrance to identify these as public access ways. The Applicant will also provide signage at conspicuous locations along the length of the bulkhead public access ways (public promenade) identifying the access ways as public.

- (SA Policy 2) Public access to the water front is a key priority of the LCP, and will be enhanced through project's provision of a public pedestrian promenade along the entire water frontage of the parcel. Public access from Via Marina to the waterfront will be provided along the perimeter of the adjacent public wetland park to be developed over the southerly portion of parcel. Moreover, the public will be able to access both the public waterfront promenade and adjacent wetland park at multiple access points to be provided within the hotel/timeshare resort facility.

- (SA Policy 3) The project design vastly improves access to and along the shoreline through provision of waterfront pedestrian promenade and connection points thereto through the resort facility and the adjacent wetland park to be developed over the southerly portion of the parcel. (The parcel is currently inaccessible to the public due to fencing around the site perimeter.) Development adjacent to the bulkhead (i.e., public promenade) will provide pedestrian access ways, benches and rest areas along the bulkhead. Conspicuous signage will be posted indicating the project's lateral access ways, the waterfront promenade and the wetland park as public.

- (SA Policy 4) (*Provision of public access over lateral access ways*). The project provides for public access from the first public road to the shoreline along all fire roads and across all dedicated open space areas (i.e., from Via Marina across fire access lane to be sited along perimeter of the adjacent wetlands park to be developed over southerly portion of parcel).

- (SA Policy 10) (*Provision of shuttle-bus turnout*). Consistent with this policy, the project will accommodate a shuttle stop and/or transit stop (at main motor court entrance drive), in the event a shuttle bus begins operations in the Marina in the future.

- (SA Policy 11) (*Future establishment of Marina shuttle Bus*). The Applicant will be conditioned to participate in its proportionate share (through the County's appropriation of Applicant's paid Category 3 traffic mitigation fees), if and when such a shuttle system is established in the future.

- (SA Policy 12) (*Shuttle Bus Funding*). As noted, the Applicant will contribute to Category 3 traffic mitigation fees, administered by the County Department of Public Works, which fees may be appropriated by DPW to fund establishment of a public shuttle service in the Marina.

- (SA Policy 13) (*Directional Signs*). Consistent with this policy, the project will incorporate signage, outdoor exhibits and brochures to enhance public awareness of shoreline access ways and public areas, to include: i) conspicuous signage regarding public waterside access (public promenade); ii) outdoor map indicating the location and type of public access ways and adjacent public wetland park to be developed over southerly portion of the parcel; and iii) kiosk within hotel lobby containing information on visitor-serving activities in the Marina.

- (SA Policy 14) (*Waterfront Viewing Opportunities*). The project will provide a substantial "window to the water" (40 percent of the parcel's water frontage) from the adjoining Via Marina over the adjacent public wetland park that the Applicant will assist the County to develop on the southerly portion of site. The visitor-serving resort has been designed with substantial opportunities and vantage points for public viewing of boating activity (i.e., viewing from elevated restaurant terrace fronting the basin).

Recreation & Visitor-Serving Facilities ("R&V-S"): LUP Chapter 2

- (R&V-S Policy 2) (*Calling for additional recreational opportunities in new developments*). The project infuses new, high-quality visitor-serving uses (overnight lodging, waterfront restaurant, cocktail lounge, pool, spa and meeting facilities) into the westerly side of Marina del Rey, which is presently dominated by multi-family residential use. The Applicant will assist the County with funds to develop a public wetland park on the southerly portion of the site, greatly enhancing the site's public recreational and resource opportunities. Further, the project provides substantially enhanced on-site recreational opportunities through its development of a new 28-foot-wide public pedestrian promenade along the entire waterfront of the parcel.

- (R&V-S Policy 4) (*Calling for the protection and advancement of additional low-cost visitor-serving facilities/uses in the Marina*). The project will provide high-quality, lower-cost, visitor-serving uses. The Applicant will assist the County in developing a public wetland park on the southern portion of the parcel, which will include an educational signage program describing the wetland resources and a public pedestrian promenade along the entire bulkhead of the parcel.

  In accordance with Section 22.46.1180.16.b.v of the Marina del Rey Specific Plan, this project is exempt from the lower-cost overnight facility provisions of the LCP because a prior hotel developer on Parcel 9U has already fulfilled this obligation through payment, within 20 years of this application, of a lower-cost overnight accommodations "in-lieu fee." The prior payment was made in conjunction with a larger 300-room Marina Plaza Hotel approved by Coastal Commission (CDP A-207-

79), which authorized hotel development on the subject Parcel 9U (see supporting documentation with this application regarding prior Parcel 9U hotel developer's in-lieu fee payment, which fees were utilized by American Youth Hotels, Inc., in support of its construction of a now operational youth hostel located in the Coastal Zone portion of the City of Santa Monica).

- (R&V-S Policy 6) (*Parking*). The Applicant has submitted a Shared Parking Analysis with the zoning application, prepared by a licensed traffic engineer, which demonstrates that the amount of on-site parking to be provided in the project will be sufficient to accommodate peak parking demand for the project.

- (R&V-S Policy 7) (*Parking Integration*) Consistent with this policy, project parking facilities will be integrated into the overall design of the project. As noted, the project, including proposed subterranean parking elements, has been reviewed and conceptually approved by the DCB.

Recreational Boating ("RB"): LUP Chapter 3

- (RB Policy 3) (*Boating-related support facilities*). Project construction will not adversely impact existing boater or boating support facilities in the Marina.

In order to augment lower-cost public serving use on this side of the Marina, and should adequate parking be identified, an opportunity exists for two to three of the transient slips that are being proposed for development (under a separate application by Legacy Partners Residential, Inc.) in the Marina waters adjoining the Parcel 9U bulkhead to be used for charter boats, whale watching boats, and the like. These excursion opportunities could constitute an important new public/visitor-serving feature on this side of the marina, as no such services are provided in this primarily residential portion of the marina. Therefore, Woodfin Suite Hotels, LLC, which would administer the charter use at the adjacent public/transient anchorage through its hotel/timeshare resort, may make application for the charter boat use at a future date after occupancy of the resort, when the actual performance of the hotel/timeshare resort may be scrutinized to demonstrate that sufficient parking can be provided in the resort or in another location to service the charter use. In addition, in response to suggestions recently made in the Coastal Commission's staff report for the periodic review of the MDR LCP, the County is making revisions to its parking layout and operational restrictions which may allow for reciprocal use of public parking lots. This would allow greater total usage of the parking, as many lots are not used in evening hours, when charters would be active. The potential for reciprocal use of nearby County parking lots in conjunction with the charter use would thus also be

analyzed in any future application by the operator of the hotel/timeshare resort for charter use at the transient/public anchorage. Such future application, if made, would be subject to separate approval and CEQA review.

Marine Resources ("MR"): LUP Chapter 4

- (MR Policy 2) (*Reduce contaminated run-off into Marina waters*). This policy of the LUP requires that appropriate measures be taken to reduce contaminated runoff into the small craft harbor and Ballona Creek. The Applicant has completed a drainage concept, which will be approved by County Public Works prior to approval of the subject zoning application by the Regional Planning Commission. To avoid adverse impacts on the local Marina and greater ocean waters, the Applicant will be required to comply with National Pollution Discharge Elimination System requirements of the California Regional Water Quality Control Board, as well as all pertinent stormwater quality management programs of the Federal, State and County agencies.

Cultural Heritage Resources ("CHR"): LUP Chapter 4 7

- (CHR Policy 1) Consistent with the Policy, the project will be reviewed during the environmental review/CEQA review process to determine potential impacts, if any, on cultural resources, and will be required to appropriately mitigate any such potentially identified impacts in conformance with the requirements of the County and the State Office of Historic Preservation.

- (CHR Policy 2) Consistent with the Policy, in the event a cultural resource is found on-site during construction, it will be collected and maintained at the Los Angeles County Museum of Natural History, or other appropriate location as otherwise provided by state law.

- (CHR Policy 3) Consistent with the Policy, the Applicant will be conditioned to notify the County Department of Regional Planning and the State Historic Preservation Office in the event a cultural resource is discovered during any construction phase. A halt-work condition will be instituted in the event of cultural resource discovery during construction.

Land Use Plan ("LUP"): LUP Chapter 8

- (LUP Policy 1) (*"The primary purpose of the Land Use Plan shall be to maintain Marina del Rey as a Small Craft harbor for recreational purposes. A secondary purpose shall be to promote and provide visitor-serving facilities. Development shall not detract from, nor interfere with, the use of existing or planned boating facilities, nor the ancillary uses which support these facilities."*)

The classically visitor-serving hotel/timeshare resort project directly advances the LCP's "secondary purpose" of promoting new visitor-serving facilities.

Project construction will be coordinated in a manner to ensure that the planned development will neither detract from nor interfere with the use of existing boating facilities, nor the ancillary uses which support these facilities.

- (LUP Policy 2) (*Maintenance of the physical and economic viability of the marina is a priority*). The project achieves this objective through redeveloping the vacant parcel with visitor-serving resort and public wetland park uses. The proposed new development will help ensure maintenance of the physical and economic viability of the marina.

- (LUP Policy 6) (*Design Control Board*). The project has received conceptual design approval from the Marina del Rey DCB. This DCB's review included review for consistency with the *Manual for Specifications and Minimum Standards of Architectural Treatment and Construction* and applicable policies of the certified LCP.

- (LUP Policy 8) (*Land Use Consistency*). The proposed project meets all applicable policies and development standards of the certified LCP, including, but not limited to, adequate parking, view corridors, building height, hotel/timeshare room density, public access to the shoreline, provision of new usable public recreation and open space (waterfront public pedestrian promenade) and provision of adequate traffic capacity.

Coastal Visual Resources ("CVR"): LUP Chapter 9

- (CVR Policy 1) (*Views of the Harbor a Priority*). The project provides a LCP-compliant view corridor across the parcel from adjacent public streets to the water. Public viewing of the harbor will be further enhanced through the project's development of a 28-foot-wide public pedestrian promenade along the parcel's entire water frontage. *The entirety of the property's water frontage will be made available for public viewing of the waterfront. The most valuable, visible, desirable area of the site—the waterfront—will be fully enhanced for public use.*

- (CVR Policy 2) (*Signage*). Consistent with this policy, project signage will be in keeping with the character of the neighborhood and will be subject to review and approval by the Regional Planning Commission and the Marina del Rey DCB.

- (CVR Policy 4) (*Design Control Board Review*). Consistent with this policy, the DCB has reviewed and conceptually approved this development proposal for consistency with the policies and objectives of the LCP.

- (CVR Policy 6) (*View protection*). Consistent with this policy, the project incorporates harbor views from streets and pedestrian access ways consistent with security and safety considerations. As noted, the project provides view corridors from public streets to the Marina waters consistent with LCP requirements.

- (CVR Policies 7&8) (*Building height standards*). The project complies with the building height design concept for Parcel 9U, which permits building height up to 225 feet on this parcel with provision of a view corridor comprising no less than 40 percent of the parcel water frontage.

- (CVR Policy 9) (*Wind*). Consistent with LCP requirements, a wind study has been prepared for the project by a licensed engineering firm (RWDI, Inc.), which indicates that the project will not result in significant wind impacts to sailing vessels or birds.

- (CVR Policy 13) (*Landscaped viewing area provided along promenade*). Consistent with this LCP policy, 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.

Hazards Chapter: LUP Chapter 10

- (Hazards Policy 1) (*Flood and Drainage review*). Consistent with this policy, the Applicant will submit flood control, runoff and storm drain plans to the County Department of Public Works for review and approval prior to commencement of construction, consistent with the Santa Monica Bay Recovery Plan.

- (Hazards Policy 2) (*Geotechnical review*). The Applicant has submitted a preliminary geotechnical report to County Department of Public Works as part of its application filing, the content of which is compliant with LCP requirements; 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.

- (Hazards Policy 3) (*Earthquake engineering*). Consistent with this policy, the project will utilize earthquake resistant construction and engineering practices, in full compliance with applicable County and state regulations and ordinances. Preliminary engineering mitigation and planned structural setbacks for the project have been

designed for a bedrock acceleration of no less than 0.5g and high potential for liquefaction.

Circulation ("CIR"): LUP Chapter 11

The policies of this chapter of the LUP detail appropriate circulation improvements that must be completed in order to mitigate traffic impacts of all potential development in the Marina. This LUP chapter also establishes traffic mitigation fees ("Category 1 and 3") that must be paid for all new development based on the increase in p.m. peak hour trips generated by the project.

- (CIR Policy 1) (*Internal Transportation Improvements*). Consistent with the policy, the traffic report prepared for the project concludes that the planned development will not exceed the capacity of the internal Marina del Rey street system. The report further finds that project traffic impacts on the Marina's internal road network can be appropriately mitigated through payment of the LCP-prescribed "PM Peak Hour" traffic mitigation fee; in turn, the County will utilize collected traffic mitigation fees to fund construction of "Category 1" ("System-wide") transportation improvements intended to mitigate traffic impacts internal to the Marina's local street network.

- (CIR Policy 3) (*Sub-regional Transportation Improvements*). As outlined in the project traffic study, the Applicant will make its fair share contribution, though payment of the prescribed traffic mitigation fee, to help fund construction of "Category 3" ("Sub-regional") transportation improvements, which are prescribed in the LCP. Category 3 funds will be utilized by the County, in consultation with appropriate agencies, to help fund construction of sub-regional transportation improvements intended to insure that this project and other Phase 2 developments do not exceed the capacity of the sub-regional street system.

- (CIR Policy 4d) (*Category 1 Improvement Phasing*). The Applicant will be required to construct any County-identified Category 1 traffic improvements that may be required for the project in strict conformance with County Department of Public Works' Marina del Rey Category 1 traffic improvement phasing schedules and procedures.

- (CIR Policy 4e) Consistent with this policy, vehicle trips generated by this development, in combination with all trips generated by previously approved Phase 2 projects, will not exceed 50 percent of the total anticipated additional external trips to be generated by new or intensified Marina del Rey development.

Pubic Works ("PW"): LUP Chapter 12

- (PW Policy 2) (*Public Works improvements phasing*). Necessary public works facilities/infrastructure will be provided for the project before a Certificate of Occupancy is obtained from the County by the Applicant for the project.

Water and Sewer Services

- (PW Policy 3) Consistent with this policy, the project will not be approved by the County unless the developer is able to provide proof of available water and sewerage facilities and capacity.

- (PW Policy 4) Consistent with this policy, if existing water or sewer capacities and/or facilities are inadequate to service the project, then the Applicant will be required to increase and/or improve such capacities and/or facilities to a level acceptable to County Public Works during construction of the project.

- (PW Policy 5) Consistent with this policy, the project will be conditioned to assure that installation of any new water or sewer lines is accomplished in an environmentally sensitive manner.

- (PW Policy 6) Consistent with this policy, the project will be conditioned to incorporate water-conserving technology consistent with local, state and/or federal regulations affecting same. County Public Works will review the project plans and will assure that water conservation measures and techniques are incorporated.

Fire and Emergency Services

- (PW Policy 8) Consistent with this policy, the project provides a minimum 28-foot-wide fire lane (dual-use promenade/fire lane) along the parcel bulkhead. All fire access lanes in the project will be designed to maintain unimpeded access, clear to sky, with no benches, planters or fixed objects.

- (PW Policy 9) Consistent with this policy, the project includes a 28-foot-wide, dual-use public pedestrian promenade/fire lane along the parcel bulkhead (i.e., dual promenade/fire access lane).

- (PW Policy 10) Consistent with this policy, the project will be fully sprinklered in conformance with Fire Department requirements.

- (PW Policy 11) Consistent with this policy, the project will be subject to review and approval by the County Fire Department for fire emergency access requirements prior

to issuance of building permits. The developer will receive approval of a Fire Safety & Evacuation Plan prior to approval of the project CDP by Regional Planning, in conformance with Specific Plan requirements.

[Note: The policies of LUP Chapters 13 "Diking, Dredging, Filling & Shoreline Structures" and 14 "Industrial Development & Energy Facilities" are not applicable to this project.]

2. ***That any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code:***

(Applicable Coastal Act Sections below)

COASTAL ACT PUBLIC ACCESS POLICIES

CA Coastal Act ("CCA") Section 30210:
"In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of property owners, and natural resource areas from overuse."

The proposed project fully complies with CCA Section 30210, as set forth in detail in Applicant's responses above addressing project consistency with the Policies contained in LUP Chapters 1-3 & 9 ("Shoreline Access," "Recreation & Visitor-Serving Facilities," "Recreational Boating" and "Coastal Visual Resources").

CCA Section 30211:
"Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rock coastal beaches to the first line of terrestrial vegetation."

As detailed in Applicant's responses above addressing project consistency with the Shoreline Access, Recreational Boating and Coastal Visual Resources policies of the LUP (LUP Chapters 1, 3 and 9), the project does not interfere with, but, rather, enhances the public's right of access to the Marina waters.

CCA Section 30212(a):
"Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects..."

The project complies with this CCA section, as detailed in Applicant's responses above concerning SA Policy 1, SA Policy 4 and CVR Policy 6.

CCA Section 30213:
"Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred..."

The project will fulfill this CCA Section by providing an assortment of high-quality, lower-cost, visitor-serving uses, including a public wetland park on the southern portion of the parcel (to include a wetland resource educational signage program) and a public pedestrian promenade along the entire bulkhead of the parcel. The waterfront public pedestrian promenade will be fully improved with attractive paving, seating, landscaping, benches, lighting and fencing.

As noted, in accordance with Section 22.46.1180.16.b.v of the Marina del Rey Specific Plan, this project is exempt from the lower-cost overnight facility provisions of the LCP because a prior hotel developer had fulfilled this obligation through prior payment, within 20 years of this application, of a lower-cost overnight accommodations "in-lieu fee" in conjunction with a larger (300-room hotel), previously permitted hotel development on the subject Parcel 9U; see supporting documentation with this application regarding prior Parcel 9U hotel developer's in-lieu fee payment (related to the Coastal Commission's approval of the "Marina Plaza Hotel" in case no. CDP A-207-79), which fees were utilized by American Youth Hotels, Inc., in support of its construction of a now operational youth hostel in the Coastal Zone portion of the City of Santa Monica).

Attachment
Marina del Rey Parcel 9U: Woodfin Suite Hotel & Timeshare Resort
Burden of Proof Statements for Coastal Development Permit
Woodfin Suite Hotels, LLC (Applicant)

COASTAL ACT RECREATION POLICIES

CCA Section 30220:
"Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses."

The proposed project advances this CCA "water-oriented recreational activities" Section though development of a public wetland park over the southerly portion of the parcel, to adjoin the waterfront public pedestrian promenade to be developed by the Applicant along the parcel bulkhead.

CCA Section 30221:
"Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area."

As outlined in the LUP consistency responses above, the proposed project advances this CCA Section by substantially enhancing and improving visitor-serving and public recreational uses of the site over existing conditions (the parcel is currently vacant and fenced off from the public). As noted herein, the proposed project will enhance public recreational and visitor-serving use of the site through provision of a new public waterfront promenade; development of a public wetland park on the parcel; installation of public access signage on the site; and through provision of an assortment of high-quality visitor-serving uses provided in conjunction with the hotel/timeshare resort (e.g., overnight lodging facilities, restaurant/lounge, etc.).

CCA Section 30223:
"Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible."

As set forth in the Applicant's responses to the Recreational & Visitor-Serving Facilities and Recreational Boating policies of the LUP ("R&V-S" and "RB" policy responses above) and as shown on the project plans, sufficient upland space has been reserved to support an assortment of landside coastal recreational uses: i.e., waterfront public pedestrian promenade and public wetland park.

Attachment
Marina del Rey Parcel 9U: Woodfin Suite Hotel & Timeshare Resort
Burden of Proof Statements for Coastal Development Permit
Woodfin Suite Hotels, LLC (Applicant)

CCA Section 30224:
"Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land."

In order to augment lower-cost public serving use on this side of the Marina, and should adequate parking be identified, an opportunity exists for two to three of the transient slips that are being proposed for development (under a separate application by Legacy Partners Residential, Inc.) in the Marina waters adjoining the Parcel 9U bulkhead to be used for charter boats, whale watching boats, and the like. These excursion opportunities could constitute an important new public/visitor-serving boating feature on this side of the marina, as no such boating services are provided in this primarily residential portion of the marina. Therefore, Woodfin Suite Hotels, LLC, which would administer the charter use at the adjacent public/transient anchorage through its hotel/timeshare resort, may make application for the charter boat use at a future date after occupancy of the resort, when the actual performance of the hotel/timeshare resort may be scrutinized to demonstrate that sufficient parking can be provided in the resort or in another location to service the charter use. In addition, in response to suggestions recently made in the Coastal Commission's staff report for the periodic review of the MDR LCP, the County is making revisions to its parking layout and operational restrictions which may allow for reciprocal use of public parking lots. This would allow greater total usage of the parking, as many lots are not used in evening hours, when charters would be active. The potential for reciprocal use of nearby County parking lots in conjunction with the charter use would thus also be analyzed in any future application by the operator of the hotel/timeshare resort for charter use at the transient/public anchorage. Such future application, if made, would be subject to separate approval and CEQA review.

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ATTACHMENT C

Attachment

Marina del Rey Parcel 9U: Woodfin Suite Hotel & Timeshare Resort
Burden of Proof Statements for Conditional Use Permit
Woodfin Suite Hotels, Inc. (Applicant)

This exhibit has been prepared pursuant to Section 22.56.040 of the Los Angeles County Code (LACC), which contains the requisite findings for approval of a conditional use permit in unincorporated Los Angeles County. Each required finding is listed below in italicized, bolded font. The applicant's description of how the proposed development project satisfies each finding follows in normal font.

Description of Conditional Use Permit Requests:

- Per LACC 22.46.1360.A, to authorize construction of the proposed parking structure; and to authorize installation of project building identification signage as provided in Part 10 of Chapter 22.52 and in Section 22.46.1060 of the Marina del Rey Specific Plan;

- Per LACC 22.28.210 - C3 Zone equivalency, to authorize the installation, maintenance and use of a rooftop helistop (per Fire Department requirements for high-rise structures) ; and

- Per LACC 22.28.210 - C3 Zone equivalency, to authorize the sale of alcoholic beverages for on-site consumption at the proposed accessory hotel restaurant (including outdoor terrace dining area), bar and meeting rooms.

Required Findings for the Project Conditional Use Permit:

A. That the requested use at the location will not:

Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.

With respect to the Applicant's CUP request pertaining to construction of the parking garage and installation of project signage:

The project has been reviewed and conceptually approved by the Marina del Rey Design Control Board ("DCB") for consistency with the *Specifications and Minimum Standards of Architectural Treatment and Construction*. In conceptually approving the project, the DCB found that, consistent with parking policies of the LCP, the project's structured parking facilities have been appropriately integrated into the overall design of the project.

Attachment
Marina del Rey Parcel 9U: Woodfin Suite Hotel & Timeshare Resort
Burden of Proof Statements for Conditional Use Permit
Woodfin Suite Hotels, Inc. (Applicant)

The DCB will again review the project, at the end of the land use entitlements process, to review the project's final design details, landscaping and signage. This review will include an analysis by the DCB to ensure that project signage is in conformance with the DCB's *Revised Permanent Sign Controls and Regulations*; the DCB will impose such conditions as may be needed to insure project signage is in compliance with these controlling signage Regulations.

With respect to the Applicant's CUP request pertaining to the installation, maintenance and use of a rooftop helistop:

The County Fire Code requires installation of a rooftop helistop for high-rise structures of the type proposed in this project. Therefore, the proposed helistop is required by the Fire Code and will only be used during emergencies (i.e., fire evacuation or medivac rescue purposes). As such, the proposed helistop will not unduly adversely impact the health, peach, comfort or welfare of persons residing in the project vicinity, but may prove essential to protecting the health and welfare of persons utilizing the hotel/timeshare resort (in the event the helistop is utilized for emergency purposes).

With respect to the Applicant's CUP request pertaining to the service of a full-line of alcoholic beverages for on-site consumption at the project restaurant and lounge (including outdoor dining terrace) and meeting rooms:

Patrons' on-site consumption of alcoholic beverages is an ordinary incident of high-quality hotel resort restaurants, lounges and meeting facilities, and significantly contributes to such businesses' success, thereby promoting the general welfare. Indeed, patrons expect to be able to purchase alcoholic beverages at the type of full-service resort being proposed here. The numerous conditions of approval imposed by the County per the CUP for alcohol service and those imposed by the State as part of the business' ABC license will work in concert to insure that potential adverse impacts to the public welfare, health, comfort and/or safety are appropriately mitigated.

1. ***Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site.***

With respect to the Applicant's CUP request pertaining to construction of the parking garage and installation of project signage:

As noted, the project has been reviewed and conceptually approved by the Marina del Rey Design Control Board ("DCB") for consistency

with the *Specifications and Minimum Standards of Architectural Treatment and Construction*. In conceptually approving the project, the DCB found that, consistent with parking policies of the LCP, the project's structured parking facilities have been appropriately integrated into the overall design of the project. The project architect has designed the structured parking facilities in a manner that ensures internal vehicular circulation and parking is appropriately controlled on-site, so as not to cause vehicular queuing onto Via Marina during high-use periods. Moreover, as part of its Parking Permit application, the Applicant has submitted a shared-parking analysis, prepared by a licensed traffic engineering firm, which concludes that sufficient on-site parking has been programmed for the project during peak use periods, to ensure that parking is contained on-site and does not spill over onto adjacent streets or neighborhoods. These measures will help to ensure that the project's structured parking facilities will not be materially detrimental to the enjoyment, use or valuation of property of other persons residing or working in the vicinity of the project site.

As noted, the DCB will again review the project, at the end of the land use entitlements process, to review the project's final design details, landscaping and signage. This review will include an analysis by the DCB to ensure that project signage is in conformance with the DCB's *Revised Permanent Sign Controls and Regulations*; the DCB will impose such conditions as may be needed to insure project signage is in compliance with these controlling signage Regulations. This review will ensure that the project signage program will not be materially detrimental to the enjoyment, use or valuation of property of other persons residing or working in the vicinity of the project site.

With respect to the Applicant's CUP request pertaining to the installation, maintenance and use of a rooftop helistop:

As noted, the County Fire Code requires installation of a rooftop helistop for high-rise structures of the type proposed in this project. Therefore, the proposed helistop is required by the Fire Code and will only be used during emergencies (i.e., fire evacuation or medivac rescue purposes). As such, the proposed helistop will not be materially detrimental to the enjoyment, use or valuation of property of other persons residing or working in the vicinity of the project site.

Attachment B
Marina del Rey Parcel 9U: Woodfin Suite Hotel & Timeshare Resort
Burden of Proof Statements for Conditional Use Permit & Alcohol B of P
Woodfin Suite Hotels, Inc. (Applicant)

With respect to the Applicant's CUP request pertaining to the service of a full-line of alcoholic beverages for on-site consumption at the project restaurant and lounge (including outdoor dining terrace) and meeting rooms:

The service of a full-line of alcoholic beverages for on-site consumption will be purely incidental to the operations of the high-quality restaurant, lounge and meeting functions of the proposed full-scale hotel/timeshare resort. Because the service of alcoholic beverages for on-site consumption will be so heavily regulated through the numerous conditions of the County and State permits regulating same, this activity at the location proposed will not adversely affect the economic welfare of the community or otherwise be materially detrimental to the use, enjoyment or valuation of property of persons either working or residing in the vicinity of the project site. To the contrary, such activities will only serve to make the resort competitive with other such establishments in the Marina vicinity (such as those offered nearby at the Marina del Rey Marriott Hotel, located at the corner of Via Marina and Admiralty Way) and will allow the resort to fulfill the expectations of its patrons. Again, the numerous conditions imposed by the County and State regulatory agencies in relation to alcoholic beverage service at the resort will work to reduce/mitigate possible adverse impacts this use might otherwise have on adjoining or nearby properties or residents.

2. ***Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.***

With respect to the Applicant's CUP request pertaining to construction of the parking garage and installation of project signage:

The project has been reviewed and conceptually approved by the Marina del Rey Design Control Board ("DCB") for consistency with the *Specifications and Minimum Standards of Architectural Treatment and Construction*. In conceptually approving the project, the DCB found that, consistent with parking policies of the LCP, the project's structured parking facilities have been appropriately integrated into the overall design of the project. The project architect has designed the structured parking facilities in a manner that ensures internal vehicular circulation and parking is appropriately controlled on-site, so as not to cause vehicular queuing onto Via Marina during high-use periods. Moreover, as part of its Parking Permit application, the Applicant has submitted a shared-parking analysis, prepared by a licensed traffic engineering firm, which concludes that sufficient on-site parking has been programmed for the project to ensure that parking is contained on-site and does not spill over onto adjacent streets or neighborhoods. These measures will help ensure that

the project's structured parking facilities will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

As noted, the DCB will again review the project, at the end of the land use entitlements process, to analyze the project's final design details, landscaping and signage. This review will include an analysis by the DCB to ensure that project signage is in conformance with the DCB's *Revised Permanent Sign Controls and Regulations*; the DCB will impose such conditions as may be needed to insure project signage is in compliance with these controlling signage Regulations. These measures will help to ensure that the project's signage program will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

With respect to the Applicant's CUP request pertaining to the installation, maintenance and use of a rooftop helistop:

As noted, the County Fire Code requires installation of a rooftop helistop for high-rise structures of the type proposed in this project. Therefore, the proposed helistop is required by the Fire Code and will only be used during emergencies (i.e., fire evacuation or medivac rescue purposes). As such, the proposed helistop will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. To the contrary, the helistop, when used during an emergency, would only serve to protect the public health, safety and general welfare.

With respect to the Applicant's CUP request pertaining to the service of a full-line of alcoholic beverages for on-site consumption at the project restaurant and lounge (including outdoor dining terrace) and meeting rooms:

As noted, the sale of alcoholic beverages for on-site consumption is a customary incident of high-quality restaurants, cocktail lounges and meeting facilities of the full-service hotel/timeshare resort being proposed and is key component to a resort's marketability. The service of alcoholic beverages has come to be accepted as a normal and desirable complement to food service in high-quality restaurants and lounges, especially those associated with the type of full-service resort being proposed here. Alcoholic beverage service is needed at the hotel/timeshare resort's establishments in order to make them competitive with other visitor-serving restaurants and hotels in the Marina area. The numerous County and State conditions of approval regulating the sale of alcoholic beverages at the establishments will work to ensure that the service of alcoholic beverages on the premises will not jeopardize, endanger or otherwise

constitute a menace to the public health, safety or welfare. To the contrary, the public convenience and welfare will be positively served by providing a new high-quality restaurant and lounge on the western side of Marina del Rey, which is currently lacking such establishments. In addition, the proposed establishments, with requested service of a full-line of alcoholic beverages for on-site consumption, will positively serve public welfare by generating additional jobs and sales tax revenues.

B. That 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 this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

With respect to the Applicant's CUP request pertaining to construction of the parking garage and installation of project signage:

The project has been reviewed and conceptually approved by the Marina del Rey Design Control Board ("DCB") for consistency with the *Specifications and Minimum Standards of Architectural Treatment and Construction*. In conceptually approving the project, the DCB found that, consistent with parking policies of the LCP, the project's structured parking facilities have been appropriately integrated into the overall design of the project. The project architect has designed the structured parking facilities in a manner that ensures internal vehicular circulation and parking is appropriately controlled on-site, so as not to cause vehicular queuing onto Via Marina during high-use periods. Moreover, as part of its Parking Permit application, the Applicant has submitted a shared-parking analysis, prepared by a licensed traffic engineering firm, which concludes that sufficient on-site parking has been programmed for the project to ensure that parking is contained on-site and does not spill over onto adjacent streets or neighborhoods.

As noted, the DCB will again review the project, at the end of the land use entitlements process, to analyze the project's final design details, landscaping and signage. This review will include an analysis by the DCB to ensure that project signage is in conformance with the DCB's *Revised Permanent Sign Controls and Regulations*; the DCB will impose such conditions as may be needed to insure project signage is in compliance with these controlling signage Regulations.

For these reasons, with respect to project parking facilities and signage, the proposed site is adequate in size and shape to accommodate the

parking, signage and other development features prescribed in the County Zoning Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

With respect to the Applicant's CUP request pertaining to the installation, maintenance and use of a rooftop helistop:

As noted, the County Fire Code requires installation of a rooftop helistop for high-rise structures of the type proposed in this project. The proposed helistop is required by the Fire Code and will only be used during emergencies (i.e., fire evacuation or medivac rescue purposes). Sufficient area is available on the roof of the hotel/timeshare tower to accommodate the proposed helistop (as shown on the project roof plan submitted with this application). As such, the proposed site is adequate in size and shape to accommodate the proposed helistop and the other various project development features prescribed in the County zoning code, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

With respect to the Applicant's CUP request pertaining to the service of a full-line of alcoholic beverages for on-site consumption at the project restaurant and lounge (including outdoor dining terrace) and meeting rooms:

As described above and in the Applicant's Coastal Development Permit Burden of Proof statement (provided with this application), the Applicant has demonstrated that 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 County Zoning Code, or as is otherwise required in order to integrate this use with the uses in the surrounding area.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate.

As described in detail in the project traffic study, access to the project will be provided on Via Marina, a fully-improved public street. As confirmed in the project traffic report, Via Marina is of sufficient width necessary to carry the kind and quantity of traffic that will be generated by the planned hotel/timeshare resort.

2. ***By other public or private service facilities as are required.***

As described in detail in the project EIR, the project will be adequately served by public fire, law enforcement, utility and/or other public services, as required.

Addendum Burden of Proof for Alcoholic Beverage Sales Conditional Use Permit (22.56.195):

1. ***That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or other similar use within a 600-foot radius.***

The sale of a full-line of alcoholic beverages for on-site consumption at the hotel/timeshare resort's restaurant, lounge and meeting rooms will in no way adversely impact any church or school because no such uses exist within a 600-foot radius of the subject property. Moreover, although a public wetland park will be developed on the southerly portion of the subject property as part of this project, appropriate staff training, management controls and regulatory conditions will regulate the sale of alcoholic beverages at the resort establishments to ensure that the sale of alcoholic beverages on the premises will not adversely affect the public's use of the adjacent wetland park.

2. ***That the requested use at the proposed location is sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area.***

While apartments are located in the local vicinity, the sale of alcoholic beverages for on-site consumption at the resort will be managed and regulated and will be sufficiently buffered from nearby apartments so as not to adversely affect apartment residents. The proposed restaurant and lounge will be high-class establishments, tastefully incorporated into the project. These establishments will be a convenient amenity to apartment and condominium residents in the vicinity of the project site who may chose to walk to the resort to have a nice meal and a drink in a lovely waterside marina resort setting.

3. ***That the requested use at the proposed location will not result in an undue concentration of similar premises, or that the public convenience or necessity for the proposed facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within 500 feet of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than 5 percent of the shelf space in the establishment .***

The requested sale of a full-line of alcoholic beverages for consumption on the premises will not result in an undue concentration of similar premises because no such other establishments sell alcoholic beverages for on-site or off-site consumption within a 500-foot radius of the subject property.

4. ***That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.***

The alcohol service will be incidental to a high-quality resort restaurant, lounge and meeting rooms. Approval of this use at this location will not adversely affect the economic welfare of the community; to the contrary, such activities will serve to stimulate additional sales tax and jobs, thereby contributing to the economic welfare of the community.

5. ***That the exterior appearance of the structure will not be inconsistent with the exterior appearance of other commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.***

The proposed site plan and development scheme has been reviewed and conceptually approved by the Marina del Rey Design Control Board, as required by the Marina del Rey Local Coastal Program. Moreover, the Applicant will again submit the project plans to the DCB for a "final" design review at the end of the regulatory process. This review will ensure that the proposed architecture, materials and exterior appearance of the proposed hotel/timeshare resort structure is complementary to and enhances the neighborhood aesthetic. There are no other commercial establishments in the local vicinity of the subject property.

ATTACHMENT D

Attachment _
Marina del Rey Parcel 9U: Woodfin Suite Hotel/Timeshare Resort
Burden of Proof Statements for Parking Permit Application
Woodfin Suite Hotels, LLC (Applicant)

This exhibit has been prepared pursuant to Section 22.56.1020 of the Los Angeles County Code (LACC), which outlines the requisite findings for approval of a parking permit. Each required finding is listed below in italicized, bold font. The applicant's description of how the proposed development project satisfies each finding follows in normal font. Moreover, for staff use, we have provided a shared-parking analysis, prepared by traffic engineering firm Crain & Associates, justifying the request for reduced parking and valet service for the project.

Parking Permit Request

- Per LACC 22.56.990.C.1, to authorize reduced on-site parking due to shared use of parking facilities by two or more uses within the resort development; and

- Per LACC 22.56.990.C.2, to authorize a valet-managed, tandem parking program for the project.

The applicant shall substantiate to the satisfaction of the Planning Commission the following facts:

A. There will be no need for the number of parking spaces required by Part 11 of Chapter 22.52 because the nature of the use is such that there is a reduced occupancy (e.g., shared parking opportunities are present among the project's proposed uses).

Crain & Associates of Southern California ("C&A"), the Applicant's traffic and parking engineering consultant, has prepared a detailed shared-parking study for this project, which has been submitted in support of the subject parking permit application request.

In its study, C&A notes that approximately 551 on-site parking spaces would be required for the proposed project if all proposed uses (i.e., *primary* hotel/timeshare use containing 288 guest rooms and *accessory* restaurant, lounge, sundry shop, spa, ballroom and meeting rooms) were parked to County Code requirements as "stand-alone" uses. During peak use periods, the Applicant proposes to provide a maximum of 360 parking spaces on-site, 21 of which would be fee-based "self-park" spaces and the balance of which would be managed/parked by the resort's professional valet service. Therefore, if all of the uses proposed for the project (i.e., primary hotel/timeshare use and assortment of uses accessory thereto) were parked pursuant to the County Code as stand-alone uses, the project parking would be deficient by 191 parking spaces (i.e., 551 required - 360 provided = deficiency of 191 spaces).

Attachment
Marina del Rey Parcel 9U: Woodfin Suite Hotel/Timeshare Resort
Burden of Proof Statements for Parking Permit Application
Woodfin Suite Hotels, LLC (Applicant)

The County Code acknowledges that stand-alone parking often does not reflect the true parking demand of a mixed-use development of the type being proposed, and therefore allows for an analysis to be made of project uses on a shared-parking basis. As detailed in its attached report, C&A determined that the maximum seasonal parking needs for the proposed project site will be approximately 339 parking spaces between 9:00 p.m. and 10:00 p.m. on a typical summer weekend evening, with the summer weekday parking peak being slightly lower at 338 spaces. Because the Applicant is providing as many as 360 parking spaces during peak use periods, whereas C&A's shared-parking analysis shows only approximately 339 parking spaces will be needed at peak use periods, C&A concludes that the project will be parked with a sufficient number of on-site parking spaces to service the projects' uses at peak demand. Therefore, based on the conclusion of the C&A shared-parking study, the Applicant has demonstrated that a parking reduction is justified in this instance and there is no need for the number of parking spaces otherwise prescribed in the County Zoning Code.

B. ***That there will be no conflicts arising from special parking arrangements allowing shared facilities, tandem spaces or compact spaces because:***

The Applicant proposes to employ a professional valet company to manage the project's tandem parking spaces. Professionally managed tandem parking is pervasive across the Los Angeles region for commercial uses, and is an especially important component of conventional hotel/timeshare resort developments. As configured, and with the proposed valet service, the tandem parking area will constitute an alternate parking arrangement that, while not compromising vehicular ingress, egress and movement throughout the site, enables the Applicant to maximize on-site parking for the project. The professional valet service will also help to ensure the most efficient and safe flow of vehicles to and from the site, thereby reducing the potential for vehicular queuing onto Via Marina.

No conflicts will arise between the various uses justifying the shared parking facilities because all the uses are a part of the hotel/timeshare resort use and are managed by the Applicant. The shared parking study prepared by C&A for the project determined that the maximum seasonal parking needs for the proposed project site will be approximately 339 parking spaces between 9:00 p.m. and 10:00 p.m. on a typical summer weekend evening, with the summer weekday parking peak being slightly lower, at 338 spaces. The project will provide 360

parking spaces, and therefore will be able to provide sufficient spaces at its peak demand.

C. ***That off-site facilities, leases of less than 20 years, rear lot transitional parking lot and uncovered residential parking spaces...***

This finding is not applicable because the applicant is not requesting off-site parking, transitional parking or uncovered residential parking.

D. ***That the requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property.***

To the contrary, approval of the requested parking permit will enable implementation of a contemporary parking design for the project that will ensure more efficient traffic circulation throughout project site. The tandem parking and drive aisle configuration will ensure safe and efficient vehicular circulation through the site. Approval of the requested parking permit will also enable the applicant to maximize the number of on-site parking spaces provided in the project. As noted previously and summarized in the C&A shared-parking study, the project will accommodate a sufficient number of on-site parking spaces to service the projects' uses at all times, including during the peak parking demand. Thus, no parking spillover onto area streets, or unauthorized use of parking facilities into the nearby neighborhoods, is anticipated to occur.

E. ***That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in the Zoning Ordinance.***

As depicted on the project site plan submitted with the application, and as detailed in the project EIR and Applicant's Burden of Proof statement for the project Coastal Development Permit, the subject Parcel 9U is of sufficient size and shape to accommodate the proposed signs, parking, yards, walls, fences and loading facilities, landscaping and other development features prescribed in the County Zoning Code, or as is otherwise required in order to integrate the proposed uses with the uses in the surrounding area.

Attachment **ATTACHMENT E**

Marina del Rey Parcel 9U: Woodfin Suite Hotel/Timeshare Resort
Burden of Proof Statements for Variance
Woodfin Suite Hotels, LLC (Applicant)

This exhibit has been prepared pursuant to LACC Section 22.56.290, which outlines the requisite burden of proof for approval of a variance in the County of Los Angeles. Each required variance finding is numbered in italicized, bolded font, and is followed, in normal font, by the Applicant's explanation of how each finding is being satisfied in this case.

