FINDINGS OF FACT and
STATEMENT of OVERRIDING CONSIDERATIONS
regarding NEPTUNE MARINA APARTMENTS AND ANCHORAGE/WOODFIN SUITE HOTEL
AND TIMESHARE RESORT PROJECT

PROJECT NUMBERS: R2006-03643-(4)
R2006-03644-(4)
R2006-03647-(4)
R2006-03652-(4)
TR067861-(4)

COASTAL DEVELOPMENT PERMITS: RCDP200600006-(4)
RCDP200600007-(4)
RCDP 200600008-(4)
RCDP 200600009-(4)

CONDITIONAL USE PERMITS: RCUP200600288-(4)
RCUP200600289-(4)
RCUP200600290-(4)

TENTATIVE TRACT MAP: TR067861-(4)

LOCAL COASTAL PLAN AMENDMENTS: RPA200600013-(4)
RPA200600014-(4)

VARIANCES: RVAR200600012-(4)
RVAR200600013-(4)
RVAR200600014-(4)

PARKING PERMIT: RPKP200600020-(4)

STATE CLEARINGHOUSE NUMBER: 2007031114

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

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NUMBER 2007031114) FOR THE NEPTUNE MARINA APARTMENTS AND ANCHORAGE/WOODFIN SUITE HOTEL AND TIMESHARE RESORT PROJECT (COUNTY PROJECT NUMBERS R2006-03643-(4), R2006-03644-(4), and R2006-03647-(4), R2006-03652-(4))

The Regional Planning Commission ("Commission") of the County of Los Angeles ("County") hereby certifies the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project Final Environmental Impact Report, State Clearinghouse Number 2007031114, which consists of the Draft Environmental Impact Report ("Draft EIR") dated September 2008, Technical Appendices to the Draft EIR dated September 2008, the Re-Circulated Draft Environmental Impact Report ("Recirculated Draft EIR") dated June 2009, and the Final Environmental Impact Report, including Responses to Comments dated February 2010, collectively referred to as the "FEIR," and finds that the FEIR has been completed in compliance with the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*) ("CEQA"). The Commission further hereby certifies that it has received, reviewed and considered the information contained in the FEIR, the applications for Coastal Development Permit Nos. RCDP200600006-(4), RCDP200600007-(4), RCDP200600008-(4), and RCDP200600009-(4), Conditional Use Permit Nos. RCUP200600288-(4), RCUP200600289-(4), and RCUP200600290-(4), Tentative Tract Map No. TR067861-(4), Local Coastal Plan Amendment Nos. RPA200600013-(4) and RPA200600014-(4), Variance Nos. RVAR200600012-(4), RVAR200600013-(4) and RVAR200600014-(4), and Parking Permit No. RPKP200600020-(4) (collectively, the "Project Approvals"), to permit demolition of all existing of all existing landside improvements on Parcels FF, 10R and 9U and subsequent construction of a 400-unit, multi-family residential apartment community comprised of three structures, 174 boat spaces, a 126-unit, multi-family residential apartment community comprised of a single structure, a 19-story suite hotel and timeshare resort including 288 hotel and timeshare suites and accessory uses, a restored wetland and upland park, and a public anchorage (collectively, the "Project), all hearings, and submissions of testimony from officials and departments of the County,

the Applicant (as defined below), the public and other municipalities and agencies, and all other pertinent information in the record of proceedings. Concurrently with the adoption of these findings, the Commission adopts the Mitigation Monitoring and Reporting Plan attached as Exhibit A to these findings.

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

(a) Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
(b) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency,
(c) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

BACKGROUND

The Environmental Impact Report Process

Applicants Legacy Partners Residential, Inc and Hardage Group (individually, referred to as an "Applicant" and collectively, the "Applicants") propose redevelopment of existing uses and located on three underutilized contiguous parcels, which the Applicants lease from the County within Marina del Rey. The 17.71- acre area (13.03 landside acres and 4.68 waterside or submerged acres) is identified as Parcel 10R (12 acres composed of 7.32 landside acres and 4.68 waterside or submerged acres), Parcel FF (2.05 acres), and Parcel 9U (3.66 acres) in the Marina del Rey Specific Plan and is located in the western portion of the Marina del Rey small-craft harbor in the unincorporated community of Marina del Rey. Regional access to the site is provided by Lincoln Boulevard, the Marina Freeway/Expressway, and the San Diego Freeway.

The Applicants initially proposed the Project in December, 2006. The County completed an Initial Study of the Project on March 22, 2007 and determined that an Environmental Impact Report ("EIR") was required. In order to provide a more

conservative assessment, the County required all Project components to be analyzed in a single Draft EIR that analyzed the potential impacts of all of the components combined together as a single project, as well as analyzing the potential impacts of each Project component individually. Potentially significant environmental impacts addressed in the Draft EIR include geotechnical and soil resources, hydrology and water quality, air quality, noise, land use, biota, visual quality, traffic/access, sewage disposal, education, police protection, fire protection, water service, parks and recreation, solid waste, and population and housing. The Draft EIR analyzed both individual component, combined Project and cumulative effects of the Project together with related projects on these topics and identified a variety of mitigation measures to minimize, reduce, avoid, or compensate for the potential adverse effects of the proposed Project.

The Draft EIR also analyzed a number of potential alternatives to the proposed Project, including (1) No Project/No Development Alternative, (2) No Project/No Amendment Alternative, (3) Increased Structure Height on Parcels 10R and FF, (4) Density Bonus Associated with Affordable Housing Requirements, (5) Reduced Density on Parcels 10R, FF, and 9U, (6) Residential-Sized Building Height on Parcel 9U, (7) Marine Oriented Commercial on Parcel 9U, (8) RV Resort on Parcels 10R, FF, and 9U, and (9) Marina Plaza Alternative. Potential environmental impacts of each of these alternatives were discussed at the CEQA-prescribed level of detail and comparisons were made to the proposed Project. The range of reasonable alternatives has permitted a reasoned choice to be made by the Commission in directing specific changes to the Project. The Commission has reviewed each of the alternatives and recommends approval of the Project, as revised during the public hearing process.

After conducting its own independent departmental review and analysis of the proposed Project through the screen check process, the Los Angeles County Department of Regional Planning circulated copies of the preliminary Draft EIR to all affected County agencies. Interested County agencies provided written comments on the document, and those comments were incorporated into and made part of the Draft EIR.

The Draft EIR was made available for public comment and input for the period set forth by State law. Specifically, the public review period commenced on September 8, 2008, when a notice of completion was sent to the State Clearinghouse, and ended on October 22, 2008. The public review period lasted 45 days. A Publication Notice for the Draft EIR was published in *The Argonaut*, *The Daily Breeze*, and *La Opinion* newspapers and was sent to property owners within a 500-foot radius of the proposed Project site and to known interested individuals and organizations. Copies of the Draft EIR were also made available at the Regional Planning Department and in local public libraries.

An initial public hearing on the project and the Draft EIR was held before the Commission on October 29, 2008. At the conclusion of that hearing, the Commission continued the public hearing to November 5, 2008, in order to schedule a field trip to the project site and nearby parcels and to allow for a local public hearing in Marina del Rey. The Commission scheduled its field trip and continued public hearing in Marina del Rey for November 22, 2008. On November 12, 2008, the applicants for the Project requested the Commission take the continued November 22, 2008 hearing and field trip off its hearing calendar. This request was based on the recommendation of County staff that certain sections of the Draft EIR be revised and recirculated due to new information that was not previously analyzed and which could have potential impacts not addressed in the original Draft EIR.

A Recirculated Draft EIR was made available for public comment and input for the period set forth by State law. Specifically, the public review period commenced on June 9, 2009, when a notice of completion was sent to the State Clearinghouse, and ended on July 23, 2009. The public review period lasted 45 days. A Publication Notice for the Recirculated Draft EIR was published in *The Argonaut*, *The Daily Breeze*, and *La Opinion* newspapers and was sent to property owners within a 500-foot radius of the proposed Project site and to known interested individuals and organizations. Copies of the Draft EIR were also made available at the Regional Planning Department and in local public libraries.

The Commission conducted a duly noticed field trip to the subject property on August 8, 2009 The Commission held duly noticed hearings on the Project, the Draft EIR and the Recirculated Draft EIR on August 12, 2009 and October 14, 2009. , Detailed responses to the comments received regarding the Project and the analyses of the Draft EIR and Recirculated Draft EIR were prepared with assistance of a private consultant and reviewed and revised as necessary to reflect the County's independent judgment on issues raised. These Responses to Comments are embodied in the Final EIR ("FEIR").

On March 3, 2010, the Commission made the following environmental findings and certified the FEIR and adopted orders approving the Coastal Development Permits, Conditional Use Permits, Tentative Tract Map, , and Variance.

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

Section 1 of these findings discusses the potential environmental effects of the Project which are not significant or which have been mitigated to a less than significant level. In addition, this section discusses the potential environmental effects of the Project components combined, as well as individually. Section 2 of these findings discusses the significant environmental effects of the Project which cannot be feasibly mitigated to a level of insignificance. In addition, this section discusses the potential environmental effects of the Project components combined, as well as individually. Section 3 discusses the growth-inducing impacts of the Project. Section 4 discusses the alternatives to the Project discussed in the Draft EIR and FEIR. Section 5 discusses the Mitigation Monitoring Program for the Project. Section 6 contains the Statement of Overriding Considerations. Section 7 contains the findings pursuant to CEQA Guidelines

sections 15091 and 15092. Section 8 contains the findings pursuant to Public Resources Code section 21082.1(c)(3). Section 9 identifies the custodian of the record upon which these findings are based. Section 10 discusses the de minimis impacts on fish and wildlife. Section 11 discusses the relationship between and among these findings, the Draft EIR, the Recirculated Draft EIR, and the FEIR. The findings set forth in each section are supported by substantial evidence in the administrative record of the Project.

SECTION 1

POTENTIAL ENVIRONMENTAL EFFECTS WHICH ARE NOT SIGNIFICANT OR WHICH HAVE BEEN MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

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

The Commission has determined, based on the FEIR, that Project design features, mitigation measures, and conditions of approval will reduce Project-specific impacts concerning Geotechnical Resources and Soils, Operational Noise, Hydrology and Drainage, Operational Air Quality, Biota, Traffic, Sewer Service, Water Service, Solid Waste, Education, Police Services, Fire Services, Library Services, Parks and Recreation, Population and Housing, and Land Use and Planning to less than significant levels. The Commission has further determined, based on the FEIR, that there are no significant cumulative impacts, or that Project design features, mitigation measures, and conditions of approval will reduce the Project's contribution to less than cumulatively considerable levels, concerning Geotechnical Resources and Soils, Operational Noise, Hydrology and Drainage, Operational Air Quality, Biota, Sewer Service, Water Service, Education, Police Services, Fire Services, Library Services, and Parks and Recreation.

Project Impacts

1. Geotechnical and Soil Resources

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

Potential Effect

The Project site is located in an active or potentially active fault zone due to a potential active offshore fault two miles west of the Project site, although the Project site is not traversed by a fault. During a moderate or major earthquake occurring close to the site, Project improvements would be subject to hazards associated with seismically-induced settlement due to seismic shaking, as well as soil liquefaction. The Project will entail substantial grading, removing existing topsoil, and surficial wind and water erosion would increase during construction. Furthermore, gases in the soil could pose a risk to human health.

Finding

With implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Project, potential geotechnical and soil resource impacts from the proposed Project will be reduced to a less than significant level by designing and constructing the structures in conformance with the most stringent safety standards consistent with all applicable local, state, and federal regulations, such as the California Building Code and the Los Angeles County Building Code for seismic safety.

Facts

Geotechnical and Soils Resource impacts are discussed in Chapter 5.1 of the Draft EIR. Compliance with applicable building codes and seismic safety standards will reduce impacts from ground shaking to less than significant levels. The Project site is

located within 7 km of a major fault and is therefore subject to significant ground shaking. The Project site is also subject to threat from tsunami due to its location approximately .25 miles from the shore, although living areas will contain a finished floor elevation greater than anticipated wave and run-up heights in the event of a tsunami. The Project is not anticipated to endure issues related to soil erosion or topsoil due to the Project covering the site with non-erosive surfaces including pavement, structures, and permanent vegetation. The site is subject to potential liquefaction upon seismic ground shaking, and is located near abandoned oil wells, necessitating the need for mitigation for potential liquefaction and soil gas buildup. As the 1.46 acre-wetland park and public-serving boat slips will involve only minor ground alterations and small structures, there is no potential for significant geologic impacts with respect to these Project components. The above finding is made in that the following measures will be made conditions of the Project approval so as to mitigate the identified impacts:

Mitigation Measures:

Seismic Ground Shaking

- Proposed structures shall be designed in conformance with the requirements of the 2007 California Building Code and the County of Los Angeles Building Code for Seismic Zone 4.
- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report and the Van Beveren & Butelo report included as Appendix 5.1 to the Draft EIR.

Substantial Soil Erosion or Loss of Topsoil

- Precautions shall be taken during the performance of site clearing, excavations, and grading to protect the project from flooding, ponding, or inundation by poor or improper surface drainage.
- Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall.

- Where necessary during periods of rainfall, the contractor shall install checkdams, desilting basins, rip-rap, sand bags, or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements.
- Following periods of rainfall and at the request of the geotechnical consultant, the contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage.
- Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs and adjacent property.
- For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.
- Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.
- Landscaping shall be kept to a minimum and where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.
- Roof drains shall be directed off the site.
- Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Group Delta Consultants report and the Van Beveren & Butelo report included as Appendix 5.1 to the Draft EIR.

Liquefaction and Soil Gas

- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report and the Van Beveren & Butelo Report included as Appendix 5.1 to the Draft EIR.
- As required by the Los Angeles County Department of Building and Safety and Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned, or idle oil or gas

well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2009 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports, included as Appendix 5.1 to the Draft EIR, shall be implemented.

Expansive Soils

- All recommendations included in the Group Delta Consultants report and the Van Beveren & Butelo report, attached as Appendix 5.1 to the Draft EIR, shall be incorporated.

Neptune Marina Parcel 10R Project

Potential Effect

The Project site is located in an active or potentially active fault zone due to a potential active offshore fault two miles west of the Project site, although the Project site is not traversed by a fault. During a moderate or major earthquake occurring close to the site, Project improvements would be subject to hazards associated with seismically-induced settlement due to seismic shaking, as well as soil liquefaction. The Project will entail substantial grading, removing existing topsoil, and surficial wind and water erosion would increase during construction. Furthermore, gases in the soil could pose a risk to human health.

Finding

With implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Parcel 10R Project, potential geotechnical and soil resource impacts from the Parcel 10R Project will be reduced to a less than significant level by designing and constructing the structures in conformance with the most stringent safety standards consistent with all applicable local, state, and federal regulations, such as the California Building Code and the Los Angeles County Building Code for seismic safety.

Facts

Geotechnical and Soils Resource impacts are discussed in Chapter 5.1 of the Draft EIR. Compliance with applicable building codes and seismic safety standards will

reduce impacts from ground shaking to less than significant levels. The Parcel 10R Project site is located within 7 km of a major fault and is therefore subject to significant ground shaking. The Parcel 10R Project site is also subject to threat from tsunami due to its location approximately .25 miles from the shore, although living areas will contain a finished floor elevation greater than anticipated wave and run-up heights in the event of a tsunami. The Parcel 10R Project is not anticipated to endure issues related to soil erosion or topsoil due to the plans to cover the site with non-erosive surfaces including pavement, structures, and permanent vegetation prior to operation. The site is subject to potential liquefaction upon seismic ground shaking, and is located near abandoned oil wells, necessitating the need for mitigation for potential liquefaction and soil gas buildup. The above finding is made in that the following measures will be made conditions of the Parcel 10R Project approval so as to mitigate the identified impacts:

Mitigation Measures:

Seismic Ground Shaking

- Proposed structures shall be designed in conformance with the requirements of the 2007 California Building Code and the County of Los Angeles Building Code for Seismic Zone 4.
- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.

Substantial Soil Erosion or Loss of Topsoil

- Precautions shall be taken during the performance of site clearing, excavations, and grading to protect the Parcel 10R Project from flooding, ponding, or inundation by poor or improper surface drainage.
- Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the Project 10R Project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall.