Variance Requests:

- Pursuant to LACC 22.46.1070, a variance to development standards to permit a reduction in the required 10-foot yard adjacent to the public waterfront pedestrian promenade (no yard is proposed along the portion of the promenade abutting the resort's outdoor terrace and parking structure).

Applicant's Burden of Proof for Variance:

1. ***That there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification; and***

There are special circumstances applicable to the property, including the LCP requirement for provision of public recreational space (i.e., 28-foot-wide waterfront pedestrian promenade), the relatively narrow depth of the parcel, and Applicant's desire to develop a public wetland park over the southerly 1.46 acres of the site, which justify the requested yard setback reduction variance at the public waterfront pedestrian promenade. Moreover, existing development on adjoining parcels eliminates the development alternative of acquiring additional property or adjusting lot lines to create additional developable area to accommodate the 10-foot yard setback adjacent to the promenade.

A review of the site plan shows a series of design features required by the Marina del Rey Specific Plan that limit the area available to the footprint of the proposed apartment building, and the resulting necessity to vary from setback standards at the location of the waterfront promenade. These required design regulations include the 28-foot-wide waterfront public pedestrian promenade, building height limitations, maintenance of pubic view corridors to the water from adjacent public streets and other specific requirements. As noted, the site is further constrained by Applicant's proposal (in conjunction with a neighboring developer) to develop a public wetland park over the southerly approximately 1.46 acres of the 3.66-acre Parcel 9U. In two previous cases involving identical promenade-adjacent yard setback reduction variance requests, the Regional Planning Commission concluded

that such variances were justified (see Variance Case Nos. 98-172-4 and 98-134-4 pertaining to development on nearby Marina waterfront Parcels 20 and 12 & 15). Moreover, the proposed site plan has received the conceptual approval of the Marina del Rey Design Control Board, which is a testament to the plan's appropriateness.

2. ***That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone; and***

The requested variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone inasmuch as the County's Regional Planning Commission has previously approved identical promenade-adjacent yard setback reduction variances for two other Marina projects located in the same "Specific Plan" zone and vicinity; see Variance Case Nos. 98-172-4 and 98-134-4.

3. ***That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.***

The character of existing and planned development in this area is for multi-story waterfront developments. The proposed Project at this location is consistent with this development concept; indeed, the apartment complex which is proposed for development on the adjoining Parcel 10R as well as the apartment complex under construction at Parcel 12 (at the end of the Marquesas Way mole road, adjacent to Parcel 10R) will be constructed with an identical promenade-adjacent yard setback reduction, so development of this project, as proposed, would be entirely consistent with the local development pattern with respect to the waterfront public pedestrian promenade/adjoining building relationship. For these reasons, the granting of the subject variance will not be detrimental to the public welfare or injurious to other property or improvements in the same zone and vicinity.

4. ***That the requested use at the location proposed with not: 1)adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; 2) be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or 3) jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.***

As noted, the character of existing and planned development in this area is for multi-story waterfront projects. The proposed Project at this location is consistent with this development concept; indeed, the apartment complex that is proposed for development immediately north of this site, as well as the

apartment project adjoining that one on Parcel 12, will and/or is being constructed with an identical promenade yard setback reduction at the these project's public pedestrian promenade, so development of this project, as proposed, would be entirely consistent with the local development pattern with respect to the waterfront public pedestrian promenade/ building relationship. For these and other reasons articulated above, the requested variance relating to the yard setback will in no way: adversely affect the health, peace, comfort or welfare of the public; be detrimental to the use, enjoyment or valuation of property of other persons in the vicinity of the site; jeopardize, endanger or constitute a menace to the public health, safety or general welfare.

5. ***That 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 this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.***

As depicted on the project site plan submitted with the application, and as detailed in the project EIR and Applicant's Burden of Proof statement for the project Coastal Development Permit, the subject Parcel 9U is of sufficient size and shape to accommodate the proposed signs, parking, yards, walls, fences and loading facilities, landscaping and other development features prescribed in the County Zoning Code, or as is otherwise required in order to integrate the proposed uses with the uses in the surrounding area.

6. ***That the proposed site is adequately served: 1) by highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate; and 2) by other public or private service facilities as are required.***

As described in detail in the project traffic study, access to the project will be provided on Via Marina, which is a fully-improved public street. As confirmed in the project traffic report, Via Marina is of sufficient width necessary to carry the kind and quantity of traffic that will be generated by the project.

As described in detail in the project EIR, the project will be adequately served by public fire, law enforcement, utility and/or other public services, as required.

ATTACHMENT F

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

(323) 890-4330

RECEIVED
JUN 5 2008

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

June 2, 2008

Mr. Rick Kuo
Dept of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Kuo:

NOTICE OF PREPARATION, NEPTUNE MARINA APTS AND ANCHORAGE/WOODFIN SUITE HOTEL AND TIMESHARE RESORT PROJECT, MARINA DEL REY, (FFER #200700077)

The Notice of Preparation has been reviewed by the Planning Division, Land Development Unit, and Forestry Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION:

Please see our enclosed letter of October 22, 2004, in response to a request for information for this project (reference #2107). The information provided in that letter is still correct.

FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE AVAILABILITY

The Initial Study understates the distance to the nearest fire station. However, the response time is considered adequate, as noted in our previous letter.

In addition to the County of Los Angeles Fire Department's resources mentioned in the previous letter, some assistance would be available from the City of Los Angeles in the event of a structure fire in this area. Pursuant to the automatic aid agreement with the County, the City dispatches one engine company to a first alarm and one additional light force each to a second and third alarm. A light force consists of an engine and a truck responding as a unit.

PROJECT IMPACT ON SERVICES

1. The comments appearing under this heading in our previous letter remain valid.

LAND DEVELOPMENT UNIT: GENERAL REQUIREMENTS:

1. The proposed development may necessitate multiple ingress/egress access for the circulation of traffic, and emergency response issues.

2. The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and fire hydrants.

3. Every building constructed shall be accessible to Fire Department apparatus by way of access roadways, with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.

4. Fire Department requirements for access, fire flows and hydrants are addressed during the building permit stage.

5. The County of Los Angeles Fire Department, Land Development Unit's comments are only general requirements. Specific fire and life safety requirements will be addressed at the building and fire plan check phase. There may be additional requirements during this time.

COMMERCIAL/HIGH DENSITY REQUIREMENTS:

6. Fire sprinkler systems are required in most commercial occupancies. For those occupancies not requiring fire sprinkler systems, it is strongly suggested that fire sprinkler systems be installed. This will reduce potential fire and life losses.

7. The development may require fire flows up to 5,000 gallons per minute at 20 pounds per square inch residual pressure for up to a five-hour duration. Final fire flows will be based on the size of buildings, its relationship to other structures, property lines, and types of construction used.

8. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:

   a. No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.

   b. No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.

c. Additional hydrants will be required if hydrant spacing exceeds specified distances.

d. When cul-de-sac depth exceeds 200 feet on a commercial street, hydrants shall be required at the corner and mid block.

e. A cul-de-sac shall not be more than 500 feet in length, when serving land zoned for commercial use.

9. Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in length and at the end of all cul-de-sacs.

10. All on-site driveways/roadways shall provide a minimum unobstructed width of 28 feet, clear-to-sky. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building. The centerline of the access driveway shall be located parallel to, and within 30 feet of an exterior wall on one side of the proposed structure.

11. The 28-feet in width shall be increased to:

a. 34 feet in width when parallel parking is allowed on one side of the access way.

b. 36 feet in width when parallel parking is allowed on both sides of the access way.

c. Any access way less than 34 feet in width shall be labeled "Fire Lane" on the final recording map, and final building plans.

d. For streets or driveways with parking restrictions: The entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved signs stating "NO PARKING - FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure access for Fire Department use

MISCELLANEOUS:

12. Should any questions arise regarding subdivision, water systems, or access, please contact the County of Los Angeles Fire Department, Land Development Unit's EIR Specialist at (323) 890-4243.

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and

cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed in the Draft Environmental Impact Report.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

Frank Vidales

FRANK VIDALES, ACTING CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

FV:lj

Enclosure

Planning

(323) 890-4330

October 22, 2004

Ms. Julie Berger
Impact Sciences, Inc.
803 Camarillo Springs Road, Suite A1
Camarillo, CA 93012

Dear Ms. Berger:

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED "NEPTUNE MARINA AND WOODFIN SUITE HOTEL PROJECT" – "MARINA DEL REY"(EIR #2107)

The Draft Environmental Impact Report for the aforementioned project has been reviewed by the Planning Division, Land Development Unit, and Forestry Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION:

The jurisdictional station for these properties is Station 110, located at 4433 Admiralty Way, 1.2 miles (approximately 4.8 minutes) from Via Marina and Marquesas Way. It has a 3-person assessment engine, a 4-person truck, and a 2-person fireboat. A paramedic assessment engine is a fire company with some limited paramedic capabilities. The second closest station is Station 58, located at 5757 S. Fairfax Avenue in the Baldwin Hills. It is 6.4 miles distant (approximately 13.9 minutes). It has a 4-person engine and a 2-person paramedic squad. There are no planned upgrades to these stations.

The Fire Department uses response time guidelines of 5 (five) minutes for an engine, 8 (eight) minutes for a paramedic squad, and 10 (ten) minutes for a truck in urban areas. Paramedic squad 58's unusually long response time to this project is mitigated somewhat by the paramedic capabilities of the assessment engine in Station 110.

The nearest hazardous materials squad is in Station 105, located in the Dominguez unincorporated area east of Carson. The described uses in this project are unlikely to require a response by this specialized unit. The only proposed uses that would create a unique type of fire protection requirement are the 141 boat slips. Fire Boat 110 is the appropriate response unit for these uses.

PROJECT IMPACT ON SERVICES:

Fire protection serving the area appears to be adequate for the existing development/land use; however, each additional development creates greater demands on existing resources. Marina del Rey is gradually undergoing redevelopment to higher densities. Consequently, the long-term cumulative impact that this project in combination with other projects will have on the adequacy of the Fire Department's level of service remains uncertain.

LAND DEVELOPMENT UNIT/GENERAL REQUIREMENTS:

The proposed development may necessitate multiple ingress/egress access for the circulation of traffic, and emergency response issues. The Department may condition future development to provide additional means of access. The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and fire hydrants.

Specific fire and life safety requirements for the construction phase will be addressed at the building fire plan check. There may be additional fire and life safety requirements during this time. Every building constructed shall be accessible to Fire Department apparatus by way of access roadways, with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.

Fire access roads shall have an unobstructed vertical clearance clear-to-sky with the exception of protected tree species. Protected tree species overhanging fire access roads shall be maintained to provide a vertical clearance of 13 feet, 6 inches.

When involved with a subdivision in unincorporated areas within the County of Los Angeles Fire Department, requirements for access, fire flows and hydrants are addressed at the Los Angeles County Subdivision Committee meeting during the subdivision tentative map stage. Fire sprinkler systems are required in residential and commercial occupancies.

HIGH-DENSITY RESIDENTIAL:

The development may require fire flows up to 5,000 gallon per minute at 20 pounds per square inch residual pressure for up to a five-hour duration. Final fire flows will be based on the size of the buildings, their relationship to other structures, property lines, and types of construction used. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:

1. No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
2. No portion of a building shall exceed 400 feet via vehicular access from a properly spaced fire hydrant.
3. When cul-de-sac depth exceeds 200 feet, hydrants will be required at the corner and mid-block.
4. Additional hydrants will be required if the hydrant spacing exceeds specified distances.

Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in length. All on-site driveways shall provide a minimum unobstructed width of 28 feet, clear-to-sky. The 28 feet width does not allow for parking, and shall be designated as a "Fire Lane," and have appropriate signage. The centerline of the on-site driveway shall be located parallel to and within 30 feet of an exterior wall on one side of the proposed structure. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building.

1. Any access way less than 34 feet in width shall be labeled "Fire Lane" on the final recording map, and final building plans.
2. The entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved signs stating "NO PARKING – FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure access for Fire Department use.

LIMITED ACCESS DEVICES (GATES, ETC.):

All access devices and gates shall meet the following requirements:

1. Any single-gated opening used for ingress and egress shall be a minimum of 26 feet in width, clear-to-sky.
2. Any divided gate opening (when each gate is used for a single-direction of travel – i.e., ingress or egress) shall be a minimum width of 20 feet clear-to-sky.
3. Gates and/or control devices shall be positioned a minimum of 50 feet from a public right-of-way, and shall be provided with a turnaround having a minimum of 32 feet of turning radius. If an intercom system is used, the 50 feet shall be measured from the right-of-way to the intercom control device.
4. All limited access devices shall be of a type approved by the Fire Department.
5. Gate plans shall be submitted to the Fire Department prior to installation. These plans shall show all locations, widths and details of the proposed gates.

TRAFFIC CALMING MEASURES:

All proposals for traffic calming measures (speed humps/bumps/cushions, traffic circles, roundabouts, etc.) shall be submitted to the Fire Department for review prior to implementation. Should any questions arise regarding design and construction, and/or water and access, please contact Inspector Marvin Dorsey at (323) 890-4243.

FORESTRY DIVISION:

The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance.

Potential impacts in these areas should be fully addressed in the Draft Environmental Impact Report. This project will require an EIR fee deposit of $1,000 payable to the County of Los Angeles Fire Department at the time the DEIR is submitted for review (see enclosed).

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

David R. Leininger

DAVID R. LEININGER, CHIEF, FORESTRY DIVISION
PREVENTION BUREAU

DRL:sc

Enclosure

bc: Yocum/ERU, Div VII, EIR #2107/Pac., Takeshita/Malibu, Land Development, Planning, #219 (EIR #2107.b70)

LOS ANGELES COUNTY FIRE DEPARTMENT
ENVIRONMENTAL REVIEW FEES & DEPOSITS

Effective September 11, 1991, whenever a review for impact on the fire prevention, natural resources, and/or fire resource allocation responsibilities of the Fire Department is required, as part of the environmental review process, the applicant shall pay a minimum deposit fee of $1,000 from which actual costs shall be billed and deducted. Additional deposits may have to be made if actual review costs exceed 80% of deposited funds. A larger deposit may be made for more complex projects to ensure prompt continuation of environmental review efforts. All unused funds shall be refunded to the applicant.

All Environmental Review Deposits should be made payable and sent to:

County of Los Angeles Fire Department
P.O. Box 910901
Commerce, CA 90091-0901
Attn: Financial Management Division

If you have any questions regarding the Environmental Review Fee or Deposit amount, please call the Forestry Division at (323) 890-4330.

If you have any questions regarding your Environmental Review Deposit status, please contact the Fiscal Services Division at (323) 838-2345.

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

ATTACHMENT G

CONDITIONS OF APPROVAL FOR SUBDIVISION - UNINCORPORATED

ubdivision: TR 67861 Map Date June 04, 2008 - Ex. A

.U.P. _____ Vicinity Map 0439C

] **FIRE DEPARTMENT HOLD** on the tentative map shall remain until verification from the Los Angeles County Fire Dept. Planning Section is received, stating adequacy of service. Contact (323) 881–2404.

] Access shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 902 of the Fire Code, which requires all weather access. All weather access may require paving.

] Fire Department access shall be extended to within 150 feet distance of any exterior portion of all structures.

] Where driveways extend further than 150 feet and are of single access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed and maintained to insure their integrity for Fire Department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length.

] The private driveways shall be indicated on the final map as "Private Driveway and Firelane" with the widths clearly depicted. Driveways shall be maintained in accordance with the Fire Code.

] Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested and accepted prior to construction.

] This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to final map clearance. (Contact: Fuel Modification Unit, Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, Phone (626) 969-5205 for details).

] Provide Fire Department or City approved street signs and building access numbers prior to occupancy.

] Additional fire protection systems shall be installed in lieu of suitable access and/or fire protection water.

] The final concept map, which has been submitted to this department for review, has fulfilled the conditions of approval recommended by this department for access only.

] These conditions must be secured by a C.U.P. and/or Covenant and Agreement approved by the County of Los Angeles Fire Department prior to final map clearance.

] The Fire Department has no additional requirements for this division of land.

omments: **Submit verification that the proposed alternate all weather access surface will be capable to support 75,000lbs prior to Final Map Clearance. The driveways width as shown on the site plan filed in our office are adequate, a copy of the site plan is attached to this report.**
THIS PROJECT IS CLEARED FOR PUBLIC HEARING.

y Inspector: *Juan C. Padilla* Date July 2, 2008

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

WATER SYSTEM REQUIREMENTS - UNINCORPORATED

ıbdivision No. TR 67861 Tentative Map Date June 04, 2008 - Ex. A

evised Report _____

] The County Forester and Fire Warden is prohibited from setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted. However, water requirements may be necessary at the time of building permit issuance.

] The required fire flow for public fire hydrants at this location is **3500** gallons per minute at 20 psi for a duration of 3 hours, over and above maximum daily domestic demand. 2 Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.

] The required fire flow for private on-site hydrants is ____ gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing ____ gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.

] Fire hydrant requirements are as follows:

Install 2 public fire hydrant(s). Verify / Upgrade existing ____ public fire hydrant(s).

Install ____ private on-site fire hydrant(s).

] All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal. All on-site hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall.

☒ Location: As per map on file with the office.
☐ Other location: ____

] All required fire hydrants shall be installed, tested and accepted or bonded for prior to Final Map approval. Vehicular access shall be provided and maintained serviceable throughout construction.

] The County of Los Angeles Fire Department is not setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted.

] Additional water system requirements will be required when this land is further subdivided and/or during the building permit process.

] Hydrants and fire flows are adequate to meet current Fire Department requirements.

] Upgrade not necessary, if existing hydrant(s) meet(s) fire flow requirements. Submit original water availability form to our office.

omments: **Install 2 new public fire hydrants as shown on the exhibit map or site plan. The required fire hydrants shall be installed and tested or bonded for prior to Final Map clearance.**

ll hydrants shall be installed in conformance with Title 20, County of Los Angeles Government Code and County of Los Angeles Fire Code, or appropriate city regulations. his shall include minimum six-inch diameter mains. Arrangements to meet these requirements must be made with the water purveyor serving the area.

y Inspector *Juan C. Padilla* Date July 2, 2008

ATTACHMENT H

COUNTY OF LOS ANGELES
Public Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Acting Chief Deputy

Environmental Health
ANGELO J. BELLOMO, REHS, Director

ALFONSO MEDINA, REHS
Director of Environmental Protection Bureau

Environmental Hygiene Program
Cole Landowski, MS, CIH, REHS, Program Head
5050 Commerce Drive
Baldwin Park, CA 91706
TEL (626) 430-5640 FAX (626) 813-4839

www.lapublichealth.org

BOARD OF SUPERVISORS

Gloria Molina
First District

Yvonne B. Burke
Second District

Zev Yaroslavsky
Third District

Don Knabe
Fourth District

Michael D. Antonovich
Fifth District

June 19, 2008

Mr. Michael Tripp
Impact Analysis Section
Department of Regional Planning
Los Angeles County
320 West Temple Street
Los Angeles, California 90012

RE: **The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project. RCUPT200600289**

Dear Mr. Tripp:

This is to inform you that upon review of all documents forwarded to our program by you and upon visiting the proposed project site location at the above address, it appears that the proposed construction project will have a significant noise impact upon the surrounding community during the grading and construction of the site. However, the surrounding community will have no significant noise impact on the above project. The following comments and recommendations are therefore presented:

1. Construction activities should be restricted between the hours of 8:00 A.M. and 5:00 P.M. in order to minimize construction and haul route activities that would increase noise disturbance on surrounding residential and commercial land.

2. All construction equipment, fixed and mobile, shall be in proper operating condition and fitted with standard silencing devices. Proper engineering noise controls should be implemented when necessary on fixed equipment. It is recommended that a monitoring program be implemented by the applicant to monitor mobile sources.

. The Neptune Marina Apartments
and Anchorage/Woodfin Suite Hotel
and Timeshare Resort
Marina del Rey, CA 90292

3. It is recommended that the occupants of the surrounding sensitive land use be informed of the anticipated duration of the project, noise impact and any other pertinent information where people can register questions and complaints.

4. The project applicant shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain information on the type of project, anticipated duration of construction activity, and provide a phone number where people can register questions and complaints.

5. Pile drivers used during the foundation construction are required by building code regulation and therefore vibration impact and high intensity repetitious intrusive noise is expected and unavoidable. In order to minimize the impact associated with pile drivers it is recommended that such construction activity be limited to the hours of 8:00 A.M. and 4:30 P.M. Also, if economically feasible, the use of a noise attenuation barrier around the pile driver should be implemented.

6. Grading work should be kept between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday. Noise generated by the project shall attempt to remain within standards dictated by the Los Angeles County Code, Title 12, Environmental Protection, Section 12.08.440. However, the noise level shall not exceed a cumulative 15 minute noise level of 85 dB-A during any hour that construction activities are in operation. This standard shall apply for any period of time during the construction that compliance is technically and economically feasible.

7. Staging and delivery areas should be located as far as feasible from existing residences and should be schedule to take place from the mid-morning to mid-afternoon to take advantage of times when residential zones are less susceptible to annoyance from outside noise.

8. Maintaining equipment in an idling mode shall be minimized. This practice helps minimize the impact associated with noise engine, particulate matter and green gas emissions.

9. Any semi-stationary piece of equipment that operates under full power for more than sixty minutes per day shall have a temporary ¾ inch plywood screen if there is a direct line of sight to any residential bedroom window from the equipment to homes along the perimeter of the construction site.

Particle matter emissions (PM_{10} and $PM_{2.5}$) and Greenhouse Gases

The evaluation of particle emissions are now being routinely addressed in preliminary environmental impact reports. Recent research shows significant health risk to populations including children and people of advanced age when exposed to these pollutants. As a result environmental impact reports, including this report, should now address these issues.

The Neptune Marina Apartments
and Anchorage/Woodfin Suite Hotel
and Timeshare Resort
Marina del Rey, CA 90292

The proposed project may result in exposure to these particle emissions to the surrounding community especially during the construction phase of the project, which may include people that belong to high risk populations.

Implement a construction plan as approved by the County, that includes the following recommendations presented 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 as permitted.

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.

i. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.

j. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if ready available at competitive prices.

k. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

- The Neptune Marina Apartments
and Anchorage/Woodfin Suite Hotel
and Timeshare Resort
Marina del Rey, CA 90292

Also, 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 by the SCAQMD:

a. Apply approved non-toxic chemical soil stabilizers according to manufacturers' 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 (e.g. 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 25mph.

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).

i. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.

j. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.

k. Enforce traffic speed limits of 15mph or less on all unpaved roads.

l. Pave construction roads when the specific roadway path would be utilized for 120 days or more.

If you have any questions, please contact Evenor Masis at (626)430-5435.

Cole Landowski, M.S., CIH
Head, Environmental Hygiene Program

ATTACHMENT I

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – SUBDIVISION
TRACT NO. 67861 (Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The following reports consisting of 11 pages are the recommendations of Public Works.

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Details and notes shown on the tentative map are not necessarily approved. Any details or notes which may be inconsistent with requirements of ordinances, general conditions of approval, or Department policies must be specifically approved in other conditions, or ordinance requirements are modified to those shown on the tentative map upon approval by the Advisory agency.

2. Easements are tentatively required, subject to review by the Director of Public Works to determine the final locations and requirements.

3. Easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication for public streets, highways, access rights, building restriction rights, or other easements until after the final map is filed with the Registrar-Recorder/County Clerk's Office. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the final map.

4. In lieu of establishing the final specific locations of structures on each lot/parcel at this time, the owner, at the time of issuance of a grading or building permit, agrees to develop the property in conformance with the County Code and other appropriate ordinances such as the Building Code, Plumbing Code, Grading Ordinance, Highway Permit Ordinance, Mechanical Code, Zoning Ordinance, Undergrounding of Utilities Ordinance, Water Ordinance, Sanitary Sewer and Industrial Waste Ordinance, Electrical Code, and Fire Code. Improvements and other requirements may be imposed pursuant to such codes and ordinances.

5. All easements existing at the time of final map approval must be accounted for on the approved tentative map. This includes the location, owner, purpose, and recording reference for all existing easements. If an easement is blanket or indeterminate in nature, a statement to that effect must be shown on the tentative map in lieu of its location. If all easements have not been accounted for, submit a corrected tentative map to the Department of Regional Planning for approval.

Rev'd 07-30-2008

6. Adjust, relocate, and/or eliminate lot lines, lots, streets, easements, grading, geotechnical protective devices, and/or physical improvements to comply with ordinances, policies, and standards in effect at the date the County determined the application to be complete all to the satisfaction of Public Works.

7. Place time-share resort/condominium notes on the final map to the satisfaction of Public Works.

8. Quitclaim or relocate easements running through proposed structures.

9. Label driveways and multiple access strips as "Private Driveway and Fire Lane" and delineate on the final map to the satisfaction of Public Works.

10. Reserve reciprocal easements for drainage, ingress/egress, sewer, water, utilities, and maintenance purposes, etc., in documents over the private driveways to the satisfaction of Public Works.

11. A final tract map must be processed through the Director of Public Works prior to being filed with the Registrar-Recorder/County Clerk's Office.

12. Prior to submitting the tract map to the Director of Public Works for examination pursuant to Section 66442 of the Government Code, obtain clearances from all affected Departments and Divisions, including a clearance from the Subdivision Mapping Section of the Land Development Division of Public Works for the following mapping items; mathematical accuracy; survey analysis; and correctness of certificates, signatures, etc.

13. A final guarantee will be required at the time of filing of the final map with the Registrar-Recorder/County Clerk's Office.

14. Within 30 days of the approval date of this land use entitlement or at the time of first plan check submittal, the applicant shall deposit the sum of $2,000 (Minor Land Divisions) or $5,000 (Major Land Divisions) with Public Works to defray the cost of verifying conditions of approval for the purpose of issuing final map clearances. This deposit will cover the actual cost of reviewing conditions of approval for Conditional Use Permits, Tentative Tract and Parcel Maps, Vesting Tentative Tract and Parcel Maps, Oak Tree Permits, Specific Plans, General Plan Amendments, Zone Changes, CEQA Mitigation Monitoring Programs and Regulatory Permits from State and Federal Agencies (Fish and Game, USF&W, Army Corps, RWQCB, etc.) as they relate to the various plan check activities and improvement plan designs. In addition, this deposit will be used to conduct site field reviews and attend meetings requested by the applicant and/or his agents for the purpose of resolving technical issues on condition compliance as they relate to improvement plan design, engineering studies, highway alignment studies and tract/parcel map boundary, title and easement issues. When 80% of the deposit is expended, the applicant will be required to provide additional funds to restore the initial deposit. Remaining balances in the deposit account will be refunded upon final map recordation

Prepared by Conrad M. Green Phone (626) 458-4917 Date 07-07-2008

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
WWW.DPW.LACOUNTY.GOV

TRACT NO.: 67861

TENTATIVE MAP DATE: 6/04/08
EXHIBIT MAP DATE: 6/04/08

STORM DRAIN SECTION CONDITIONS OF APPROVAL, PHONE: (626) 458-4921

Prior to Improvement Plans Approval:

1. Comply with the requirements of the Drainage Concept/Hydrology Study/Standard Urban Stormwater Mitigation Plan (SUSMP), which was approved on 7/03/08 to the satisfaction of the Department of Public Works.
2. Obtain approval or letter of non-jurisdictional from the State Department of Fish and Game.
3. Obtain approval or letter of non-jurisdictional from the State Water Resources Control Board.
4. Obtain approval or letter of non-jurisdictional from the Corps of Engineers.
5. Provide a permit from Department of Public Works for proposed outlets through the marina bulkhead to the satisfaction of the Department of Public Works and Department of Beaches and Harbor.
6. Obtain and provide all applicable permits.

Prior to Building Permit:

1. Provide SUSMP for rood drains (separate from site) as proposed on Drainage Concept/Hydrology Study/Standard Urban Stormwater Mitigation Plan (SUSMP), which was approved on 7/03/08 to the satisfaction of the Department of Public Works.

Name Lizbeth Cardoza LC Date 7/03/08 Phone (626) 458-4921

County of Los Angeles Department of Public Works
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION
GEOLOGIC REVIEW SHEET
900 So. Fremont Ave., Alhambra, CA 91803
TEL. (626) 458-4925

DISTRIBUTION
__ Geologist
__ Soils Engineer
1 GMED File
1 Subdivision

TENTATIVE TRACT 67861
SUBDIVIDER Woodfin Suite Hotels, LLC
ENGINEER Hunsaker & Associates
GEOLOGIST Van Beveren & Butelo
SOILS ENGINEER Van Beveren & Butelo

TENTATIVE MAP DATED Rev. 6/4/08
LOCATION Via Marina and Tahiti Way, Marina Del Rey
GRADING BY SUBDIVIDER [Y]
REPORT DATE 2/18/04, 10/23/06
REPORT DATE 6/30/08, 5/16/08, 1/7/08, 10/23/06, 2/18/04

TENTATIVE MAP FEASIBILITY IS RECOMMENDED FOR APPROVAL FROM A GEOLOGIC STANDPOINT

THE FOLLOWING CONDITIONS MUST BE FULFILLED:

1. The final map must be approved by the Geotechnical and Materials Engineering Division (GMED) to assure that all geotechnical requirements have been properly depicted. For Final Map clearance guidelines refer to GS051.0 in the Manual for Preparation of Geotechnical Reports (http://www.dpw.lacounty.gov/gmed/manual.pdf).

2. A grading plan must be geotechnically approved by the GMED prior to Final Map approval. The grading depicted on the plan must agree with the grading depicted on the tentative tract or parcel map and the conditions approved by the Planning Commission. If the subdivision is to be recorded prior to the completion and acceptance of grading, corrective geologic bonds may be required.

3. Prior to grading plan approval a detailed engineering geology and soils engineering report must be submitted that addresses the proposed grading. All recommendations of the geotechnical consultants must be incorporated into the plan (Refer to the Manual for Preparation of Geotechnical Reports at http://www.dpw.lacounty.gov/gmed/manual.pdf).

4. All geologic hazards associated with this proposed development must be eliminated. Alternatively, the geologic hazards may be designated as restricted use areas (RUA), and their boundaries delineated on the Final Map. These RUAs must be approved by the GMED, and the subdivider must dedicate to the County the right to prohibit the erection of buildings or other structures within the restricted use areas (refer to GS063.0 in the manual for preparation of Geotechnical Reports*).

___

5. The Soils Engineering review dated 7/3/08 is attached.

THE FOLLOWING INFORMATION IS APPLICABLE TO THIS DIVISION OF LAND:

- The subdivider is advised that approval of this division of land is contingent upon the installation and use of a sewer system.
- Groundwater is less than 10 feet from the ground surface on lot 1

Prepared by _____ Reviewed by _____ Date 7/3/08
Michael Montgomery

Please complete a Customer Service Survey at http://dpw.lacounty.gov/go/gmedsurvey

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION

SOILS ENGINEERING REVIEW SHEET

Address: 900 S. Fremont Ave., Alhambra, CA 91803
Telephone: (626) 458-4925
Fax: (626) 458-4913

District Office 12.0
Job Number GMPH
Sheet 1 of 1

Hotel Buildings and Parking Structure
Tract Map (Tract) 67861
Location Via Mariana and Tahiti Way, Marina Del Rey
Developer/Owner Woodfin Suite Hotels, LLC
Engineer/Architect ----
Soils Engineer Van Beveren & Butelo, Inc. (04-012.3)
Geologist Same as above

DISTRIBUTION:
___ Drainage
___ Grading
1 Geo/Soils Central File
___ District Engineer
1 Geologist
1 Soils Engineer
1 Engineer/Architect

Review of:
Tentative (Tract) Map Dated by Regional Planning 6/4/08
Soils Engineering and Geologic Report Dated 6/30/08, 5/16/08, 1/7/08, 10/23/06
Previous Review Sheet Dated 6/23/08

ACTION:

Tentative Map feasibility is recommended for approval, subject to conditions below:

REMARKS:

1. At the grading plan stage, submit 40-scale grading plans and/or foundation plans to the Soils Section for verification of compliance with County codes and policies.

2. At the grading plan stage, submit a grading plan and/or foundation plan geotechnical report to the Soils Section for verification that the proposed work complies with County codes and policies. The geotechnical report must describe proposed work shown on the plans and include performance criteria, ground modification procedures, testing, monitoring, etc..

NOTE(S) TO THE PLAN CHECKER/BUILDING AND SAFETY ENGINEER:
ON-SITE SOILS ARE SEVERELY CORROSIVE TO CONCRETE AND FERROUS METALS.

REGISTERED PROFESSIONAL ENGINEER
YOSHIYA MORISAKU
No. 67567
Exp. 6/30/09
CIVIL
STATE OF CALIFORNIA

Reviewed by _____ Date 7/3/08
Yoshiya Morisaku

NOTICE: Public safety, relative to geotechnical subsurface exploration, shall be provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – GRADING
TRACT MAP NO. 67861

TENTATIVE MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

REQUIREMENTS PRIOR TO GRADING PLAN APPROVAL:

1. Submit the following agency approvals:

   a. The latest drainage concept/hydrology/Standard Urban Stormwater Mitigation Plan (SUSMP) by the Storm Drain and Hydrology Section of Land Development Division.

   b. The grading plan by the Geotechnical & Materials Engineering Division (GMED).

   c. A permit or a letter of non-jurisdiction from the State of California Regional Water Quality Control Board.

   d. A permit or a letter of non-jurisdiction from the State of California Department of Fish and Game.

   e. A permit or a letter of non-jurisdiction from the Army Corps of Engineers.

   f. A permit/letter of non-jurisdiction may be required from State of California Coastal Commission.

REQUIREMENTS PRIOR TO FINAL MAP RECORDATION:

2. Submit a grading plan for approval. The grading plan must show and call out the following items, including but not limited to: construction of all drainage devices and details, paved driveways, elevation and drainage of all pads, SUSMP devices (if applicable), and any required landscaping and irrigation not within a common area or maintenance easement. Acknowledgement and/or approval from all easement holders may be required.

3. A maintenance agreement may be required for privately maintained drainage devices.

4. Provide a draft copy of the CC&Rs

MDh

JF Name David Esfandi Date June 26, 2008 Phone (626) 458-4921

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – ROAD
TRACT NO. 67861 (Rev) TENTATIVE MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Dedicate the right to restrict vehicular access along the property frontage on Via Marina.

2. The exhibit map is not necessarily approved as shown.

3. Repair any displaced, broken, or damaged curb, gutter, sidewalk, and pavement along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

4. Provide a property return radius of 27 feet at the intersection of Via Marina and Tahiti Way plus additional right of way for corner- cut off to meet current guidelines of the Americans with Disabilities Act (ADA) to the satisfaction of Public Works. The delineation of the corner-cut off on the tentative map is not necessarily approved.

5. The proposed property line corner cut off and ramps at the intersection of Via Marina and Tahiti Way are not necessarily approved as shown on the map.

6. The proposed median opening for the driveway on Via Marina is not necessarily approved as shown.

7. Provide 5 feet of additional right of way (6 feet from the curb face) on Tahiti Way along the property frontage and construct a minimum of 5 feet sidewalk to the satisfaction of Public Works. Additional right of way will be required for sidewalk pop-outs in the vicinity of any above ground utilities/ obstructions to meet Americans with Disabilities act (ADA) requirements.

8. Provide additional right of way for a standard 8 feet parkway on Via Marina along the property frontage.

9. Construct parkway improvements (sidewalk, driveway, etc.) that either serve or form a part of a Pedestrian Access Route to meet current ADA requirements along the property frontage on Via Marina to the satisfaction of Public Works. A minimum width of 5 feet sidewalk is required along the property frontage. Additional sidewalk pop-outs in the vicinity of any above ground utilities/obstructions will be necessary to meet Americans with Disabilities act (ADA) requirements

10. Reconstruct the existing curb ramp at the Via Marina and Tahiti Way intersection to meet current ADA requirements to the satisfaction of Public Works.

11. Remove the existing chain link fence from the dedicated right of way along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

12. Provide adequate landing area with three percent grade (or to the satisfaction of Public Works) on the subterranean driveway exit and provide adequate sight distance from the subterranean driveway exit to the sidewalk (both directions) to the satisfaction of Public Works. Line of sight shall not be impaired by any proposed wall and/or landscaping adjacent to the driveway exit and line of sight easement dedication may be required.

13. Plant street trees along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

14. Underground all new utility lines to the satisfaction of Public Works and Southern California Edison.

15. Comply with the mitigation measures identified in the attached June 12, 2008 letter from our Traffic and Lighting Division or any letter issued from Traffic and Lighting Division superseding the June 12, 2008 letter, to the satisfaction of Public Works. Additional signing and striping and/or signal plans may be required. Also, please note that a superseding letter may prompt the need to modify, add, or remove project conditions.

16. Comply with the conditions for Conditional Use permit (CUP) 2006-06216.

17. Comply with any additional requirements from City of Los Angeles where applicable.

18. Provide detailed Signing and Striping Plans on Via Marina along the roperty frontage to the satisfaction of Public Works.

19. Provide a detailed traffic signal modification plan for the intersection of Via Marina and Tahiti Way if any traffic signal equipment is impacted by the modification to north east corner of the intersection.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - SEWER
TRACT NO. 67861(Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Relocate all proposed improvements outside of existing sanitary sewer easements dedicated to Los Angeles County.

2. A sewer area study for the proposed subdivision (PC12086AS, dated 07-03-2008) was reviewed and approved. No additional mitigation measures are required. The approved sewer area study shall remain valid for two years after initial approval of the tentative map. After this period of time, an update of the area study shall be submitted by the applicant if determined to be warranted by Public Works.

3. If applicable, provide a digital copy (PDF Format) of the approved area study and approved sewer improvement plans.

4. Proposed 8" sewer alignment on Via Marina shall correspond with the above approved area study.

Prepared by Tony Khalkhali Phone (626) 458-4921 Date 06-30-2008

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - WATER
TRACT NO. 67861 (Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. A water system maintained by the water purveyor, with appurtenant facilities to serve all buildings in the land division, must be provided. The system shall include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total commercial and fire flows.

2. There shall be filed with Public Works a statement from the water purveyor indicating that the water system will be operated by the purveyor, and that under normal conditions, the system will meet the requirements for the land division, and that water service will be provided to each building.

3. If needed, easements shall be granted to the County, appropriate agency or entity for the purpose of ingress, egress, construction and maintenance of all infrastructures constructed for this land division to the satisfaction of Public Works.

4. Submit landscape and irrigation plans for each commercial/open space/graded slope lot/ in the land division, with landscape area greater than 2,500 square feet, in accordance with the Water Efficient Landscape Ordinance.

Prepared by Lana Radle Phone (626) 458-4921 Date 06-30-2008
tr67861w-rev2.doc

ATTACHMENT J

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

LEROY D. BACA, SHERIFF

RECEIVED
MAY 12 2008

May 7, 2008

Mr. Michael Tripp
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

Dear Mr. Tripp:

NOTICE OF PREPARATION
THE NEPTUNE MARINA APARTMENTS AND ANCHORAGE/WOODFIN SUITE HOTEL AND TIMESHARE RESORT PROJECT

This is in response to your request for comments from the Marina Del Rey Sheriff's Station, dated April 27, 2008, regarding the Screencheck Draft Environmental Impact Report for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project, in Marina Del Rey. For our comments, please review the attached response provided by Acting Captain Roderick A. Kusch.

In summary, the Station confirms that the specific statistics on staffing and call responses, and comments, provided in their response to your Notice of Preparation dated March 22, 2007, are consistent with those incorporated into the Screencheck Draft EIR. Furthermore, the Station agrees with the conclusions of the cumulative analysis regarding the impacts of this and other projects on the levels of police protection in the area, and that a portion of tax revenues generated from these developments should be directed toward addressing the future need for additional resources at the Marina Del Rey Station.

We reserve the right to address these issues in future reviews.

Should you have any additional questions regarding this matter, please contact Tom Bellizia, of my staff at (626) 300-3021.

Sincerely,

LEROY D. BACA, SHERIFF

Gary Tse by RF

Gary T.K. Tse, Director
Facilities Planning Bureau

GTKT:TB:tb/jh

Attachments

cc: David Waters, Commander, ASD
Adrianne Ferree, Assistant Director
Lieutenant Roderick Kusch, Acting Captain, Marina Del Rey Station
Tom Bellizia, Project Manager
Chrono
File
(EIR-NeptuneMarinaApartmentDraft)

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

Leroy D. Baca, Sheriff

April 4, 2008

Tom Bellizia, Project Manager
Facilities Planning Bureau
Los Angeles County Sheriff's Department
1000 South Fremont Avenue
Building A-9 East, 5th Floor, Unit 47
Alhambra, California 91803

Dear Mr. Bellizia:

REVIEW OF SCREENCHECK DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE NEPTUNE MARINA APARTMENTS AND ANCHORAGE/WOODFIN SUITE HOTEL AND TIMESHARE RESORT PROJECT

This letter is in response to the March 27, 2008 correspondence from Principal Regional Planning Assistant Michael Tripp requesting comments regarding a Screencheck Draft Environmental Impact Report (DEIR) on the above development project. Since the above referenced project affects the unincorporated area policed by the Marina del Rey Sheriff's Station, Lieutenant Andrew Brookwell reviewed the section of the Draft EIR pertaining to the Los Angeles Sheriff's Department.

It appears the information incorporated in the Draft EIR is consistent with the information provided in our April 19, 2007 response to the Notice of Preparation. The cumulative analysis indicates the project site will increase the demand for Sheriff's Department services. More specifically, it states, "A significant impact on the current level of police protection services throughout the Marina del Rey area would occur unless the staff and equipment at the County Sheriff's Department are increased proportionately."