- Where necessary during periods of rainfall, the contractor shall install checkdams, desilting basins, rip-rap, sand bags, or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements.
- Following periods of rainfall and at the request of the geotechnical consultant, the contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage.
- Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs and adjacent property.
- For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.
- Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.
- Landscaping shall be kept to a minimum and where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.
- Roof drains shall be directed off the site.
- Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.

Liquefaction and Soil Gas

- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.
- As required by the Los Angeles County Department of Building and Safety and Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned, or idle oil or gas

well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2009 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports, included as Appendix 5.1 to the Draft EIR, shall be implemented.

Expansive Soils

- All recommendations included in the Group Delta Consultants report, attached as Appendix 5.1 to the Draft EIR, shall be incorporated.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project site is located in an active or potentially active fault zone due to a potential active offshore fault two miles west of the Parcel FF Project site, although the Parcel FF Project site is not traversed by a fault. During a moderate or major earthquake occurring close to the site, Parcel FF Project improvements would be subject to hazards associated with seismically-induced settlement due to seismic shaking, as well as soil liquefaction. The Parcel FF Project will entail substantial grading, removing existing topsoil, and surficial wind and water erosion would increase during construction. Furthermore, gases in the soil could pose a risk to human health.

Finding

With implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Parcel FF Project, potential geotechnical and soil resource impacts from the Parcel FF Project will be reduced to a less than significant level by designing and constructing the structures in conformance with the most stringent safety standards consistent with all applicable local, state, and federal regulations, such as the California Building Code and the Los Angeles County Building Code for seismic safety.

Facts

Geotechnical and Soils Resource impacts are discussed in Chapter 5.1 of the Draft EIR. Compliance with applicable building codes and seismic safety standards will reduce impacts from ground shaking to less than significant levels. The Parcel FF Project

site is located within 7 km of a major fault and is therefore subject to significant ground shaking. The Parcel FF Project site is also subject to threat from tsunami due to its location approximately .25 miles from the shore, although living areas will contain a finished floor elevation greater than anticipated wave and run-up heights in the event of a tsunami. The Parcel FF Project is not anticipated to endure issues related to soil erosion or topsoil due to plans to cover the site with non-erosive surfaces including pavement, structures, and permanent vegetation prior to operation. The Parcel FF Project site is subject to potential liquefaction upon seismic ground shaking, and is located near abandoned oil wells, necessitating the need for mitigation for potential liquefaction and soil gas buildup. The above finding is made in that the following measures will be made conditions of the Parcel FF Project approval so as to mitigate the identified impacts:

Mitigation Measures:

Seismic Ground Shaking

- Proposed structures shall be designed in conformance with the requirements of the 2007 California Building Code and the County of Los Angeles Building Code for Seismic Zone 4.
- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.

Substantial Soil Erosion or Loss of Topsoil

- Precautions shall be taken during the performance of site clearing, excavations, and grading to protect the Parcel FF Project from flooding, ponding, or inundation by poor or improper surface drainage.
- Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall.

- Where necessary during periods of rainfall, the contractor shall install checkdams, desilting basins, rip-rap, sand bags, or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements.
- Following periods of rainfall and at the request of the geotechnical consultant, the contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage.
- Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs and adjacent property.
- For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.
- Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.
- Landscaping shall be kept to a minimum and where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.
- Roof drains shall be directed off the site.
- Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.

Liquefaction and Soil Gas

- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.
- As required by the Los Angeles County Department of Building and Safety and Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned, or idle oil or gas

well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2009 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports, included as Appendix 5.1 to the Draft EIR, shall be implemented.

Expansive Soils

- All recommendations included in the Group Delta Consultants report, attached as Appendix 5.1 to the Draft EIR, shall be incorporated.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project site is located in an active or potentially active fault zone due to a potential active offshore fault two miles west of the Woodfin Suite Hotel and Timeshare Resort Project site, although the Woodfin Suite Hotel and Timeshare Resort Project site is not traversed by a fault. During a moderate or major earthquake occurring close to the site, Woodfin Suite Hotel and Timeshare Resort Project improvements would be subject to hazards associated with seismically-induced settlement due to seismic shaking, as well as soil liquefaction. The Woodfin Suite Hotel and Timeshare Resort Project will entail substantial grading, removing existing topsoil, and surficial wind and water erosion would increase during construction. Furthermore, gases in the soil could pose a risk to human health.

Finding

With implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Woodfin Suite Hotel and Timeshare Resort Project, potential geotechnical and soil resource impacts from the Woodfin Suite Hotel and Timeshare Resort Project will be reduced to a less than significant level by designing and constructing the structures in conformance with the most stringent safety standards consistent with all applicable local, state, and federal regulations, such as the Uniform Building Code and the Los Angeles County Building Code for seismic safety.

Facts

Geotechnical and Soils Resource impacts are discussed in Chapter 5.1 of the Draft EIR. Compliance with applicable building codes and seismic safety standards will reduce impacts from ground shaking to less than significant levels. The Woodfin Suite Hotel and Timeshare Resort Project site is located within 7 km of a major fault and is therefore subject to significant ground shaking. The Woodfin Suite Hotel and Timeshare Resort Project site is also subject to threat from tsunami due to its location approximately .25 miles from the shore, although living areas will contain a finished floor elevation greater than anticipated wave and run-up heights in the event of a tsunami. The Woodfin Suite Hotel and Timeshare Resort Project is not anticipated to endure issues related to soil erosion or topsoil due to the design that includes covering the site with non-erosive surfaces including pavement, structures, and permanent vegetation as part of the Woodfin Suite Hotel and Timeshare Resort Project. The Woodfin Suite Hotel and Timeshare Resort site is subject to potential liquefaction upon seismic ground shaking, and is located near abandoned oil wells, necessitating the need for mitigation for potential liquefaction and soil gas buildup. The above finding is made in that the following measures will be made conditions of the Woodfin Suite Hotel and Timeshare Resort Project approval so as to mitigate the identified impacts:

Mitigation Measures:

Seismic Ground Shaking

- Proposed structures shall be designed in conformance with the requirements of the 2007 California Building Code and the County of Los Angeles Building Code for Seismic Zone 4.
- Proposed structures shall be designed in conformance with all recommendations included in the Van Beveren & Butelo report included as Appendix 5.1 to the Draft EIR.

Substantial Soil Erosion or Loss of Topsoil

- Precautions shall be taken during the performance of site clearing, excavations, and grading to protect the project from flooding, ponding, or inundation by poor or improper surface drainage.

- Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall.
- Where necessary during periods of rainfall, the contractor shall install checkdams, desilting basins, rip-rap, sand bags, or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements.
- Following periods of rainfall and at the request of the geotechnical consultant, the contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage.
- Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs and adjacent property.
- For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.
- Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.
- Landscaping shall be kept to a minimum and where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.
- Roof drains shall be directed off the site.
- Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Van Beveren & Butelo report included as Appendix 5.1 to the Draft EIR.

Liquefaction and Soil Gas

- As required by the Los Angeles County Department of Building and Safety and Los Angeles County Building Code Section 110.4, buildings or structures adjacent

to or within 200 feet (60.96 meters) of active, abandoned, or idle oil or gas well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2009 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports, included as Appendix 5.1 to the Draft EIR, shall be implemented.

- There are several existing pile foundations on the site. Where the foundations are in the building area, they shall be cut off at least 5 feet below the bottom of the proposed mat or the proposed pile caps.
- A program of in-situ densification to improve the density of the granular estuary deposits to a minimum N-value of 20 shall be employed. Densification could be accomplished using stone columns, where a vibrating probe is inserted into the ground and the densified soils are replaced with gravel. Van Beveren & Butelo anticipate that the probes will need to be spaced between 6 and 12 feet on centers to achieve the required minimum N-values. The densification should be performed throughout the estuary deposits to the surface of the dense sand and gravel, which was encountered in the explorations between Elevation –25 to –37 feet or 26 to 38 feet below the lowest parking level. The densification should be performed within the entire area of the tower and conference center and 15 feet beyond the building footprints in plan. If there is not sufficient space to permit the densification beyond the buildings, then Van Beveren & Butelo recommend that the soils within the building area be confined using a soil-cement column, where the on-site soils are mixed in place with cement to create a confinement around the site's perimeter. The soil-cement columns could be located on the property line. The densification will need to be evaluated by a test program using cone penetration tests (CPT). Van Beveren & Butelo recommend that the ground improvement program be initiated on a test area about 50 square feet. After the initial ground improvement effort, the results should be evaluation using a CPT and the spacing of the probes be adjusted.