However, the impact to the Sheriff's Department is deemed "Less than Significant." This analysis is based on the fact the project site will generate ground lease payments, property tax revenues and sales taxes that will be deposited in the County's General Fund and the State Treasury. The document identifies a portion of these revenues could then be allocated to maintain staffing and equipment levels for the Marina del Rey Sheriff's Station in response to related demands.

Richard T. Miller, ESQ.

Coalition to Save the Marina, Inc.

c/o 4250 Via Dolce #222

Marina Del Rey, CA. 90292

RECEIVED
OCT 14 2008

October 11, 2008

Mr. Michael Tripp

Dept. of Regional Planning, Rm 1362

320 West Temple Street

Los Angeles CA, 90012

RE 10/29/08 Hearings on Marina Del Rey Parcels 9U North (Project No. R2006-03643) 9U South (Project No. 2006-03644) Parcel 10R (Project No. R2006-03647) and Parcel FF (Project No. R2006-03652) and all related request for permits, variances and LCP Amendments.

Dear Mr. Tripp,

On behalf of Coalition to Save the Marina, Inc., as current President, and as a very interested homeowner residing at 4250 Via Dolce #222, Marina Del Rey, CA. 90292, we wish to place our vehement objection to the above referenced projects and their related requests for permits, variances and LCP amendments, as well as the EIR presented for the related projects. In particular, the projects do not take into account the cumulative impact of approximately 10-15 proposed development projects in Marina Del Rey, and likewise does not include updated comprehensive traffic studies for these related projects. Moreover, the proposed Time Share/Fractional ownership of units violates existing MDR LCP and the Coastal Act, as well as policy not to create another Marina City Club like structured development. Also, these projects fail to promote the small craft harbor and recreation purposes for which Marina del Rey was created, and negatively impede on view and wind corridors.

Please place our objections on the record as appropriate for further standing requirements. Thank you for assistance in these regards.

Sincerely,

Richard T. Miller, Esq.

Cc: Honorable Don Knabe, LA Board of Supervisor

LARRY SILVER
124 ROMA CT
MARINA DEL REY CA. 90292

phone (310) 578 9575

fax (310) 578 2313

SEP - 9

Date sent Sept 5, 2008

Los Angeles County Regional Planning

Re: Oct 29, 08 hearing at 9:00 am on Projects TR067861 and R2006-03647, both in Marina del Rey involving Tahiti and Marquesas Way

I REQUEST THAT THIS ENTIRE LETTER BE READ OUTLOUD AT THE HEARING IN SUCH A MANNER THAT ALL PRESENT CAN HEAR IT.

I am a Real Estate Broker and own my house at 124 Roma Way which is about 200 yards from subject property. To get to or from my house I must drive by subject property every day. I can see the subject property from the roof-patio on my 4 story house. I STRONGLY OPPOSE ANY AND ALL PHASES OF WHAT IS BEING REQUESTED (permits, variances, amendments to Coastal Plan, etc) for a multitude of significant legal and safety reasons. Many of the reasons are valid even if I did not live in proximity to the subject property.

If I am present at the meeting I will request to speak. It would be impossible in a letter to explicate all of the many objectionable requests before this commission. However, a few examples follow:

1) This Commission hearing should have been held in close proximity to the subject property and neighborhood, rather than about 20 miles away at a day and time of day when most working people can not attend. I believe this may have been intentionally arranged so affected citizens could not attend. It is obvious that the County will make a lot of money (property tax & rent) from what is proposed.

2) I do not want the existing zoning changed to allow a 19 story building 200 yards from my house in residential zoning, including the building's parking is inadequate. Additionally, about 1/2 of the surrounding property is apartment buildings. The traffic situation is already horrible. It takes an average of 3 -5 minutes (3-4 signal cycles) to maker a turn at Washington and Lincoln during business hours.

3) I do not want a "emergency rooftop" heliport which is exceedingly noisy and dangerous any where near my house. It will be only a short time before this heliport goes from "emergency" designation to PRIVATE BUSINESS USE. Helicopters frequently crash when full of fuel and this is a residential area.

4) It will be very harmful to the boating community to reduce the number of slips as proposed. The marina was originally built with money from a bond issue that made promises about improving boating facilities and availability.

5) The variance for excess signage as requested will destroy the neighborhood.

Larry Silver

Dominique Mielle and Juan Carrillo
128 Mast Mall
Marina del Rey, CA 90292
Tel. 310-306-7008

September 4, 2008

Mr. Michael Tripp
Department of Regional Planning, Room 1362
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Tripp,

We are writing to express our strong opposition to the construction of the Woodfin Suite Hotel and Timeshare (Project TR067861) at Parcel 9U in Marina del Rey. Our residence is only a couple of blocks away from the site. We believe that the construction of a building of such scale and for the purpose of budget hospitality will have a seriously detrimental impact on the property values and quality of life in our neighborhood. This area of the Marina is almost exclusively residential (high-end single family homes, condominiums and apartments). Building a 19-story building in the middle of our neighborhood is not appropriate. It will significantly add traffic, and decrease the attractiveness of the Marina as a place to live.

Our property values are already facing significant downward pressure, and this project can only make things worse.

We urge the County to deny the permits necessary to move forward with construction.

Thank you,

Dominique Mielle

Juan Carrillo

SEP - 8

VIVIENNE VERSACE
4314 MARINA CITY DRIVE
UNIT 316C
MARINA DEL REY, CA 90292
PHONE: 310-301-6617 FAX: 310-821-5057
Email: vivfv@aol.com

RECEIVED
OCT 15 2008

October 12, 2008

Mr. Michael Tripp
Department of Regional Planning, Rm. 1362
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Tripp:

This letter is regarding the proposed 19 story hotel/timeshare (Woodfin Suites) that will be developed east of Via Marina between Marquesas Way and Tahiti Way.

We currently live in the Marina City Club and have an unobstructed view out to the ocean. It's very beautiful and one of the main reasons we chose to buy into this complex. There is not a single construction that sticks out in our view.

The development of a 19 story building would be an absolute destruction to the view. It would stand alone as an eye-sore and would add absolutely nothing to the landscape. I can't see any purpose, other than greed, for the development of this project. We don't need more development here to ruin the landscape and cause even more traffic and gridlock.

We used to live on the Marina Peninsula in the late seventies and early eighties. At that time, there were very strict rules and regulations regarding development. It seems that there are none now and anything goes regardless of its impact to the community.

We, and many others who live here, are totally opposed to this proposal.

Thank you for your attention.

Sincerely,

Vivienne Versace

Vivienne Versace

Nancy A. Nuechterlein
4250 Via Dolce, Unit 322
Marina del Rey, CA 90292

October 12, 2008

Mr. Michael Tripp
Dept. of Regional Planning, Room 1362
320 West Temple Street
Los Angeles CA, 90012

RE 10/29/08 Hearings on Marina Del Rey Parcels 9U North (Project No. R2006-03643) 9U South (Project No. 2006-03644) Parcel 10R (Project No. R2006-03647) and Parcel FF (Project No. R2006-03652) and all related request for permits, variances and LCP Amendments.

Dear Mr. Tripp:

As a member of the Coalition to Save the Marina, Inc., and as an interested and very concerned homeowner residing at 4250 Via Dolce #322, Marina Del Rey, CA. 90292, I wish to register my vehement objection to the above referenced projects and their related requests for permits, variances and LCP amendments, as well as the EIR presented for the related projects. I am aware that the projects do not take into account the cumulative impact of approximately 10-15 proposed development projects in Marina Del Rey. I am also concerned that the projects do not include updated comprehensive traffic studies for these related projects.

It has come to my attention that the proposed Time Share/Fractional ownership of units violates existing law and policy the intention of which is not to create something similar to the Marina City Club development. Also, these projects fail to promote the small craft harbor and recreation purposes for which Marina del Rey was created, and negatively impede on view and wind corridors.

Please place my objections on the record as appropriate for further standing requirements. Thank you for assistance in these regards.

Sincerely,

Nancy A. Nuechterlein
Resident

RECEIVED
OCT 15 2008

Keith Nuechterlein
4250 Via Dolce, Unit 322
Marina del Rey, CA 90292

October 12, 2008

Mr. Michael Tripp
Dept. of Regional Planning, Room 1362
320 West Temple Street
Los Angeles CA, 90012

RE 10/29/08 Hearings on Marina Del Rey Parcels 9U North (Project No. R2006-03643) 9U South (Project No. 2006-03644) Parcel 10R (Project No. R2006-03647) and Parcel FF (Project No. R2006-03652) and all related request for permits, variances and LCP Amendments.

Dear Mr. Tripp:

As a member of the Coalition to Save the Marina, Inc., and as an interested and very concerned homeowner residing at 4250 Via Dolce #322, Marina Del Rey, CA. 90292, I wish to register my vehement objection to the above referenced projects and their related requests for permits, variances and LCP amendments, as well as the EIR presented for the related projects. I am aware that the projects do not take into account the cumulative impact of approximately 10-15 proposed development projects in Marina Del Rey. I am also concerned that the projects do not include updated comprehensive traffic studies for these related projects.

It has come to my attention that the proposed Time Share/Fractional ownership of units violates existing law and policy the intention of which is not to create something similar to the Marina City Club development. Also, these projects fail to promote the small craft harbor and recreation purposes for which Marina del Rey was created, and negatively impede on view and wind corridors.

Please place my objections on the record as appropriate for further standing requirements. Thank you for assistance in these regards.

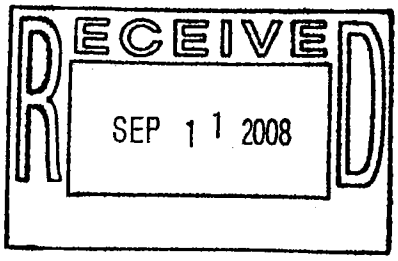
Sincerely,

Keith Nuechterlein
Resident

RECEIVED
OCT 15 2008

ATTACHMENT O

Dilek Mir and Rob House
4803 Via Dolce
Marina del Rey CA 90292
Tel. 310-827-0487



September 8, 2008

Mr. Michael Tripp
Department of Regional Planning, Room 1362
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Tripp,

We are writing to express our strong opposition to the construction of the Woodfin Suite Hotel and Timeshare (Project TR067861) at Parcel 9U in Marina del Rey. Our residence is only a couple of blocks away from the site. We believe that the construction of a building of such scale and for the purpose of budget hospitality will have a seriously detrimental impact on the property values and quality of life in our neighborhood. This area of the Marina is almost exclusively residential (high-end single family homes, condominiums and apartments). Building a 19-story building in the middle of our neighborhood is not appropriate. It will significantly add traffic, and decrease the attractiveness of the Marina as a place to live.

Our property values are already facing significant downward pressure, and this project can only make thing worse.

We urge you to deny the permits necessary to move forward with construction.

Thank you,

Dilek Mir

ATTACHMENT N

MWD
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

September 22, 2008

Mr. Michael Tripp
County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Tripp:

Notice of Preparation of a Draft Environmental Impact Report for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Thank you for submitting the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort for review and comment. The Metropolitan Water District of Southern California (Metropolitan) is comprised of 26 cities and water agencies charged with providing a reliable supply of high quality drinking water to 18 million people in six counties in Southern California. Metropolitan reviews the consistency of local plans, projects, and programs for effects to Metropolitan's projects, programs, activities, and planning efforts. Information provided by these reviews is intended to encourage local agencies and project sponsors to take actions that aid and sustain Metropolitan's water policies and programs, including conservation, recycling, and reclamation.

We reviewed the notice environmental document and determined the proposed Project is not regionally significant to Metropolitan. Metropolitan does not own or operate any facilities or maintain real estate entitlements within the footprint of the proposed Project; however, we are concerned with water conservation and encourage projects to include water conservation measures. Metropolitan supports mitigation measures such as using water efficient fixtures, drought-tolerant landscaping, and reclaimed water to offset any increase in water use associated with the proposed project.

Should there be a change in the scope of the Project, we would appreciate the opportunity to review and comment at that time. If we can be of further assistance, please contact Mrs. Rebecca De Leon at (213) 217-6337.

Very truly yours,

Delaine W. Shane
Manager, Environmental Planning Team

RECEIVED
SEP 24 2008

RDL
(Public Folders\EPT\2008 Letters\22-SEP-08A.doc)

- Existing Level of Service discrepancies at six intersection on Lincoln Boulevard and Marina Expressway (State Route 90)
  At Lincoln Boulevard and Fiji Way, the existing LOS shown is "A", Caltrans' review determined that should LOS "F"

- Trip generation discrepancies

	Crain & Associates	Caltrans (ITE Manual 6th Edition
ADT	3104	5212
AM Peak Hour	253	248
PM Peak Hour	228	258

- No Short-term (2010) improvements are proposed on State facilities.

We recommend the following short-term mitigation improvements: (a) Installation of Adaptive Signal Traffic Control System (ASTCS) at intersections 8, 11, and 12. (b) At intersections 17, it is recommended to widen Mindanao Eastbound approach for additional exclusive right-turn lane to provide two through lanes, and two right-turn lanes. To widen Mindanao Way Westbound approach for additional exclusive left-turn lane, to provide two through lanes and two left-turn lanes.

We look forward to meeting with you to resolve our traffic impact concerns. To schedule the meeting, you may call me at (213) 897 – 3747 at your earliest convenience. Please refer to our record number 061222/EA.

Sincerely,

Original Signed by:

CHERYL J. POWELL
IGR/CEQA Program Manager
Caltrans, District 7

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, OFFICE OF REGIONAL PLANNING
AND PUBLIC TRANSPORTATION
IGR/CEQA BRANCH
100 SOUTH MAIN STREET
LOS ANGELES, CA 90012
PHONE (213) 897-3747
FAX (213) 897-1337

Flex your power!
Be energy efficient!

February 21, 2007

Mr. James H. Chon
Los Angeles County Department of Public Works
Traffic and Lighting Division
1000 S. Fremont Avenue, Bldg. A-9E, 4th Floor
Alhambra, CA 91803-1331

Re: ***Legacy Partners/Woodfin Suites***
Marina Del Rey – Traffic Study
IGR/CEQA 061222/EA,
Vic. LA / 90 /PM 1.72, LA / 405 /PM 25.93

Dear Mr. Chon:

Thank you for including the California Department of Transportation (Caltrans) in the review of the traffic impact analysis prepared for Legacy Partners/Woodfin Suites development project. The development proposal consists of a total of 526 apartments, a 288-room hotel, 174 new boat slips, an approximately 1.5-acre public wetland park, and related parking which may to approximately 1000 spaces.

We have reviewed the traffic study prepared by Crain & Associates under the direction and supervision of County of Los Angeles Department of Transportation. We request to meet with lead agency representatives (County of Los Angeles) and traffic consultants to discuss various items of concern, which include the following:

- Critical Movement Analysis (CMA) vs. Highway Capacity Manual (HCM)
  The traffic study prepared used CMA to compute level of service not HCM methodology accepted by Caltrans.

- Additional significant traffic impacts
  Contrary to the in traffic analysis prepared, our analysis indicates that significant traffic impacts would occur on state highway facilities due to the proposed development generated traffic at the following intersections:

  Lincoln Boulevard and Washington Boulevard
  Lincoln Boulevard and Mindanao Way
  Lincoln Boulevard and Fiji Way
  Marina Expressway (SR-90) and Mindanao Way

ATTACHMENT M

STATE OF CALIFORNIA---BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, REGIONAL PLANNING
IGR/CEQA BRANCH
100 SOUTH MAIN STREET
LOS ANGELES, CA 90012-3606
PHONE (213) 897-3747
FAX (213) 897-1337

Flex your power!
Be energy efficient!

Mr. Michael Tripp
Los Angeles County Department of Regional Planning
320 West Temple St.
Los Angeles, CA. 90012

Re: Notice of Completion of DEIR
Neptune Marina Apartments/
Woodfin Suites Marina Del Rey
IGR/CEQA 080920NY, Previous 061222/EA
Vic. LA / 90 /PM 1.72, LA / 405 /PM 25.93

September 29, 2008

Dear Mr. Tripp:

Thank you for including the California Department of Transportation (Caltrans) in the review of the traffic impact analysis prepared for Neptune Marina Apartments / Woodfin Suites development project. The development proposal consists of a total of 526 apartments, a 288-room hotel, 174 new boat slips, an approximately 1.5-acre public wetland park, and related parking which may to approximately 1000 spaces.

We reviewed and commented on the traffic study prepared for the above referenced development proposal back in February 21, 2007. Please see attached document for details.

The recent Notice of Completion of the Draft EIR mailed to Caltrans did not address our previous comments. Our previous comments still apply. We request that our comments regarding potential traffic impacts to State facilities be addressed before finalizing the Environmental Impact Report.

We are available to meet with you to resolve our traffic impact concerns if there is a need again. To schedule the meeting at your earlier convenience, you may call coordinator Nerses Yerjanian at (213) 897 – 6536 or myself at (213) 897-6696. Please refer to our record number 080920/NY.

Sincerely,

Elmer Alvarez
IGR/CEQA Program Manager
Caltrans, District 7

OCT - 2 2008

To ensure proper review of building projects, the Division has published an informational packet entitled, "Construction Project Site Review and Well Abandonment Procedure" that outlines the information a project developer must submit to the Division for review. Developers should contact the Division Cypress district office for a copy of the site-review packet. The local planning department should verify that final building plans have undergone Division review prior to the start of construction.

Thank you for the opportunity to comment on the Draft Environmental Impact Report. If you have questions on our comments, or require technical assistance or information, please call me at the Cypress district office: 5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731; phone (714) 816-6847.

Sincerely,

Paul Frost

Paul Frost

Associate Oil & Gas Engineer

Division of Oil, Gas and Geothermal Resources
District 1

cc: State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Linda Campion – Headquarters
Sacramento

ATTACHMENT L

STATE OF CALIFORNIA, RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF CONSERVATION

DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES

801 K STREET • MS 20-20 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 445-9686 • FAX 916 / 323-0424 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

RECEIVED
SEP 15 2008

September 11, 2008

Mr. Michael Tripp
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, California 90012

Subject: Draft Environmental Impact Report for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project, SCH# 2007031114

Dear Mr. Tripp:

The Department of Conservation's (Department) Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced project. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California.

The proposed project is located within the administrative boundaries of the Playa Del Rey oil field. There are two plugged and abandoned wells within or in proximity to the project boundaries. The wells are identified on Division map 120 and in Division records. The Division recommends that all wells within or in close proximity to project boundaries be accurately plotted on future project maps.

Building over or in the proximity of idle or plugged and abandoned wells should be avoided if at all possible. If this is not possible, it may be necessary to plug or re-plug wells to current Division specifications. Also, the State Oil and Gas Supervisor is authorized to order the reabandonment of previously plugged and abandoned wells when construction over or in the proximity of wells could result in a hazard (Section 3208.1 of the Public Resources Code). If abandonment or reabandonment is necessary, the cost of operations is the responsibility of the owner of the property upon which the structure will be located. Finally, if construction over an abandoned well is unavoidable an adequate gas venting system should be placed over the well.

Furthermore, if any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

LOS ANGELES COUNTY
DEPARTMENT OF PARKS AND RECREATION

PARK OBLIGATION WORKSHEET

Tentative Map # **67861**	DRP Map Date:**06/04/2008**	SMC Date:**07/07/2008**	Report Date: **07/02/2008**
Park Planning Area # **18B**	**DEL AIR / MARINA DEL REY**		Map Type:**REV. (REV RECD)**

The formula for calculating the acreage obligation and or In-lieu fee is as follows:

(P)eople x (0.003) Goal x (U)nits = (X) acres obligation

(X) acres obligation x RLV/Acre = In-Lieu Base Fee

Where: P = Estimate of number of People per dwelling unit according to the type of dwelling unit as determined by the 2000 U.S. Census*. Assume * people for detached single-family residences; Assume * people for attached single-family (townhouse) residences, two-family residences, and apartment houses containing fewer than five dwelling units; Assume * people for apartment houses containing five or more dwelling units; Assume * people for mobile homes.

Goal = The subdivision ordinance allows for the goal of 3.0 acres of park land for each 1,000 people generated by the development. This goal is calculated as "0.0030" in the formula.

U = Total approved number of Dwelling Units.

X = Local park space obligation expressed in terms of acres.

RLV/Acre = Representative Land Value per Acre by Park Planning Area.

Total Units **0** = Proposed Units **0** + Exempt Units **0**

	People*	Goal 3.0 Acres / 1000 People	Number of Units	Acre Obligation
Detached S.F. Units	3.08	0.0030	0	0.00
M.F. < 5 Units	2.93	0.0030	0	0.00
M.F. >= 5 Units	1.56	0.0030	0	0.00
Mobile Units	2.99	0.0030	0	0.00
Exempt Units			0	
			Total Acre Obligation =	**0.00**

Park Planning Area = **18B DEL AIR / MARINA DEL REY**

Goal	Acre Obligation	RLV / Acre	In-Lieu Base Fee
@(0.0030)	0.00	$387,087	**$0**

Lot #	Provided Space	Provided Acres	Credit (%)	Acre Credit	Land
None					
			Total Provided Acre Credit:	**0.00**	

Acre Obligation	Public Land Crdt.	Priv. Land Crdt.	Net Obligation	RLV / Acre	In-Lieu Fee Due
0.00	0.00	0.00	0.00	$387,087	**$0**

Supv D N/A
July 02, 2008 10:22:30
QMB01F.FRX

ATTACHMENT K

LOS ANGELES COUNTY
DEPARTMENT OF PARKS AND RECREATION

PARK OBLIGATION REPORT

Tentative Map #	**67861**	DRP Map Date: **06/04/2008**	SCM Date: **07/07/2008**	Report Date: **07/02/2008**
Park Planning Area #	**18B**	**DEL AIR / MARINA DEL REY**		Map Type: **REV. (REV RECD)**

Total Units **0** = Proposed Units **0** + Exempt Units **0**

Sections 21.24.340, 21.24.350, 21.28.120, 21.28.130, and 21.28.140, the County of Los Angeles Code, Title 21, Subdivision Ordinance provide that the County will determine whether the development's park obligation is to be met by:

1) the dedication of land for public or private park purpose or,
2) the payment of in-lieu fees or,
3) the provision of amenities or any combination of the above.

The specific determination of how the park obligation will be satisfied will be based on the conditions of approval by the advisory agency as recommended by the Department of Parks and Recreation.

Park land obligation in acres or in-lieu fees:

ACRES:	**0.00**
IN-LIEU FEES:	**$0**

Conditions of the map approval:

The park obligation for this development will be met by:

This project is exempt from park obligation requirements because:

Non-residential subdivision.

Trails:

No trails.

Comments:

Exempt: Non-residential Subdivision

Contact Patrocenia T. Sobrepeña, Departmental Facilities Planner I, Department of Parks and Recreation, 510 South Vermont Avenue, Los Angeles, California, 90020 at (213) 351-5120 for further information or an appointment to make an in-lieu fee payment.

For information on Hiking and Equestrian Trail requirements contact Trail Coordinator at (213) 351-5135.

By: _____
James Barber, Developer Obligations/Land Acquisitions

Supv D N/A
July 02, 2008 10:22:26
QMB02F.FRX

Based on the projected impact that the Marina del Rey Sheriff's Station will experience associated to the cumulative development in the Marina del Rey area, the Department should forecast and plan to address the future need for additional resources at Marina del Rey Station. As the Draft EIR identifies the County General Fund as the source of revenue to be used to supplement the Station's existing annual budget, the Department should solicit these funds prior to experiencing a degradation in response times and service levels.

If you have any additional questions, please contact me at (310) 482-6000.

Sincerely,

LEROY D. BACA, SHERIFF

Roderick A. Kusch, Acting Captain
Commander, Marina del Rey Station

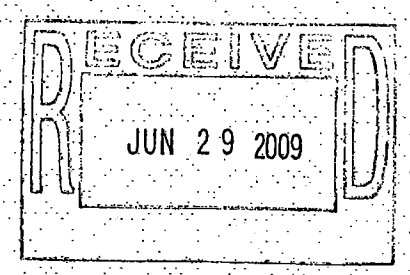
Attachment 2

Letters received from other departments regarding the Recirculated Draft Environmental Impact Report (RDEIR).

Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012-2952
213.922.2000 Tel
metro.net

Metro

June 26, 2009



Mr. Michael Tripp
County of Los Angeles
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Tripp:

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report (RDEIR) for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort project. This letter conveys recommendations from the Los Angeles County Metropolitan Transportation Authority (Metro) concerning issues that are germane to our agency's statutory responsibilities in relation to the proposed project.

The Traffic Impact Analysis prepared for the Recirculated Draft EIR satisfies the traffic requirements for the proposed project. However, the following issues were not addressed in the RDEIR and should be included for the Final EIR:

1. An analysis of the expected project impacts on current and future transit services along with proposed project mitigation;

2. Documentation on the assumptions/analyses used to determine the number and percentage of trips assigned to transit;

3. Information on facilities and/or programs that will be incorporated into the development plan that will encourage public transit usage and transportation demand management (TDM) policies and programs; and

4. Several corridors with Metro bus service could be impacted by the project. Metro Bus Operations Control Special Events Coordinator should be contacted at 213-922-4632 regarding construction activities that may impact Metro bus lines. Other Municipal Bus Service Operators including Culver City, LADOT, and Santa Monica's Big Blue Bus may also be impacted and therefore should be included in construction outreach efforts.

In addition, it does not appear as though the County of Los Angeles included Metro in the outreach efforts when the Notice of Preparation for the proposed project was open for public review between 3/22/2007 and 4/21/2007.

Metro looks forward to reviewing the Final EIR. If you have any questions regarding this response, please call me at 213-922-6908 or by email at chapmans@metro.net. Please send the Final EIR to the following address:

Metro CEQA Review Coordination
One Gateway Plaza MS 99-23-2
Los Angeles, CA 90012-2952
Attn: Susan Chapman

Sincerely,

Susan Chapman
Program Manager, Long Range Planning

DEPARTMENT OF CONSERVATION

DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES

5816 Corporate Avenue • Suite 200 • CYPRESS, CALIFORNIA, 90630-4731

PHONE 714 / 816-6847 • **FAX** 714 / 816-6853 • **WEBSITE** conservation.ca.gov

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JUL 29 2009

July 28, 2009

Mr. Michael Tripp
County of Los Angeles, Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012

Subject: Notice of completion and Availability Recirculated Draft Environmental Impact Report for the Neptune Marina Apartments and Anchorage /Woodfin Suite Hotel and Timeshare Resort Project, SCH# 2007031114

Dear Mr. Tripp:

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced Recirculated EIR for Los Angeles County Regional Planning Department. We offer the following comments for your consideration.

The Division is mandated by Section 3106 of the Public Resources Code (PRC) to supervise the drilling, operation, maintenance, and plugging and abandonment of wells for the purpose of preventing: (1) damage to life, health, property, and natural resources; (2) damage to underground and surface waters suitable for irrigation or domestic use; (3) loss of oil, gas, or reservoir energy; and (4) damage to oil and gas deposits by infiltrating water and other causes. Furthermore, the PRC vests in the State Oil and Gas Supervisor (Supervisor) the authority to regulate the manner of drilling, operation, maintenance, and abandonment of oil and gas wells so as to conserve, protect, and prevent waste of these resources, while at the same time encouraging operators to apply viable methods for the purpose of increasing the ultimate recovery of oil and gas.

The scope and content of information that is germane to the Division's responsibility are contained in Section 3000 et seq. of the Public Resources Code (PRC), and administrative regulations under Title 14, Division 2, Chapter 4, of the California Code of Regulations.

The proposed project is located inside the administrative boundaries of the Playa Del Rey oil field. There are two plugged and abandoned wells within or in proximity to the project boundaries. The well are identified as County of Los Angeles c/o R.A. Del Gu "Dow R.G.C." 9 and "Dow R.G.C." 10 on Division map 120 and in Division records. The Division recommends that all wells within or in close proximity to project boundaries be accurately plotted on future project maps.

Building over or in the proximity of idle or plugged and abandoned wells should be avoided if at all possible. If this is not possible, it may be necessary to plug or re-plug wells to current Division specifications. Also, the State Oil and Gas Supervisor is authorized to order the reabandonment of previously plugged and abandoned wells when construction over or in the proximity of wells could result in a hazard (Section 3208.1 of the Public Resources Code). If abandonment or reabandonment is necessary, the cost of operations is the responsibility of the owner of the property upon which the structure will be located. Finally, if construction over an abandoned well is unavoidable an adequate gas venting system should be placed over the well.

Furthermore, if any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

To ensure proper review of building projects, the Division has published an informational packet entitled, "Construction Project Site Review and Well Abandonment Procedure" that outlines the information a project developer must submit to the Division for review. Developers should contact the Division Cypress district office for a copy of the site-review packet. The local planning department should verify that final building plans have undergone Division review prior to the start of construction.

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report. If you have questions on our comments, or require technical assistance or information, please call me at the Cypress district office: 5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731; phone
(714) 816-6847.

Sincerely,

Paul Frost

Paul Frost
Associate Oil & Gas Engineer
Division of Oil, Gas and Geothermal Resources
District 1 - Cypress

cc: State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Adele Lagomarsino – Division Headquarters
Sacramento

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—
WASTEWATER ENGINEERING SERVICES DIV.
2714 MEDIA CENTER DRIVE
LOS ANGELES, CA 90065
FAX: (323) 342-6210 OR 6211

December 17, 2008

File: SC.CE.

Michael Tripp
County of Los Angeles
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street,
Los Angeles, CA 90012

Dear Mr. Tripp:

FINAL RESPONSE: Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel & Timeshare Resort Project – Notice of Completion Draft EIR

This is in response to your October 21, 2008 letter requesting wastewater service information for the proposed project. The Bureau of Sanitation, Wastewater Engineering Services Division (WESD), has conducted a preliminary evaluation of the potential impacts to the wastewater system for the proposed project.

Projected Wastewater Discharges for the Proposed Project:

Type Description	Average Daily Flow per Type Description (GPD/UNIT)	Proposed No. of Units	Average Daily Flow (GPD)
Existing			
Residential (2BR)	160 GPD/DU	136 DU	(21,760)
Parking	20 GPD/1000 SQ.FT	89,298 SQ.FT	(1,785)
Proposed			
Residential (1BR)	120 GPD/DU	330 DU	39,600
Residential (2BR)	160 GPD/DU	196 DU	31,360
Single-Family Home	330 GPD/DU	136 DU	44,880
Hotel	130 GPD/DU	152 DU	19,760
Restaurant	300 GPD/1000 SQ.FT	6,105 SQ.FT	1,832
Health Club/Spa	800 GPD/1000 SQ.FT	5,555 SQ.FT	4,444
Ballroom	800 GPD/1000 SQ.FT	5,200 SQ.FT	4,160
Retail	80 GPD/1000 SQ.FT	1,176 SQ.FT	95
Total			**122,586**

SEWER AVAILABILITY

The sewer infrastructure in the vicinity of the proposed project includes the existing 15-inch line on Via Dolce. The sewage from the existing 15-inch line flows into the Venice Pumping Plant on Hurricane Ave before discharging into a 48-inch force main on Hurricane St. Based on our gauging information, the current flow level (d/D) in the sewer system is as follows: 15-inch line is approximately 14% full. Based on our pumping information the Venice Pumping Plant appears to have capacity. The design capacities at d/D of 50% for the 15-inch line are 866,833 Gallons per Day, for the 21-inch line is 3.53 million Gallons per Day, for the 24-inch line is 4.24 million Gallons per Day, and for the 48-inch line is 40.43 million Gallons per Day.

Based on the estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. Further detailed gauging and evaluation may be needed as part of the permit process to identify a sewer connection point. If the local sewer line, the 15-inch lines to the 48-inch sewer line, has insufficient capacity then the developer will be required to build a secondary line to the nearest larger sewer line with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

If you have any questions, please call Abdul Danishwar of my staff at (323) 342-6220.

Sincerely,

Brent Lorscheider, Acting Division Manager
Wastewater Engineering Services Division
Bureau of Sanitation

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ASSISTANT DIRECTORS
1149 SOUTH BROADWAY STREET, 9TH FLOOR
LOS ANGELES, CA 90015
TEL: (213) 485-2210
FAX: (213) 485-2979

July 10, 2009

File: SC.CE.

Michael Tripp
County of Los Angeles
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012

Subject: **Neptune Marina Apartments and Anchorage or Woodfin Suite Hotel & Timeshare Resort Project – Notice of Completion Recirculated Draft EIR**

This is in response to your June 9, 2009 letter requesting a review of your proposed project. The Bureau of Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and stormwater systems for the proposed project.

WASTEWATER REQUIREMENT

The Bureau of Sanitation, Wastewater Engineering Services Division (WESD) is charged with the task of evaluating the local sewer conditions and to determine if available wastewater capacity exists for future developments. The evaluation will determine cumulative sewer impacts and guide the planning process for any future sewer improvements projects needed to provide future capacity as the City grows and develops.

Projected Wastewater Discharges for the Proposed Project:

Type Description	Average Daily Flow per Type Description (GPD/UNIT)	Proposed No. of Units	Average Daily Flow (GPD)
Existing			
Residential	150 GPD/DU	136 DU	(20,400)
Proposed			
Neptune Marina Apartments and Anchorage			
Residential: 1-BR	150 GPD/DU	330 DU	49,500
Residential: 2-BR	200 GPD/DU	196 DU	39,200
Woodfin Suite Hotel and Timeshare Resort			
Hotel	150 GPD/DU	152 DU	22,800
Residential: 1-BR	150 GPD/DU	68 DU	10,200
Residential: 2-BR	200 GPD/DU	68 DU	13,600

Restaurant	300 GPD/1000 SQ.FT	82,652 SQ.FT	24,796
Total			**139,696**

SEWER AVAILABILITY

The sewer infrastructure in the vicinity of the proposed project includes the existing 15-inch line on Via Dolce. The sewage from the existing 15-inch line flows into a 21-inch line on Esplanade and through the Venice Pumping Plant on Hurricane Ave before discharging into the 48-inch Coastal Interceptor Sewer (CIS) force main on Hurricane St. The current flow level (d/D) in the 21-inch line cannot be determined at this time. According to our existing pumping data, the Venice Pumping Plant appears to have capacity.

Based on our existing gauging information, the current approximate flow level (d/D) and the design capacities at d/D of 50% in the sewer system are as follows:

Pipe Diameter (in)	Pipe Location	Current Gauging d/D (%)	50% Design Capacity
15	Via Dolce	14	866,833 GPD
21	Esplanade	*	3.53 MGD

* No gauging available

Based on the estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. Further detailed gauging and evaluation will be needed as part of the permit process to identify a sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

If you have any questions, please call Abdul Danishwar of my staff at (323) 342-6220.

SOLID RESOURCE REQUIREMENTS

The City has a standard requirement that apply to all proposed residential developments of four or more units or where the addition of floor areas is 25 percent or more, and all other development projects where the addition of floor area is 30 percent or more. Such developments must set aside a recycling area or room for onsite recycling activities. For more details of this requirement, please contact Special Projects Division.

Special Projects staff is available at your request to provide guidance on solid resource issues. Should you have any questions, please contact Daniel Hackney at (213)485-3684.

Brent Lorscheider, Division Manager
Wastewater Engineering Services Division

cc: Mehr Irani, BOS
Daniel Hackney, BOS
Rowena Lau, BOS

File Location: \Div Files\SCAR\CEQA Review\FINAL CEQA Response LTRs\Neptune Marina Apartments and Anchorage or Woodfin Suite Hotel & Timeshare Resort Project-NOC Recirculated Draft EIR.doc

Michael,

I am calculating the sewer rates for the proposed project but am unclear of the generation rates used in Table 5.8-2 of the Recirculated EIR. I can use the values provided in Table 5.8-2, but for future reference, the developers must use the proper values. Please see attached for the correct generation rates and use for your reference. Thank you and please let me know if you have any questions/concerns.

Denise Chow
Environmental Engineering Associate
Wastewater Engineering Services Division Bureau of Sanitation Department of Public Works City of Los Angeles
(323) 342-1564
Denise.Chow@lacity.org

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
ACUPUNCTURE OFFICE/CLINIC	441/KGSF	882/KGSF	150/1000 GR.SQ.FT.	130	80
ARCADE – VIDEO GAMES	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
AUDITORIUM	12/SEAT	15/SEAT	4/SEAT	150	150
AUTO PARKING	61/KGSF	76/KGSF	20/1000 GR.SQ.FT.	150	150
AUTO BODY/MECH. REPAIR SHOP (may need Industrial Waste Permit)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF(domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC)Avg. Process Flow (INDUSTRIAL)	180	280
BAKERY	1412/KGSF	1513/KGSF	280/1000 GR.SQ.FT.	1,000	600
BANK: HEADQUARTERS	441/KGSF	588/KGSF	150/1000 GR.SQ.FT.	130	80
BANK: BRANCH	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
BANQUET ROOM/BALLROOM	4035/KGSF	6725/KGSF	800/1000 GR.SQ.FT.	1,000	600
BAR: COCKTAIL, FIXED SEAT	58/SEAT	64/SEAT	18/SEAT	200	200
BAR: JUICE, NO BAKING FACILITIES	386/KGSF	322/KGSF	120/1000 GR.SQ.FT.	200	200
BAR: JUICE, WITH BAKING FACILITIES	1412/KGSF	1513/KGSF	280/1000 GR.SQ.FT.	1,000	600
BAR: COCKTAIL, PUBLIC TABLE AREA	2522/KGSF	6725/KGSF	500/1000 GR.SQ.FT.	1,000	600
BARBER SHOP	307/KGSF	307/KGSF	100/1000 GR.SQ.FT.	150	150
BEAUTY PARLOR	859/KGSF	920/KGSF	280/1000 GR.SQ.FT.	150	150
BUILDING CONSTRUCTION / FIELD OFFICE	460/OFFICE	613/OFFICE	150/OFFICE	150	150
BOWLING ALLEY: ALLEY, LANES & LOBBY AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
BOWLING FACILITY: ARCADE/BAR/RESTAURANT/DANCING	SFC=Sum of SFCs for all areas, based on individual uses and SGFs	SFC=Sum of SFCs for all areas, based on individual uses and SGFs	SFC = Sum of SFC's for all areas, based on individual SGF's		
CAFETERIA: FIXED SEAT	151/SEAT	252/SEAT	30/SEAT	1,000	600
CAR WASH: AUTOMATIC – Bureau of Sanitation will determine the flow and rate based on quality of discharged water (may need Industrial Waste Permit)	Avg. Process Flow	Avg. Process Rate	Avg. Process Flow	20	150
CAR WASH: COIN OPERATED BAYS– Bureau of Sanitation will determine the flow and rate based on quality of discharged water (may need Industrial Waste Permit)	Avg. Process Flow	2,060/BAY	Avg. Process Flow	20	150
CAR WASH: HAND WASH – Bureau of Sanitation will determine the flow and rate based on quality of discharged water (may need Industrial Waste Permit)	Avg. Process Flow	Avg. Process Rate	Avg. Process Flow	20	150
CAR WASH: COUNTER & SALES AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	20	150
CHAPEL: FIXED SEAT	12/SEAT	15/SEAT	4/SEAT	150	150
CHIROPRACTIC OFFICE	441/KGSF	882/KGSF	150/1000 GR.SQ.FT.	130	80
CHURCH: FIXED SEAT	12/SEAT	15/SEAT	4/SEAT	150	150
CHURCH SCHOOL: DAY CARE/ELEMENTARY	24/OCCUPANT	30/CHILD	8/OCCUPANT	130	100

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
CHURCH SCHOOL: ONE DAY USE	593/KGSF	741/ KGSF	200/1000 GR.SQ.FT.	130	100
COCKTAIL LOUNGE: FIXED SEAT (no prepared food served)	58/SEAT	64/SEAT	18/SEAT	200	200
COFFEE HOUSE: NO PASTRY BAKING & FOOD PREPARATION	386/KGSF	322/KGSF	120/1000 GR.SQ.FT.	200	200
COFFEE HOUSE: PASTRY BAKING ONLY (may need Industrial Waste Permit)	1412/KGSF	1513/KGSF	280/1000 GR.SQ.FT.	1,000	600
COFFEE HOUSE: SERVES PREPARED FOOD	151/SEAT	252/SEAT	30/SEAT	1,000	600
COLD STORAGE: NO SALES	52/KGSF	65/KGSF	20/1000 GR.SQ.FT.	150	150
COLD STORAGE: RETAIL SALES	210/KGSF	263/KGSF	80/1000 GR.SQ.FT.	150	150
COMFORT STATION: PUBLIC	307/FIXTURE	386/FIXTURE	100/FIXTURE	150	150
COMMERCIAL USE	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
COMMUNITY CENTER	12/OCCUPANT	15/OCCUPANT	4/OCCUPANT	150	150
CONFERENCE ROOM OF AN OFFICE BUILDING.	Same as other areas in an office building	Same as other areas in an office building	Same as other areas in an office bldg.	130	80
COUNSELING CENTER	441/KGSF	588/KGSF	150/1000 GR.SQ.FT.	130	80
CREDIT UNION	460/KGSF	613/KGSF	150/1000 GR.SQ.FT.	150	150
DAIRY- Bureau of Sanitation will determine the flow and rate based on quality of discharged water (may need Industrial Waste Permit)	Avg. Process Flow	Avg. Process Rate	Avg. Process Flow	2,369	922
DAIRY: BARN- Bureau of Sanitation will determine the flow and rate based on quality of discharged water (may need Industrial Waste Permit)	Avg. Process Flow	Avg. Process Rate	Avg. Process Flow	2,213	1,453
DAIRY: RETAIL AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
DANCING AREA (within bars and night club)	1913/KGSF	2299/KGSF	600/1000 GR.SQ.FT.	200	200
DANCE STUDIO	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
DENTAL OFFICE/CLINIC	734/KGSF	881/KGSF	250/1000 GR.SQ.FT.	130	80
DOUGHNUT SHOP	1412/KGSF	1513/KGSF	280/1000 GR.SQ.FT.	1,000	600
DRUG REHABILITATION CENTER	441/KGSF	882/KGSF	150/1000 GR.SQ.FT.	130	80
EQUIPMENT BOOTH	61/KGSF	76/KGSF	20/1000 GR.SQ.FT.	150	150
FILM PROCESSING - 1 HOUR PHOTO, etc.	262/KGSF	262/KGSF	100/1000 GR.SQ.FT.	150	150
FILM PROCESSING – INDUSTRIAL- Bureau of Sanitation will determine the flow and rate based on quality of discharged water for the industrial portion (may need Industrial Waste Permit)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC)Avg. Process Flow (INDUSTRIAL)	150,160	15,060

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
FOOD PROCESSING PLANT Bureau of Sanitation will determine the flow and rate based on quality of discharged water for the industrial portion (may need Industrial Waste Permit)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC)Avg. Process Flow (INDUSTRIAL)	1,502,213	1,501,453
GAS STATION: SELF SERVICE (any mini mart is retail area)	330/TOILET	396/TOILET	100/W.C.	180	280
GAS STATION: FOUR BAYS MAX	1420/STATION	1420/STATION	430/STATION	180	280
GOLF COURSE: 18 HOLE/9 HOLE GREEN AREA	0	0	0	150	150
GOLF COURSE: DRIVING RANGE	0	0	0	150	150
GOLF COURSE FACILITY: LOBBY/OFFICE/RESTAURANT/BAR	SFC = SUM OF SFCs FOR ALL AREAS BASED ON INDIVIDUAL SGFs	Sum of all areas	SFC = Sum of SFC's for all areas, based on individual SGF's		
GYMNASIUM – BASKETBALL, VOLLEYBALL	767/KGSF	920/KGSF	250/1000 GR.SQ.FT.	150	150
HANGER (AIRCRAFT)	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	180	280
HEALTH CLUB/SPA (Industrial Permit may be required)	2455/KGSF	921/KGSF	800/1000 GR.SQ.FT.	150	150
HOMELESS SHELTER	244/BED	277/BED	75/BED	215	205
HOSPITAL	237/BED	269/BED	75/BED	250	100
HOSPITAL: CONVALESCENT	237/BED	269/BED	75/BED	250	100
HOSPITAL: ANIMAL	859/KGSF	920/KGSF	280/1000 GR.SQ.FT.	150	150
HOSPITAL: PSYCHIATRIC	75/BED	85/BED	75/BED	215	205
HOSPITAL: SURGICAL	244/BED	277/BED	450/BED	250	100
HOTEL: USE GUEST ROOMS ONLY	426/ROOM	492/ROOM	130/ROOM	310	120
JAIL	279/INMATE	279/INMATE	85/INMATE	310	120
KENNEL: DOG KENNEL/OPEN	307/KGSF	307/KGSF	100/1000 GR.SQ.FT.	150	150
LABORATORY: COMMERCIAL	655/KGSF	786/KGSF	250/1000 GR.SQ.FT.	339	151
LABORATORY: INDUSTRIAL - Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	Avg. Process Flow	Avg. Process Rate	Avg. Process Flow	339	151
LAUNDROMAT (Industrial Permit may be required)	512/MACHINE	663/MACHINE	170/MACHINE	150	110
LIBRARY: PUBLIC AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
LIBRARY: STACKS, STORAGE	77/KGSF	77/KGSF	25/1000 GR.SQ.FT.	150	150
LOBBY (lounges, holding room or waiting area) OF RETAIL	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
LODGE HALL	12/SEAT	15/SEAT	4/SEAT	150	150
LOUNGE	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	200	200

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
MACHINE SHOP INDUSTRIAL - Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC)Avg. Process Flow (INDUSTRIAL)	150,290	150,550
MANUFACTURING OR INDUSTRIAL FACILITY- Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC)Avg. Process Flow (INDUSTRIAL)	150	150
MASSAGE PARLOR	844/KGSF	921/KGSF	275/1000 GR.SQ.FT.	150	150
MEDICAL BUILDING	734/KGSF	881/KGSF	250/1000 GR.SQ.FT.	130	80
MEDICAL: LAB IN HOSPITAL	655/KGSF	786/KGSF	250/1000 GR.SQ.FT.	331	151
MEDICAL OFFICE/CLINIC	734/KGSF	881/KGSF	250/1000 GR.SQ.FT	130	80
MINI-MALL	330/KGSF	825/KGSF	80/1000 GR.SQ.FT.	600	400
			5/7 GR. SQ. FT.	800	800
MORTUARY: CHAPEL	12/SEAT	19/SEAT	4/SEAT	150	150
MORTUARY: LIVING AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	215	205
			SFC=Sum of SFC□s for all areas, based on individual SGF□s		
MOTEL: USE GUEST ROOMS ONLY	426/ROOM	492/ROOM	130/ROOM	310	120
MUSEUM: ALL AREA	61/KGSF	76/KGSF	20/1000 GR.SQ.FT.	150	150
MUSEUM: OFFICE OVER 15% OF THE TOTAL AREA	460/KGSF	613/KGSF	150/1000 GR.SQ.FT	150	150
MUSEUM: SALES AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
OFFICE BUILDING	449/KGSF	599/KGSF	150/1000 GR.SQ.FT.	130	80
OFFICE BLDG W/COOLING TOWER	539/KGSF	719/KGSF	180/1000 GR.SQ.FT.	108	67
PLATING PLANT- Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial/commercial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial/commercial portion	80/1000 GR.SQ.FT. (DOMESTIC)Avg. Process Flow (INDUSTRIAL)	150	150
POOL HALL (NO ALCOHOL)	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
POST OFFICE: FULL SERVICE	460/KGSF	386/KGSF	150/1000 GR.SQ.FT.	150	150
POST OFFICE: PRIVATE MAIL BOX RENTAL	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
PRISONS	574/INMATE	5745/INMATE	175/INMATE	310	120
RESIDENTIAL DORM: COLLEGE OR RESIDENTIAL	244/STUDENT	277/STUDENT	75/STUDENT	215	205
RESIDENTIAL: BOARDING HOUSE	244/BED	277/BED	75/BED	215	205
RESIDENTIAL: APT – BACHELOR	260/DWELLING	325/DWELLING	80/DU	215	205
RESIDENTIAL: APT - 1 BDRM.	390/DWELLING	487/DWELLING	120/DU	215	205

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
RESIDENTIAL: APT - 2 BDRM.	520/DWELLING	650/DWELLING	160/DU	215	205
RESIDENTIAL: APT - 3 BDRM.	650/DWELLING	812/DWELLING	200/DU	215	205
RESIDENTIAL: APT - >3 BDRM.	130/ADDNL. BDRM.	812/DWELLING	40 PER ADDITIONAL BEDROOM	215	205
RESIDENTIAL: CONDO - 1 BDRM.	390/DWELLING	478/DWELLING	120/DU	215	205
RESIDENTIAL: CONDO - 2 BDRM.	520/DWELLING	650/DWELLING	160/DU	215	205
RESIDENTIAL: CONDO - 3 BDRM.	650/DWELLING	813/DWELLING	200/DU	215	205
RESIDENTIAL: CONDO - >3 BDRM.	130/ADDNL. BDRM.	813/DWELLING	40 PER ADDITIONAL BEDROOM	215	205
RESIDENTIAL: DUPLEX/TOWNHOUSE/SFD - 1 BDRM.	422/DWELLING	974/DWELLING - DUPLEX1072/DWELLING - SFD	130/DU	215	205
RESIDENTIAL: DUPLEX/TOWNHOUSE/SFD - 2 BDRM.	585/DWELLING	974/DWELLING - DUPLEX1072/DWELLING - SFD	180/DU	215	205
RESIDENTIAL: DUPLEX/TOWNHOUSE/SFD - 3 BDRM.	747/DWELLING	974/DWELLING - DUPLEX1072/DWELLING - SFD	230/DU	215	205
RESIDENTIAL: DUPLEX/TOWNHOUSE/SFD - >3 BDRM.	162/ADDL BDRM.	974/DWELLING - DUPLEX1072/DWELLING - SFD	50 PER ADDITIONAL BDR	215	205
RESIDENTIAL ROOM ADDITION: BDRM.	162/BDRM.	0	50/BDR	215	205
RESIDENTIAL ROOM ADDITION: OTHER THAN BDRM.	0	0	0	0	0
RESIDENTIAL ROOM CONVERSION: INTO A BEDROOM	162/BDRM.	0	50/BDR	215	205
RESIDENTIAL ROOM CONVERSION: INTO A ROOM OTHER THAN A BEDROOM	0	0	0	0	0
RESIDENTIAL: MOBILE HOME	520/DWELLING	650/DWELLING	160/DU	215	205
RESIDENTIAL: ARTIST WORK AREA (2/3 OF TOTAL AREA)	246/KGSF	308/KGSF	250/DU	215	205
RESIDENTIAL: ARTIST RESIDENCE (1/3 OF THE TOTAL AREA)	260/DWELLING	325/DWELLING	80/DU	215	205
RESIDENTIAL: GUEST HOME WITH KITCHEN	SAME AS RESIDENTIAL APT.		Same as Residential Apartment	215	205
RESIDENTIAL: GUEST HOME W/O KITCHEN	153/BDRM.	306/BDRM.	50 PER BDR	150	150
REST HOME	237/BED	269/BED	75/BED	250	100

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
RESTAURANT: DRIVE-IN	202/STALL	505/STALL	40/STALL	1,000	600
RESTAURANT: DRIVE-IN	101/SEAT	253/SEAT	20/SEAT	1,000	600
RESTAURANT: FAST FOOD INDOOR SEAT	101/SEAT	172/SEAT	20/SEAT	1,000	600
RESTAURANT: FAST FOOD OUTDOOR SEAT	61/SEAT	102/SEAT	12/SEAT	1,000	600
RESTAURANT: FULL SERVICE INDOOR SEAT	151/SEAT	252/SEAT	30/SEAT	1,000	600
RESTAURANT: FULL SERVICE OUTDOOR SEAT	91/SEAT	152/SEAT	18/SEAT	1,000	600
RESTAURANT: TAKE-OUT	1513/KGSF	1513/KGSF	300/1000 GR.SQ.FT.	1,000	600
RETAIL AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
RIFLE RANGE: SHOOTING STALLS, SHOOTING LANES, LOBBY AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
RIFLE RANGE FACILITY:BAR/RESTAURANT	SFC=Sum of SFCs for all areas based on individual SGFs	N/A	SFC = Sum of SFC's for all areas, based on individual SGF's		
SCHOOL: ARTS/DANCING/MUSIC	237/KGSF	296/KGSF		80/1000 G	130
SCHOOL: DAY CARE CENTER	24/CHILD	30/CHILD	8/CHILD	130	100
SCHOOL: ELEMENTARY/JR. HIGH	24/STUDENT	30/STUDENT	8/STUDENT	130	100
SCHOOL: HIGH SCHOOL	36/STUDENT	45/STUDENT	12/STUDENT	130	100
SCHOOL: KINDERGARTEN	593/KGSF	847/KGSF	200/1000 GR.SQ.FT.	130	100
SCHOOL: MARTIAL ARTS	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	130	100
SCHOOL: NURSERY - DAY CARE	24/CHILD	30/CHILD	8/CHILD	130	100
SCHOOL: SPECIAL CLASS	24/STUDENT	30/STUDENT	8/STUDENT	130	100
SCHOOL: TRADE OR VOCATIONAL	36/STUDENT	45/STUDENT	12/STUDENT	130	100
SCHOOL: TRAINING	36/STUDENT	45/STUDENT	12/STUDENT	130	100
SCHOOL: UNIVERSITY/COLLEGE	53/STUDENT	59/STUDENT	18/STUDENT	130	100
SCHOOL: DORMITORY	244/STUDENT	277/STUDENT	75/STUDENT	215	205
SCHOOL: STADIUM, PAVILION	12/SEAT	15/SEAT	4/SEAT	150	150
SPA/JACUZZI (Commercial with backwash filters) - Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	Avg. Backwash Flow		Avg. Backwash Flow	150	150
			0		
STORAGE: BUILDING/WAREHOUSE	52/KGSF	65/KGSF	20/1000 GR.SQ.FT.	150	150
STORAGE: SELF-STORAGE BUILDING	61/KGSF	76/KGSF	20/1000 GR.SQ.FT.	150	150
STORE: ICE CREAM/YOGURT	403/KGSF	504/KGSF	80/1000 GR.SQ.FT.	1,000	600
STORE: RETAIL	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
STUDIO: FILM/TV - AUDIENCE VIEWING ROOM	12/SEAT	15/SEAT	4/SEAT	150	150
STUDIO: FILM/TV - REGULAR USE INDOOR FILMING AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
STUDIO: FILM/TV - FILM PROCESS/MACHINE SHOP- Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC)Avg. Process Flow (INDUSTRIAL)	150	150
STUDIO: RECORDING	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
SWIMMING POOL (Commercial with backwash filters)	Avg. Backwash Flow	Avg. Backwash Rate	Avg. Backwash Flow		
SWIMMING POOL (Residential with replaceable filter cartridges)	0	0	0	0	0
TANNING SALON: INDEPENDENT, NO SHOWER	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
TANNING SALON: WITHIN A HEALTH SPA/CLUB	2096/KGSF	786/KGSF	800/1000 GR.SQ.FT.	150	150
THEATER: DRIVE-IN	31/VEHICLE	37/VEHICLE	10/VEHICLE	150	150
THEATER: LIVE/MUSIC/OPERA	12/SEAT	15/SEAT	4/SEAT	150	150
THEATER: CINEMA	12/SEAT	15/SEAT	4/SEAT	150	150
TRACT: COMMERCIAL/RESIDENTIAL	4127/ACRE	AS PAID	1/ACRE	215	205
TRAILER: CONST./FIELD OFFICE	460/OFFICE	613/OFFICE	150/OFFICE	150	150
VETERINARY CLINIC/OFFICE	823/KGSF	882/KGSF	280/1000 GR.SQ.FT.	130	80
WAREHOUSE	52/KGSF	65/KGSF	20/1000 GR.SQ.FT.	150	150
WAREHOUSE W/OFFICE	CHARGE EACH FACILITY SEPARATELY	65/KGSF - WRHSE599/KGSF - OFFICE	CHARGE EACH FACILITY SEPARATELY		
WASTE DUMP: RECREATIONAL	1320/STATION	1320/STATION	430/STATION	150	150
WINE TASTING ROOM: KITCHEN	692/KGSF	692/KGSF	215/1000 GR.SQ.FT.	150	150
WINE TASTING ROOM: ALL AREA	258/KGSF	323/KGSF	80/1000 GR.SQ.FT.	150	150

Attachment 3

Letters received from the public regarding the
Recirculated Draft Environmental Impact Report (RDEIR).

To: Michael Tripp

LA Dept. of Reg. Planning

Re: R2006-03647
R2006-03652
TR067861
R2006-03643
R2006-03644

FAX 213 626-0434

By FAX

To: the LA Dept. of Reg. Planning: Michael Ripp

No one wants these oversized GREEDY DEVELOPER Projects!!

Please do NOT capitulate to egos & money. Enough!!

Tripp, Michael

From: Daniel Henry Gottlieb [daniel.gottlieb@gmail.com]
Sent: Monday, July 27, 2009 9:14 AM
To: Tripp, Michael; zev@bos.lacounty.gov; molina@bos.lacounty.gov; ridley-thomas@bos.lacounty.gov; knabe@bos.lacounty.gov; antonovich@bos.lacounty.gov
Cc: Leslie Dutton; FreeRichardFine@gmail.com
Subject: Revised Comments to Neptune et al RDEIR

Dear Mike,

Please note that this email in addressed to the members of the L. A. County Board of Supervisors as well as to you, with copies to the media and the press. As today is the last day for public comment on the Revised Draft Environmental Impact Report of the Neptune Project in Marina del Rey, it is important that the public is made aware of the on going community concerns about the development process following the Law. It is for that reason that I have agreed to distribute this document to the following media before today's deadline. Copies of this email will be distributed to:

City News Service,
So Cal News Service
The Argonaut,
Full Disclosure Network
Los Angeles Times
CityWatchla.com
RonKayela.org,
laobserved.com,
L A Weekly

FreeRichardFine@aol.com

You haven't replied to my questions over the last few weeks about:
How does the Final action name a new lessee, **North Point Venture**, for the Shores project without signing a new lease?
Will the Neptune **avoid** applying for an off-site transport Conditional Use Permit like the Shores did?
Where are the **original documents** on the Noise study 5.2 of the RDEIR which are implied by the cross through lines and the underlines which render the 'edited' document unreadable?

Mike, because of the fact that for the Shores Project , important letters failed to appear in the Final EIR, I would like to ask you to send me a **conformation** that Impact Sciences has received this letter. Also I ask that you replace the old July 24, 2009 letter with the attached July 27, 2009 updated letter. If you can't, that's OK, the July 27 letter has only minor corrections made to it. the only substantial change I would make is to add a paragraph advancing an explanation of why the level of sophistry in the newer Neptune Project is so much higher and more obvious in the newer Neptune RDEIR than it is in the older Woodfin (= Neptune) DEIR and in in the Shores EIR. I will put it in as a Post Script to this covering letter, since it involves a dramatic human interest story, which is the main grist for the media these days.

Thanks for your previous and anticipated help Mike,

Dan

PS. The main reason for the leap in the level of sophistry in the Neptune's RDEIR over the earlier DEIR and over the Successful Shores EIR is that the Shores was successful. If the Shores could get out of applying for a permit, why couldn't the Neptune similarly avoid applying for the same permit? If the Shores can succeed by changing the parameters of their construction plan without analyzing the new impacts, why couldn't the Neptune? Etc. How did the Shores succeed. Because our brilliant inexpensive lawyer , Richard I. Fine, US Supreme Court litigator and Federal Prosecutor, was disbarred, and hounded into jail by the Shores and Neptune lawyers. Hence he was not available to prosecute the Marina Strand Colony II's case against the Shores. Indeed, the intimidated Board of Directors of MSCII declined to appeal the Board of Supervisors reinstatement of the Shores permits. If that's what happens to our lawyer, what will happen to us by fighting the developers? If the Shores were penalized for its sophistry, the level of future sophistry would decrease, instead of leaping higher to a new level.

Mr. Michael Tripp,
Department of Regional Planning

July 27, 2009

Please submit this email for the record for the RDEIR of the Neptune, Woodfin, et al.
Also please distribute this email to the Regional Planning Board.

I am opposed to this project as a NIMBY because it will cause enormous noise and vibrations from our front on via Dolce and from our rear with contemporaneous construction noise from the Shores project which will be occurring at the same time. Clouds of dust borne by easterly winds will pollute our lungs and dirty our homes. When the long process of constructing the Shores, the sewer, the Woodfin skyscraper and the Neptune finally ends, our scenic highway via Marina, will be bordered by ugly large buildings out of character with the present low rise residential areas. The peace of the residential neighborhood will be broken by a large hotel deep in its middle with traffic all night and garbage and service trucks all day.

I am opposed to the Neptune project as a CITIZEN, because I don't want this country to turn into a third world country. The already approved Shores project has the **same lawyers and consultants** as the Neptune Project. The sophistry of the Shores which was unpunished, metastasized in this RDEIR of the Neptune project. One expects, that if it is rewarded, the next projects will even be more blatantly manipulated. The same type of sophistry which underlies our economic collapse permeates the MdR development process. When it becomes too blatant, our legal system will collapse or lose the confidence of the World.

Cross-Through Confusion
The worst example is the use of cross-through lines to confuse the reader. The Shores DEIR had a figure which showed the height above grade of the building. For the FEIR the grading and number of levels of subterranean garages changed, so one would expect the heights of the buildings would change. The Figure purporting to show the change had cross-through lines obscuring the old numbers and the new numbers. So there is no clear statement of the change of height above grade of the buildings. Also, there is **no statement** of the **absolute height** above sea level of the buildings.

The REIR of the Neptune project used a crossed through table to confuse the amount of off-site cubic yards transport. The Notice of Preparation of the Woodfin = the Neptune announced that the different components of the project would each ask for a Conditional Use Permit for offsite transport. Whenw e saw this, we asked why the Shores did not say they would apply for a CUP. The answer came at the December 16, 2008 Board of

Supervisors hearing on the Shores project. There the Shores lawyer implied under **oath** that 92,000 cubic yards of debris and 25,000 cubic yards of soil did not exceed 100,000 cubic yards of material.

Off Site Transported Out
When we saw the RDEIR of the Neptune, the first thing we looked for was the treatment of the CUP for offsite transport. We never saw any specific wording of their obligation to apply for one. We did find a paragraph summary of the amount of grading and exported debris and soil, but the description was contained in a paragraph which confused the total amount of exported dirt with exported dirt from the Anchorage. In addition the total was **not correct,** as Mr. Tripp pointed out.

Search For Shores Finds Haul Routs Altered
We decided to search the RDEIR for the word 'Shores' .
We found it in section 5. 2 Noise. That is a long section consisting of underlined and cross-through line sentences. It is hard to read. It supposedly represents an earlier document reedited. But there is no earlier document. The Shores EIR and Additional Environmental analysis was very careful not to mention other projects and avoided being mentioned in the sewer EIR. We defy the consultants to produce a document which even looks like an original unedited Noise document.

If you search within the document for 'Shores', you will find what looks like a change in the haul route. The 'haul route **will be along** via Marina' is changed via underlining and crossing out to 'would **include** via Marina'. That means they are opening up the possibility of trucks moving along **via Dolce** and only 25 feet from our condos instead of the 50 feet that appears in the EIR of the Shores. Worse, still on the same page, the Neptune and Sewer projects will use a haul route **similar** to the Shores. So without a clear statement, preparations are being laid to increase the noise on Marina Strand Colony II by a factor of 4, since none of these haul trucks were supposed to pass closer than 50 feet to residences.

In The Shadows
In the Shores project, the shadows were shown to be incorrect in its DEIR. The 'correction' was given in the Shores FEIR. It consisted of several smaller Figures representing shadows over the year. Some Figures depicted the buildings as not rectangular. An issue was whether the **3 hour shadow threshold** of the City was exceeded. It will be. So we decided to search the Neptune RDEIR for 'hour'. Sure enough on page 5.6-55 we found '3 hours' in a paragraph which had simultaneous underlines and crossouts. We also found that the County has a threshold of two hours according to the RDEIR. We won't bother to do any calculations here. The point is: How would you like this kind of behavior on your checking account statement from your bank? Similar behavior has reduced your investments to about 50% of their value, because no one in authority spoke up. You are in authority. What's it going to be?

Note that November and March are the months when daylight savings changes. They don't show March in their shadow study because it is too much like October. October they do the study on the "**October Solstice**". There is no such day, so we don't know what day they are talking about in October, furthermore we don't know whether the time is Standard or Daylight Savings for the corresponding day in March. Recall that daylight savings change is in March and the equinox is also in March, but not in October.

Note that Daylight Savings dates changed recently under Bush, but the winter and summer solstices changed by one day after 2000, under Clinton, and the RDEIR got the equinox wrong. So maybe the RDEIR is covering up long hours of shade. My boating friends tell me that a boat needs sunshine to dry out.

A suppressed point of view
The Design Control Board was originally charged with assessing visual impact. But the Staff Counsel never informed them of their duty, until the public found the law in the LIP. When the DCB began to think of

upholding the law, the County staff found an 'inconsistency' with the law and removed their power to check for consistency with the LCP of any new project. But they had to give that power to the RPC.

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So later when the Woodfin project had its scoping meeting, I asked for the impact of the 19 story building on the view from **Lighthouse Bridge** across Ballona Lagoon. This was contained in the Scoping meeting's minutes, in the appendices of the DEIR. This view was **not analyzed** in the DEIR or in the RDEIR. Furthermore the minutes of the Scoping meeting were **missing** from the DVDs of the Neptune Project sent to me and the MdR library. I hope the RPC is shown this view point in their walk around Marina del Rey this August.

Sincerely,

D. H. Gottlieb
Professor Emeritus Mathematics
3516 Via Dolce
Marina del Rey
CA 90292
gottlieb@math.purdue.edu
(310) 301 4980

Tripp, Michael

From: Daniel Henry Gottlieb [daniel.gottlieb@gmail.com]
Sent: Friday, July 24, 2009 9:54 AM
To: Tripp, Michael
Cc: Nancy Marino; David B - We ARE Marina del Rey; John Ainsworth; zev@bos.lacounty.gov; Lynne Shapiro
Subject: Comments to Neptune et al RDEIR

Mr. Michael Tripp,
Department of Regional Planning

Please submit this email for the record for the RDEIR of the Neptune, Woodfin, et al.
Also please distribute this email to the Regional Planning Board.

I am opposed to this project as a NIMBY because it will cause enormous noise and vibrations from our front on via Dolce and from our rear with contemporaneous construction noise from the Shores project which will be occurring at the same time. Clouds of dust borne by easterly winds will pollute our lungs and dirty our homes. When the long process of constructing the Shores, the sewer, the Woodfin skyscraper and the Neptune finally ends, our scenic via Marina will be bordered by ugly large buildings out of character with the present low rise residential areas. The peace of the residential neighborhood will be broken by a large hotel deep in its middle with traffic all night and garbage and service trucks all day.

I am opposed to the Neptune project as a CITIZEN, because I don't want this country to turn into a third world country. The already approved Shore project has the **same lawyers and consultants** as the Neptune Project. The sophistry of the Shores which was unpunished, metastasized in this RDEIR of the Neptune project. One expects, that if it is rewarded, the next projects will even be more blatantly manipulated. The same type of sophistry which underlies our economic collapse permeates the MdR development process. When it becomes too blatant, our legal system will collapse or lose the confidence of the world.

Cross-Through Confusion
The worst example is the use of cross-through lines to confuse the reader. The Shores DEIR had a figure which showed the height above grade of the building. For the FEIR the grading and number of levels of subterranean garages changed, so one would expect the heights of the buildings would change. The Figure purporting to show the change had cross-through lines obscuring the old numbers and the new numbers. So there is no clear statement of the change of height above grade of the buildings. Also, there is **no statement** of the **absolute height** above sea level of the buildings.

The REIR of the Neptune project used a crossed through table to confuse the amount of off-site cubic yards transport. The Notice of Preparation of the Woodfin = the Neptune announced that the different components of the project would each ask for a Conditional Use Permit for offsite transport. When e saw this, we asked why the Shores did not say they would apply for a CUP. The answer came at the December 16, 2008 Board of Supervisors hearing on the Shores project. There the Shores lawyer implied under **oath** that 92,000 cubic yards of debris and 25,000 cubic yards of soil did not exceed 100,000 cubic yards of material.

Off Site Transported Out
When we saw the RDEIR of the Neptune, the first thing we looked for was the treatment of the CUP for offsite transport. We never saw any specific wording of their obligation to apply for one. We did find a paragraph summary of the amount of grading and exported debris and soil, but the description was contained in a

paragraph which confused the total amount of exported dirt with exported dirt from the Anchorage. In addition the total was **not correct,** as Mr. Tripp pointed out.

Search For Shores Finds Haul Routs Altered

We decided to search the RDEIR for the word 'Shores' .
We found it in section 5. 2 Noise. That is a long section consisting of underlined and cross-through line sentences. It is hard to read. It supposedly represents an earlier document reedited. But there is no earlier document. The Shores EIR and Additional Environmental analysis was very careful not to mention other projects and avoided being mentioned in the sewer EIR. We defy the consultants to produce a document which even looks like an original unedited Noise document !!

If you search within the document for 'Shores', you will find what looks like a change in the haul route. The 'haul route **will be along** via Marina' is changed via underlining and crossing out to 'would **include** via Marina'. That means they are opening up the possibility of trucks moving along **via Dolce** and only 25 feet from our condos instead of the 50 feet that appears in the EIR of the Shores. Worse, still on the same page, the Neptune and Sewer projects will use a haul route **similar** to the Shores. So without a clear statement, preparations are being laid to increase the noise on Marina Strand Colony II by a factor of 4, since none of these haul trucks were supposed to pass closer than 50 feet to residences.

In The Shadows

In the Shores project, the shadows were shown to be incorrect in its DEIR. The 'correction' was given in the Shores FEIR. It consisted of several smaller Figures representing shadows over the year. Some Figures depicted the buildings as not rectangular. An issue was whether the **3 hour shadow threshold** of the City was exceeded. It will be. So we decided to search the Neptune RDEIR for 'hour'. Sure enough on page 5.6-55 we found '3 hours' in a paragraph which had simultaneous underlines and crossouts. We also found that the County has a threshold of two hours according to the RDEIR. We won't bother to do any calculations here. The point is: How would you like this kind of behavior on your checking account statement from your bank? Similar behavior has reduced your investments to about 50% of their value, because no one in authority spoke up. You are in authority. What's it going to be?

Note that November and March are the months when daylight savings changes. They don't show March in their shadow study because it is too much like October. October they do the study on the "**October Solstice**"!! There is no such day, so we don't know what day they are talking about in October, furthermore we don't know whether the time is Standard or Daylight Savings for the corresponding day in March. Recall that daylight savings change is in March and the equinox is also in March, but not in October.

Note that Daylight Savings dates changed recently under Bush, but the winter and summer solstices changed by one day after 2000, under Clinton, and the RDEIR got the equinox wrong. So maybe the RDEIR is covernfg up long hours of shade. My boating friends tell me that a boat needs sunshine to dry out.

A suppressed point of view

The Design Control Board was originally charged with assessing visual impact. But the Staff Counsel never informed them of their duty, until the public found the law in the LIP. When the DCB began to think of upholding the law, the County staff found an 'inconsistency' with the law and removed their power to check for consistency with the LCP of any new project. But they had to give that power to the RPC.

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We ARE Marina del Rey P.O. Box 9096, Marina del Rey, CA 90295

VIA EMAIL

July 27, 2009

Mr. Michael Tripp
Department of Regional Planning
320 West Temple Street, Room 1362
Los Angeles, CA 90012

Re: Project R2006-03647, Project R2006-03652, Project TR067861, Project R2006-03643 and Project R2006-03644 (together the "Woodfin/Neptune Project") COMMENTS on combined Draft Environmental Impact Report (DEIR) and combined Recirculated Draft Environmental Impact Report - Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel And Timeshare Resort Project ("RDEIR"): OPPOSE

Dear Mr. Tripp:

We ARE Marina del Rey ("WAM") strongly urges the Department of Regional Planning to reject the projects listed above, to deny all applicable Plan Amendments, Coastal Development permits, Conditional Use permits, Variances, Parking permits and Tentative Tract Map No. 067861 based on the issues and comments previously submitted by WAM on October 28, 2008 on the projects and the DEIR and based on the following issues and comments on the DEIR and the RDEIR.

Although instructions indicate that comments can no longer be submitted on the DEIR, because the hearing was postponed mid-hearing and the hearing on the DEIR was not completed, WAM is submitting additional comments on the DEIR along with comments on the RDEIR.

1) PROJECT DESCRIPTION

Conversion of Parcel FF

Pages 3.0-10 to 3.0-13 discuss the conversion of parcel FF from a public parking lot to residential use. It states that public parking at lot FF has been underutilized. It references the 2004 Crain and Associates study and states:

> *Crain's 2004 findings regarding Lot 12's underutilization by the public are corroborated by the more recent findings of a comprehensive March 2009 report titled "Right-Sizing Parking Study for the Public Parking Lots in Marina del Rey, California," prepared for the County Department of Beaches & Harbors by traffic engineering firm Raju Associates, Inc. ("Right-Sizing Study," attached as Appendix 5.7 to this DEIR).*
>
> *Based on parking demand surveys of each of the Marina's 13 public parking lots conducted by Raju Associates during the busiest summer weekends, holidays (Memorial Day, Fourth of July and Labor Day), and special event days in the Marina (i.e., the Halibut Derby and Boat Parade) of 2005 and 2007, the Right-Sizing Study finds that*

each of the Marina's public parking lots "are greatly underutilized to varying degrees almost throughout the year, except for a few holidays and pre-holiday weekend days, even when the gate arms are up and no parking fee is charged" (Right-Sizing Study, Executive Summary, Page 1).

Regarding Lot 12, the Right-Sizing Study concludes: ...[I]n the past few years, this overflow lot has not been used much by the general public for recreational purposes but has been used mostly for construction staging and by construction vehicles during construction [of a nearby apartment project]. No public demand has been noticed in this lot...This lot is planned to be removed from the list of public parking lots in the future pending a Plan Amendment is by the CCC (Right-Sizing Study, Page 15). Lot 12's underutilization by the public is explained by the lot's relative isolation from visitor or recreational attractions in the Marina or surrounding vicinity.

The following key comments are made regarding the studies and use of Parcel FF:

- The Right Sizing Study did not include Parcel FF/Lot 12 in its analysis. It made its findings based on the Crain & Associates study. Thus, references to the Right-Sizing Study should be deemed irrelevant and removed from the RDEIR
- The Crain & Associates analysis of Lot 12/Parcel FF makes no mention of the fact that two thirds of the lot was closed off for use as a construction staging parking for Esprit I development on Marquesas. A fence was put up on the perimeter of the lot covering its frontage to Via Marina and along Marquesas to the entrance. This use would skew the results of the parking study because fewer spaces would be available and the public would not be aware of the availability of a public parking lot.

The RDEIR states:

Development of Parcel FF with residential use, as proposed, will preclude the potential future development of a public park on the parcel, which could have occurred pursuant to the parcel's current Open Space land use designation. It should be noted there is no evidence that, absent the current development proposal, a park would, in fact, be developed on Parcel FF in the future.

Neither the County nor the private development community has any plans to develop Parcel FF for the permitted park use. To the contrary, Section A.2 of the LUP (page 2-5), under the "Potential Conversion of Public Parking Lots" subsection, expressly acknowledges that Parcel FF is underutilized by the public and is thus being contemplated for conversion to residential use.

The following comments are made with reference to the above statements:

- Section A.2 of the LUP (page 2-5) does not contemplate conversion of Parcel FF into residential use. It states:

"In the case of Lot FF, a public park is being contemplated as part of the new development."

- Regardless of the contemplation of the LUP regarding potential conversion of public parking lots, the LUP parking policies #12 (page 2-8) clearly states:

  "No designated public parking areas, including, but not limited to Lots OT, UR or FF shall be converted to uses other than public parking or parks." (emphasis added)

  Furthermore, the Marina del Rey Specific Plan limits development on Parcel FF to 25', which would preclude residential development.

  The notion that just because an act was contemplated means it is allowed is unfounded. If the LUP truly contemplated conversion of public parking lots, parking policy #12 stated above would not have been created.

- A lease option for Parcel 10/FF was approved by Los Angeles County Board of Supervisors in August 2008. The lease option was conditioned on implementing a future EIR process.

Because of these factors, conversion of parcel FF into a park and/or other feasible alternatives and/or mitigation measures was precluded from consideration prior to the environmental review. This is indirect conflict with the courts that provided the following guiding general principle: "[b]efore conducting CEQA review, agencies must not 'take any action' that significantly furthers a project 'in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project.'" Save Tara, ____ Cal. 4th ____ (citing Cal. Code Regs., tit. 14, §15004(b)(2)(B)).

As enunciated by the Supreme Court, in determining whether a conditional agreement such as the one in Save Tara is an approval under CEQA, "courts should look not only to the terms of the agreement but to the surrounding circumstances to determine whether, as a practical matter, the agency has committed itself to the project as a whole or to any particular features, so as to effectively preclude any alternatives or mitigation measures.

An agency's statements and unofficial actions, taken as a whole, can be the basis for finding that an agency has "committed to a definite course of action" and, therefore, "approved" a project. If environmental review has not preceded the agency's "commitment," then the agency has run afoul of CEQA.

Los Angeles County has stated on numerous occasions that FF would not be used as a park. They used FF as a staging ground for construction parking for 5+ years. Furthermore, the alternative project use of FF as a park was not fully considered. Los Angeles County never issued an RFP for any private or public entity for the creation of a park on Parcel FF. And, the County had not and is not intending to make use for this site

of Coastal Improvements Funds paid by developers for the purpose of park development in the Marina. They are doubling the population of the Marina without increasing green space for residents or public use.

The RDEIR states:

> *To further compensate for the inability to potentially develop a public park on Parcel FF in the future, as a result of developing the parcel with an apartment building, Legacy Partners will fund and develop a public-serving anchorage to adjoin the Parcel 10R and 9U bulkhead.* (pg 3.0-73).

This tradeoff does not provide residents of Marina any compensation or mitigation for the loss of a potential park. As stated previously, the residential population is expected to grow with all the proposed redevelopments in the Marina. And there are no provisions park facilities or green space for residential use.

Timeshare Component
The RDEIR on page 3.0-32 states that:

> *The Woodfin Suite Hotel and Timeshare Resort will enhance visitor-serving uses by providing much needed additional overnight accommodations through both the hotel and timeshare component, both of which are consistent with the LCP.*

Our comments:

- There is no supporting documentation that shows much needed additional overnight accommodations are needed in Marina del Rey. Historical occupancy rates are in the low 70s%. A need for low-cost overnight accommodation does exist, which this project does not meet. Additionally, the redevelopment proposals of the existing hotels in the Marina will increase the cost of staying in the Marina, making it unaffordable for the average tourist, which is not consistent with Coastal Act policies.

The DEIR, Section 5.17 states:

> *Several sections of the LCP discuss hotel use. As set forth below, an analysis of these LCP sections demonstrates that the proposed timeshare component is tantamount to this type of approved and encouraged visitor-serving use.*

Despite the DEIR analysis that concludes timeshare is consistent with the LCP through a myriad of related definitions and references to the County General Plan, we have previously stated in our October 28, 2008 comments that the Coastal Commission requires an LCP amendment for timeshare development when the LCP does not specifically authorize timeshare development. Neither the Marina del Rey LUP and LIP specifically allow timeshare use or include timeshare use in the definition of hotel. Thus timeshare is not a permitted use per the LCP or the Coastal Act without an LCP amendment to change land use regulations.

From the statement above, the DEIR continues with:

> *First, subsection (e) (Policies and Actions) of section A.2 (Recreation & Visitor-Serving Facilities) in the LUP lists overnight lodgings as a qualifying visitor-serving use in accord with related Coastal Act provisions. The timeshare portion of the Woodfin component, which, as noted, will be operated similarly to a conventional hotel, is a type of overnight lodging that is consistent with the overnight lodging policies of the LUP's Recreational & Visitor-Serving Facilities chapter.*

It is true that overnight lodgings is included as a visitor-serving use but it included with public or private recreation, cultural and educational facilities, gift and specialty shops, service concessions (ie boat, bicycle or skate rentals), food and drink establishments and related parking areas. It is clear from this list that visitor-serving uses are for temporary use of services and not for ownership. This applies to overnight lodgings. The LCP does not define overnight lodgings and the definition of timeshare implies ownership, not temporary use of services. Additionally, as will be discussed in more detail below, the key to the definition of hotel in the Los Angles County General Plan is temporary. Thus, timeshare is NOT consistent with the overnight lodging polices of the LUP of the Coastal Act.

The DEIR further states:

> *Second, LUP section C.8., Land Use Plan, subsection (e) (Policies and Actions, Part 2 – Mapped Policy for the Land Use Plan), lists "hotel" as a permissible land use category, and designates overnight accommodations and attendant visitor-serving uses including dining and entertainment areas as uses that may occur attendant to a hotel. The proposed timeshare component would be limited to a maximum annual and consecutive use of four weeks, in an integrated tower with other hotel suites, all of which would provide overnight accommodations and which would be contained in a structure providing dining and ancillary services.*

The section of the LUP referenced in the preceding paragraph provides a list of land use categories which includes hotel. The land use category describes what a hotel/motel is permitted to do. In other words, it defines hotel/motel use as providing <u>overnight</u> accommodations and attendant visitor-serving services. Thus, the LCP does define hotel. And it is silent on ownership of timeshare suites.

Furthermore, the RDEIR states:

> *Finally, the LCP section addressing the Land Use Plan (LUP section C.8.e.7.) incorporates by reference language from the Countywide general plan and Title 22, Planning and Zoning, Los Angeles County Code.*

LUP section C.8.e.7 does incorporated by reference, language from the Countywide general plan and Title 22, Planning and Zoning but it is in relation to entitlements to develop a new uses or change or expand an existing uses. And it states that such entitlements will utilize the County's Planning and Zoning code (Title 22) for the Coastal Development Permit process. Additionally, it will use the County's general plan, Title 22 and the LUP is it relates to the design, location and

intensity of development on a specific parcel but it does not reference or incorporate language related to the type of use. Thus, this section provides no information as to the consistency of timeshare use with the LCP or the Coastal Act.

> *Specifically, the Marina del Rey Specific Plan portion of the Zoning Code, section 22.46.1030.A (Relationship to the Los Angeles County Land Use Regulations), states: "For matters on which this Specific Plan is silent, other applicable provisions of Title 22 shall control." Therefore, because the LCP does not expressly define overnight lodgings or hotel (i.e., the LCP is "silent" on the issue), Title 22 provisions apply to this use.*

First, as discussed above, the LUP section C.8., Land Use Plan, subsection (e) (Policies and Actions, Part 2 –Mapped Policy for the Land Use Plan) does define hotel use as providing overnight accommodation. The LUP is not silent so the provision *"For matters on which this Specific Plan is silent, other applicable provisions of Title 22 shall control,"* does not apply.

Furthermore, the Marina del Rey Specific Plan, Section 22.46.1030 states:

> *Where provisions of this Specific Plan are in conflict with other provisions of this Title 22, this Specific Plan shall prevail.*

Additionally, section 22.46.1020 reads:

> *This Specific Plan is a key component of the Local Implementation Program for Marina del Rey. It is designed to implement the Marina del Rey Land Use Plan through the application of site-specific development standards and guidelines.*

The Specific Plan implements the Land Use Plan and the Land Use Plan defines hotel use. Therefore, the Specific Plan is not silent on definition of hotel. And the LCP is not silent on the definition of hotel.