- Foundations for the hotel/timeshare tower should extend through the existing fill and estuary deposits and into the underlying dense sand and gravel. Driven piles could be used, but the noise associated with pile driving may be a problem in this residential neighborhood. Auger-cast piles could be used as an option to the driven piles. Each method is described in detail in the Van Beveren & Butelo report, located in Appendix 5.1 of the Draft EIR. Van Beveren & Butelo also recommend a mat foundation and specific retaining wall specifications that shall be integrated into the design of the conference center. These specifications can also be found in Appendix 5.1 of the Draft EIR.

Expansive Soils

- Any import material shall be tested for expansion potential prior to importing.
- Expansion index tests shall be performed at the completion of grading if silty subgrade soils are exposed to verify expansion potential.
- Any additional recommendations pertinent to expansive soils as shall be carried out in accordance with the recommendations of the Van Beveren & Butelo Report, October 23, 2006.

General Mitigation Measures

- Mitigation measures are applicable to the proposed project, but do not specifically fall into any threshold category as defined above. The project shall incorporate any additional mitigation measures are defined in the Van Beveren & Butelo Report, October 23, 2006, included in Appendix 5.1 to the Draft EIR.

2. Hydrology and Drainage

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

Potential Effect

The Project's associated construction activities could significantly impact the quality of the groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies due to surface runoff from the Project draining into the Marina during construction. The Project's post-development activities could

potentially degrade the quality of storm water runoff. Post-development non-storm water discharges could contribute potential pollutants to the storm water conveyance system and/or receiving bodies. All of these potential effects require NPDES permit compliance.

Finding

Implementation of the identified mitigation measures in accordance with the Los Angeles County Department of Public Works and Regional Water Quality Control Board requirements would reduce erosion, sedimentation, and water quality impacts to less than significant levels. Therefore, no unavoidable significant project-specific impacts are anticipated.

Facts

Hydrology and drainage impacts are discussed in section 5.3 of the Draft EIR. As the 1.46 acre-wetland park and public-serving boat slips will involve only minor ground alterations and small structures, there is no potential for significant hydrology and drainage impacts with respect to these Project components.

On- and/or Off-site Flooding

A minimal increase in total site runoff during a 25-year storm event would occur as a result of development of the Neptune Marina Apartments and the Anchorage/Woodfin Suite Hotel and Timeshare Resort Project. Under existing conditions, runoff during a 25-year storm event from Parcel 10R is approximately 16.0 cubic feet per second (cfs) and sheetflows to Basin B. Existing runoff from Parcel FF is approximately 4.0 cfs and sheetflows directly to Basin C, also via a series of catch basins. Existing runoff from a portion of Parcel 9U is approximately 5.2 cfs and collects in a man-made depression situated in the southern portion of the parcel. The rest of Parcel 9U sheetflows directly into Basin B and is approximately 1.3 cfs.

Project operation would result in no alteration of surface flows for Parcels 10R and FF. Runoff from the northern portion of Parcel 9U would be 7.8 cfs and would be routed to Marina del Rey Basin B via an on-site storm drain system. No runoff would be directed to the wetland/upland area to the south. No flood hazard to the small-craft

harbor would occur because the elevation of the bulkhead is substantially (greater than 8 feet) above the tidal elevation. Construction of the partially subterranean parking facilities may require de-watering during excavation only.

Increased Sedimentation and Erosion

Project applicant(s) would be required to prepare a SWPPP for Parcels 10R, FF, and 9U pursuant to the NPDES that would identify the various BMPs that would be implemented at the construction site. Upon completion of the Project, Parcels 10R, FF, and 9U would be covered with non-erosive surfaces including roofs, pavement, and/or permanent vegetation, which would reduce sediment in site runoff.

The applicant(s) will install debris booms around all waterside construction areas to capture and control floating debris, and debris catchers would be used in places where falling debris is unavoidable. Siltation collars would be employed around individual piles during pile removal to reduce and/or prevent sediment from crossing into surrounding waters. The project applicants would also comply with the National Pollutant Discharge Elimination System (NPDES) and Regional Water Quality Control Board (RWQCB) requirements governing activities within the small-craft harbor.

Mitigation Measures Already Incorporated into the Project:

- Waterside demolition of the boat anchorages for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project (Parcel 10R only) would employ debris booms around all waterside construction areas to capture and control floating debris.
- Debris catchers will be utilized in places where falling debris is unavoidable.
- Siltation collars will be placed around piles prior to removal to reduce and/or prevent sediment from costing into surrounding waters.

Mitigation Measures:

- A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites. These plans shall be prepared to the

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

The purpose of the County's review of the final drainage and grading plans (and erosion control plan, if required) is to confirm that the Project's final drainage and grading details are consistent with the approved Concept plans, which show that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites.

Surface and Groundwater Quality

Temporary dewatering systems for the partially subterranean parking structures may require a NPDES permit for groundwater discharge from the RWQCB to ensure all water discharged to the small-craft harbor would meet all NPDES requirements.

The applicant(s) would be required to prepare a SWPPP pursuant to the NPDES that would identify the various best management practices that would be implemented on the site during dewatering, demolition, and construction. During operation of the Project, the applicant(s) will be required to address long-term monitoring and implementation of best management practices on the Project site.

Mitigation Measures Already Incorporated into the Project:

- The applicant must obtain NPDES permits for groundwater discharge from the Regional Water Quality Control Board prior to discharge of groundwater into the small-craft harbor from the dewatering activities during subterranean parking garage excavation. The applicant is required to satisfy all applicable requirements of the NPDES program for construction and demolition activity to the satisfaction of the Los Angeles County Department of Public Works. These requirements currently include preparation of a SWPPP containing design features and BMPs appropriate and applicable to the construction activities.

Best Management Practices:

- The County will require BMPs to minimize pollutants entering the small-craft harbor. Source control BMPs include: materials use controls, material exposure controls, material disposal and recycling, spill prevention and clean up activities, street and storm drain maintenance activities, site design alternatives, and good housekeeping practices. Treatment control BMPs include physical treatment of runoff.

Mitigation Measures:

- Small-craft harbor lease agreements for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall include prohibitions against engine maintenance and boat painting or scraping activities while on the premises.

Implementation of the Project with the Mitigation Measures already included as part of the Project, the Mitigation Measures, and the Best Management Practices would result in a less than significant impact to the environment.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project's associated construction activities could significantly impact the quality of the groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies due to surface runoff from the Parcel 10R Project draining into the Marina during construction. The Parcel 10R Project's post-development activities could potentially degrade the quality of storm water runoff. Post-development non-storm water discharges could contribute potential pollutants to the storm water conveyance system and/or receiving bodies. All of these potential effects require NPDES permit compliance.

Finding

Implementation of the identified mitigation measures in accordance with the Los Angeles County Department of Public Works and Regional Water Quality Control Board requirements would reduce erosion, sedimentation, and water quality impacts to lessen

than significant levels. Therefore, no unavoidable significant project-specific impacts are anticipated.

Facts

Hydrology and Drainage impacts are discussed in section 5.3 of the Draft EIR.

On- and/or Off-site Flooding

No increase in total site runoff during a 25-year storm event would occur as a result of development of the Parcel 10R Project. No flood hazard to the Parcel 10R Project site from the small-craft harbor would occur because the elevation of the bulkhead is substantially greater (greater than 8 feet) above the tidal elevation.

Increased Sedimentation and Erosion

The Parcel 10R Project applicant would be required to prepare a SWPPP pursuant to the NPDES that would identify the various BMPs that would be implemented at the construction site including the temporary dewatering of subterranean parking areas. Upon completion of the Parcel 10R Project, the Parcel 10R Project site would be covered with non-erosive surfaces including roofs, pavement, and/or permanent vegetation, which would reduce sediment in site runoff.

The applicant(s) will install debris booms around all waterside construction areas to capture and control floating debris, and debris catchers would be used in places where falling debris is unavoidable. Siltation collars would be employed around individual piles during pile removal to reduce and/or prevent sediment from crossing into surrounding waters. The Parcel 10R Project applicants would also comply with the (NPDES) and (RWQCB) requirements governing activities within the small-craft harbor.