The DEIR further states:

> *Title 22 defines hotel as "Any building containing six or more guest rooms or suites of guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied on a temporary basis by guests." The project proposed hotel and timeshare use is consistent with this definition and is therefore an allowed use on Parcel 9U.*

To be conservative, even if the LCP was silent on hotel use, Title 22 of the Los Angeles County General Plan does not define nor include timeshare use. It specifically defines hotel as a temporary use which is in direct conflict to the definition of timeshare. Wikipedia defines timeshare as:

> *"A timeshare is a form of ownership or right to the use of a property, or the term used to describe such properties. These properties are typically resort condominium units, in which multiple parties hold rights to use the property, and each sharer is allotted a*

> *period of time (typically one week, and almost always the same time every year) in which they may use the property."*

According to the *Research & Practice Guide: California Legislative History and Intent*, "statutory language is to be interpreted according to the ordinary and common meaning of the words used unless it is clear that the legislature intended a different meaning.

It is clear that neither the Marina del Rey LCP nor the County General Plan includes timeshare in the definition of hotel and it was not intended to do so.

To summarize:

1) The LCP does define hotel - LUP section C.8., Land Use Plan, subsection (e) (Policies and Actions, Part 2 –Mapped Policy for the Land Use Plan)
2) Title 22 of the LA County Planning and Zoning code definition of hotel does not include timeshare.
3) It is irrelevant that both the Marina del Rey LCP and the County General Plan and Title 22 code do not exclude timeshare. Judicial interpretation assumes that a drafter's intent not to include is purposeful. They say what they mean.
4) Ownership of a timeshare that may cost $10,000 is not equivalent to the temporary, overnight use of a hotel room for $250. Additionally, there is no guarantee that the timeshare units will actually be available to the general public.

In conclusion, the use of timeshares in Marina del Rey is inconsistent with the Marina del Rey LCP and the Coastal Act. Therefore, the Woodfin portion of the project should be rejected.

Public Access & Recreation

The Woodfin/Neptune project calls for an interactive node of public access and recreation that includes the Wetland and Upland Park, the public anchorage, the Waterfront Stroll Promenade and the first floor amenities and services of the Woodfin Hotel including the restaurant. The RDEIR states:

> *It is intended that the ground floor of the hotel, the adjacent pedestrian promenade, the wetland park, and the public serving boat spaces combine to create an interactive public node.*

Additionally, it states:

> *Turf block areas would provide a sturdy space for group lectures, seating for visitors bringing lawn chairs for bird watching etc., and maintenance vehicles.*

And:

> *Parking for park visitors will be conveniently located within the adjacent hotel/timeshare resort's parking area (as noted, up to 21 fee-based self-parking spaces will be provided within the hotel/timeshare resort project, for use by the public).*

Appendix 5.7c - *Crain Associates Shared Parking Analysis for Woodfin* - analyzes the uses of the project that will require parking and the amount of spaces. This list includes only:

- Hotel/Timeshare Resort
- Sundry Shop
- Spa
- Ballroom
- Meeting Room
- Restaurant

The Shared Parking Analysis does not analyze public parking requirements for the public anchorage, the wetland park or the stroll promenade. Providing just 21 parking spaces for all the intended public access and recreation uses in insufficient and would requiring visitors to use the more expensive valet services for public access.

Ironically, the overall project eliminates a 200-space public parking lot (Parcel FF), adds what it calls an "interactive public node" (to justify the egregious overall project) and then provides insufficient public parking.

The lack of public parking spaces and the cost of valet is inconsistent with the visitor-serving provisions of the Marina del Rey Land Use Plan and the Coastal Act.

Original Project Started On Site
The RDEIR on page 3.0-3 states that:

> *In 1981, a hotel was previously approved by the CCC for development on the subject Parcel 9U (the "Marina Plaza Hotel"; see CCC Case No. A-207-79). The Marina Plaza Hotel was approved by the CCC with 300 guest rooms in nine stories and an assortment of patron- and visitor-serving accessory uses, including restaurants, a bar, a coffee shop, banquet facilities and meeting rooms, all over two stories of subterranean parking. Some site grading was completed and two concrete piles were installed by the developer of the Marina Plaza Hotel. The developer ultimately abandoned the Marina Plaza Hotel development on Parcel 9U due to lack of finances.*

However, there is nothing in the DEIR or RDEIR that addresses the fact that the concrete piling installed to support the building foundation sank. There is no analysis that supports the weight and height of a 225 foot building on this site.

Wetland Park

The Woodfin/Neptune project calls for the removal of the existing freshwater wetlands and recreation of a seawater based wetland park. Case law from Bolsa Chica provides that wetlands are not allowed to be moved.

Additionally, section 30233 - Diking, filling or dredging; continued movement of sediment and nutrients of the Coastal Act states:

> (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, **and shall be limited to the following**:
>
> (l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
>
> (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
>
> (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
>
> (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
>
> (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
>
> (6) Restoration purposes.
>
> (7) Nature study, aquaculture, or similar resource dependent activities.

The proposed Woodfin/Neptune project does not meet these requirements.

These factors would make the proposed project for a wetland project inconsistent with State law and the Coastal Act.

Questions

1) The Parking Policies of the Marina del Rey LUP state that all development must include parking for residents, guests, visitor use and public access. How does this project meet the requirements of this policy?
2) 3.0-67 states that Woodfin hotel will have a 225 ft building height when measured from finished grade elevations along Via Marina. Will the grade level of Parcel 9U be changing?

3) How much cumulative excavation, cut and fill will there be from the Woodfin/Neptune project, The Shores, the Venice Dual Force Main project and the Esprit II project? This has not been analyzed.
4) What are the overall construction impacts and timelines from the Woodfin/Neptune project, The Shores, the Venice Dual Force Main project and the Esprit II project? This has not been analyzed.
5) In order to build the public anchorage on Parcel 9U, it appears that the existing dock and slips along Parcel 9U will be eliminated. Currently, these slips belong to the Bay Club Anchorage. Where in the DEIR or RDEIR is the demolition of these slips discussed and analyzed including parcel boundary changes?
6) How much transition and upland habitat and upland scrub?
7)

2) NOISE

Page 5.2-1 of the RDEIR concludes:

> *Construction noise would affect nearby noise sensitive residential uses and noise sensitive uses along the proposed haul route. Exterior noise levels during site construction of up to 100 dB(A) could be experienced at some noise sensitive uses that would have direct lines of sight pile driving. Noise levels generated during construction would periodically exceed County standards for exterior noise levels during the workday. To mitigate construction noise, all construction activities would comply with the County of Los Angeles Noise Control Ordinance (Ordinance No. 11773).) so that construction noise would be limited to normal working hours when many residents in the Marina del Rey would be away from their homes. Nevertheless, construction noise would represent a temporary, but significant impact, as noise levels would periodically exceed County standards, even after mitigation.*

Section 5.2 of the RDEIR fails to include the following factors in its analysis of Construction Noise impacts, Haul routes noise impacts, Vibration impacts and Operation Impacts; Point Source Noise. Therefore the DEIR and RDEIR do not truly analyze cumulative noise impact.

Esprit II Impacts Not Analyzed
In 2009, Los Angeles County renegotiated its lease with Marina Two Holdings for Parcel 15 (Esprit II), a parcel that previously received project approval for a 500+ unit apartment complex and a 225 slip anchorage. The Esprit II parcel abuts part of the Woodfin/ Neptune/Woodfin Project, specifically on parcel FF portion. The Esprit II project includes multiple buildings in an L-shape along Via Marina and Panay Way. It is located across from the Shores project.

The renegotiated lease requires that the developer complete construction of Esprit II by August 2013, approximating the completion times for the four major portions of the Woodfin/Neptune Project.

The RDEIR does not include information on the number of truck trips to be generated by Esprit II nor does it cumulative analyze the construction noise impacts, haul noise impacts and

vibration impacts from the Woodfin/Neptune Project, the Shores Project, the Venice Dual Force Main project and the Esprit II project.

Impact on Residents
The RDEIR states:

> *To mitigate construction noise, all construction activities would comply with the County of Los Angeles Noise Control Ordinance (Ordinance No. 11773).) so that construction noise would be limited to normal working hours when many residents in the Marina del Rey would be away from their homes.*

The RDEIR fails to account for the unique demographic mix of residents in the unincorporated area of Marina del Rey as well as the City of Los Angeles portions on the west side of Via Marina. A larger than typical population of stay at home moms, retirees and entrepreneurs live in the Marina and do not leave the area during normal working hours. There is no study of resident travel patterns during a typical work day included in the DEIR or the RDEIR. Because of the significantly higher number of residents that stay in the area during the workday, further analysis is needed to measure the true noise impacts on residents and to develop further mitigation measures beyond what is included in the RDEIR.

Noise Levels
The Noise level data used for construction equipment (Table 5.2-5) and Vibration Source Levels (Table 5.2-6) are sourced from the EPA and the US Department of Transportation as standard measurements of noise levels. However, anyone who lives in Marina del Rey can attest to the fact that noise levels carry very easily in the Marina. Because of the unique layout of the marina and harbor and proximity to shoreline, wind tunnels from the fingers noise carries much more here. The RDEIR has not taken into account the specific nature and characteristics of noise in the Marina and therefore have not properly analyzed cumulative noise impacts.

Operation Noise Levels
Noise levels from hotel operations once the project is complete does not appear to be measured. Appendix 5.2 Noise Modeling uses the same "Assumed 24-Hour Traffic Distribution" for each project whether residential, wetland park, or hotel. There will be 24-hour noise impacts due to hotel visitors, delivery trucks, food service truck, refuse removal and employee trips which have not been reviewed or analyzed in this RDEIR.

Cumulative Truck Trips
The RDEIR states that for the entire Woodfin/Neptune project: "during the initial two months of demolition and excavation, as many as 284 truck trips would arrive to and leave the site daily. During the remainder of the project construction, the number of truck trips would range from 70 to 194 trips per day."

The RDEIR fails to show cumulative truck trips for the Woodfin/Neptune project, the Shores Project, the Venice Dual Force Main project and Esprit II project. Without such information, it is impossible to analyze cumulative noise impacts.

Question on Noise Impacts

1) Does the haul route include Via Marina south of Marquesas?
2) Do the truck trip numbers for the Woodfin/Neptune project include construction of new sewer lines along Via Marina and Marquesas that are outside the project boundaries?
3) The DEIR states that there will be an "additional 3,104 daily vehicle trips to on local roadways situated proximal to the project site (1,017 trips from the Neptune Marina Apartments - Parcel 10R, 499 trips from the Neptune Marina Apartments- Parcel FF, and 1,588 trips from the Woodfin Suite Hotel and Timeshare Resort- Neptune Marina Parcel 9U. What types of vehicles and how many trips of each type do these numbers represent?
4) Construction worker traffic, which would be largely comprised of passenger vehicles and light pick-up trucks, would not represent a substantial percentage of peak hour volumes in the area and would not cause an audible increase in community noise levels. What is the percentage increase in peak hour volumes from construction workers traffic? How many workers and how many vehicles are expected on average for the project over the construction period?

3) VISUAL QUALITY

The RDEIR states on page 5.6-2:

> *Pursuant to Section 15162 of the State CEQA Guidelines, no new impact finding is required for this project as the height is the same as was contemplated in the LCP when amended. In essence, the Coastal Commission and the County, in discharging their CEQA obligations during the amendment process, elected to allow greater height at certain sites in exchange for larger view corridors.*

However, § 21166 states that

> When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:
>
> (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
>
> (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
>
> (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

Since the LCP was certified in 1996, a process which is deemed equivalent to the preparation of an EIR, new conditions exist on the ground in the Marina exist that could not have been know at the time the LCP was certified. These changes could impact the original decision to allow a

maximum height of 225 feet on this site as well as other potentially negative environmental impacts of this project.

These new conditions include:

- The designation of portions of parcel 9U as a wetland by the Army Corp. of Engineers
- The identification of ESHA sites in the Marina by the California Coastal Commission on January 9, 2008, including the nesting and roosting of the Great Blue Heron and the Great Egret and Snowy Egrets. One such site is located on the Northwest Passage and the main channel.
- The foraging of Great Egrets on the northerly portion of 9U observed by a member of the public during 2009 (see attached photo)
- the California Coastal Commission recommended during its LCP Periodic Review that Los Angeles County conduct a study of potential ESHA sites in the Marina. This study has not been performed.
- The designation by the State Department of Geology of the project site as being located in a high risk liquefaction zone.

In fact, during its Marina del Rey LCP Review, the California Coastal Commission recommended that Los Angeles County undertake a comprehensive update of its LCP because changes have occurred since the last certification and because the impacts of proposed projects need to be reviewed on cumulative basis.

Neither the DEIR nor the RDEIR analyze project, building height and visual impacts on existing and potential ESHA sites, on the flight path of the Great Blue Heron or Great Egrets, on the shade affects of the adjacent wetlands, on the liquefaction risk or on the stability of the project site to sustain a 19-story structure.

4) TRAFFIC

Why has the ambient growth changed from 2% in the 1991 DKS Traffic Study to the .6% used in the RDEIR traffic analysis?

5) SOLID WASTE

Neither the DEIR nor the RDEIR summarize total export of cut and total import of fill cumulatively for the project (including changes from sewer lines) plus cumulatively to include the Shores project, the Venice Dual Force Main project and the Esprit II project. Without such analyses, the DEIR and the RDEIR are incomplete and cannot measure project and cumulative solid waste impacts.

6. CONCLUSION

Based on the above facts, comments, concerns and issues related to the Woodfin/Neptune Project and all Marina del Rey development, WAM urges Regional Planning to deny this project the Plan Amendments, all applicable permits, and deem the DEIR and the RDEIR insufficient in light of the overall piecemealing of the Marina Redevelopment Project (as stated in our October 28, 2008 comments letter). Additionally, we urge you to advise the Board of Supervisors to prepare an Environmental Impact Report for the overall Marina Redevelopment Project and adhere to the California Coastal Commission's recommendation to carry out a comprehensive LCP update in order to assess the overall environmental and social impacts of the Marina Redevelopment Project through a meaningful community planning process.

Together,
We ARE Marina del Rey

David Barish
Co-Director
davidb@wearemdr.com
www.wearemdr.com

The Wetlands Defense Fund and CLEAN (Coastal Law Enforcement Action Network) agree with these comments and intend on commenting further at public hearing(s) in the future. Please include Marcia Hanscom at these organizations in all future public notices at 322 Culver, #317, Playa del Rey CA 90293

We ARE Marina del Rey P.O. Box 9096, Marina del Rey, CA 90295

July 27, 2009 Received 7/28/09

Mr. Michael Tripp
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: Project R2006-03647 (Parcel 10R), Project R2006-03652 (Parcel FF),
Project R2006-03643 (Parcel 9U South), Project TR067861 6 (Parcel 9U North)
Project R2006-03644 (Basin Adjacent to Parcel 9U)
"Woodfin/Neptune Project" Recirculated Draft EIR
OPPOSE

Dear Michael,

Please accept this letter as an addendum to the comments submitted by my co-director, David Barish, along with my thanks also for the grace period you offered us.

There are several pertinent facts that are nowhere to be found in this Draft EIR (DEIR) and the Recirculated Draft EIR (RDEIR) sections--which I will collectively call the EIR. Since the DEIR public hearing was never completed, we still have the right to comment on those sections, whether it is acknowledged or not. This missing information is crucial to arriving at objective planning decisions. I also offer extensive comments on the discussion and analysis of impacts to essential community services, including water resources and wastewater treatment, which includes a critique of this EIR, which unhappily ranks below the worst I have ever seen.

I. Omissions:

A. Section 3.1 Overview.

1) The background/history on this parcel fails to disclose that the hotel project begun in 1981 was a failure because in the very early stages of construction, the foundation sank and the project was deemed unbuildable. I believe the project went bust but I do not have that fact (I am sure you can get it readily enough). That proposal was only a nine story structure spread over most of the lot. These are pertinent facts and material omissions from the analysis.
2) In the LCP Definitions section, development potential is clearly distinguished as potential only, with emphasis that it is NOT an entitlement to build to that potential. The applicant is not *entitled* to a project of this size. David sent you many well-documented reasons why less development should be considered and analyzed in addition to the ones here; it needs to be given serious planning consideration.
3) LCP §A.2.d. Recreational and Visitor-Serving Facilities - findings asserts that more demand for high end visitor-serving facilities, such as hotel rooms, has proven to be limited. Beverly Moore of the Visitor's Center (at a local hearing a couple years ago) said the overall occupancy rate of MdR hotels was 70%, and had never been above 70-75%. It has not improved since. Including this project, there are nevertheless 636 additional hotel rooms—most on the high end as hotels go—proposed for the Marina. Where is the objective analysis of this historic lack of demand? of the disproportionate accommodations for high-ticket recreation throughout the Marina? of the dearth of free and low cost recreation as mandated by House Document 389? Of the economic and social implications of this kind of development in the current County demographic?

4) Your project description forgets to mention that, in putting in the Woodfin visitor-serving docks on a "new" water parcel, it will be usurping space now occupied by other boats—and you need to disclose the number and size of the boats that will be displaced. 60' and 40' slips serve an elite segment of the visitor pool. Where is the balance???

B. **Section 4 Cumulative Projects:** The new mega-project being solicited for the Public Mast-Up Storage Lot, Public Launch Ramp, Visitor Center & Parking Lot and Dock 77 (Parcels 49S, 49R, 49M and 77, respectively) needs to be added to the cumulative projects list. It has been on the public record since May 12, 2009, allowing plenty of time to get it into this report. It will have an enormous impact on the cumulative water needs for the community and every other impact as well, as it will more than double the amount of proposed additional commercial/retail including restaurants in up to 135,000 square feet of building, up to 26,000 square feet of office, PLUS up to 255 additional residential units. Add in what you have in mind for the Cheesecake Factory Parcel and the remaining lots on Fiji while you're at it. Anticipated development must be included—even if you don't have an RFP for it yet. At some point, the County must own up to what it is doing to the Marina.

II. Section 5.8: Sewer

I found this section 5.9 to be particularly offensive. The entire Recirculated RDEIR is an inordinately difficult document to decipher, and for this reason alone it should be returned to Impact Sciences with explicit instructions to communicate all known findings, and present the changes in a clear, readable way. I have never seen such a jumble of mixed up plain, underline and strikeout text and numerals in the so-called "edits". It does not serve the interests of either professional planners or the public to have information obscured in such a way. By way of example, below is Table 5.8-7, purportedly showing changes in wastewater generation.

I surmised that the "Net Project Total" refers to the Woodfin/Neptune Project (Project). The math on the new numbers is wrong. The subtotal for "related projects" is 553, 854; the total is 652,385. Only 10,000 gal/day off—could be a simple typo. The old math is also off: "related projects" subtotal is 534,538 (not even close!); the total is 665,238. Off by 11,892 gal/day. Not highly significant, on the face of it, but what if all 41 related projects shaved a similar amount from their totals?

Table 5.8-7
Cumulative Wastewater Generation
Proposed Project and Related Projects

Land Use	Net Units	Generation Factor[1] (gal./day/unit)	Daily Generation (gal./day)
Related Projects			
Multi-Family[2]	3,435 du	150/gal/unit	515,250
Commercial	32,098 sf	~~0.10~~800 gal/day/10(	~~325,210~~678
~~Restaurant[3]~~	~~5946 sf~~	~~1.00 gal/day~~	~~5,946~~
~~Restaurant[3]~~Restaurant[3]	~~163~~100 seats	50 gal/seat	~~8~~5,~~150~~000
Office	9,908 sf	~~0.20~~800~~/~~ gal/day/10(	~~1~~7,98~~2~~926
Subtotal:			~~522~~543,~~646~~854
Net Project Total:			~~13098,700~~531
Total:			~~653~~642,~~346~~385

But wait. Table 5.8-2 reports the projected Project wastewater of 139,696. Not 130,700. Off by another 8,996 gal/day. So the figure from Table 5.8-7 is now off by 20,888 gal/day. That's an additional 7,624,000 gallons flowing into the system each year, just from this one Project. If only half the other projects jump on the bandwagon to stay "competitive", you'll have over 150 Million gallons of extra crap from this area alone. The Venice DFM project may not have a problem with that amount of overage (it may have to run both mains simultaneously), but what if all of the new projects that will feed it shave their numbers to look a little nicer or to stay below thresholds for their water districts? HTP is not adding nor planning to add capacity, and when we do get the stormy years, any overflows there come right back in our "front door," the Marina main channel. If people who cannot do basic arithmetic go unchecked, Hyperion might actually be running out of capacity now, and we are unprepared with additional capacity, there or anywhere else, when it happens. What would chronic sewage spills do to tourism in Southern California? to property values along our coast? to County tax revenues from those homes? To health care costs? To the desirability of LA County to the middle class backbone of our economy? A little goes a long way. And that "little" bit of additional sewage can do a heap of damage to the County general fund over the long run. It needs to be corrected—not talked about or "revised".

I won't bother you with more details or additional tedious examples from this section; if you have given this report the close scrutiny you are supposed to have done, you are aware of them; if not, another example probably will not convince you to care, or to do anything about it.

III. Section 5.9: Water Service

It is disappointing to see cavalier, cut-and-paste palaver and a concluding brush-off of the impacts instead of a timely, serious discussion of the realities of the water situation in the entire Southwestern US. It is a topic of monumental concern in the LA metropolitan area. All MdR-adjacent communities' Planning & Land Use Committees are giving much closer scrutiny to development projects proposed for their neighborhoods, with good reason: they care about the long-term welfare of their neighbors, and they trying to carefully plan for their community's continued prosperity by not killing the golden goose. Marina del Rey needs that.

Of the many steps enumerated in this section as responses to an actual water shortage, our MWD promises that the "last action [taken] will be the curtailment of firm deliveries to the member agencies.

- We are in a serious actual shortage now, with mandatory 15% cutbacks in water use by all current lessees.
- Where is the water *actually* going to come from for all of these new projects, specifically this Project? This EIR fails to seriously analyze the implications of the current extended drought conditions and climate change predictions, taken together, for potential development in the Marina.
- The facts of the current actual water alert needs to be included in this report, and a more responsible plan needs to be included in an actual proposal here to address specific measures that will address the problem instead of trusting to luck for a rainy winter.
- As an example, community-wide graywater landscaping needs to be planned. It cannot be done one building at a time, and capturing rainwater is a ludicrous bandaid approach considering our typical annual rainfall

IV: Comments/Concerns:

This EIR fails to objectively assess anything. It just points headlong toward a nineteen story hotel/timeshare, parking structure, four apartment buildings and two marinas that it hopes will house hundreds of people and their considerable personal investments, but it cannot substantiate unless wishing makes it so. Where is the discussion of the track record of some of the new redevelopment projects that have come on line in the last couple of years? What is the County's relative financial benefit including down-time, and how does that relate to where it might be if it chose instead to 'hardscape' a portion of the so-called "underutilized" parking lots and attract more use of the lots by providing something cheap and fun to for visitors to do - NOW? The County has "tagged" even very popular parking lots like Parcel IR with the "underutilized" slur; it is a bald-faced lie, but, like a gang-banger, it is a way putting a claim on someone else's turf. A similar claim regarding Parcel FF, which would be ideal for a park to serve the residential community of Marina del Rey and our many young children with a decent play area and a wetland that they could be involved with in the gentle, natural restoration process, watching it grow alongside themselves and learning so much in the process? And here's a thought: How about a school, so our young children won't have to be bused to wherever that "in lieu fee" will end up. Good communities have schools. Why did the County NOT do a new RFP proposal for this parcel after the first Hotel went down?

The EIR fails to do a candid analysis of whether a hotel is an appropriate land use at this location, or any other new location in the Marina given the fact that much of the parcel is wetland or obligate wetland area. There needs to be an assessment of alternative proposals. How about a discussion of whether an eco-hotel and hostel (youth and/or senior) would be a better fit for this wetland area; it could be small and unobtrusive, respect the 100' upland buffer required by the Coastal Commission, help to balance the overabundance of high-priced accommodations, have a few sites for tents, fit nicely into the quiet residential neighborhood that the County insisted go here instead of campgrounds, soccer fields, build-it-yourself boatyards, maritime museums or dance pavilions we once dared to dream about.

The EIR as a poor planning document. I have no tactful way to say it, the RDEIR looks as if an illiterate created it, and there are no mitigations for its lack of professionalism. Nevertheless, we have done our best to give you our candid assessment of its contents. (You owe me at least 2 Advil.)

Conclusion: This Project is the wrong project at the wrong locations at the wrong time. We respectfully We request that the Regional Planning Commissioners direct staff to reject this EIR as unacceptable and send it back for complete recirculation under State CEQA Guidelines Section 15088.5(a)4, "so fundamentally and basically inadequate and conclusory in nature that *meaningful* public review and comment were precluded."

Thank you for your consideration.

Together,
We ARE Marina del Rey

Nancy Vernon Marino
Co-director

Attachment 6

Documents submitted by the public at the October 29, 2008 hearing.

From: firooz pak <firoozpak@yahoo.com>
To: info@wearemdr.com
Subject: opposition to development of MDR
Date: Mon, 27 Oct 2008 2:36 pm

RECEIVED
OCT 29 2008
REGIONAL PLANNING COMMISSION

To whom it may concern,
I have been a resident of Marina del Rey for the past 7 years, and I am dismayed to learn about the current development projects in the marina del rey area. As it is, there have been significant additions to the building/units in the area. Witness: redevelopment of Marina Harbor on Bora Bora way, with replacement of large grassy areas with a monstrosity of building. There is significant congestion and especially noise pollution by the motor traffic (including trucks and motorcycles).
Parcel 9U would best be served by converting into a green area for the use of community, not a 19-story hotel. These developments are in violation of various zoning and planning laws and will adversely impact the comfort and safety of the residents of marina del rey without any tangible benefits.
Please strongly reconsider these development plans.
Sincerely,
Firooz Pak

From: Libbe Murez <mslib@ca.rr.com>
To: info@wearemdr.com
Subject: woodfin
Date: Tue, 28 Oct 2008 11:43 am

RECEIVED
OCT 29 2008
REGIONAL PLANNING COMMISSION

Michael Tripp
Department of Regional Planning
Room 1362
320 West Temple St.
L.A. CA 89912

Libbe Murez
3852 via Dolce
Marina del Rey, Ca 90292

Dear Mr. Tripp:

I hope you will oppose the 19 story Woodfin Hotel/Timeshare and new Neptune Marina Apartments proposed for parcels 10,FF, and 90. The height of the Woodfin is not appropriate for our area, and timeshares and private development are not allowed by our planning laws.

High priced apartments are not needed in our marina. What is needed is a valid master plan, an overall EIR, and an LCP update before any projects are approved to allow for assessment of impacts on our community.

I moved into the Marina from Beverly Hills in 1970 because it was a unique area and I hate to see it ruined by developers.

I am looking forward to meeting you at the public hearing Oct. 29

Libbe Murez

Information from ESET NOD32 Antivirus, version of virus signature database 3563 (20081028)

The message was checked by ESET NOD32 Antivirus.

http://www.eset.com

We ARE Marina del Rey P.O. Box 9096, Marina del Rey, CA 90295

October 28, 2008

RECEIVED
OCT 29 2008
REGIONAL PLANNING COMMISSION

Mr. Michael Tripp
Acting Director
Department of Regional Planning
320 West Temple Street, Room 1362
Los Angeles, CA 90012

Re: OPPOSITION COMMENTS: Project R2006-03647, Project R2006-03652, Project TR067861, Project R2006-03643 and Project R2006-03644 (together the "Woodfin/Neptune Project") and COMMENTS on combined Draft Environmental Impact Report - Neptune Marina Apartments And Anchorage/Woodfin Suite Hotel And Timeshare Resort Project ("DEIR")

Dear Mr. Tripp:

We ARE Marina del Rey ("WAM") strongly urges the Department of Regional Planning to reject the projects listed above, to deny all applicable Plan Amendments, Coastal Development permits, Conditional Use permits, Variances, Parking permits and Tentative Tract Map No. 067861 based on the following issues and comments on the projects and the DEIR.

A. Piecemealing CEQA/Overall Marina wide EIR

We ARE Marina del Rey ("WAM") believes that Los Angeles County ("County') is piecemealing the redevelopment of Marina del Rey in violation of state law, including the California Coastal Act ("Coastal Act") and the California Environmental Quality Act ("CEQA"). County has admitted on the record and it is widely known, that County intends to redevelop Marina del Rey (the "Marina Redevelopment Project"). This "Marina Redevelopment Project" constitutes "a project" under CEQA. According to Public Resources Code § 21065, a project is defined as the whole of an action, which has a potential for resulting in either a direct physical change in the environment.

The Marina Redevelopment Project consists of all the County's individual developments within Marina del Rey now making their way through the public approval process (Fisherman's Village, Mother's Beach, Western Marina residential complexes, etc). County is dividing "the Marina Redevelopment Project" into smaller redevelopment projects (e.g. the projects cited above) in order to reduce and hide the environmental impact of the "Marina Redevelopment Project." Therefore, County is piecemealing the "Marina Redevelopment Project," in violation of CEQA. California Supreme Court case law holds that the County cannot "hide" the redevelopment project from the public by breaking the Marina Redevelopment Project into little parts, and the County's behavior – actions and words - confirms there is "a Marina Redevelopment Project."

The California Coastal Commission stated during its Local Coastal Program (the "LCP") Periodic Review hearing on January 9, 2008, that County is piecemealing projects and that this is bad planning. They strongly recommended (said recommendation reaffirmed on October 16,

2008), that County should do a comprehensive LCP update amendment of anticipated future development that includes all pending project driven amendments, fulfillment of Asset Management strategies and other facilities identified through a community planning process. The intent behind this recommendation was:

> *"Well, I think it is apparent that if LCP amendments are pursued on an individual basis, project by project, that the cumulative impacts, and the coordinated efforts will be very difficult for the community, for the County, and for this Commission to understand."* - Commissioner Kinsey, LCP Review Hearing, January 9, 2008

An Environmental Impact Report should be prepared for the whole "Marina Redevelopment Project" should be County's highest obligation to determine the overall environmental impacts of all projects in the Marina. County argues that the LCP is the functional equivalent of an EIR per CEQA § 21080.5 because it is a certified program, a position WAM does not share. However, instead of following the LCP for Marina del Rey, which County considers to be the functional equivalent of an EIR, County is implementing a slate of redevelopment projects contained in its *Marina del Rey Asset Management Strategy* ("AMS," April 15, 1997, which is not part of the Certified LCP). The projects, including Project R2006-03652 (apartment units on Parcel FF, a public parking lot) and Project TR067861 (the 19-story hotel and timeshare suites – more on this inconsistency follows below) and the document itself are not in conformity or consistent with the Marina del Rey Certified LCP. Additionally, the AMS has not been reviewed or approved by the California Coastal Commission and has no regulatory or legal standing.

Public Resources Code § 21080.5 and CEQA Guideline also state that a "certified program" remains subject to other provisions in CEQA such as the policy of avoiding significant adverse effects on the environment where feasible. Therefore, even if the LCP were the functional equivalent of an EIR, County must still review the overall impacts of the "Marina Redevelopment Project."

The DEIR states that it is a "project EIR, and therefore, can use environmental information from the Certified LCP. DEIR, page 8 of Section 2.0 Introduction, reads:

> *The scope of the analyses in this project EIR also relates to the environmental analyses contained within the Local Coastal Program (LCP). LCPs are Certified Regulatory Programs and as such are exempt from CEQA pursuant to CEQA Section 21080.5. Because the Coastal Commission's consideration and certification of an LCP is the functional equivalent of an EIR, any environmental impact determinations and analysis of the CCC within the LCP are pertinent to and may be incorporated within the scope of the impact discussion in the project EIR* ***where such analyses are sufficiently complete for that purpose.*** *Therefore, where appropriate, reference will be made to the prior environmental analysis to the extent such analysis obviates the need for further discussion of an environmental issue within the meaning of Section 21166.*

> *The land use changes accommodated in the 1996 certified Marina LCP, inclusive of the provision of view corridors of the harbor to accommodate taller structures, complied with CEQA as provided in Public Resources Code Section 21080.5 and Coastal Act Sections 30500 through 30522 because the LCP certification process involves the functional environmental analysis equivalent to that required by CEQA*. (bold emphasis added)

However, because projects, including Project R2006-03652 and Project TR067861, are not in conformity with the LCP, the environmental impacts of said projects would not have been contemplated or analyzed in the 1996 certification of the Marina del Rey LCP. Therefore the LCP as a functional equivalent to an EIR provides an insufficiently incomplete analysis vis-à-vis the projects in this DEIR, and the reliance on the environmental provisions of the LCP in relation to these projects problematic. Additionally, as stated above, a "certified program" still remains subject to other provisions in CEQA such as the policy of avoiding significant adverse effects on the environment where feasible.

Another area where reliance on the environmental analysis of the LCP is seriously flawed involves ESHA. This DEIR does not reflect the changes on the ground to the environment since the LCP was certified in 1996. The DEIR states on page 44 of Section 5.5 Biota:

> *The Marina del Rey Local Coastal Plan does not designate any environmentally sensitive habitat areas (ESHA), and none is recognized within the project site. Accordingly, no significant, adverse impacts will result from the project.*

However, on January 9, 2008 (reaffirmed October 16, 2008), the California Coastal Commission determined parts of Marina del Rey contain ESHA, and therefore, recommended that County, as part of the overall LCP update amendment, add ESHA findings and provisions to the Marina del Rey LCP, in conformance with the Coastal Act and that County carry out a survey to determine if there are additional ESHA sites in Marina del Rey. For example, in close proximity to the instant Project Site (parcels 9U, 10R and FF) is a great blue heron rookery at Mariners Village. This DEIR provides no analysis of the potential environmental impacts of the Woodfin/Neptune Project on these ESHA sites or potentially unidentified ESHA sites. Therefore, in relation to ESHA, this DEIR is substantially incomplete.

B. Inconsistencies with Certified Land Use Plan ("LUP") and Plan Amendments

Although the DEIR states otherwise, there are a number of major inconsistencies and lack of conformity to the Certified LCP with regards to Project R2006-03652 (apartment units on Parcel FF, a public parking lot) and Project TR067861 (the 19-story hotel and timeshare suites).

A 19-story structure, while permitted on Parcel 9U, is significantly out of context to its surroundings. The usurpation of public parking lots for private development is also inconsistent with the LUP.

Page 5 of the DEIR Executive Summary states "Intensification of development within Marina del Rey is authorized in the certified Local Coastal Program (LCP)." However, it cannot be emphasized enough that that the LUP states that just because development units are allocated and uses allowed does not entitle such use. Development Potential is defined in the LUP (page i-4 to i-5) as:

> *Specific types of land uses and the maximum intensity of development that may be permitted on a specific parcel or sub-parcel as established by text policy or shown by land use category on policy maps. The actual development that may be granted on any given parcel is subject to constraints, limitations and conditions, applicable at the time of application, that may be imposed during a public hearing process, culminating in the granting of a Coastal Development Permit. Development potential, by itself, does not establish any right or entitlement to a specific development project.*

Public Parking Lots

The Land Use Plan (LUP) Section A.2.e.12 states that NO public parking lots, including parcel FF, SHALL be converted to uses other than public parking or public park purposes. That is why Project R2006-03652 requires an LCP Amendment. However, in the analysis section A2.c, the LUP states that a park would be contemplated for Parcel FF. So the analysis and final adopted polices forbid development on parcel FF other than a public park or public parking lot.

Page 6 of the DEIR Executive Summary states that Parcel FF is developed as an underutilized surface parking lot with approximately 200 parking spaces. However, there is no mention that Parcel FF was partially closed (over 50% of the parcel) for years and occupied illegally by Doug Ring and his Esprit project (Parcel 12). The Coastal Commission, on January 9, 2008 in its Staff Report (W10-a) recommended (#19) that the County "analyze the total pattern of public serving and park uses in the Marina" before converting public parking to private use. This DEIR does not present such analysis and is therefore incomplete.

Timeshare not contemplated by LCP

County has determined that Project TR067861 does not require an LCP Amendment. However, this proposed finding is inconsistent with the Coastal Commission staff's determination and therefore is not supportable in law or fact. For example, in a letter dated April 27, 2007, in response to the NOP of the Woodfin/Neptune Project, Coastal Commission staff stated that an LCP Amendment would be required. Additionally, in LCP Amendment 1-01, on page 20 of the Coastal Commission staff report, *Table 3.0 Lease Negotiation Parcels* lists Parcel 9, 20-story vacation time share of requiring an LCP amendment. Finally, a Coastal Commission Memorandum dated December 26, 2006 on Condominium Development in the Coastal Zone, states:

> *"condo-hotel projects and other limited use/fractional ownership hotel proposals should not be considered unless the applicable LCP specifically allows such development. In the absence of specific LCP provisions allowing such projects, the local government should prepare and submit an LCP amendment for Commission review."*

The Certified LCP for Marina del Rey is silent on timeshares. Nowhere in the LCP are timeshares contemplated. The argument made in the DEIR that timeshare use was the equivalent of hotel units is baseless. If there was no difference, there would not be two completely separate land use designations. Based on this fact alone, Project TR067861 should be rejected as no LCP amendment has been proposed by County.

Transfer of Development Units Between Development Zones

The Marina del Rey LUP specifically states that development units may not be trans ferred between zones (Section C.8). The argument that precedence now exists because Parcel 20 was granted a transfer of development units for that specific parcel only as part of LCP Amendment 1-01 is also baseless. Instead of changing the LCP through amendment to allow transfer of development units, County has created the exception and is now making it the rule. This is another form of piecemeal development that obviates the planning law. When the LCP as written suits County, they quote the LCP. When it does not, they make exceptions to the rules without officially changing the rules.

Parcel 9U Wetland Status

The southern portion of Parcel 9U, where Project No. R2006-03643 is to be constructed was designated a wetland by the Army Corp of Engineers in 2001. LUP Policy B.4.e.1 states:

> *"The existing wetlands, including the flood control basin in parcel PP, the Marina waters, and the Ballona Creek flood control channel are the marine resources which shall be maintained, and where feasible, enhanced and restored. Uses permitted in or adjacent to these areas shall be carried out in a manner to protect the biological productivity of these marine resources and maintain healthy populations of marine organisms."*

Although the southern portion of Parcel 9U was designated as wetland in 2001, the wetland was in existence at the time of the 1996 LCP Certification.

The Marina as a Small Craft Harbor

Further evidence that the Woodfin/Neptune Project is not consistent with the LCP and should denied exists in the Marina del Rey LUP. Section A.2.d states:

> *"A strong demand exists for new lower-cost recreational opportunities in the LCP area such as restaurants, waterfront parks, pedestrian/bicycle paths, and for improved transit to such opportunities, whereas demand for more expensive visitor-serving facilities, such as hotel rooms, has proven to be limited."*

The LUP further states C.8.e.1:

> *The primary purpose of the Land Use plan shall be to maintain Marina del Rey as a Small Craft Harbor for recreational purposes. A secondary purpose shall be to promote visitor-serving uses.*

The LUP further states (C.8.e.8):

"Coastal Housing not a Priority."

C. Issues/Comments On DEIR

DEIR Executive Summary

The introduction includes a number of misleading statements and leaves out important issues as follows:

- The DEIR does not discuss the fact that the Coastal Commission states that a Plan Amendment is required for Project # TR067861.
- Page 7 includes the following statement: "A structure height of 75 feet is consistent with height provisions defined in the LUP, the recently approved 'The Shores' project on the adjacent Parcels 100 and 101, and the recently constructed apartments on the adjacent Parcel 12. This DEIR fails to state that "The Shore" project was no longer approved and that all permits were rescinded.

Traffic

One of the major mitigations cited to deal with traffic impacts in the DEIR is the improvement at the intersection of Via Marina and Admiralty Way that will enhance traffic flow between Admiralty Way and Via Marina south of Admiralty Way within the Marina, reducing the northbound right-turn traffic volumes on Via Marina at Washington Boulevard as specified in the TIP. However, it should be noted that this project has not been approved or funded at this point in time. And this DEIR relies heavily on this traffic mitigation factor. Therefore, we urge the Regional Planning Commission to remove this mitigation option from the analysis and to re-determine the impacts on traffic for the overall Woodfin/Neptune Project.

Construction Impacts

Firstly, the DEIR is missing a significant proposed project in Marina del Rey, the Venice Dual Force Main Sewer project that contemplates a 32-month project that will include a long strip of Via Marina from Marquesas Way to the Breakwater as part of the new underground sewer line. This project, which is anticipated to commence in August of 2010 will significantly short-term construction related impacts on the Marina del Rey community and will coincide with the planned construction dates of the Woodfin/Neptune Project.

Additionally, this DEIR does not detail the construction timelines and impact analysis of other nearby Marina del Rey proposed projects that will, if approved, most likely be constructed concurrently with the Woodfin/Neptune Project.

Therefore, this DEIR, in leaving out the Venice Dual Force Main Sewer project and construction timelines of other nearby proposed projects, fails to fully analyze the overall and project short-term construction impacts on the community and the environment.

Alternative Projects
WAM finds the following reason for passing on Alternative #5 as baseless.

> *"Alternative 5 would not meet the project objectives as fully as the proposed project in that with the provision of fewer residential units less affordable housing would be incorporated into the proposed project. Additionally, with the construction of fewer hotel and timeshare units, fewer visitors would be served by the project."*

The loss in affordable housing and fewer visitors being served by the project does not outweigh the lessened environmental impacts that would be gained by Alternative #5. This project would certainly lessen low-cost recreational visitor serving uses which is a priority. See comments above on the Marina as a Small Craft Harbor that details what priorities are in the Marina.

D. Conclusion

Based on the above facts, comments, concerns and issues related to the Woodfin/Neptune Project and all Marina del Rey development, WAM urges Regional Planning to deny this project the Plan Amendments, all applicable permits, and deem the DEIR insufficient in light of the overall piecemealing of the Marina Redevelopment Project. Additionally, we urge you to advise the Board of Supervisors to prepare an Environmental Impact Report for the Marina Redevelopment Project and adhere to the California Coastal Commission's recommendation to carry out a comprehensive LCP update amendment in order to assess the overall environmental and social impacts of the Marina Redevelopment Project through a meaningful community planning process.