Mitigation Measures Already Incorporated into the Parcel 10R Project:

- Waterside demolition of the boat anchorages for Parcel 10R would employ a debris boom around all waterside construction areas to capture and control floating debris.
- Debris catchers will be utilized in places where falling debris is unavoidable.
- Siltation collars will be placed around piles prior to removal to reduce and/or prevent sediment from costing into surrounding waters.

Mitigation Measures:

- A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites. These plans shall be prepared to the satisfaction of the Los Angeles County Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits.

The purpose of the County's review of the final drainage and grading plans (and erosion control plan, if required) is to confirm that the Project's final drainage and grading details are consistent with the approved Concept plans, which show that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites.

Surface and Groundwater Quality

Temporary dewatering systems for the partially subterranean parking structures may require a NPDES permit for groundwater discharge from the RWQCB to ensure all water discharged to the small-craft harbor would meet all NPDES requirements.

The applicant(s) would be required to prepare a SWPPP pursuant to the NPDES that would identify the various best management practices that would be implemented on the site during dewatering, demolition, and construction. During operation of the Parcel 10R Project, the applicant(s) will be required to address long-term monitoring and implementation of best management practices on the Parcel 10R Project site.

Mitigation Measures Already Incorporated into the Parcel 10R Project:

- The applicant must obtain NPDES permits for groundwater discharge from the Regional Water Quality Control Board prior to discharge of groundwater into the small-craft harbor from the dewatering activities during subterranean parking garage excavation. The applicant is required to satisfy all applicable requirements of the NPDES program for construction and demolition activity to

the satisfaction of the Los Angeles County Department of Public Works. These requirements currently include preparation of a SWPPP containing design features and BMPs appropriate and applicable to the construction activities.

Best Management Practices:

- The County will require BMPs to minimize pollutants entering the small-craft harbor. Public education and participation activities will also make information regarding water quality and BMPs available to renters. Source control BMPs include: materials use controls, material exposure controls, material disposal and recycling, spill prevention and clean up activities, street and storm drain maintenance activities, site design alternatives, and good housekeeping practices. Treatment control BMPs include physical treatment of runoff.

Mitigation Measures:

- Small-craft harbor lease agreements for the Parcel 10R Project shall include prohibitions against engine maintenance and boat painting or scraping activities while on the premises.

Implementation of the Parcel 10R Project with the Mitigation Measures already included as part of the Parcel 10R Project, the Mitigation Measures, and the Best Management Practices would result in a less than significant impact to the environment.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project's associated construction activities could significantly impact the quality of the groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies due to surface runoff from the Parcel FF Project draining into the Marina during construction. The Parcel FF Project's post-development activities could potentially degrade the quality of storm water runoff. Post-development non-storm water discharges could contribute potential pollutants to the storm water conveyance system and/or receiving bodies. All of these potential effects require NPDES permit compliance.

Finding

Implementation of the identified mitigation measures in accordance with the Los Angeles County Department of Public Works and Regional Water Quality Control Board requirements would reduce erosion, sedimentation, and water quality impacts to lessen than significant levels. Therefore, no unavoidable significant project-specific impacts are anticipated.

Facts

Hydrology and Drainage impacts are discussed in section 5.3 of the Draft EIR.

On- and/or Off-site Flooding

No increase in total site runoff during a 25-year storm event would occur as a result of the Parcel FF Project. Existing runoff from the Parcel FF Project site is approximately 4.0 cfs and sheetflows directly to Marina del Rey Basin C via a series of catch basins. Future on-site storm drainage improvements would be designed to accommodate post-development flows during a 25-year storm event and would, per normal practice, be approved by the Los Angeles County Department of Public Works prior to grading. No flood hazard to Parcel FF Project from the small-craft harbor would occur because the elevation of the bulkhead is substantially (greater than eight feet) above the tidal elevation.

Increased Sedimentation and Erosion

Project applicant(s) would be required to prepare a SWPPP for Parcel FF Project pursuant to the NPDES that would identify the various BMPs that would be implemented at the construction site. Upon completion of the Parcel FF Project, the Parcel FF Project would be covered with non-erosive surfaces including roofs, pavement, and/or permanent vegetation, which would reduce sediment in site runoff.

Mitigation Measures:

- A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project site. These plans shall be prepared to the

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

The purpose of the County's review of the final drainage and grading plans (and erosion control plan, if required) is to confirm that the Project's final drainage and grading details are consistent with the approved Concept plans, which show that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites.

Surface and Groundwater Quality

Temporary dewatering systems for the partially subterranean parking structures may require a NPDES permit for groundwater discharge from the RWQCB to ensure all water discharged to the small-craft harbor would meet all NPDES requirements.

The applicant(s) would be required to prepare a SWPPP pursuant to the NPDES that would identify the various best management practices that would be implemented on the site during dewatering, demolition, and construction. During operation of the Parcel FF Project, the applicant(s) will be required to address long-term monitoring and implementation of best management practices on the Parcel FF Project site.

Mitigation Measures Already Incorporated into the Parcel FF Project:

- The applicant must obtain NPDES permits for groundwater discharge from the Regional Water Quality Control Board prior to discharge of groundwater into the small-craft harbor form the dewatering activities during subterranean parking garage excavation. The applicant is required to satisfy all applicable requirements of the NPDES program for construction and demolition activity to the satisfaction of the Los Angeles County Department of Public Works. These requirements currently include preparation of a SWPPP containing design features and BMPs appropriate and applicable to the construction activities.

Best Management Practices:

- The County will require BMPs to minimize pollutants entering the small-craft harbor. Public education and participation activities will also make information regarding water quality and BMPs available to renters. Source control BMPs include: materials use controls, material exposure controls, material disposal and recycling, spill prevention and clean up activities, street and storm drain maintenance activities, site design alternatives, and good housekeeping practices. Treatment control BMPs include physical treatment of runoff.

Implementation of the Parcel FF Project with the Mitigation Measures already included as part of the Parcel FF Project, the Mitigation Measures, and the Best Management Practices would result in a less than significant impact to the environment.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project's associated construction activities could significantly impact the quality of the groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies due to surface runoff from the Woodfin Suite Hotel and Timeshare Resort Project draining into the Marina during construction. The Woodfin Suite Hotel and Timeshare Resort Project's post-development activities could potentially degrade the quality of storm water runoff. Post-development non-storm water discharges could contribute potential pollutants to the storm water conveyance system and/or receiving bodies. All of these potential effects require NPDES permit compliance.

Finding

Implementation of the identified mitigation measures in accordance with the Los Angeles County Department of Public Works and Regional Water Quality Control Board requirements would reduce erosion, sedimentation, and water quality impacts to less than significant levels. Therefore, no unavoidable significant Woodfin Suite Hotel and Timeshare Resort Project-specific impacts are anticipated.

Facts

Hydrology and Drainage impacts are discussed in section 5.3 of the Draft EIR.

On- and/or Off-site Flooding

A minimal (1.3 cfs) increase in total site runoff during a 25-year storm event would occur as a result of the development of the Woodfin Suite Hotel and Timeshare Resort. No runoff from the Woodfin Suite Hotel and Timeshare Resort would be directed to the proposed wetland situated to the south. The storm drain system would be designed to accommodate post-development flows during a 25-year storm event and, per normal practice, would be approved by the Los Angeles County Department of Public Works prior to grading. No flood hazard to the Woodfin Suite Hotel and Timeshare Resort Project from the small-craft harbor would occur because the elevation of the bulkhead is substantially (greater than eight feet) above the tidal elevation.

Increased Sedimentation and Erosion

The Woodfin Suite Hotel and Timeshare Resort Project applicant would be required to prepare a SWPPP pursuant to the NPDES that would identify the various BMPs that would be implemented at the construction site including the temporary dewatering of subterranean parking areas. Upon completion of the Woodfin Suite Hotel and Timeshare Resort Project, the Woodfin Suite Hotel and Timeshare Resort Project site would be covered with non-erosive surfaces including roofs, pavement, and/or permanent vegetation, which would reduce sediment in site runoff.

Mitigation Measures:

- A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project site. These plans shall be prepared to the satisfaction of the Los Angeles County Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits.