Together,
We ARE Marina del Rey

David Barish
Nancy Vernon Marino
Directors
info@wearemdr.com
www.wearemdr.com

From: judy barnes <randyjudy@verizon.net>
To: info@wearemdr.com
Subject: Woodfin
Date: Mon, 27 Oct 2008 4:54 pm

Michael Tripp
Department of Regional Planning
Room 1362
320 W. Temple St.
L.A., CA 90012

RECEIVED
OCT 29 2008
REGIONAL PLANNING COMMISSION

Judith M. Barnes
306 Bora Bora Way, #301
Marina Del Rey, CA 90292

Dear Mr. Tripp;

I urge you to oppose the 19-story Woodfin Hotel/Timeshare and new Neptune Marina Apartments proposed for Parcels 10, FF, and 9U. The height of the Woodfin is not appropriate for our area, and timeshares and private development are not allowed by our planning laws.

Recently the Esprit Apartments were completed on Marquesas Way. Have you checked their vacancy rate? I suspect it's very high. Marina Del Rey doesn't need more high-priced apartments. What it needs is a master plan, an overall EIR, and an LCP update before any projects are approved to allow for assessment of impacts on our community. This area is too unique and precious to be developed piecemeal.

I hope to see you at the public hearing Oct. 29.

Judith M. Barnes

From: Zorianna Dombchewsky <zrdombchewsky@yahoo.com>
To: info@wearemdr.com
Subject: MDR Project- Via Marina/ Tahiti
Date: Mon, 27 Oct 2008 2:13 pm

RECEIVED
OCT 29 2008
REGIONAL PLANNING COMMISSION

TO: THE REGIONAL PLANNING COMMISSION

I am a concerned, long-time resident of Marina del Rey - in fact, I have lived here at Neptune Marina for about 25 years. I have witnessed many changes, and quite honestly, its been very disheartening and frustrating.

> The enjoyment of community living has been on quite a down slide. The area has become so transient oriented and commercial that its a battle for residents to feel like its home.

> Do you know what its like to try to get out of the Marina with this traffic to go to work, come home, or just get to the freeway??? Or just get around? Its ridiculous! There is no infrastructure to support this kind of traffic.

> And once the area is "built up" with all the additional high rises (and the 2 that were built on Marquesas are still barely occupied- almost pitch black when I went out walking - why build more high rises?) and hotels, forget about just daily traffic concerns... because in the event of emergency, we're all dead & bottle necked on top of each other. What's the evacuation plan with this kind of occupancy??? The liquefaction issue/potential is another fact in itself. Its not just an "if" concern - its when and how to address it.

> The environment is polluted and it doesn't take a rocket scientist to see that. I was an environmental underwriting with AIG for over 8 years(1995-2003), and when I would go walking along the beach you used to be able to find even abalone shells. Not any more. I have not, nor will I dunk my toes in these waters! Then there are the Marina waters themselves and I know that visuals speak best for themselves - enough said.

>LA County seems to be quilting and band aiding .... what's the master plan?

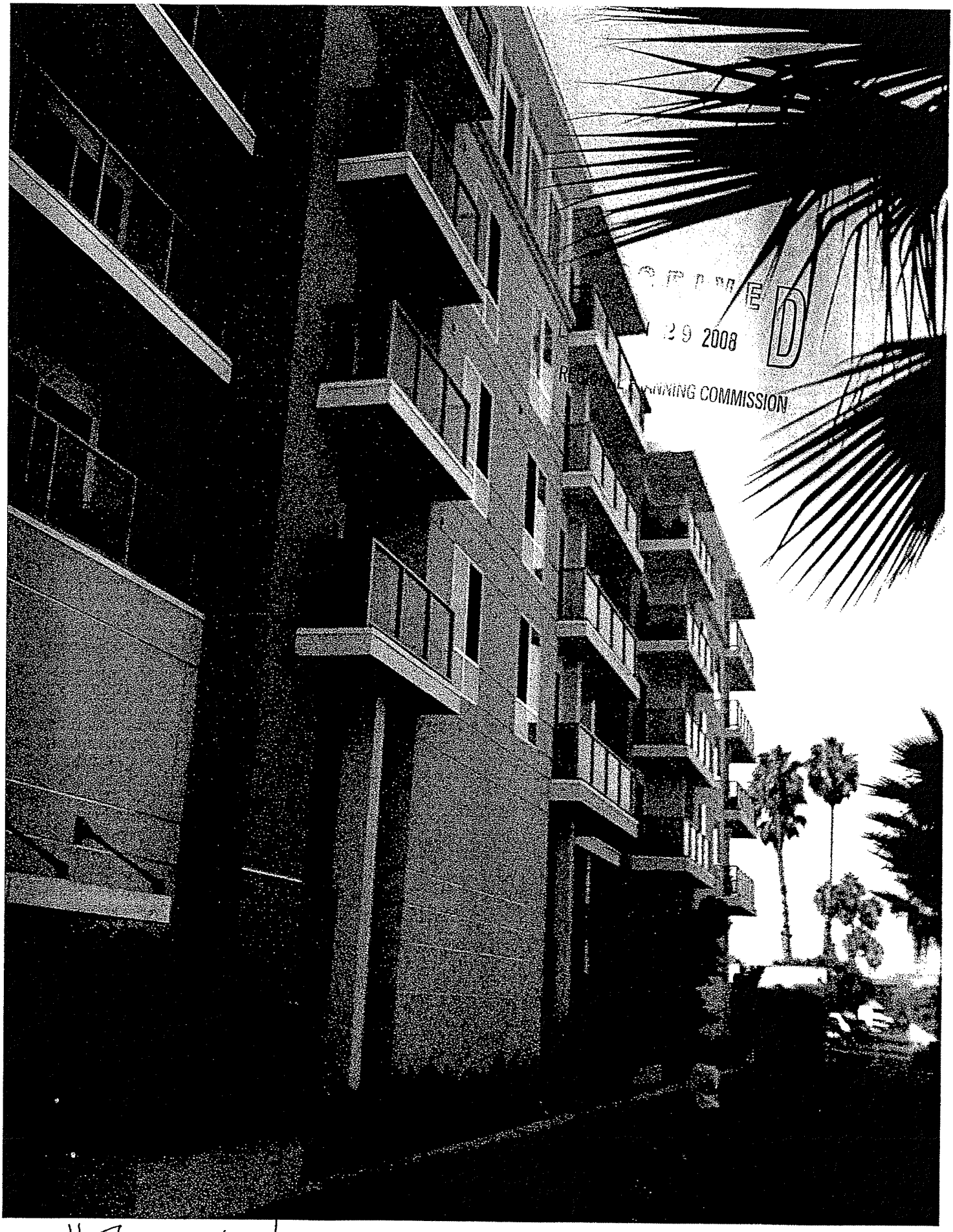
>What about an overall EIR and an LCP Update before any projects are approved in order to asses impacts on the community.

>Is not time sharing and private development contrary to the planning laws?

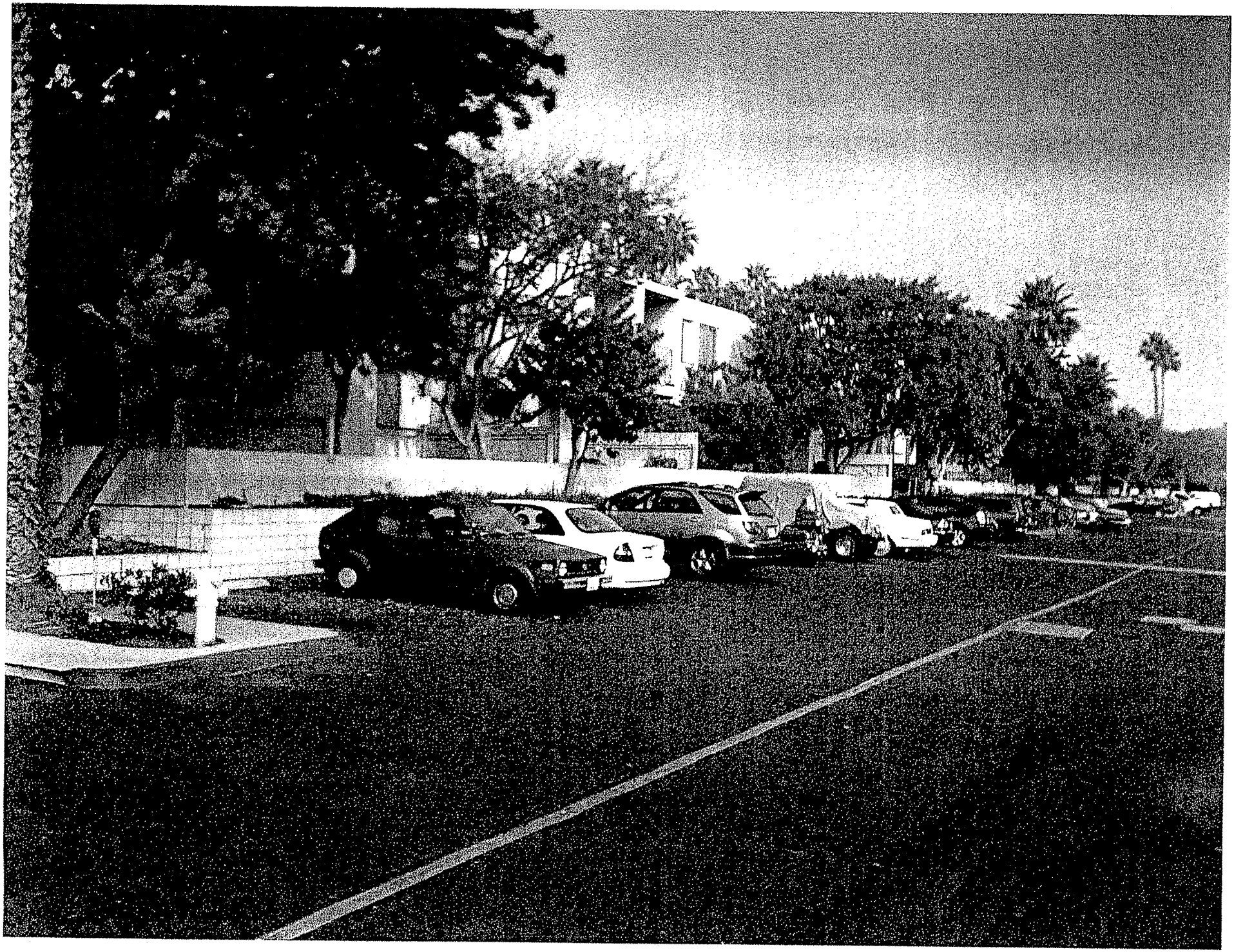
As you know, "greed & crash" is not a monopoly item to nor particular just to Wall Street.

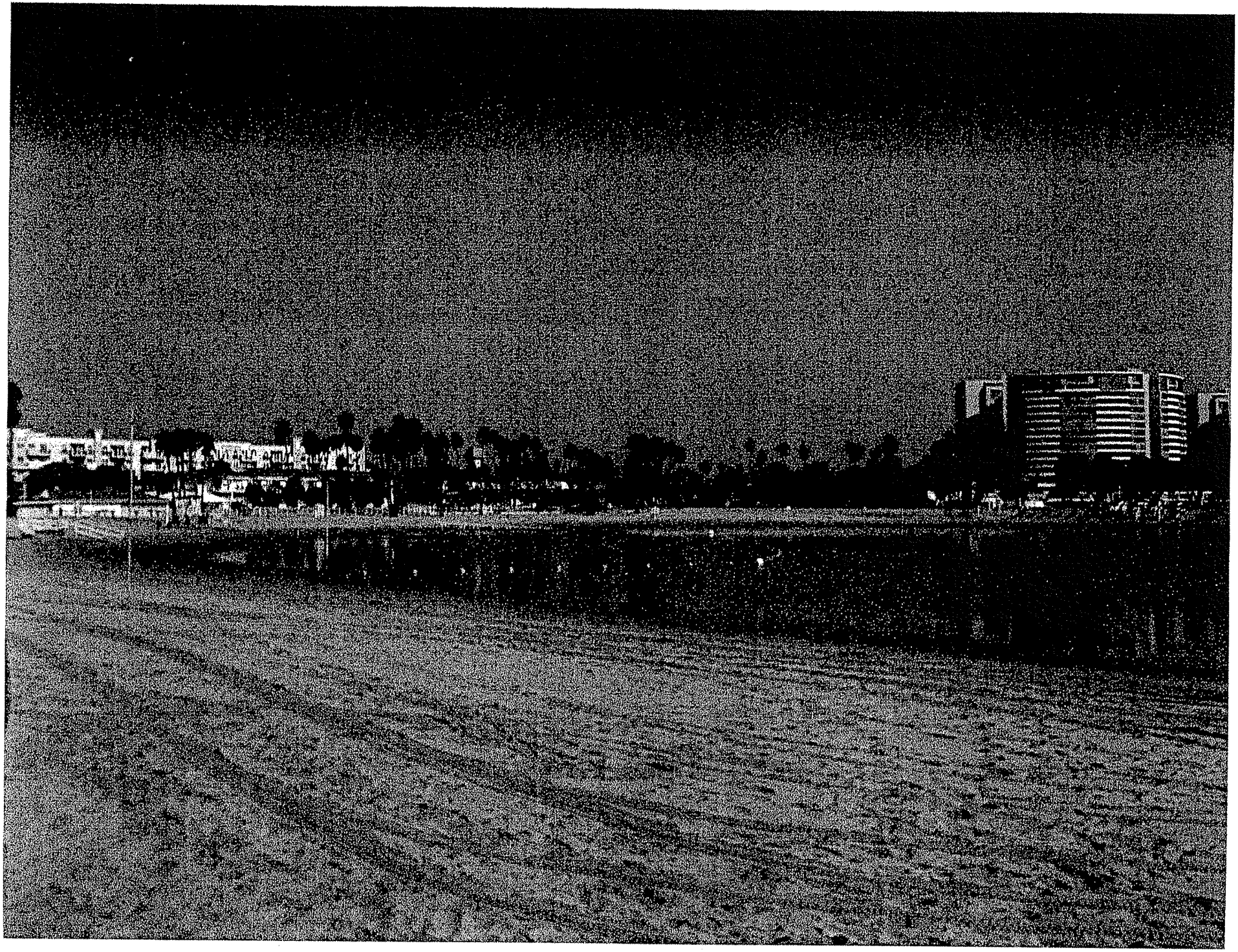
Thus my question to you is - what are you going to do about it?

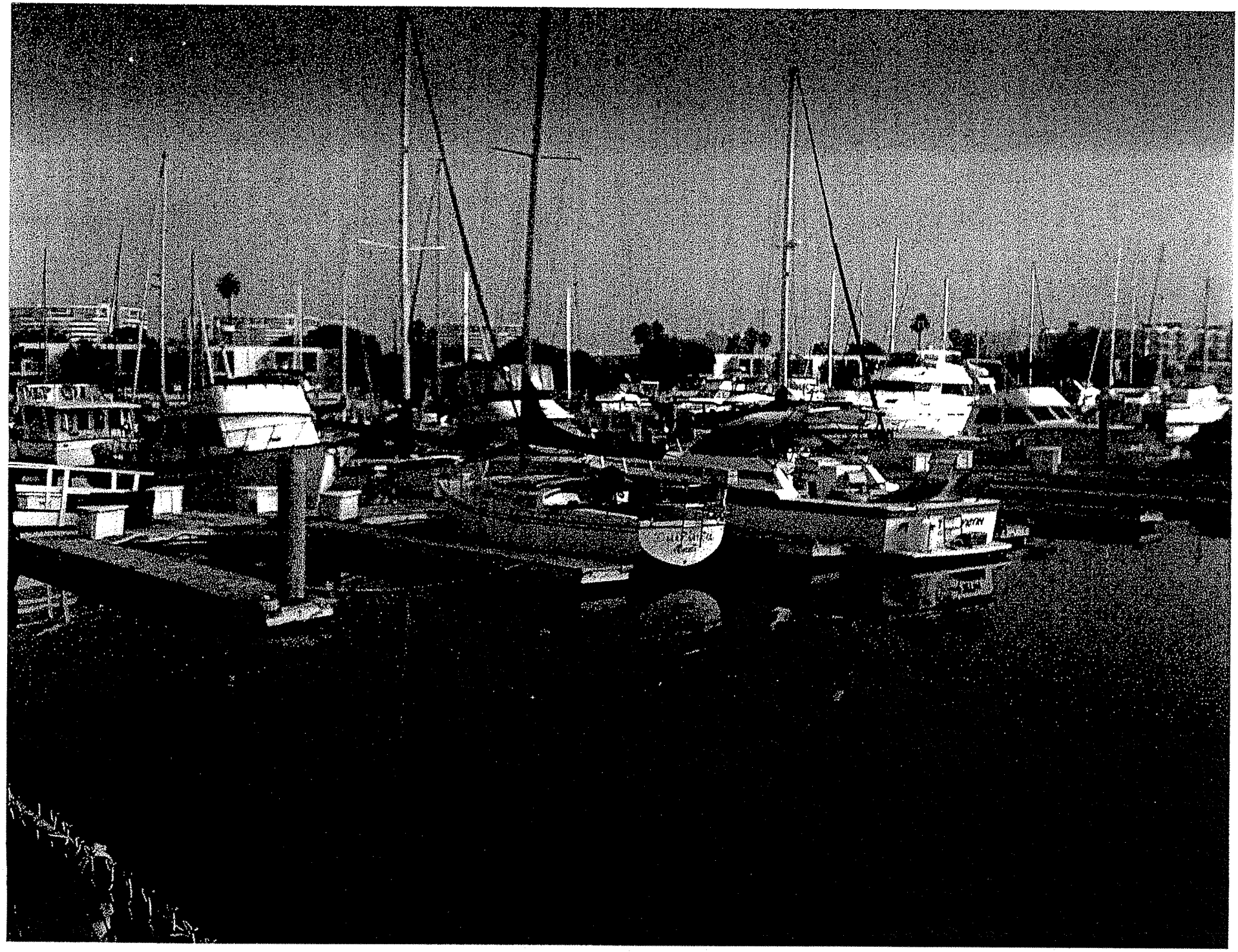
Sincerely,
Zorianna Dombchewsky



#7 (10/29/08 RPC)







Development Alert - Via Marina/Tahiti

Help us Help you to Stop the OVERDEVELOPMENT of our Marina del Rey!

Development Details:

This proposed development will add **288 hotel and timeshare suite units and 390 new apartments** on three parcels, 9U - currently a wetland; FF - a public parking lot and 10 - Neptune apartments currently with 136 units. The project consists of:

19-story Woodfin Suite Hotel Timeshare Resort
288 hotel and timeshare suite units and accessory uses PLUS a 6-story parking structure with 360 spaces PLUS a rooftop heliport

Neptune Marina Apartments & Anchorage
Existing 136-units to be demolished to make way for 400 new apartments (Lot 10) PLUS 126 apartment units built on public parking lot FF. PLUS an existing 198-slip marina will be demolished in favor of a new 174-slip anchorage.

What YOU can do:

Donate to We ARE Marina del Rey - see below

/rite a Letter - mail a letter to Michael Tripp, Dept of Regional Planning, Room 1362, 320 West Temple Street, Los Angeles, CA 90012 **OR** email us your letter to info@wearemdr.com and we will submit it on your behalf. **Key Talking Points include:**

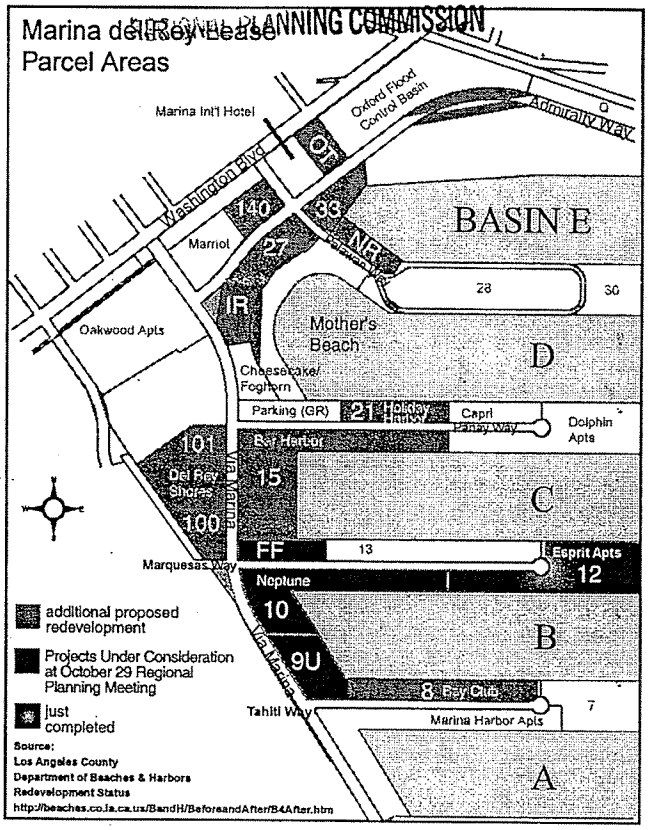
> LA County is piecemealing in violation of CEQA

> Timeshares and private development are NOT ALLOWED by our planning laws;

> We want a master plan, an overall EIR and an LCP Update before any projects are approved, in order to assess impacts on our community

Attend the Hearing - speak your opposition or just show your support for the community. 9am, October 29, 2008, Room 150, Hall of Records, 320 West Temple St., Downtown LA. For more info, call Michael Tripp (213) 974-4813. Take the 437 Commuter Express bus right to the building. Hearing Agenda:

http://planning.lacounty.gov/doc/agenda/rpc/rpcagenda_20081029.pdf



ABOUT WE ARE MARINA DEL REY

We ARE Marina del Rey is a group of concerned citizens dedicated to preserving the unique recreational nature and lifestyle of our Marina.

We believe that L.A. County's piecemeal, project-by-project approach to development is bad planning, unnecessarily disruptive to the community, and results in poor management of public resources. We advocate a community-based master plan with Environmental Impact Report to address long term, cumulative development concerns. This, they so far refuse to do.

Our activities include public outreach and education, advocating for compliance with our LCP, and potential legal actions. **Sign up for our newsletter at:**

www.wearemdr.com

WE NEED YOUR HELP NOW! TIME IS RUNNING OUT! COUNTY IS STEPPING UP ITS PLANS!

Please make a **tax-deductible donation** today. Mail a check made payable to **IHCenter/We ARE Marina del Rey** to **PO BOX 9096, MDR, CA, 90295.** To make an online donation securely by credit card, please go to **www.wearemdr.com/donate**
For more information, please email us at **info@wearemdr.com**

We ARE Marina del Rey is in affiliation with International Humanities Center, a nonprofit public charity exempt from federal income tax under Section 501[c](3) of the Internal Revenue Code.

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OCT 0 8 2008

Impacts of Development on MCC

» Help us Help you to Stop the OVERDEVELOPMENT of our Marina del Rey!

ELEMENTS OF COUNTY DEVELOPMENT WHICH WILL IMPACT THE MCC

Massive Increase in Apartments with Loss of Views and Marina Character

3,000+ dwellings and hotel rooms are planned, most of them on our side of the Marina. The picturesque activities of the picnickers, kayakers, outrigger crews and rowing skulls will, to a large extent, be pushed over to Burton Chase park where there is no sand, robbing our area of its colorful character. And our lovely view of Mother's Beach will be blocked by residential high rises.

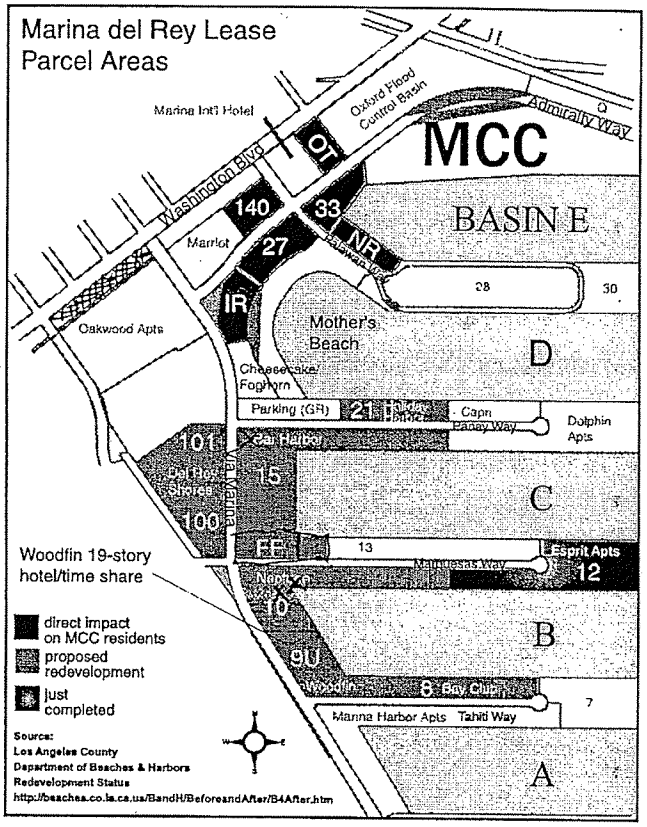
"Privatized" Mother's Beach & Public Parking Lots

Mother's Beach Public Parking lots and former Edies/Harbor House restaurants surrounding MCC to be built over with PRIVATE 5- 8 story residential and commercial complexes including:

- » **Lot 33** - Edies/Harbor House lot to become a 6-story apartment/shopping complex and parking structure with chain supermarket and drugstore
- » **Lot NR** - boaters' parking lot to the south to become a 5-story apartment block and private parking structure
- » **Lot OT** - across the street, next to the Oxford Basin to become market rate Retirement Hotel
- » **Lot IR** - Mother's Beach parking lot and picnic tables to be turned into TWO 5-story Marriot residence inn or equivalent buildings
- » **Lot 27** - construction about to begin on a 4-story wing of Jamaica Bay Inn on the site of Casa Escobar restaurant which is now closed

Admiralty Way becoming choked with traffic

We face the prospect of Admiralty Way becoming choked with traffic. The process is already beginning. The new apartment block at Palawan and Admiralty (Lot 140) will empty all its traffic onto Admiralty Way instead of Washington Blvd.



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www.wearemdr.com

HOW CAN I HELP? MAKE A TAX-DEDCUTIBLE DONATION

WE NEED YOUR HELP NOW! TIME IS RUNNING OUT! COUNTY IS STEPPING UP ITS PLANS!

Please make a generous **tax-deductible donation** today. To donate by check, please use our attached form and envelope.
To make an online donation securely by credit card, please go to www.wearemdr.com/donate.
For more info please contact Nancy Vernon Marino, MCC Resident at 310-490-1983

We ARE Marina del Rey is in affiliation with International Humanities Center, a nonprofit public charity exempt from federal income tax under Section 501[c](3) of the Internal Revenue Code.

Item 7

Main Identity

From: "Robert van de Hoek" <robertvandehoek@yahoo.com>
To: "David De Lange PhD" <dr.delange@verizon.net>
Cc: "Marcia Hanscom" <wetlandact@earthlink.net>
Sent: Wednesday, October 29, 2008 6:42 AM
Subject: Re: Regional Planning 9U tomorrow

Greetings Dr. David De Lange, PhD:

I am pleased to respond to your email as a wetland scientist, botanical scientist, ecologist, and conservation biologist.

The main report that wetland scientists and botanical scientists are required to rely upon for considering if a plant species is an obligate wetland plant or an upland plant is the National List of Plant Species That Occur in Wetlands, 1988, by U.S. Fish & Wildlife Service (Porter J. Reed, Jr., National Ecology Research Center. This report was reviewed for accuracy by 21 botanical scientists of university academic institution, including Wayne Ferren, Jr., and their input becomes the peer review, where they state that Seaside Heliotrope is an "obligate wetland plant." These 21 botanical scientists names and titles are listed on page 134-135 of the Reed (1988) report as the California regional reviewers. In addition, 24 government scientists from 5 federal agencies concurred with the 21 regional reviewers. These 21 federal scientists form the "Regional Interagency Review Panel." In essence, 45 scientists worked together to list Seaside Heliotrope as an "obligate wetland plant species." In addition, fyi, these same 45 scientists also listed Sandbar Willow as an obligate wetland plant species in the same report. I mention this species because this willow is also found on the 9U parcel and is also predominant in its "living cover" and Tony Bomkamp does consider this an obligate wetland species, so he obviously agrees here with the 45 wetland scientists and the USFWS report by Reed (1988). But he does not concur with the same body of expertise on Seaside Heliotrope. It's not appropriate to have it both ways as Tony Bomkamp attempts to do incorrectly.

My observations and comments at the DCB board are paraphrased incorrectly on the point that my observations are not solely based on review of the report by Tony Bomkamp, but are also based on more than a dozen site visits over the last 7 years the 9U parcel in Marina del Rey, California. I was in the field one day with Tony Bomkamp and Andi Culbertson and the soil scientists, but I have also visited the site as stated above over the last seven years, whereas, Tony Bomkamp has only been there for a couple of days of 1 summer of 1 year, which is limited. His errors and inaccuracies seem likely enhanced by not seeing the Seaside Heliotrope over a number of years in different season when Seaside Heliotrope is extremely predominant due to climatic rainfall differences and past weeding practices by the County at the 9U parcel where vegetation was plowed under with a tractor which erased vegetation dominance of the Seaside Heliotrope and disturbed the soil which gives favoratism to the weedy grass invasion. None of this history was included in the Glen Lukos memo or investigated by Tony Bomkamp or Andi Culbertson which is an attempt to mislead the reader(s) or is unprofessional scientific investigation, i.e. sloppy and unreliable report conclusions by Tony Bomkamp.

I not only reviewed the literature and reports referenced in the Glen Lukos Heliotrope Memo but I also site-inspected the 9U parcel in Marina del Rey and completed field analysis. I documented 33 locations of Seaside Heliotrope, which is more than double the number of locations identified by Tony Bomkamp. My analysis is comprehensive therefore, whereas Tony Bomkamp's investigation was only a partial investigation.

I found all 33 populations of Seaside Heliotrope to be in wetlands due to the presence of the species as

well as its predominance of greater than 50% of living cover over the wetland soil. Unlike Tony Bomkamp, I do not consider dead grass stalks as legitimate to count as living cover. I do consider two other living species as countable, i.e. Telegraph Weed and Australian Saltbush. Both of these species are not predominant however, which leaves the evaluation at the 33 populations of Seaside Heliotrope as the predominant living species of vegetative cover.

Mr. Bomkamp should have only counted the living portion of the grasses which are the seeds lying dormant in the ground, which are small and adds less than 1% to an evaluation of predominant living vegetative cover.

Mr. Bomkamp's incorrectly uses the name of "alkali heliotrope" as the U.S National List of Plant Species That Occur in Wetlands (California) states clearly that the name is "Seaside Heliotrope." He deliberated attempts to confuse the readership as well as trying to lean readers away from considering the importance of this native wetland plant near the coast in the California Coastal Zone.

The Seaside Heliotrope populations in my estimation tabulate to 0.71 acre under a "linear vegetation band" that encircles the entire northern 1/3 of the 9U parcel. The roots extend down through the soil to a shallow water table of an saline (alkaline) nature which explains clearly why Seasdie Heliotrope grows here. Wherever we find Seaside Heliotrope, whether on level ground or a slope, there is a perched water table, because Seaside Heliotrope roots depend on abundant water to be able to grow and be verdant green in foliage and stems and flowers during the long hot summer of southern California. Whereas, grasses are dead, turned yellow as dry stalks and thatch and are not legitimate to assess as "living" cover for a predominance of vegetation analysis.

In summary, Seaside Heliotrope is present and predominant as the "living" cover during summer at the time of the evaluation by Tony Bomkamp and during my several years of evaluation at the 9U parcel in Marina del Rey. There are 33 populations of Seaside Heliotrope throughout the 9U parcel. I found the predominance to range from 63% to 92%, with an average of 71% predominance of "living" vegetation cover. Under the law of the California Coastal Zone, this indicates that there are 33 wetland areas in the 9U parcel in the northern third of the property, which supplements the southern portion of the parcel where the Sandbar Willow population predominates as the "living" vegetative cover as well. Both species are obligate wetland species as defined in the USFWS report by Porter Reed (1988). The soils and hydrology would also show this soil to be wetland if measured in the wet rainy winter period because the soils are heavy adobe clay and silt with an abundance of salinity and alkalinity (high pH). The soils needed to be inspected at a greater depth, as I did, but which Tony Bomkamp did not do during his analysis which is likely why he did not determine the soils to be wetland soils. I would like to conclude with the importance of the nectar and pollen of the Seaside Heliotrope to native pollinator species, specifically, the three species of native bees and 14 species of native butterflies discovered over the course of the last 5-7 years that have visited the flowers of this consequently very important ecological native obligate wetland plant (11 of these 17 insect species play crucial roles in wetland function) at the 9u parcel in Marina del Rey. Interestingly, the Sandbar Willow wetland vegetation is wind-pollinated as there is no nectar in the flowers, so these same insect species do not occur there, but there are other species of insects that use willow forest, which in turn attracts foraging and migratory and nesting obligate bird species such as a unique wetland warbler known as the Yellowthroat and a sparrow of wetlands known as the Song Sparrow, both of which have been documented repeatedly over the last 7 years at the Sandbar Willow Forest at the 9U parcel.

Sincerely,

"Roy"

10/29/2008

Robert van de Hoek, RC
Wetland Scientist, Botanical Scientist, Ecologist, Conservation Biologist
Ballona Institute, Coastal Law Enforcement Action Network, Wetlands Action Network
Los Angeles, CA

--- On **Tue, 10/28/08, David De Lange PhD** *<dr.delange@verizon.net>* wrote:

From: David De Lange PhD <dr.delange@verizon.net>
Subject: Regional Planning 9U tomorrow
To: "Robert van de Hoek" <robertvandehoek@yahoo.com>
Cc: "Marcia Hanscom" <wetlandact@earthlink.net>
Date: Tuesday, October 28, 2008, 1:49 PM

Roy and Marcia, In the document below and attached Roy's views on 9U seaside heliotrope are critqued in the Appendix to the 9U DEIR. This project will be heard tomorrow at REgional Planning. David De Lange

Glenn Lukos Associates Heliotrope Memo

MEMORANDUM

GLENN LUKOS ASSOCIATES

Regulatory Services

29 Orchard Lake Forest California 92630-8300

Telephone: (949) 837-0404 Facsimile: (949) 837-5834

PROJECT NUMBER: 06680001P9U

TO: Andi Culbertson

FROM: Tony Bomkamp

DATE: June 20, 2006

SUBJECT: Occurrences of Seaside Heliotrope (*Heliotropum curassavicum*) at Parcel

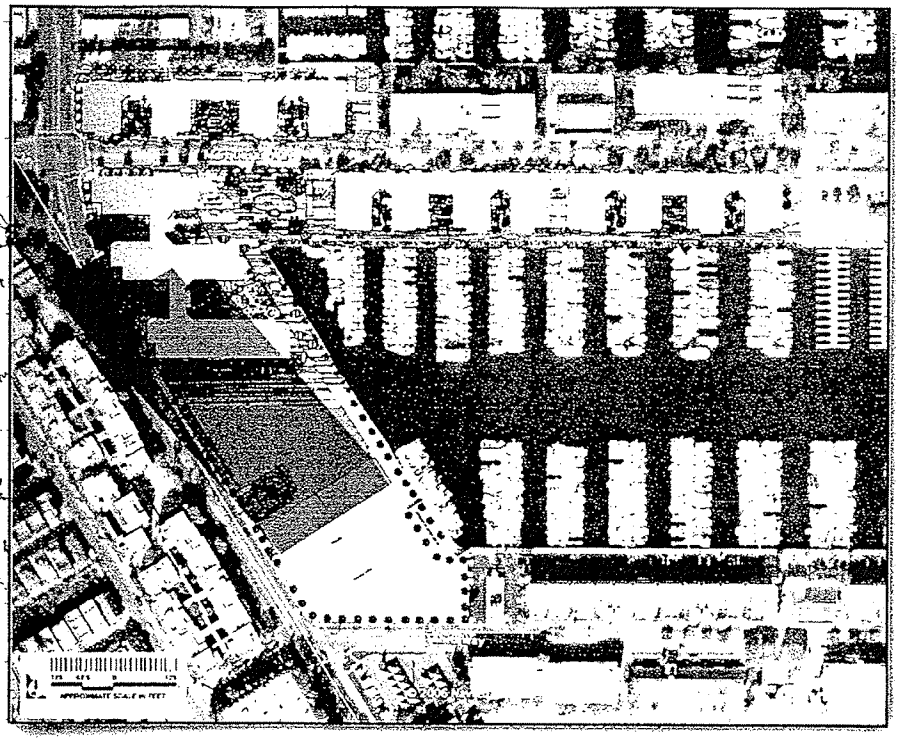
9U, Marina del Rey, California

During testimony provided by Mr. Robert "Roy" Van de Hoek at the DCB meeting on May 18,

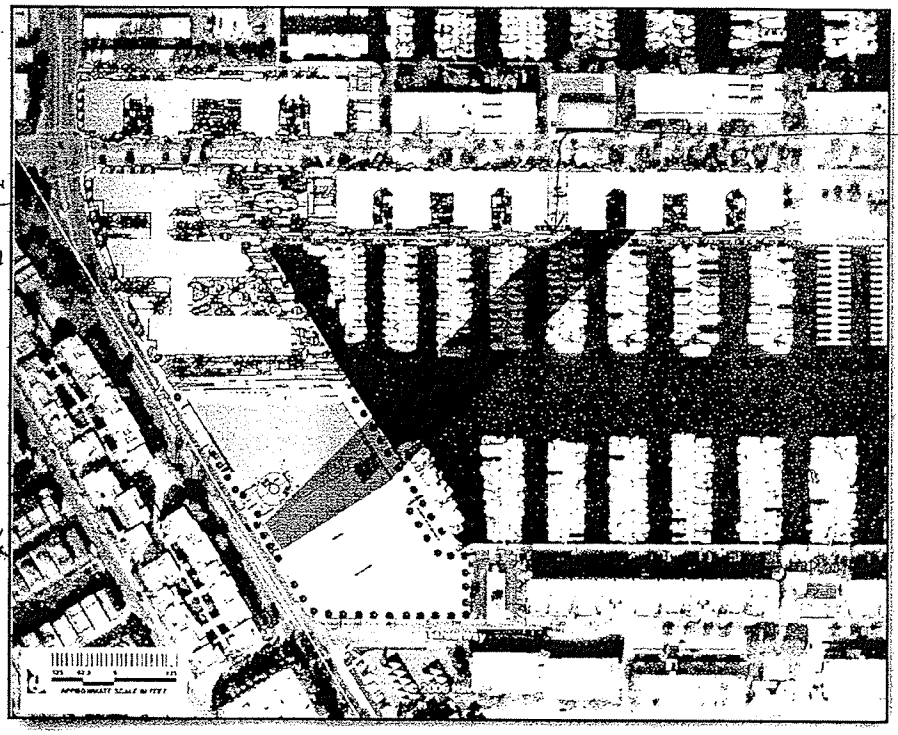
2006, Mr. Van de Hoek asserted that the presence of Seaside Heliotrope (heliotrope) on Parcel

9U represented potential wetland locations. Mr. Van de Hoek's assertion was based on his

Item #7



9:00 AM



3:00 PM

SOURCE: Google Earth – 2006, Impact Sciences, Inc. – January 2007

FIGURE 5.6-19

Shade and Shadow Effects; Woodfin Suites Hotel/Timeshare Resort – Winter Solstice, 9:00 AM and 3:00 PM

460-04-03/08

Los Angeles Times EDITORIALS of THE

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OCT 29 2008
REGIONAL PLANNING COMMISSION

The Arrogance of Power

Los Angeles Board of Supervisors: The public be damned

There's local government that's completely reactive and government that leads as well as reacts, and then there's government by this-is-how-we've-always-done-it. Nowhere is the arrogant "sit-down-and-shut-up" method of governance on better display than at the Los Angeles County Hall of Administration.

Pension rules approved quietly—dangerously close to surreptitiously—by the Board of Supervisors have created a $265-million liability for taxpayers. The public's cost, according to a study released this week, is expected to be $18 million next year alone. Why? Because the county found a way to turn the meaning of an obscure state law on its head and decided that certain fringe benefits—such as car and medical insurance allowances—must be counted with salaries when retirement pay is calculated. The upshot is county pensions will increase; most retired board members will receive a hike of at least several thousand dollars each year, and one top official will draw an additional $25,000. That's some mighty nice extra change. Too bad it came from your pocket.

Board veterans: Clockwise, Edelman, Hahn, Antonovich, Dana.

Angered by the supervisors' using a state law as an excuse for the pension hikes, the state Senate Thursday voted to overturn the law. The measure goes to the governor, who should sign it. What excuse could the board find then?

There are plenty of galling examples of the supervisors' fiscal wrongheadedness. Marina del Rey, owned by the taxpayers and managed by the county, has become little more than a fabulous real estate investment for a select group of developers. Those developers also happen to have donated more than $500,000 to supervisors—and that's just since 1986. This week the board voted 4-1, with Supervisor Gloria Molina dissenting, to approve a precedent-setting lease that will give a developer control of a prime piece of county-owned waterfront property for 70 more years. Independent analysts say the county/developer "partnership" is weighed heavily in favor of developers who lease marina land for apartments, restaurants, hotels, boat slips and shopping centers. That means the county will lose many millions in marina profits. It means many millions of dollars not there for public health, parks and other county needs.

This deal was approved despite the county's not even knowing the value of all the property it's leasing. The county's economist argued that Marina del Rey is worth just $400 million to $600 million, only to admit later that his figure was merely an estimate. An independent authority and professional appraiser analyzed the marina at The Times' request and concluded that it was worth a lot more—$1.4 billion.