The purpose of the County's review of the final drainage and grading plans (and erosion control plan, if required) is to confirm that the Project's final drainage and grading details are consistent with the approved Concept plans, which show that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites.

Surface and Groundwater Quality

Temporary dewatering systems for the partially subterranean parking structures may require a NPDES permit for groundwater discharge from the RWQCB to ensure all water discharged to the small-craft harbor would meet all NPDES requirements.

The applicant(s) would be required to prepare a SWPPP pursuant to the NPDES that would identify the various best management practices that would be implemented on the site during dewatering, demolition, and construction. During operation of the Woodfin Suite Hotel and Timeshare Resort Project, the applicant(s) will be required to address long-term monitoring and implementation of best management practices on the Woodfin Suite Hotel and Timeshare Resort Project site.

Mitigation Measures Already Incorporated into the Woodfin Suite Hotel and Timeshare Resort Project:

- The applicant must obtain NPDES permits for groundwater discharge from the Regional Water Quality Control Board prior to discharge of groundwater into the small-craft harbor from the dewatering activities during subterranean parking garage excavation. The applicant is required to satisfy all applicable requirements of the NPDES program for construction and demolition activity to the satisfaction of the Los Angeles County Department of Public Works. These requirements currently include preparation of a SWPPP containing design features and BMPs appropriate and applicable to the construction activities.

Best Management Practices:

- The County will require BMPs to minimize pollutants entering the small-craft harbor. Public education and participation activities will also make information regarding water quality and BMPs available to renters. Source control BMPs include: materials use controls, material exposure controls, material disposal and recycling, spill prevention and clean up activities, street and storm drain maintenance activities, site design alternatives, and good housekeeping practices. Treatment control BMPs include physical treatment of runoff.

Implementation of the Woodfin Suite Hotel and Timeshare Resort Project with the Mitigation Measures already included as part of the Woodfin Suite Hotel and Timeshare Resort Project, the Mitigation Measures, and the Best Management Practices would result in a less than significant impact to the environment.

3. <u>Biota</u>

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

Potential Effect

The Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetland as defined by section 404 of the Clean Water Act. The Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

With implementation of the measures identified in this section, conditions of approval, and mitigation measures included in the project design, potential impacts to biota would be reduced to a less than significant level by implementing measures to ensure minimal invasiveness to plant and animal species, as well as aquatic species, during construction and operation of the Project. Operation of the Project would result in a less than significant impact and would actually improve biotic resources by restoring the area through a Public Wetland Park.

Facts

Biota impacts are discussed in section 5.5 of the Draft EIR. Parcels 10R and FF are presently developed as an apartment complex and surface parking lot, respectively, and no natural biotic communities are present. Parcel 9U is a vacant undeveloped lot. In these undeveloped areas, a ruderal and a man-made wetland vegetation/habitat is present. The fauna of this area is generally typified by an assemblage of species that have adapted to an intensive and continuous human presence. Based on expert field surveys and a review of available records, no special status plant or animal species occur on or significantly utilize habitat on terrestrial or marine portions of the Project site.

As part of the proposed development on Parcels 10R and FF, existing uses would be removed and replaced with similar land uses but at a greater density. Development associated with Woodfin Suite Hotel/Timeshare Resort (Parcel 9U) would occur on a vacant lot now typified by ruderal vegetation. Development of Parcels 10R, FF, and the Woodfin Suite Hotel/Timeshare Resort on Parcel 9U would not directly impact terrestrial special-status plant or animal species. As such, direct impacts on terrestrial special status species associated with construction and operation on Parcels 10R, FF, and Woodfin Suite Hotel/Timeshare Resort Parcel 9U are not considered significant, with the exception of black-crowned night-heron and snowy egret when found nesting in project area landscape trees.

The South-Central portion of Parcel 9U is an excavated depression that supports a mixture of native and non-native plant species that exhibit a range relative to their wetland indicator status and is considered to be special status. The Project includes a

restoration plan for this wetland area. Development of the Parcel 9U project would not result in significant direct or indirect impacts to biological resources. Therefore, no mitigation is proposed, as none is necessary to reduce impacts to a less than significant level as this Project component is sufficient to mitigate for the loss of the man-made wetland habitat. The features of the restored wetland and upland park will become requirements under the coastal development permit.

Construction and operation of the wetland park would occur on a vacant lot now typified by ruderal and willow riparian vegetation on an existing man-made berm. Similar to development associated with Neptune Marina Parcels 10R and FF and the northern portion of Parcel 9U, development would not directly impact terrestrial special-status plant or animal species. As such, direct impacts on terrestrial special status species associated with construction and operation of the wetland park is not considered significant, with the exception of black-crowned night-heron and snowy egret when found nesting in project area landscape trees.

The Project site is highly developed and no portion of the Project is expected to substantially interfere with movement patterns associated with the existing ground-dwelling fauna currently at the site. With the requested entitlement, the Project is also consistent with the applicable policies including the Marina del Rey Local Coastal Plan. As conditioned, it is also consistent with the RWQCB Water Quality Control Plan.

Potentially significant impacts to the existing water quality and the associated marine infauna could result from the re-suspension of sediments associated with the removal of the existing pilings and placement of the new pilings for the new boat spaces This impact is considered potentially significant due to: (1) the reported use of the water area by the Endangered brown pelican and California least tern; and (2) the re-suspension of contaminants within the sediments at the site. Anchoring of work vessels would be expected to further the aforementioned re-suspension and increase the area potentially affected by the sediment. If placed in such a manner (i.e., from the water surface to the sea-floor and enclosing as small an area as possible) the proposed use of siltation collars would reduce the potential impacts to less than significant and limit the

extent of the turbidity. The use of a debris boom during removal and replacement of the new dock facilities should effectively reduce or eliminate altogether the amount of floating debris entering the main channel of the small-craft harbor. The proposed utilization of a vessel to recover floating material will further reduce this potential impact.

Other potential construction-related impacts may include the disturbance of the existing marine biological community via the removal of solid, high-relief substrate (pilings) and the epibiota attached to them. Pile-associated and demersal (bottom-oriented) fish would be expected to leave the area during construction and move to other portions of the small-craft harbor. These impacts are not considered significant since the pilings will be replaced, and there are no known sensitive, rare, threatened, or endangered plant, invertebrate or fish taxa in the project area. Re-colonization of the sea floor and new concrete pilings would be expected, and the biological community associated with those habitats is expected to be similar to that which currently exists within one to three years of completion of in-water construction.

In addition to marine sediment resuspension, onshore sediments could be transported to small-craft harbor waters by storm water, thus increasing turbidity within the construction area. During storms, the small-craft harbor receives runoff from the site through two existing storm drains. The potential addition of construction-related sediments to on-site runoff is not considered significant, but could occur over a period of one year or more.

Compliance with all permitting requirements and implementation of mitigation measures and project design mitigation measures will reduce all impacts to less than significant levels. The above finding is made in that the following measures will be made conditions of Project approval so as to mitigate the identified impacts:
Mitigation Measures Already Incorporated into the Project: As proposed, the project will be responsive to water quality mitigation measures required by state and local agencies (reference EIR Section 5.3). Construction techniques defined in Section 3.0 of the Draft EIR, Project Description, (i.e., siltation collars and debris booms) would serve to mitigate

project related sedimentation and surface debris impacts to the marine environment. Also, waterside development activities will be suspended during the March to September breeding season of the California least tern, as long as it is known that the species is still nesting in the Venice Beach habitat.

Mitigation Measures Recommended by the EIR:

- Secure siltation collar around each pile prior to removal and replacement (water surface to seafloor) and assure that the ends seal the area to preclude re-suspended sediments from entering other areas of the small-craft harbor. Sedimentation collars are used similar to silt screens as a means of controlling or reducing turbidity in the vicinity of the construction zone. The collars are placed around piles to be removed and extend from the bottom of the marina to above the water line. Once the collars are in place, the piles are extracted. During this process, turbidity is increased. Sediment collars would be left in place until the clarity of water inside the sediment collar approaches normal conditions in the marina (measured via the use of a seiche disk) at which time the sediment collar is removed. Details shall be provided to and approved by RWQCB Los Angeles Region staff prior to construction.
- In the event a pile should break during removal, use divers to cut the broken pile at the mudline to reduce the resuspension of deeper sediments that are possibly more contaminated than the surficial material. While diver-generated turbidity would be expected during cutting operations, the reduction of sediment resuspension from this removal method would be expected to reduce degradation of water quality and seafloor impacts. Place impervious barriers (i.e., hay bales) around the perimeter of all onshore areas of exposed dirt. Grade the dirt to provide for drainage away from the small-craft harbor.
- Waterside development and construction activities will be curtailed during the March to September California least tern breeding season, as long as it is known that the species is still nesting in the Venice Beach habitat.