In extending one lease Tuesday, the county got "as good a deal as you can get," one supervisor insisted. Guess we'll never know now, because the board refused to take any more time to consider a deal that will last until the year 2062.

Is the government that county residents are getting really "as good a deal" as they can get? Or is the more frightening prospect that supervisors can continue to do business as usual, secure in the knowledge that a lot of angry, alienated voters have just tuned out?

Yugoslavia: R

Yugoslavia, the land of the southern Slavs, has no national definition other than as a federation of six republics: Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Montenegro and Macedonia. But three of the six—Slovenia, Croatia and Bosnia—have now won international diplomatic recognition as independent states, and a fourth, Macedonia, is seeking recognition. Yugoslavia has thus experienced a piecemeal, de facto loss of diplomatic recognition.

As long ago as last November, this newspaper urged the Bush Administration to make that de facto loss de jure. At that time the Administration was standing by official Yugoslavia as, earlier, it had stood by the official Soviet Union. The American tilt was toward the preservation of order rather than toward any of the contending southern Slav ethnic groups. But its assumption—that a peaceful and comprehensive transition from Yugoslavia to a successor state or states could be managed—was even then indefensible.

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A Little Comp

Extending rights to nc

It doesn't take the U.S. Census Bureau to tell us that something fundamental is changing in the American household. But the 1990 census was startling nonetheless. In Los Angeles County, for example, barely a quarter of households were found to be "Ozzie and Harriett"-type families. Even in Orange County, once the bastion of suburban family life, only 28.1% of households were "traditional"—that is, married couples with young children.

Laguna Beach, home to a large population of homosexuals, is even more distant from the nostalgic stereotype of the family; only 13.1% of households consisted of married couples with young children. It's no surprise, then, that Laguna Beach has became one of a handful of U.S. cities to adopt an ordinance extending to non-traditional couples some of the rights previously enjoyed only by marrieds.

Under the new ordinance, approved this week, *non-traditional* refers not

Please see DOCTORS, B4 Elizabeth Taylor

Los Angeles Times 8/11/94

Photos by V. RICHARD HARO / Los Angeles Times

As Compton continues to deal with fallout from the beating, Michael Colvin, left, and Enrique Garcia, above, were among speakers at a news conference about fostering cooperation among the city's black and Latino residents.

leo Beating Sues for $10 Million

squad car by his handcuff chains.

The youth's lawyer later said Soltero had become angry after a social worker from the Department of Children's Services showed up at his home to investigate a complaint of child neglect, and to round up Soltero's siblings. When the youth told the social worker to go away, she called the police, the lawyer said. When the teen-ager confronted Jackson as well, he said, the officer beat and arrested him.

But Wednesday, lawyer George Franscell, who is representing the police officer and Compton, said the videotape did not tell the whole story.

As proof, Franscell produced a tape of a 911 call from another neighbor of Soltero's family. In that tape, James Murillo reports that "there's an officer out there fighting with somebody . . . and the sister walked up to him and hit him too."

The lawyer said Murillo later explained to an investigator that "the police officer was overcome and could not control [the youth]."

Franscell also held up the uniform he said Jackson was wearing at the time of the encounter, which had a ripped breast pocket and a tear in the knee that he said occurred in the scuffle. He said the dirt on the uniform showed that the officer had been on the ground during the incident.

"There was a fight and the officer was on the ground and the officer was losing the fight," Franscell said. "The officer had to use these types of force."

Additionally, the lawyer presented a man he identified as a videotape expert, who questioned the validity of the tape, which was initially aired by KNBC-TV. Norman Perle—who appeared on another videotape being interviewed by Compton police—said the beginning of the amateur video may have been erased, and that some audio alterations may have been made.

He also said, contrary to claims made by the youth, that the tape showed no blows to Soltero's head, and that it appeared Soltero tried at one point to fight back by aiming a "karate kick" at Jackson.

Perle, whose operation—National Audio/Video Forensic Laboratory—is run out of an office in his Northridge home, has testified in several high-profile cases. His credentials, however, have been repeatedly attacked in court.

For example, when Perle testified in the

Please see COMPTON, B3

Grand Jury Asks D.A. to Review Leases at Marina

■ **Development:** It wants Garcetti to determine if laws were broken or procedures ignored in negotiation of long-term deals for prime real estate.

By FREDERICK M. MUIR and JEFFREY L. RABIN
TIMES STAFF WRITERS

The Los Angeles County Grand Jury has called for the district attorney to investigate long-term leases that the county granted to private developers on choice waterfront property in Marina del Rey, The Times has learned.

The grand jury wants Dist. Atty. Gil Garcetti to determine if any laws were broken or procedures ignored when the county renegotiated leases on valuable county-owned marina property in 1989, according to two members of the panel.

"The county was a loser in each one of these leases," said one grand juror, who asked not to be identified. "Was it ignorance, stupidity or duplicity?"

A spokeswoman for the district attorney said Garcetti had not received the grand jury's request and would have no comment. Grand jury adviser Terry White, a deputy district attorney, said he has not had time to prepare the formal referral to the district attorney but plans to do so in the near future. He added that the district attorney is not obligated to act on a grand jury referral.

The grand jury, which finished its term June 30, stated in its final report that it had conducted a preliminary investigation into the marina. Two grand jurors said the panel decided the leases warranted further examination and voted to refer the case to the district attorney in part because members

MARINA, B4

MARINA

ontinued from B1

lt they lacked the expertise to valuate the complex agreements.

Most of Marina del Rey is owned y Los Angeles County, which ases it on a long-term, generally)-year, basis to a small group of evelopers who operate the har- or's apartments, hotels, boat slips, estaurants and shops. The vast ajority of the marina properties re controlled by a handful of evelopers, who also have been ignificant campaign contributors the county Board of Supervisors.

A yearlong Times study of the arina published in April, 1992, ound that the partnership be- ween the county and the lease- olders had primarily benefited the evelopers at the expense of the ublic.

Independent real estate experts onsulted by The Times concluded hat the marina leases were gener- ting far less rental income for the ounty than they should given the alue of the prime waterfront roperty. The experts also said the ounty made a big financial con- ession to the leaseholders when ew rent levels were negotiated in 989.

County officials, who challenged The Times' conclusions, have said he renegotiated rents were the est they could obtain after years f deadlock with the leaseholders. The county's income from apart- nents and boat slips was adjusted pward, although not as high as ecommended earlier by appraisers or the county.

The grand jury stated in its eport that it had conducted a preliminary inquiry into a citizen complaint alleging "improprieties" in granting leases in Marina del Rey. The report said "one aspect" of that inquiry should be referred to the district attorney.

That aspect, according to the grand jury sources, is whether the leases are legal and the negotiations were properly conducted. The grand jurors asked not to be identified because they are prohibited from talking about their proceedings.

The grand jury also referred the marina issue to the newly installed 1994-1995 grand jury for consideration, according to interviews and documents obtained by The Times.

"We wanted to be sure that the [lease] process was fair and legal," said one grand juror. "Mostly that it was legal."

The county's negotiations on the marina leases were overseen by former Chief Administrative Officer Richard B. Dixon, who left county service in a cloud of controversy over changes in the pension plan last year, and County Counsel DeWitt Clinton. Los Angeles Mayor Richard Riordan, who at the time was a private attorney, was hired by the county to assist in the negotiations. The Board of Supervisors also played a critical role in shaping the county's marina leasing policy, especially Supervisor Deane Dana, who represents the marina area.

"You can always argue if it was a good deal or not," said Dixon, when told of the grand jury action. But he said he does not believe any laws were violated. Clinton could not be reached for comment.

Riordan said in a prepared statement that he negotiated a good deal for county taxpayers that resulted in significantly increased rental income. "This action, like any other involving a public body, is rightly subject to thorough review and scrutiny," he added.

When told of the grand jury's referral to the district attorney, Dana said, "It's all right with me. I don't think they'll find anything very startling." Dana said the county's lease arrangements have been successful for the 30 years since the marina was created and he is satisfied the leases are legal and their terms are fair to the county.

Supervisor Gloria Molina, who has been critical of the leases, said she will personally encourage Garcetti to vigorously pursue the grand jury's referral. "I've had concerns from day one. We have private people gaining tremendous benefit from a public resource."

The big leaseholders who collectively control about two-thirds of the marina include: lobbyist/attorney Douglas Ring and his uncle, Ellis Ring; developer Jona Goldrich; developer Jerome Snyder, whose marina holdings are now in bankruptcy court; developer Jerry Epstein, who has served on numerous government commissions, and Saudi Arabian investor Abdul Aziz al Ibrahim, a brother-in-law of Saudi King Fahd.

Another longtime marina developer, Abraham Lurie, who sold 49.9% of his holdings to the Saudi investors in 1989, later lost his share of the marina leases in a bankruptcy court battle with his partners.

Lurie had no comment, but said he would be willing to meet with the grand jury to discuss his views of the marina. Snyder said his Marina City Club holdings were not covered by the 1989 rent renegotiations.

Douglas Ring said he was not involved when the original leases were signed, but the grand jury is welcome to look into the rent renegotiation issue.

Goldrich said county negotiators "drove a real tough bargain . . . I don't see where the grand jury is going to find something wrong with it."

Epstein could not be reached for comment.

The grand jury opened its inquiry into the marina as a result of a complaint by John Rizzo, a longtime Marina del Rey activist. He presented the grand jury with a videotape in which he was sharply critical of the county's administration of the harbor.

The tape was "very good" and the complaint was "very comprehensive," according to another grand juror. "He's got some good points."

The jury's Government Operations Committee began assembling a file on the controversial topic, but was unable to complete its investigation because of the press of other business, budgetary restraints and a concern the panel had a conflict of interest because one member is an officer in a marina yacht club, according to several members. Also, some members felt they had to hand it off to the district attorney because they did not have the necessary expertise.

"The whole thing was so complex," said one juror.

White said the panel presented him with five volumes of notes concerning the marina that he must review and condense into a formal referral to the district attorney.

The grand jury is a panel of 23 citizens appointed for a one-year term by the Superior Court to hear criminal cases and determine whether there is sufficient evidence to return an indictment. The grand jury is also charged with serving as a guardian against improper or inefficient performance by county government. It has wide statutory powers of inquiry and investigation.

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DOCTORS

Continued from B1

the patient must be dead because "the dosages were incompatible with life."

Plowman recalled, "This was a rather systematic effort by the...

In the case of Taylor's doctors, Julianne D'Angelo, at the Center for Public Interest Law at the University of San Diego, questioned the fundamental legitimacy...

clinical examinations in addiction medicine before his office will retract the accusation filed in 1990. Marino said that charges against Gottlieb have been withdrawn...

January 6th 2000

LOS ANGELES TIMES

MARINA

Continued from A1

extensions will encourage redevelopment that will significantly increase revenue to the county. "You don't want to leave those assets existing in the conditions they are," he said. "If you said 'no' to a lease extension you'd never get economic development."

Ring, who once described the marina as "the greatest real estate investment in Southern California," is one of a number of politically well connected developers who hold a monopoly on marina leases, paying the county what some real estate experts regard as remarkably low rates for waterfront property in one of the Pacific Coast's most desirable sites.

The entire marina—the world's largest man-made small craft harbor—is owned by the public. It was leased to developers beginning in the 1960s. Most of the original leases were for 60 years.

With only 20 years remaining, Ring and county officials say the lease extensions are essential to obtain the long-term financing needed for redevelopment of the harbor.

The negotiations with Ring were conducted without competitive bidding since his Marina Two Holding Partnership holds the existing leases on the Bar Harbor and Deauville marinas. Ring's company runs the existing apartment buildings and boat slips on the two parcels, which total 18 acres of land and 17 of water. Had the county not extended Ring's agreement, leases on the parcels could have been put out for competitive bids when they expire.

Supervisor Don Knabe, whose district includes the marina, said it is too risky to wait and allow leases to expire. "Can you predict the future?" he asked. "If [leaseholders] can't get the financing to redevelop, what're they going to do? They're going to ride it out."

Until the mid-1990s, Ring held the leases on the two parcels in a partnership that included former state Sen. Alan Robbins, who served 20 months in prison after pleading guilty to federal corruption charges for extorting payments from lobbyists and former business partners. But Ring said in an interview that the former lawmaker was severed from the partnership as part of the settlement of a civil dispute.

$3.2-Million Extension Fee

The new agreement calls for Ring and his current partners to pay the county a $100,000 fee for an option to extend the lease on the two parcels until 2060. The fee was paid immediately after the supervisors acted. When the option is exercised, Ring is required to pay the county a $3.2-million extension fee over 10 years. Ring will receive half of that amount back if the county's share of rent from the property rises significantly.

When the county has opened marina projects to competitive bidding, there has been an outpouring of interest from developers. As a consequence of such bidding, county officials are now negotiating with Legacy Partners to build a long-sought high-rise hotel on the last undeveloped property on the west side of the harbor. And on the east side of the marina, the county is negotiating with another winning competitor, Vestar-Athens group, on development of a major retail and entertainment complex.

The extensions increase the term of the leases to 99 years—the maximum time allowed by state law. Wisniewski said the extensions are at or above market rate. However, such "market rates" in Southern California are essentially determined by those charged at Marina del Rey, the state's largest facility. In fact, a report on the deal prepared by private appraisers, retained by the county, said "our research did not reveal any recent private ground leases in Southern California for projects with comparable characteristics."

All of the supervisors except Molina have received thousands of dollars in campaign contributions from Ring over the years, but the biggest beneficiary by far has been Knabe.

He has received more than $38,500 from Ring, his family and associates since he began his first campaign for supervisor in 1995. Most recently, Knabe received contributions of $1,000—the maximum allowable under county law—from Ring, Los Angeles City Councilwoman Cindy Miscikowski, three of Ring's cousins and a developer who works for Ring—during a June fund-raiser at the lawyer's home.

In fact, Ring reported spending at least $3,544 to assist Knabe in fund-raisers or other campaign events since 1996. But Knabe has never reported that assistance on his campaign finance reports, as required by state law.

The supervisor referred questions about the discrepancies to his campaign attorneys, who said Wednesday night that they were reviewing the conflicting reports to determine what may have been unintentionally omitted and would, if needed, file amendments.

Ring was recently appointed to the board of the city's Community Redevelopment Agency by Mayor Richard Riordan. A former lobbyist, Ring gave up that practice when his wife was elected to the City Council in 1996 representing parts of the Westside and San Fernando Valley. For many years, Ring has given to a wide range of politicians—including supervisors other than Knabe.

In the past five years, Ring has given $10,500 to Supervisor Mike Antonovich, $8,500 to Supervisor Yvonne Brathwaite Burke and $7,000 to Supervisor Zev Yaroslavsky. He gave $700 to Molina in the 1980s during her time on the Los Angeles City Council.

Knabe was out of town on vacation and was not at Tuesday's board meeting, so he did not vote on the extensions, although he has been present in closed-door meetings between the board and the county's negotiators.

In an interview, the supervisor downplayed his influence on the process, saying county consultants hired by the board have the primary responsibility for the deal.

"We obviously get independent analysis of the situation," he said. "It's not something we do on our own."

He added that Ring does not influence his decisions on the marina. "He doesn't call me and say this deal is coming."

In an interview, Ring said he did not solicit the contributions to Knabe made by his family members or associates and noted that he has been active in politics and a prolific campaign donor to numerous politicians for four decades.

"Should I be disenfranchised?" he asked. "I'm not prepared to abandon the political process."

Ring said the county will share in the benefits of an improved marina. "The county shares in the proceeds" from the development, he said, noting that they are expected to quadruple. "That's a whole bunch of money from my reckoning."

The county received a total of $1,186,132 in rent on the two Ring parcels in 1998. When the redevelopment is finished, nearly tripling the number of apartments, the county's economic consultant estimates that the county will receive $4.5 million annually.

Plans call for the 408 apartments on the two properties to be replaced by 1,201 new apartments, including 241 for low-income senior citizens. The existing 752 boat slips will be replaced by 439 slips for larger, more expensive vessels.

The deal is expected to set the pace for future lease extensions. It provides that the county is to receive 10.5% of the revenue generated by the apartments and 25% of the revenue from the boat slips.

Wisniewski insisted that the county will be receiving fair market rent for its valuable waterfront property, though 89.5% of the revenue from apartments and 75% of the revenue from boat slips will be going to Ring and his partners.

The county official based that assertion on an appraisal that compares Marina del Rey to other Southern California harbors from Santa Barbara to San Diego.

Determining Market Rates

The Times reported in 1992 that the county was receiving significantly less than it should for such prime waterfront property on Los Angeles' Westside.

A retired UCLA business professor and prominent real estate expert, Fred Case, estimated that the marina property could be worth as much as $1.4 billion and said the county should be receiving a return of at least $50 million, double the current level.

In the aftermath of The Times stories, Supervisor Molina sharply objected to the terms of marina leases. She helped push the county to adopt a strategic plan for the marina in 1997. She voted for the lease extensions Tuesday because she believes the county is adhering to that plan and now is negotiating a good deal for taxpayers, according to her spokesman, Miguel Santana.

"This is, as far as she's concerned," Santana said, citing regular briefings by county staff and tougher negotiations.

Without the lease extensions, Wisniewski said, the current leaseholders will be unable to secure financing for new projects and the marina would languish.

Ring agreed. "The property that is within the marina today, all of which was built at the same time, is nearing the end of its life," he said. "Hopefully, we will be the first of a wave of redevelopment that, if you will, upgrades" the area.

Wisniewski stressed that the monetary payment is only one of the terms of the lease extensions. Among other measures, they also require the leaseholder to pay for the county's costs in negotiating the extensions, raise the rent on one parcel by more than 2% and secure the county's participation in any sale or refinancing of the lease.

Before any redevelopment is finalized it will have to be approved by the county's regional planning commission, then by the supervisors and possibly the state Coastal Commission.

dailynews.com

Court shoots down judicial perks

By Troy Anderson, Staff Writer

Article Last Updated: 10/15/2008 09:32:34 PM PDT

In a practice critics called a waste of taxpayer money, Los Angeles County has violated the state constitution for years by paying judges perks and supplemental benefits over their state salaries, a state appeals court has ruled.

The justices wrote that the state constitution requires the Legislature to set judges' pay - and the Board of Supervisors' practice of paying judges an extra $46,436 annually in cash benefits is "not permissible." They sent the matter back to Superior Court.

The case was filed by Judicial Watch, a conservative watchdog group based in Washington, D.C. The ruling was made Friday by a three-judge panel of the state's 4th District Court of Appeal.

Paul Orfanedes, litigation director for Judicial Watch, said Wednesday that the ruling means the Board of Supervisors had spent taxpayer dollars in a way "directly contrary to the California Constitution."

"It's a question of integrity for the court," Orfanedes said.

"Judges are in a very unique position. It's one of the most important positions from the standpoint of the public's trust and confidence, and the fact they are taking this money the constitution says they shouldn't take, I think, has some impact on the important role they play."

The county supervisors did not return calls for comment, and a Superior Court spokeswoman said judges are precluded from commenting on ongoing litigation.

But Assistant County Counsel Les Tolnai denied allegations that the payments had resulted in judicial bias, saying the claims didn't "merit a response." However, he pointed out that the justices found that the payments were not "gifts of public funds" as Judicial Watch had alleged.

"The Court of Appeal pointed out what has happened has not been a waste of public funds," Tolnai said. "What occurred here is a very technical interpretation of the constitutional language ... and frankly it's a decision that surprised everyone associated with this process."

Tolnai said the Board of Supervisors has not decided whether to appeal the ruling to the state Supreme Court. If the board decides not to appeal or is unsuccessful on appeal, Orfanedes said he planned to ask the lower court to issue an injunction ordering the county to stop making the payments.

The county began making the payments to more than 400 judges in the late 1980s. In 1997, the Legislature passed a law stating the state would

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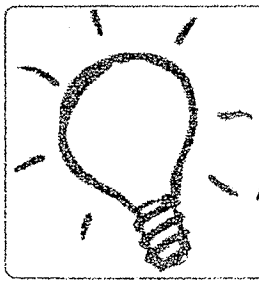

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assume the responsibility of funding court operations. But since 1998, the county has continued to pay at least $120 million to the judges.

In 2007, each judge was eligible to receive $46,436 in supplemental compensation from the county on top of the benefit package provided by the state and an annual salary of $178,789. The judges are allowed to either purchase additional health, life, disability and other benefits from the county or keep the cash as taxable income.

Some attorneys have alleged that the county's payments to judges make it nearly impossible to get a fair trial in cases involving the county.

"This court decision will stop these unconstitutional payments and restore our constitutional right to have free access to the courts and fair trials," said taxpayer advocate attorney and Encino resident Richard I. Fine.

Last year, the California State Bar Court urged that Fine be disbarred, accusing him of moral turpitude. The move came several years after Fine alleged the judges had not disclosed that the county paid them the extra cash benefits in cases in which the county was a party. Arguing that the appellate court decision had "vindicated him," Fine said he filed a motion asking the court to dismiss the case against him.

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Grand Avenue Drenched in Misdirection

Politicos don't understand their own contract

BY TIBBY ROTHMAN

THE LUXE GRAND AVENUE PROJECT, if ever built on a hunk of taxpayer-owned land downtown, will feature a glittery five-star hotel and the curious involvement of the wealthy royal family of Dubai, who control a tiny Gulf oil nation cited by the U.S. State Department for human rights abuses.

One thing the public project does not feature, however, is transparency.

In a series of moves unusual even for the cloaked deals that precede official rubber-stamping of controversial projects in Los Angeles, key politicians in City Hall and the County Hall of Administration will not — or maybe cannot — answer basic questions about a project that will receive up to $158 million in taxpayer subsidies.

In recent days, City Councilwoman Jan Perry and County Supervisor Gloria Molina, two main drivers behind the Grand who sit on the obscure Grand Avenue Authority, which oversees the $3.1 billion project, refused to answer a fundamental question posed by the *Weekly*. Had these two powerful women actually read the existing deal with the private developers before they both agreed to delay the groundbreaking yet again?

> "They can't be seen as walking away."
>
> —Real estate expert

The developer, the nationwide Related Companies, says it needs more time because the construction loan market is virtually frozen. That sounded logical — at first. Loans are so hard to get right now that Related Companies is being required to produce significantly more project-cost information to the banks. In the past, the "construction documents" required by banks had to be 50 percent completed. But now, Related is being required to provide far more detailed information and submit documents that are 80 percent complete.

The spin from Molina, Perry and other politicos sounds simple — Related just needs several extra months to do the unexpected paperwork. But the truth is, the existing agreement clearly shows that in 2007 the developer promised it could provide all this documentation within a six-month time frame. Now it has been granted 10 months.

WHY? Bill Witte, president of Related Companies, told *L.A. Weekly* that the delay is being caused by something else — challenges they face over how to build the Frank Gehry–designed complex of shops, condos and a hotel adjacent to Disney Hall. It's the "most complicated design ... L.A. has ever seen," Witte says.

In addition, he says, they needed more time to deal with the unexpected soaring costs of materials. But an expert familiar with such large projects says that the costs of materials "has been off the charts" since late 2005 or early 2006. It's not a recent phenomenon, as Witte claims.

Supervisor Molina and Councilwoman Perry, who have voted repeatedly for taxpayer funding for the project, initially ducked the *Weekly*'s queries on the obvious discrepancies in explanations offered about the lagging groundbreaking, now more than two years late. A Perry aide eventually e-mailed the *Weekly* to insist that Perry had read the existing contract with Related before giving the company an extra four months, but the aide could not explain why Perry thought the developer should have more time to complete long-expected work.

Perry and Molina insist that the project's smattering of affordable housing units and its "Civic Park" plan — actually just a heavily paved retooling of the County Mall — are extra goodies that justify the public help being poured in. But in fact, the affordable housing and the retooled square are not extra public "benefits" arising from a private project. Both are being extensively paid for by the taxpayers.

In a bizarre recent move, $30 million from a housing fund created by California voters to help house the poor and battered women was diverted to help cover the price of the 16-acre "Civic Park" that's recently emerged as little more than a square with a few trees and is clearly designed for commercial uses.

In a government e-mail obtained by the *Weekly*, one city expert on housing subsidies also sharply questioned the taxpayer help pouring into the Grand's affordable housing component. The private e-mail from a staffer at the Community Redevelopment Agency, dated August 1, 2007, notes that Related Companies got a hefty $10 million in taxpayer funds to subsidize 100 affordable units at the Grand. By comparison, a developer in an unrelated project got $8 million to subsidize 259 affordable units.

But from the beginning, the numbers on the Grand never penciled out.

"Nothing would give me more pleasure than to say that this thing's a crock and it's going to die, but I don't think it's true," says one real estate expert familiar with the Grand. Because Related strikes so many public/private deals with other city halls across the country, it can't be seen as abandoning a flagship project. "They can't be perceived to be 'walking away,'" the expert notes.

"What does strike me," he warns, "is that the pattern of this project has been to ask for progressively more public support and assistance."

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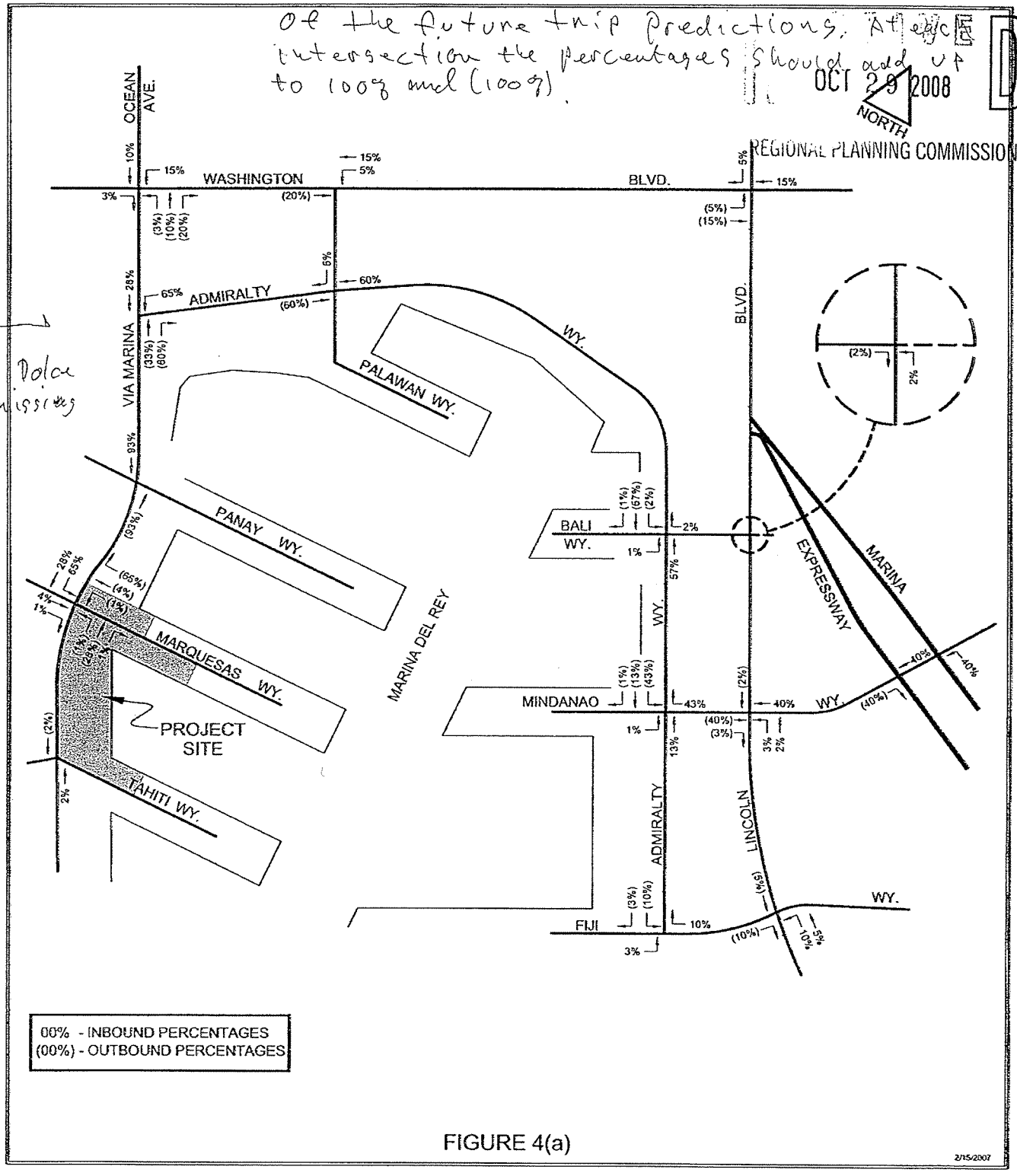

Via Dolce is missing

FIGURE 4(a)

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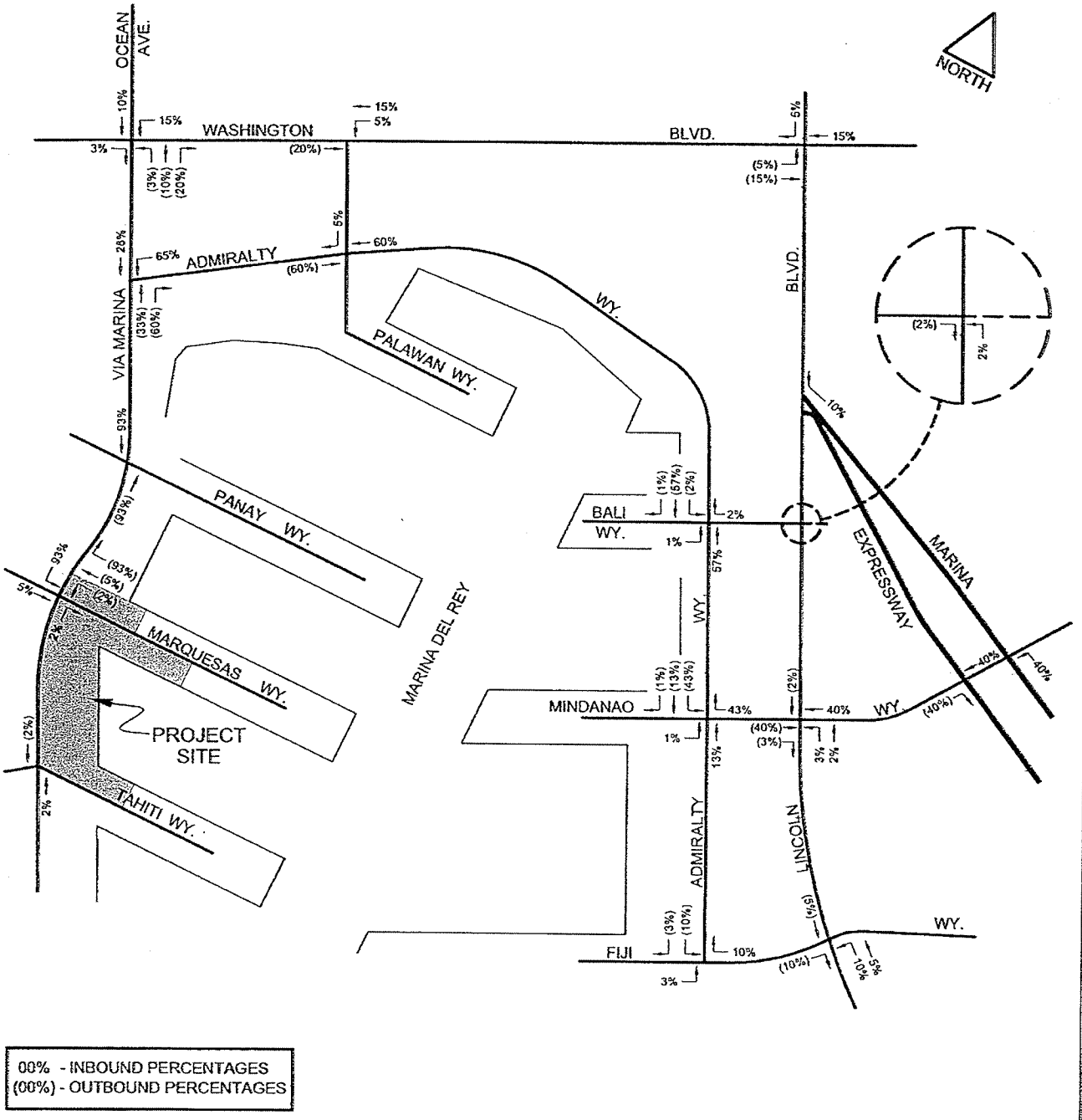

FIGURE 4(b)

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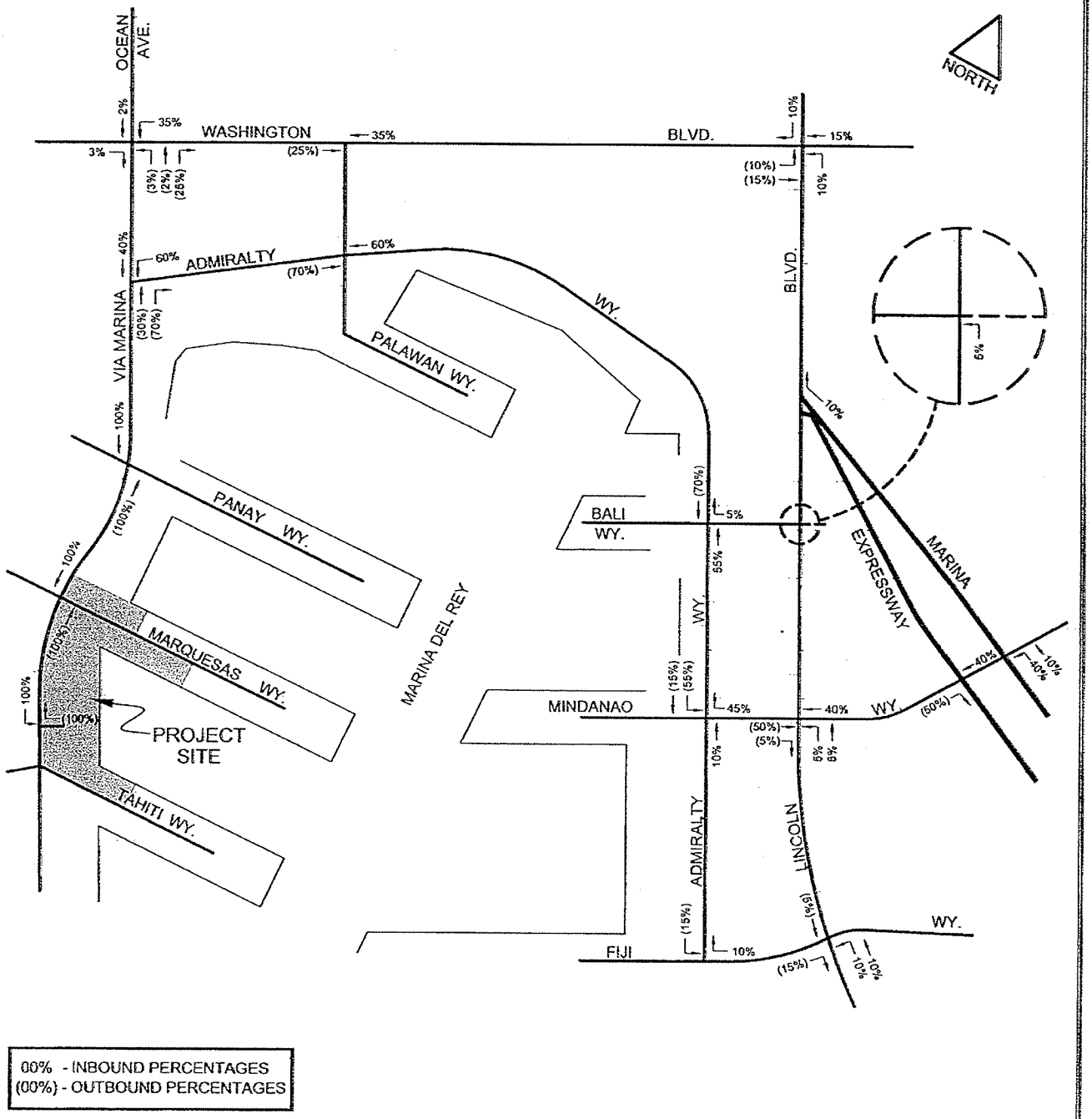

FIGURE 4(c)

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PH (310) 473 6508 F (310) 444 9771
www.crainandassociates.com

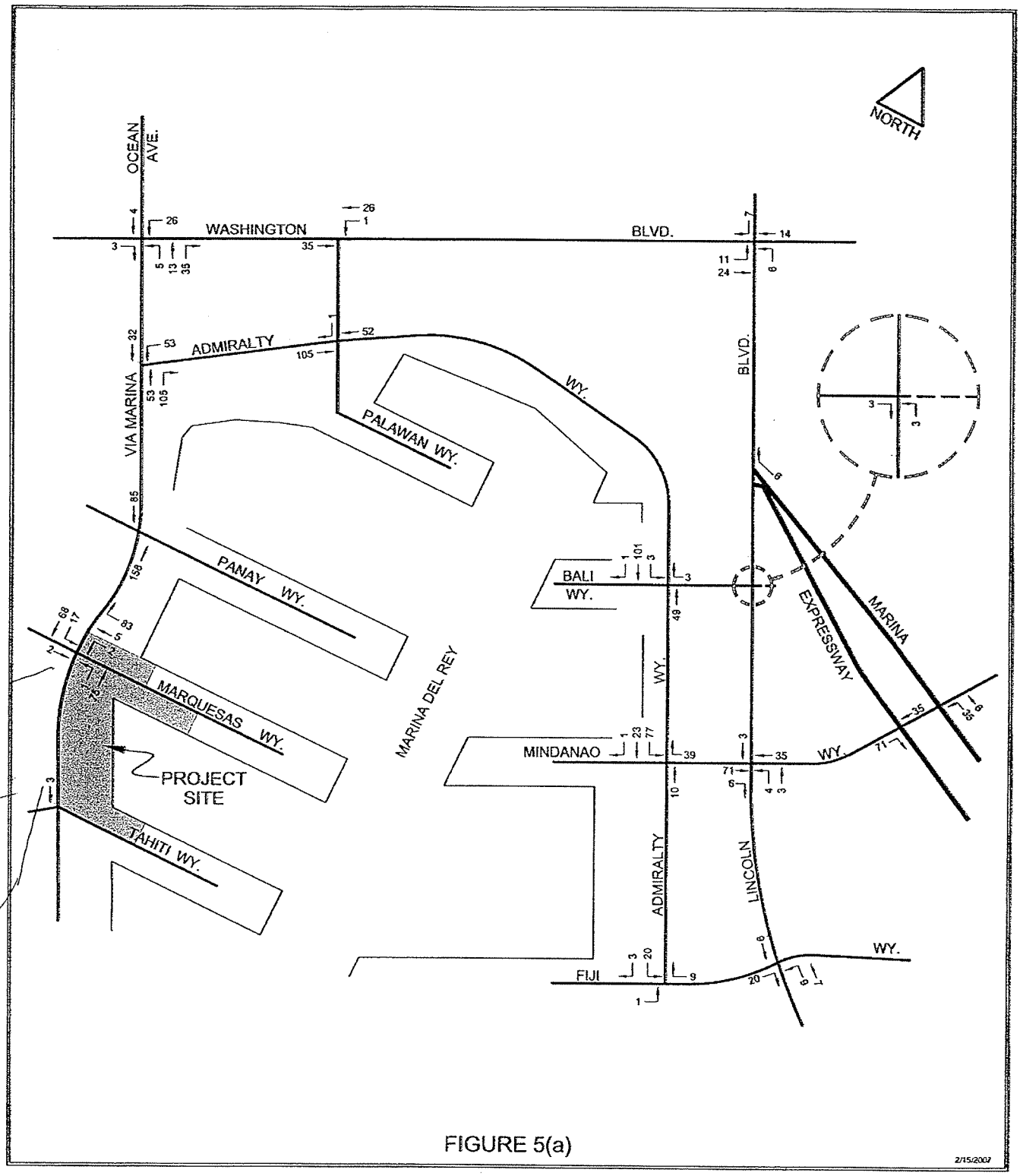

FIGURE 5(a)

2/15/2007

FN: \MARINA DEL REY LEGACY REPORT (2-2007)\AM\NETPRJ(10R,FF,9U)

NET TOTAL PROJECT TRAFFIC VOLUMES
(PARCELS 10R, FF AND 9U)
AM PEAK HOUR

CRAIN & ASSOCIATES
Transportation Planning
Traffic Engineering
2007 Sawtelle Boulevard
Los Angeles, California 90025
PH (310) 473 6508 F (310) 444 9771
www.crainandassociates.com

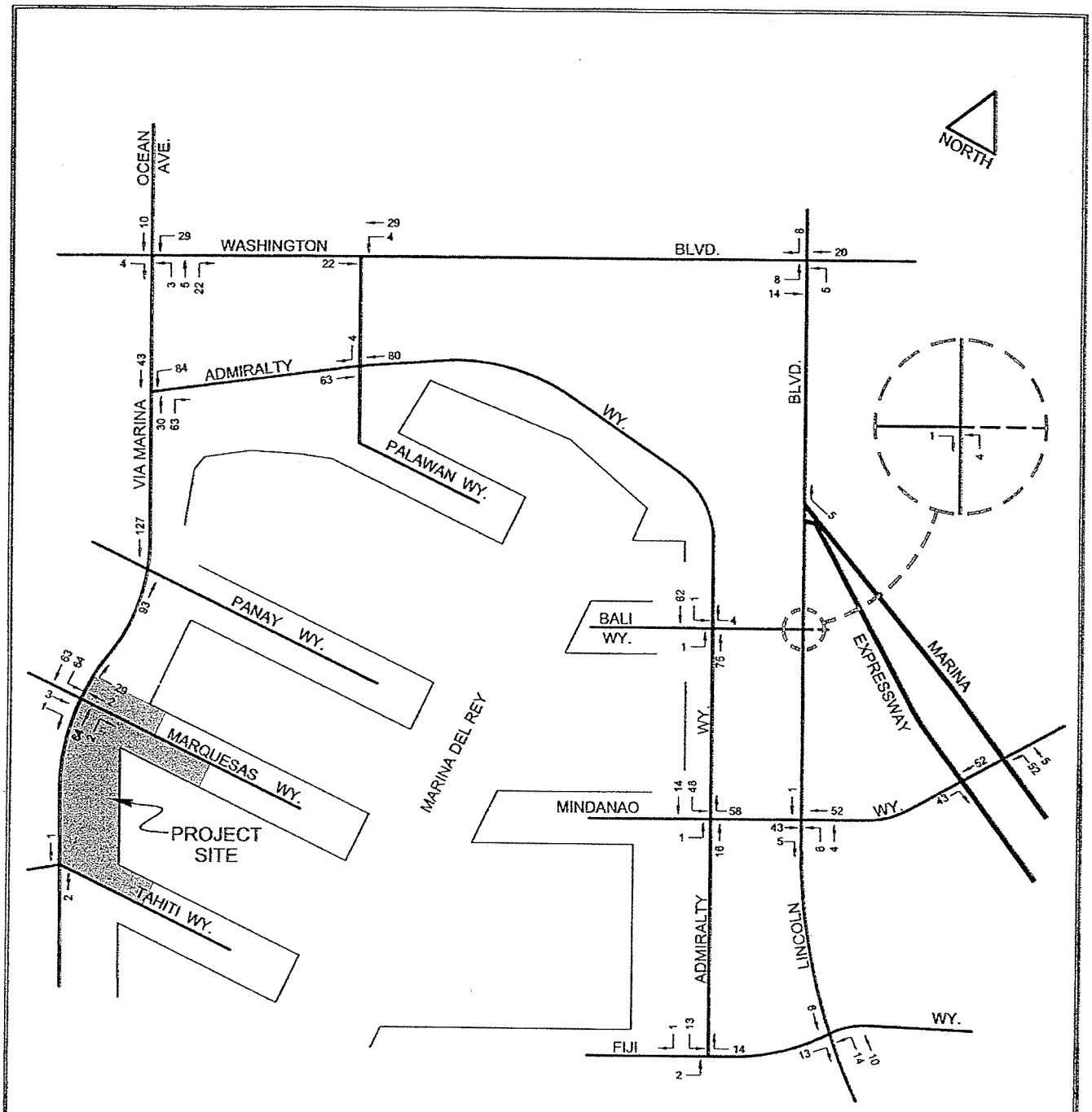

FIGURE 5(b)

2/15/2007

FN: MARINA DEL REY LEGACY\REPORT\2-2007\PM\NETPRJ\10R,FF,9U\

NET TOTAL PROJECT TRAFFIC VOLUMES
(PARCELS 10R, FF AND 9U)
PM PEAK HOUR

CRAIN & ASSOCIATES
Transportation Planning
Traffic Engineering
2007 Santa Fe Boulevard
Los Angeles California 90025
PH (310) 473 6508 F (310) 444 9771
www.crainandassociates.com

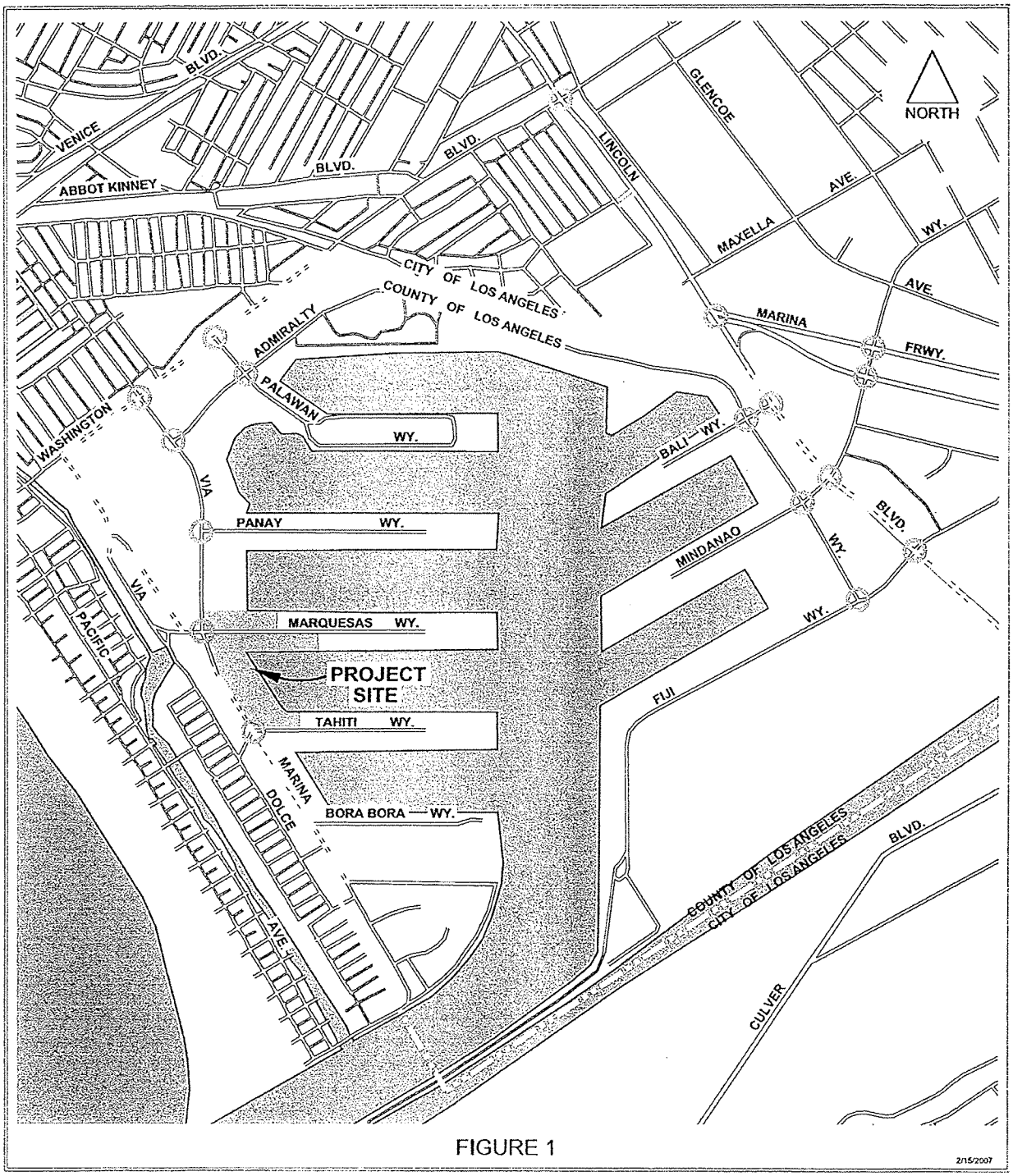

FIGURE 1

2/15/2007

FN: MARINA DEL REY LEGACY\REPORT\2-2007\STUDY-INTS

PROJECT SITE VICINITY AND
STUDY INTERSECTION LOCATIONS

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Transportation Planning
Traffic Engineering
2007 Sawtelle Boulevard
Los Angeles California 90025
PH (310) 473 6508 F (310) xxx 9771
www.crainandassociates.com

Item #8

Honorable Commissioners:

Agenda Item 8: Neptune Apartments and Parcel FF
I am Marjorie Aljian of Silver Strand/~~Lynne Shapiro of Via Dolce~~ I will address Parks and Parking:
The "underused" parking lot once designated for a park is sought by the applicant for private development of apartments. Land Use Plan A.2e Policies and Actions states, "**Specific improvements proposed by this LUP Include the conversion of Parcel FF from a parking lot to a public park**". The tiny wetland park adjacent to the hotel has no parking for the public. Let's talk about parking:

The Woodfin will require additional adjacent parking for guests, staff, dock staff, restaurant and bar patrons, boaters, service and delivery trucks. Neptune also lacks parking and advertises in a brochure that was mailed to some residents that an additional "public parking facility located near Burton Chase Park will serve its visitors in this high demand area." Since the park is on the other side of the Marina, I ask you, "How will visitors get to Neptune Apartments?"

a. Will they walk around most of the Marina?
b. Will they swim?
c. Will they hire a boat?
d. Will they wait for the commuter bus?
e. Will they sleep over and return to their cars the following day?

The answer is f. Scale back this project and require adequate on site parking; in fact, require additional on site parking because **where will the public park for the wetland park?** and **where will the public park for the promenade that has also been promised us so that we who live here can actually see the Marina?** Both amenities have been touted as significant. Are we supposed to walk there from the Silver Strand and Mariners' Village when sidewalks are not contiguous and we have children and grandchildren in tow? There is no parking nor does their appear to be an amenity called **public toilets** along the public promenades.

The residents of Marina del Rey and the boaters want parking facilities on this side of the Marina and the park that was promised and water views.

Item #8

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Updated bullets 9/28/2008

Item #9.

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SOS = Signs of Sophistry:

- **Sophistry**: A fallacious argument. A **strong sophistry** is a sophistry with the intent to deceive. A **weak sophistry** is an inadvertent sophistry
- **Waldo**: A word or phrase or image hinting at the truth in a text which either omits the truth or distorts the truth. It is incredibly common in quasi legal writings. The word comes from the children's puzzle 'Where's Waldo?': Meaning it is hidden in plain sight by means of complexity.
- **Queer** the meaning of a word: To surreptitiously change the meaning of a word by using it in different contexts with different words and then using it at the desired point of deception, giving a meaning taken from the wrong context. It is Used in **examples 1c and 2b** and in the Draft Recommendations of the CCC for the definition of Hotel.
- **308.5 argument**: Section 308.5 was the number in the California Civil Code given to a popular initiative. Section 308 was more limited in scope than the initiative, but arguments convinced the Legislature that since 308.5 was near 308 in the code, the limitations applied. This kind of argument made to midlevel staff is used to subvert the clear intent of the law.
- **mischievous misprints**: A misprint of the name of a parking lot GR to (GG) may have helped approve projects which significantly disturbed the cross beach views from GR as in **example 3b**. Also in **4a**.
- **Coconut Road clause**: Seemingly surreptitious insertion of misleading or false clauses into a document. Coconut Road was the beneficiary of a freeway connection earmark slipped illegally into an bill already **passed** by Congress. The Federal bill's wording was illegally changed, and hopefully the perpetrators will go to jail. Most of the time when I use **Coconut Road,** I don't know if it is in fact illegal. When I am sure, I will use the expression **Strong Coconut Road.**
- **Indefinite calculations**: Calculations involving only changes, with no Total figure given or easily accessible. Bail out if your bank only gives your deposits and withdrawals but never the balance. Analyzing only the changed amount is called **Indefinite Analysis**
- **Century City Source**: A source of information which is hard to locate and of such poor quality as to be laughable. Named after the hand written note

by a developer which was sent to the City and used to justify ridiculous Development Rights. See slide 27/53 of a slide presentation at http://www.tract7260.org/Presentations/CityCouncilJMBPrinted.pdf

Acronyms:

- NOP = Notice Of Preparation
- DCB = Design Control Board
- DEIR = Draft Environmental Impact Report
- FEIR = Final Environmental Impact Report
- EIR = DEIR + EIR
- DRP = Department of Regional Planning
- CEQA = California Environmental Quality Act
- DZ = Development Zone
- LCP = Local Coastal Plan
- CCC = California Coastal Commission
- RPC = Regional Planning Commission
- SCHC = Small crafts Harbor Commission
- DBH = Department of Beaches and Harbors

EXAMPLES of Marina del Rey Sophistries

1. **The Shores** (Parcels 100 & 101)
   a) NOP land use misleading with **mischievous misprints** and omissions
   b) DCB misinformed by its Counsel about its duties to consider scenic views
   c) DEIR claims (by **queering** word meanings) DCB approved their view impact while Minutes of DCB silent on views
   d) Adjoining land owners ignorant of Project throughout most of Bush's first term. Condos were not mentioned in NOP
   e) DEIR Shadow study incorrect. FEIR response was to broaden study. Still incorrect. More wrong pictures.
   f) Traffic study incorrect. The key Trip Generation Plan fails to include intersection opposite closest neighbor. No response in FEIR
   g) Judge Yaffe caught the Shores in a **Waldo**, which he used to argue that the 25,940 cubic yards of excavated earth which now had to be exported should be analyzed in a recirculated EIR, in order to insure the public knows the basis on which the decisions were made

h) The directions written for the analysis of the recirculated EIR were to restrict all attention to the 25,950 (sic) cubic yards of exported earth. That is, use **Indefinite Analysis**
i) **Total** amount of exported solid waste not mentioned in FEIR or DEIR. Imported gravel, without amount stated, is a **Waldo**
j) Total amount of material exported or imported never mentioned in the EIR.
k) The calculation of DZ potentials justifying increased density over the cap is a masterpiece of **Indefinite Calculations**
l) The FEIR's **responses** to two different letters on the DEIR's incorrect estimate of the moved earth were **inconsistent**. In one, it was because of an error calculations. In the other, it was due to an importation of gravel.
m) The Shores never asked for a permit to export over an excess of 100,000 cubic yards of solid waste. Thus we have 4 different reasons for the waste moving sophistries: First, avoid the export permit. Second, deceive the public as to construction traffic impacts. Third, deceive the DCB about the above grade garages. Fourth, **queer** the air quality calculations.

2. **The Archstone** (102)
a) Initial DCB meetings had misleading project description
b) The words 'dimensions of building' was **queered** so that building into street did not change 'the dimensions of building'
c) Outdated maps and incorrect maps were used at the DCB
d) Letter to DCB not delivered by staff
e) Special meeting at unusual time eliminates impartial influential commissioner
f) Attempted to leave DRP out of process, hence adjoining Condos never noticed because of this maneuver
g) The small size of this project demonstrates the culture of deception practiced without fear of consequences. Too small to bribe anyone, too simple to worry about delays and timing disruptions

3. **Jamaica Bay Inn** (27)
a) Violates CEQA by avoiding an EIR process using its address instead of common name. Hence eliminates public input.

b) Significantly disturbed cross beach views from parking lot GR. A **mischievous misprint** appears at a key spot in the LCP
c) Incorrect address used in permit application
d) Possibly avoiding the hostel requirement of **22.46.1190 A 8a** of the LIP

4. **Parcel OT**
a) Incorrect address told to Argonaut and in description of property
b) To be used for trading Development Rights outside of its DZ
c) Parking lot not replaced by a park; violating LCP, page 2 - 8 12
d) Secret scoping meeting documented by court reporter

5. **Bar harbor & Esprit** (15 & 12)
a) Parcel 15 completion date is past and construction has not begun, violating lease
b) Trip generation plan is laughable
c) Parcel 12 has been under construction for years and still no occupancy
d) No Initial Study by County in EIR

6. Villa Venitia (64)
a) Project will wipe out Blue Heron colony
b) Project will destroy world class views of snowy San Gabriel Mountains from north and south jetties.

7. **Woodfin** (9U)
a) Needs an LCP amendment, or else **queer** the definition of hotel (in the CCC/s Recommendations to LA County to remedy the "out of compliance with Coastal Act")
b) The Notice of Intent to Apply for a Permit is a **Waldo** with a false address
c) Low cost visitor serving requirement of **22.46.1190 A 8a** not followed

8. **Boat Central** (52)
a) Builds out over water contrary to code. DCB rejects project. County continues project by taking it to RPC
b) DCB Chair says process is broken

c) inaccurate scale model and mislabeled view presented at DCB meeting

9. **The Permit Process is corrupted**

a) Applications for many permits have false addresses, some miles from the site
b) Violations of Brown Act by misleading notices of public meetings
c) Public bodies are deceived by counsel as to their powers and responsibilities. The Coastal Act's rule, that ambiguities are decided against greater development, is ignored
d) **'Coconut Road'** clauses are inserted into official documents and Findings
e) Clear wordings of laws and guidelines are undermined by **308.5** arguments
f) There is a high proportion of '**mischievous misprints**' at key places which introduces misinformation
g) Incorrect or confusing maps are introduced at DCB and SCHC meetings. Conversely, Commissioners are not give maps to follow the discussions
h) The CCC found LA County out of compliance with Coastal Act. Since then, the pace of cited activities has exploded: Small slips are being destroyed. Mountain views are being destroyed.
i) Marina del Rey's tax assessors' maps have not been updated since 1999. The County 'lost' the property description of parcel K-6; or else we were given false information. New parcels are unilaterally created by DBH even though the whole LCP zoning system is based on the original parcels
j) The true extent of development is obscured by **Indefinite Analysis and Calculations**. Caps on development are ignored, at the whole MdR level or at the Development Zone level
k) Information to the public is blocked by mislabeling projects, parcels, or claimed inefficiency. Especially by DBH
l) Special meetings of DCB held at unusual times. The Chair of the DCB said the Process was broken. Every project seems to follow a different entitlement procedure
m) Lease options are negotiated in secret. Projects planned without public input. Applicants present initial plans without information about adjoining projects. Public gets involved when change is too late.

n) Misinformation is conveyed to the CCC in the form of incomplete, undated tables. SCHC Commissioners are not furnished status maps to help follow the proceedings.
o) Counsel for the DCB and BOS omit relevant sections of Code when asked for advice in public meetings.
p) Inconsistent rules are interpreted in favor of the least restrictive rule, ie. **1190 8a** vs **1180 16b.** Consistent rules are said to be inconsistent as an excuse to diminish the role of the DCB.

Item #9

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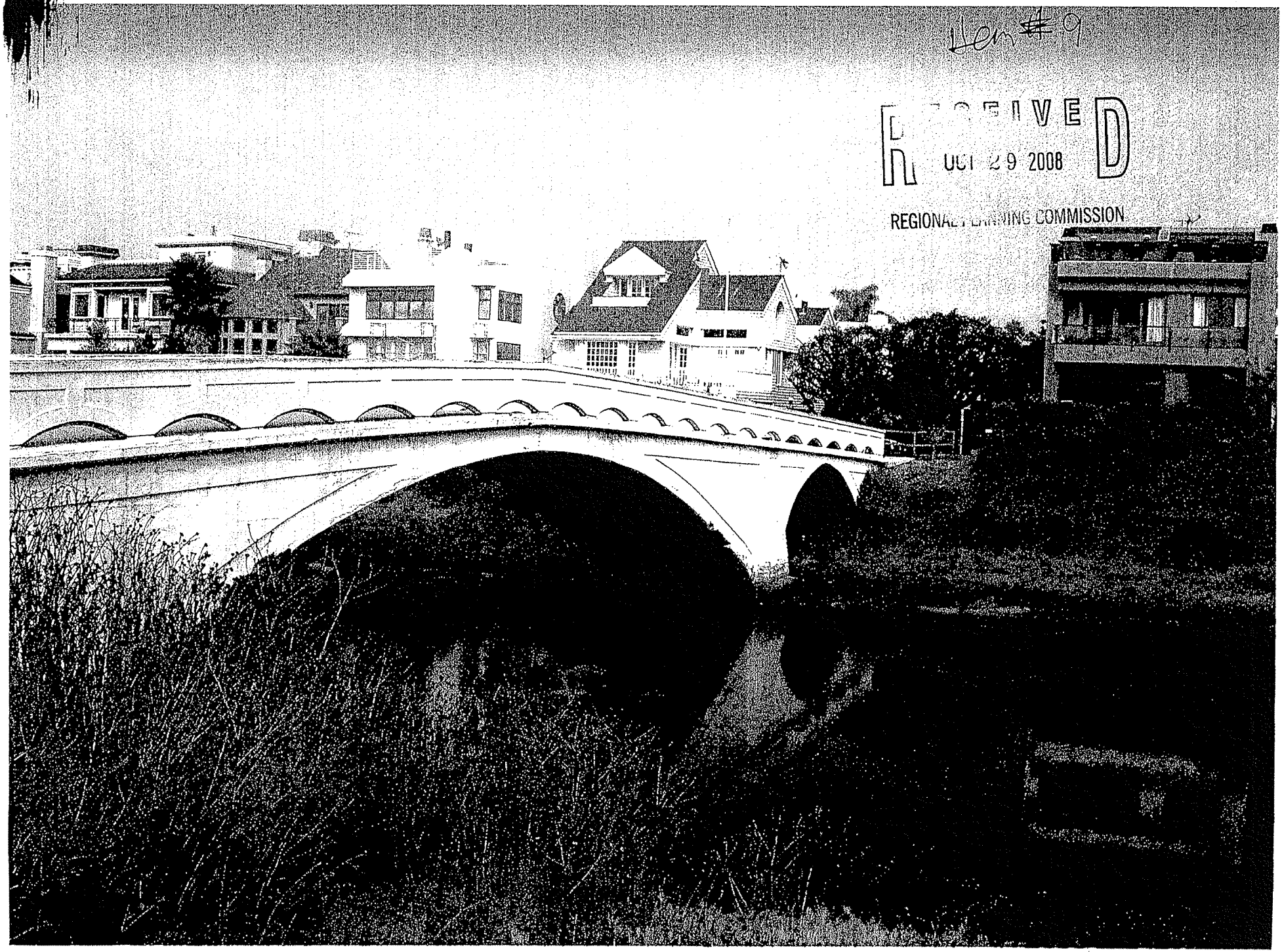

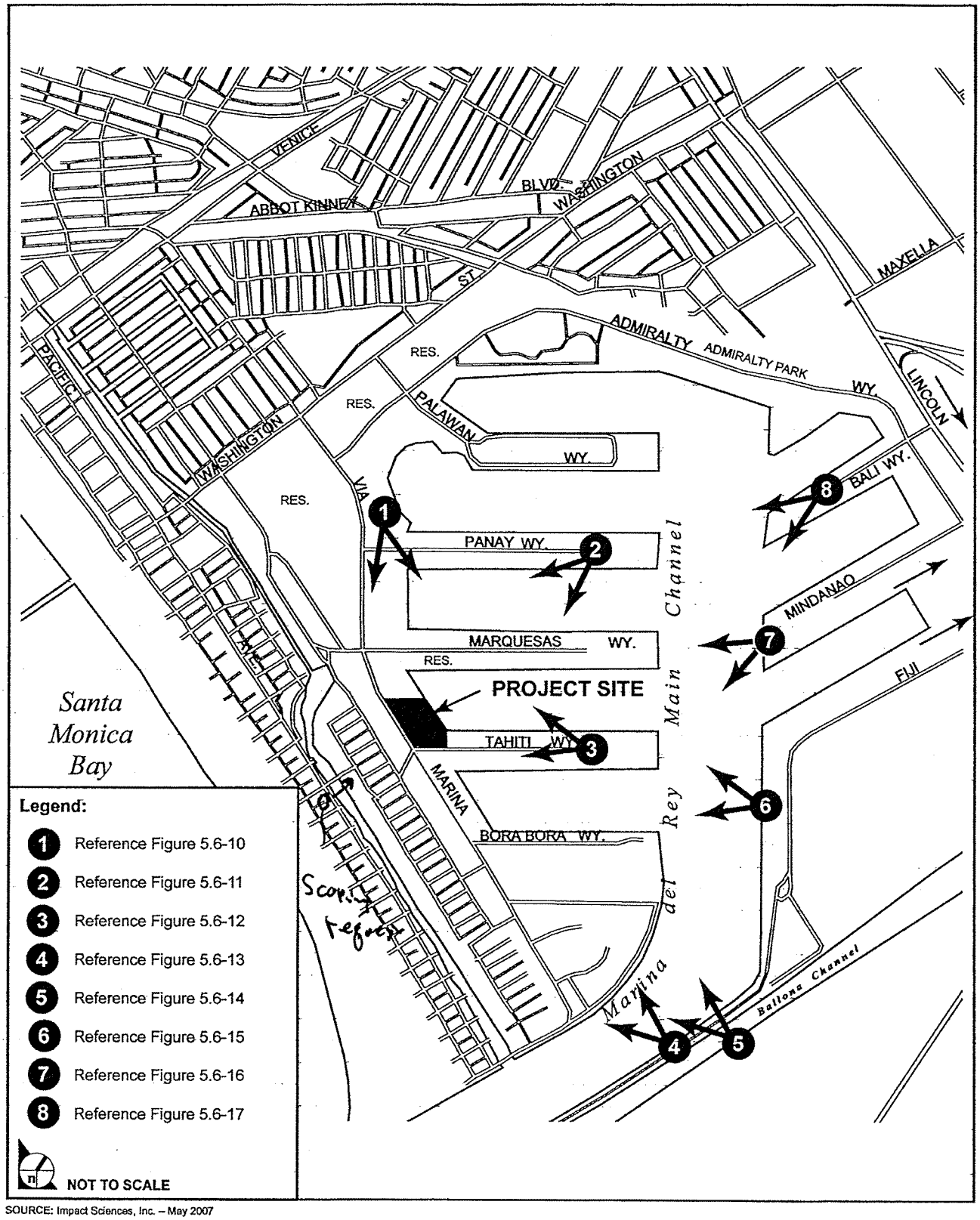

SOURCE: Impact Sciences, Inc. – May 2007

FIGURE **5.6-9**

Woodfin Suite Hotel and Timeshare Resort (Parcel 9U) – Viewing Locations

460-004-03/08

Scoping Meeting

DAN GOTTLEIB: My name is Dan Gottleib, and I live in the Marina Strand Colony 1. And I was concerned with the -- do I need to talk into here?

AUDIENCE MEMBER: Yes.

DAN GOTTLEIB: I was concerned with the description of the land use around the project. For example, the Woodfin is going to be a 19-story building, and across the way is condominiums, privately owned condominiums, that only rise three -- three stories.

Now, in the land use description, there wasn't a fact that having a large skyscraper would impact the smaller areas. So I would like the -- I would like information to go out to these people that live across the street who are going to be in the shadows.

Another point I want to make is scenic views. In the Shores EIR, the -- whoever wrote the -- staff or whoever wrote had trouble defining what a scenic view was, and all they ended up doing was taking pictures from across the street of the proposed buildings.

Staff had to put a -- a little mark in their independent review as to whether or not this thing would impact a hiking trail. And there is a hiking trail, Ballona Lagoon hiking trail, from which you should be able to see a 19-story building, which will eliminate the character of the sort of wild situation

there.

And also, there are certain views which are supposed to be protected according to the Coastal Commission. And one is from Chase Park, which is directly across from this 19-story building, and another one is from the -- the jetties on the channel.

You can look north and that -- and I'd like to see some pictures taken from those positions, especially lighthouse bridge where you have a beautiful view in all four directions.

And I'd like this -- to have the tower described in those pictures so that whoever makes the decision can decide on whether or not the area is being changed from that.

LLOYD ZOLA: Okay. Thanks.

It's interesting how this works, but if you go over time, it starts saying how much over time. Again, it's not a contest to see who can do that.

Okay. Next we have David De Lange.

DAVID DE LANGE: I'm David De Lange. I'm executive director of Coalition to Save the Marina and also with Save MDR Alliance.

I'm going to need two sets of time, but it is first that I want to talk about the wetlands that will be altered greatly. It's described in this development

CERTIFICATE

OF

SHORTHAND REPORTER

* * * * *

I, the undersigned shorthand reporter, in and for the State of California, do hereby certify:

Item 9

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Honorable Commissioners:
I am Lynne Shapiro, resident of Marina del Rey.

I have read the D.E.I.R. for the 9U parcel. With respect to NOISE its assumptions are incorrect. Years of grading, construction and trucking, then 3,104 additional vehicle trips daily including service and garbage collection and now a heliport are said to have no impact. The mitigating premise is that Marina residents are out at work all day long. **This is false.**

Where is the resident population study to back the assertion that this noise will have no impact? Most of the residents in the four large Via Marina condo complexes are retired senior citizens, and a significant number of renters and owners works at home. In my building 71% spends much or all of the day at in the Marina. In the buildings of 145 and 168 residents, closest to these projects, even more folks are at home during much of the day.

A heliport and its use at night **for any purpose** is a dreadful intrusion. We are served by ambulance now; and unless you are projecting unprecedented traffic jams, there is no reason to disturb us day or night with this horrible noise. We are not an airport; we are a quiet residential community.

In addition to all the short-term and cumulative impacts cited in this hearing notice, the nineteen story hotel is a **monstrous intrusion** on the residential community, the closest commercial ventures being the Charthouse restaurant and the Cheesecake Factory down on Panay way.

With the Del Rey Hotel, a hotel for Fiji Way, a large Ritz Carlton + a Marriott on Admiralty, a greatly enlarged Jamaica Bay also on nearby Admiralty, and the threat of a resident Marriott usurping Mothers' Beach from County residents, **why ruin the sky, the view, the wind, the safety and tranquility of the community** with a nineteen story Manhattan-like hotel? Marina hotel occupancy has never reached more than 70-75%. Neither traditional occupancy nor current economic conditions warrant this hotel. Where is the study that

shows us a sea-change from our Current Land Use Plan A2.d.'s Findings: "**demand for more expensive visitor serving facilities, such as hotel rooms, has proven to be limited.**" Why devote more parcels to hundreds of upscale hotel rooms when the same LUP section recognizes "**strong demand for new lower-cost recreational opportunities**"? This project unfairly satisfied its time-share requirement in Santa Monica rather than here in the Marina.

Finally, the D.E.I.R. states that the infrastructure does not support this or these projects. We residents know that a **huge, new sewer** would not be necessary along Via Marina were it not for the huge Woodfin and four hundred Neptune apartments. It is unfair that a small residential neighborhood bear the burdens of these massive projects.

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Board urged to let ruling on judges stand

COUNTY: Appellate court said perks, extra benefits violated state's constitution.

By Troy Anderson
Staff Writer

A taxpayer advocate attorney and a half-dozen other people asked the Board of Supervisors on Tuesday not to appeal a recent appellate court decision ruling that the county's practice of paying judges perks and supplemental benefits was unconstitutional.

The request followed a recent decision by a three-judge panel of the state's 4th District Court of Appeal that found the state constitution only allows the Legislature to set judges' pay. The Board of Supervisors' practice of paying judges an extra $46,436 annually in cash benefits, therefore, is not permissible. The case was filed by Judicial Watch, a conservative watchdog group based in Washington, D.C.

County Counsel Raymond Fortner could not be reached to comment on whether the county planned to appeal the decision.

Taxpayer advocate attorney Richard J. Fine said he calculated that the county has paid the judges about $400 million since 1988 and no further taxpayer funds should be wasted to defend the practice.

"The effect is this $46,000 a year ... has had an effect on the judges," Richard J. Fine Taxpayer advocate attorney

And when you look at the last three litigation reports that you received from the County Counsel's Office, you will see that not one case was decided in favor of a plaintiff against the county when the judge made the decision," Fine said. "The effect is this $46,000 a year, the amount given to these judges, has had an effect on the judges of having them decide in favor of the county."

John Rizzo, president of the Marina Tenants Association, said his organization sued the county, alleging that it was losing tens of millions of dollars in lease revenues and the public was paying overcharges to the lessees in Marina del Rey.

"The Superior Court would not let us go to trial on the merits of the case," Rizzo said. "When is ($46,436) a perk and when is it a bribe? Don't appeal the appellate court's decision to the (California) Supreme Court. Let's clean up the courts and the marina."

troy.anderson@dailynews.com
213-974-8985

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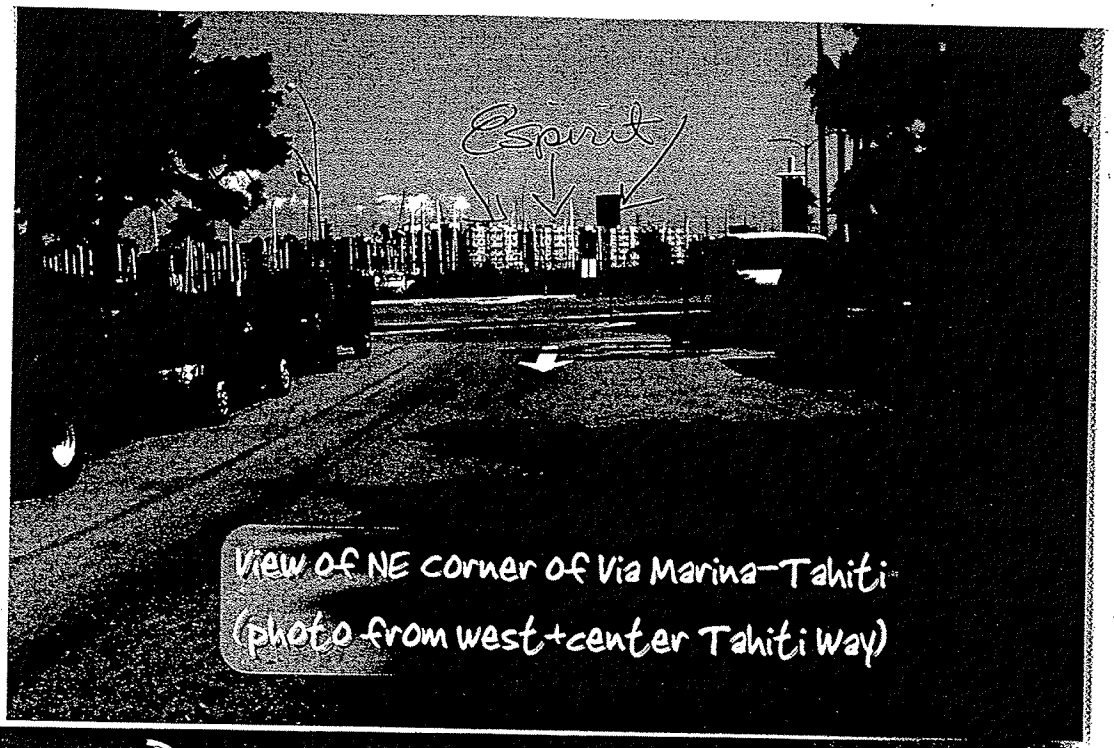
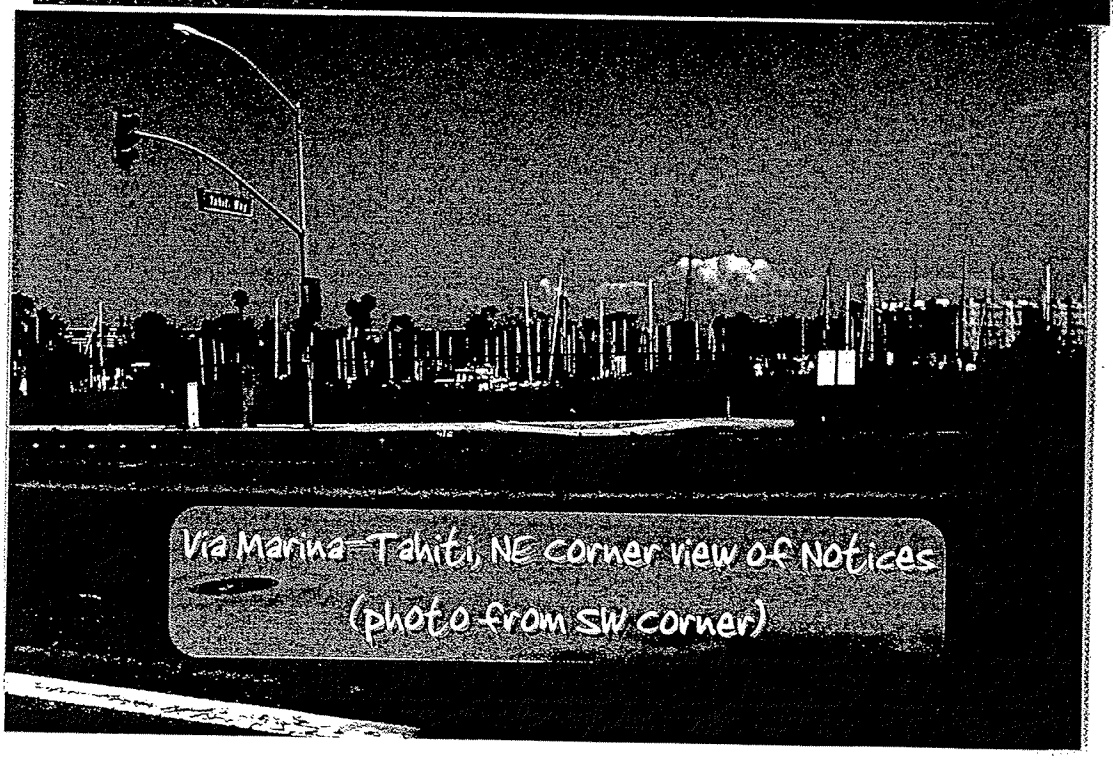
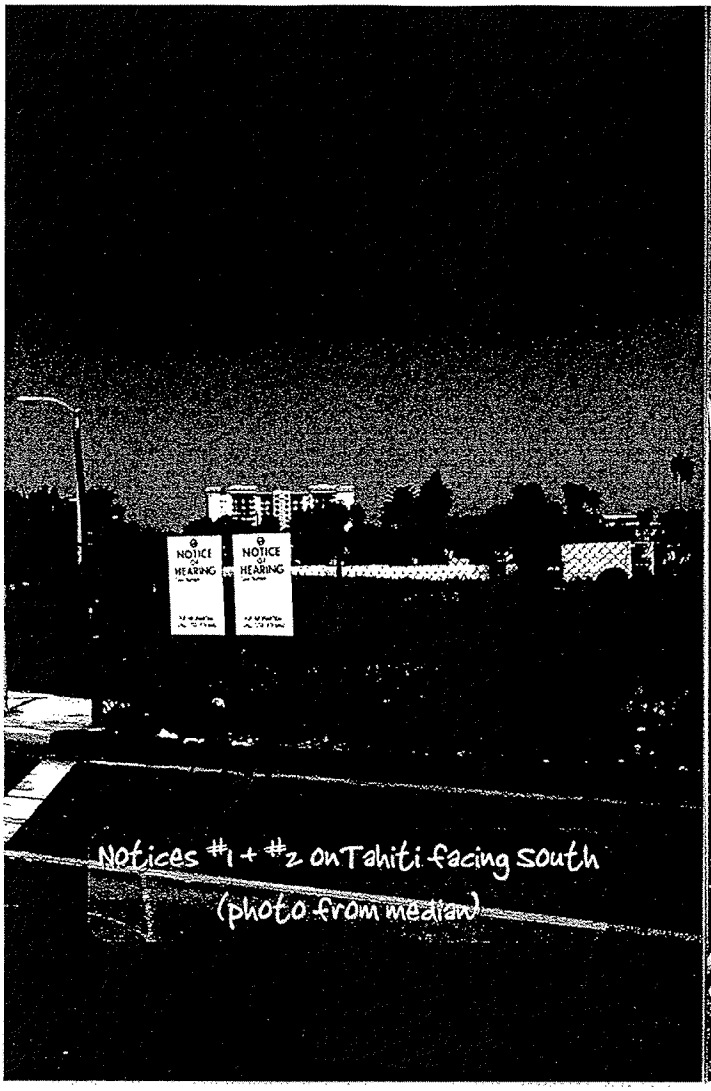


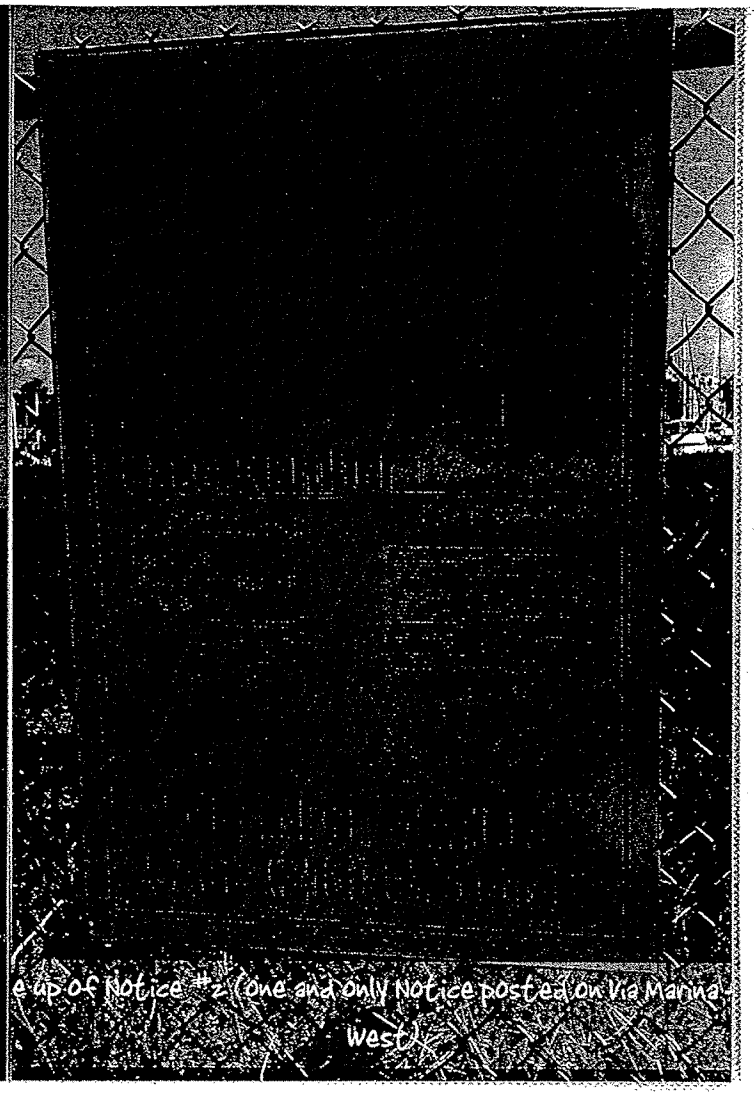
View of NE corner of Via Marina-Tahiti
(photo from west+center Tahiti Way)



Via Marina-Tahiti, NE corner view of Notices
(photo from SW corner)



Notices #1 + #2 on Tahiti facing South
(photo from median)



close up of Notice #2 (one and only Notice posted on Via Manna - west)