- To avoid impacts to native nesting birds (California Fish and Game Code Sections 3503, 3503.5, and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the surveying biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human-habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-

construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.

Implementation of these measures would reduce biological impacts in both construction and operation to levels that are not considered significant.

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Parcel 10R Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act. The Parcel 10R Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with

local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

With implementation of the measures identified in this section, conditions of approval, and mitigation measures included in the project design, potential impacts to biota would be reduced to a less than significant level by implementing measures to ensure minimal invasiveness to plant and animal species, as well as aquatic species, during construction and operation of the Project.

Facts

Biota impacts are discussed in pages 5.5-45 to 5.5-52 of the Draft EIR. Parcel 10R is presently developed as an apartment complex, and no natural biotic communities are present. The fauna of this area is generally typified by an assemblage of species that have adapted to an intensive and continuous human presence. Based on expert field surveys and a review of available records, no special status plant or animal species occur on or significantly utilize habitat on terrestrial or marine portions of the Parcel 10R.

As part of the proposed development on Parcel 10R, existing uses would be removed and replaced with similar land uses but at a greater density. Development of Parcel 10R would not directly impact terrestrial special-status plant or animal species. As such, direct impacts on terrestrial special status species associated with construction and operation on Parcel 10R are not considered significant, with the exception of black-crowned night-heron and snowy egret when found nesting in project area landscape trees.

The Parcel 10R Project site is highly developed and no portion of the Parcel 10R Project is expected to substantially interfere with movement patterns associated with the existing ground-dwelling fauna currently at the site. No wetlands occur on Parcel 10R; thus, the Parcel FF Project would not affect any wetlands. Parcel 10R is not a wildlife corridor. With the requested entitlement, the Parcel 10R Project is also

consistent with the applicable policies including the Marina del Rey Local Coastal Plan As conditioned, it is also consistent with the RWQCB Water Quality Control Plan.,.

Potentially significant impacts to the existing water quality and the associated marine infauna could result from the re-suspension of sediments associated with the removal of the existing pilings and placement of the new pilings for the new boat spaces. This impact is considered potentially significant due to: (1) the reported use of the water area by the endangered brown pelican and California least tern; and (2) the re-suspension of contaminants within the sediments at the site. Anchoring of work vessels would be expected to further the aforementioned re-suspension and increase the area potentially affected by the sediment. If placed in such a manner (i.e., from the water surface to the sea-floor and enclosing as small an area as possible) the proposed use of siltation collars would reduce the potential impacts to less than significant and limit the extent of the turbidity. The use of a debris boom during removal and replacement of the new dock facilities should effectively reduce or eliminate altogether the amount of floating debris entering the main channel of the small-craft harbor. The proposed utilization of a vessel to recover floating material will further reduce this potential impact.

Other potential construction-related impacts may include the disturbance of the existing marine biological community via the removal of solid, high-relief substrate (pilings) and the epibiota attached to them. Pile-associated and demersal (bottom-oriented) fish would be expected to leave the area during construction and move to other portions of the small-craft harbor. These impacts are not considered significant since the pilings will be replaced, and there are no known sensitive, rare, threatened, or endangered plant, invertebrate or fish taxa in the project area. Re-colonization of the sea floor and new concrete pilings would be expected, and the biological community associated with those habitats is expected to be similar to that which currently exists within one to three years of completion of in-water construction.

In addition to marine sediment resuspension, onshore sediments could be transported to small-craft harbor waters by storm water, thus increasing turbidity within

the construction area. During storms, the small-craft harbor receives runoff from the site through two existing storm drains. The potential addition of construction-related sediments to on-site runoff is not considered significant, but could occur over a period of one year or more.

Compliance with all permitting requirements and implementation of mitigation measures and project design mitigation measures will reduce all impacts to less than significant levels. The above finding is made in that the following measures will be made conditions of Parcel 10R Project approval so as to mitigate the identified impacts: Mitigation Measures Already Incorporated into the Project: As proposed, the project will be responsive to water quality mitigation measures required by state and local agencies (reference EIR Section 5.3). Construction techniques defined in Section 3.0 of the Draft EIR, Project Description (i.e., siltation collars and debris booms) would serve to mitigate project related sedimentation and surface debris impacts to the marine environment. Also, waterside development activities will be suspended during the March to September breeding season of the California least tern, as long as it is known that the species is still nesting in the Venice Beach habitat.

Mitigation Measures Recommended by the EIR:

- Secure siltation collar around each pile prior to removal and replacement (water surface to seafloor) and assure that the ends seal the area to preclude re-suspended sediments from entering other areas of the small-craft harbor. Sedimentation collars are used similar to silt screens as a means of controlling or reducing turbidity in the vicinity of the construction zone. The collars are placed around piles to be removed and extend from the bottom of the marina to above the water line. Once the collars are in place, the piles are extracted. During this process, turbidity is increased. Sediment collars would be left in place until the clarity of water inside the sediment collar approaches normal conditions in the marina (measured via the use of a seiche disk) at which time the sediment collar is removed. Details shall be provided to and approved by RWQCB Los Angeles Region staff prior to construction.

- In the event a pile should break during removal, use divers to cut the broken pile at the mudline to reduce the resuspension of deeper sediments that are possibly more contaminated than the surficial material. While diver-generated turbidity would be expected during cutting operations, the reduction of sediment resuspension from this removal method would be expected to reduce degradation of water quality and seafloor impacts. Place impervious barriers (i.e., hay bales) around the perimeter of all onshore areas of exposed dirt. Grade the dirt to provide for drainage away from the small-craft harbor.
- Waterside development and construction activities will be curtailed during the March to September California least tern breeding season, as long as it is known that the species is still nesting in the Venice Beach habitat.
- To avoid impacts to native nesting birds (California Fish and Game Code (Section 3503, 3503.5, and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the surveying biologist shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence

of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human-habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.

Implementation of these measures would reduce biological impacts in both construction and operation to levels that are not considered significant.

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Parcel FF Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetland as defined by section 404 of the Clean Water Act. The Parcel FF Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

No special-status plant or animal species were observed or are known to occur on or significantly utilize the Parcel FF site. Therefore, no significant impact to biota resources would occur.

Facts

Biota impacts are discussed in pages 5.5-53 to 5.5-55 of the Draft EIR. No natural biotic communities are located on the Parcel FF site. As proposed, the Parcel FF Project would not result in the removal of any defined special-status habitat due to the lack of habitat on the site. Based on expert field surveys and a review of available records, no special status plant or animal species occur on or significantly utilize habitat on terrestrial or marine portions of the Parcel FF.

No wetlands occur on the Parcel FF site, thus, the Parcel FF Project would not affect any wetlands. Parcel FF is not a wildlife corridor. With the requested entitlement, the Parcel FF Project is also consistent with the applicable policies including

the Marina del Rey Local Coastal Plan. As conditioned, it is also consistent with the RWQCB Water Quality Control Plan.

Onshore sediments could be transported to small-craft harbor waters by storm water, thus increasing turbidity within the construction area. During storms, the small-craft harbor receives runoff from the site through two existing storm drains. The potential addition of construction-related sediments to on-site runoff is not considered significant, but could occur over a period of one year or more.

No special-status plant or animal species are known to occur on or significantly use Parcel FF, with the exception of black-crowned night-heron and snowy egret when found nesting in project area landscape trees. The following mitigation measures are included to ensure a less than significant impact.

Mitigation Measures Recommended by the EIR:

- To avoid impacts to native nesting birds (California Fish and Game Code (Section 3503, 3503.5, and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the surveying biologist, shall be postponed or halted until the nest is vacated and

juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human-habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.

Implementation of these measures would reduce biological impacts in both construction and operation to levels that are not considered significant.

Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Woodfin Suite Hotel and Timeshare Resort Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetland as defined by section 404 of the Clean Water Act. The Woodfin Suite Hotel and Timeshare Resort Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

Implementation of Woodfin Suite Hotel and Timeshare Resort Project features would reduce impacts to a less than significant level.

Facts

Biota impacts are discussed in pages 5.5-56 to 5.5-58 of the Draft EIR. As proposed, the Woodfin Suite Hotel/Timeshare Resort Project would not result in the removal of any defined special-status habitat due to the lack of habitat on the site on the northern portion of Parcel 9U. Impacts to the wetland portion of Parcel 9U are discussed below. No wetlands occur on the northern portion of the Woodfin Suite Hotel/Timeshare Resort Project site, thus, the Woodfin Suite Hotel/Timeshare Resort Project would not affect any wetlands. The Woodfin Suite Hotel/Timeshare Resort Project would impact less than 2.2 acres of ornamental and disturbed/ruderal habitat and is not a wildlife corridor. Development of the Woodfin Suite Hotel/Timeshare

Resort Project will, with the requested entitlement, be consistent with the land use plan for the site.

Onshore sediments could be transported to small-craft harbor waters by storm water, thus increasing turbidity within the construction area. During storms, the small-craft harbor receives runoff from the site through two existing storm drains. The potential addition of construction-related sediments to on-site runoff is not considered significant, but could occur over a period of one year or more.

No special-status plant or animal species are known to occur on or significantly use the northern portion of the Woodfin Suite Hotel/Timeshare Resort site, with the exception of black-crowned night-heron and snowy egret when found nesting in project area landscape trees. The following mitigation measures are included to ensure a less than significant impact should species use the site.

Mitigation Measures Recommended by the EIR:

- To avoid impacts to native nesting birds (California Fish and Game Code Sections 3503, 3503.5, and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the

surveying biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human-habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.

Implementation of these measures would reduce biological impacts in both construction and operation to levels that are not considered significant.

Wetland Park Project

Potential Effect

The Public Wetland Park Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Public Wetland Park Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetland as defined by section 404 of the Clean Water Act. The Public Wetland Park Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

Potential impacts to biota from the Public Wetland Park are less than significant level during construction of the Project. Operation of the Pubic Wetland Project would result in a less than significant impact and would actually improve biotic resources by restoring the area through the Public Wetland Park.

Facts

Biota impacts are discussed in pages 5.5-59 to 5.5-67 of the Draft EIR. The Public Wetland Park portion of Parcel 9U remains as a vacant undeveloped lot. In these undeveloped areas, a ruderal and a man-made wetland vegetation/habitat is present. The fauna of this area is generally typified by an assemblage of species that have adapted to an intensive and continuous human presence.

Construction and operation of the wetland park would occur on a vacant lot now typified by ruderal and willow riparian vegetation on an existing man-made berm. The South-Central potion of Parcel 9U is an excavated depression that supports a mixture of native and non-native plant species that exhibit a range relative to their wetland

indicator status and is considered to be special status. The Public Wetland Park Project includes restoration of this degraded wetland in accordance with the restoration plan incorporated as Appendix 5.5 of the DEIR. This plan includes establishment of a muted tidal regime that will substantially enhance the hydrologic, biogeochemical and habitat functions of the degraded wetland, and will include the establishment of coastal salt marsh vegetation with a variable buffer that will be planted with native vegetation. The minimum buffer, as measured from the edge of the salt marsh will be 25 feet; however, the buffer between the salt marsh and hotel landscaping will be effectively larger due to the installation of turfblock vegetated with native grasses between the native buffer plantings and the hotel. Including the turfblock area, the setback buffer ranges from approximately 53 to 82 feet, with an average of about 66 feet between the wetland and hotel. Mr. Tony Bomkamp, a Senior Biologist and Restoration Ecologist at Glenn Lukos Associates, Inc. has determined that this buffer is sufficient to ensure that the hotel/timeshare and other uses on Parcel 9U will not significantly impact the restored wetland.

Development of the Public Wetland Park Project would not result in significant direct or indirect impacts to biological resources and would provide improved habitat. Therefore, no mitigation is proposed, as none is necessary to reduce impacts to a less than significant level, as this Public Wetland Park Project component is sufficient to mitigate for the loss of the man-made wetland habitat. The features of the restored wetland and upland park will become requirements under the coastal development permit.

The Public Wetland Park Project site is highly developed and no portion of the Public Wetland Park Project is expected to substantially interfere with movement patterns associated with the existing ground-dwelling fauna currently at the site. The Public Wetland Park Project is also consistent with the applicable policies including the Marina del Rey Local Coastal Plan and the RWQCB Water Quality Control Plan, and would therefore not result in a significant land use impact. Compliance with all permitting requirements will reduce all impacts to less than significant levels.

Public-Serving Boat Space Project

Potential Effect

The Public-Serving Boat Space Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Public-Serving Boat Space Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetland as defined by section 404 of the Clean Water Act. The Public-Serving Boat Space Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

With implementation of the measures identified in this section, conditions of approval, and mitigation measures included in the project design, potential impacts to biota would be reduced to a less than significant level by implementing measures to ensure minimal invasiveness to plant and animal species, as well as aquatic species, during construction of the Public-Serving Boat Space Project.

Facts

Biota impacts are discussed in pages 5.5-68 to 5.5-75 of the Draft EIR. The Public-Serving Boat Space Project area is presently developed as a dock with space for boats. Potentially significant impacts to the existing water quality and the associated marine infauna could result from the re-suspension of sediments associated with the placement of the new pilings for the new public-serving boat spaces. This impact is considered potentially significant due to (1) the reported use of the water area by the Endangered brown pelican and California least tern; and (2) the re-suspension of contaminants within the sediments at the site. Anchoring of work vessels would be expected to

further the aforementioned re-suspension and increase the area potentially affected by the sediment.

The Public-Serving Boat Space Project is waterside and no portion of the Public Serving Boat Space Project would interfere with movement patterns associated with the existing ground-dwelling fauna currently. The Public-Serving Boat Space Project is also consistent with the applicable policies including the Marina del Rey Local Coastal Plan and the RWQCB Water Quality Control Plan, and would therefore not result in a significant land use impact.

Compliance with all permitting requirements and implementation of mitigation measures and project design mitigation measures will reduce all impacts to less than significant levels. The above finding is made in that the following measures will be made conditions of Public-Serving Boat Space Project approval so as to mitigate the identified impacts:

Mitigation Measures Already Incorporated into the Project: As proposed, the project will be responsive to water quality mitigation measures required by state and local agencies (reference EIR Section 5.3). Construction techniques defined in Section 3.0 of the Draft EIR, Project Description, would serve to mitigate project related sedimentation and surface debris impacts to the marine environment. Also, waterside development activities will be suspended during the March to September breeding season of the California least tern, as long as it is known that the species is still nesting in the Venice Beach habitat.

Mitigation Measures Recommended by the EIR:

- Waterside development and construction activities will be curtailed during the March to September California least tern breeding season, as long as it is known that the species is still nesting in the Venice Beach habitat.
- To avoid impacts to native nesting birds (California Fish and Game Code Sections 3503, 3503.5, and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to

construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the surveying biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human-habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing

offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.

Implementation of these measures would reduce biological impacts in both construction and operation to levels that are not considered significant.

4. Traffic and Access

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

Potential Effect

The Project will contain 526 apartment units and 288 hotel/timeshare rooms and is located in an area with known congestion problems at roadways and/or intersections. The Project may result in hazardous traffic conditions due to high density development with a single access point, and may result in parking problems with a subsequent impact on traffic conditions. The single access points for the sites may result in inadequate access during an emergency, resulting in problems for emergency vehicles or residents/employees in the area. The Project may exceed the Congestion Management Program Transportation Impact Analysis thresholds of 50 peak hour vehicles added by project traffic to a Congestion Management Program highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link. Construction and operation of the Public Wetland Park and Public-Serving Boat Spaces would not generate material amounts of traffic and therefore do not have the potential to have

significant traffic impacts. As the parking for the Public Wetland Park would exceed County requirements, and the Public Serving Boat Spaces would only be accessible by water, neither would have the potential to result in significant parking impacts.

Finding

Prior to mitigation, Project traffic could produce significant direct traffic impacts at four nearby intersections: Admiralty Way and Via Marina; Washington Boulevard and Via Marina/Ocean Avenue; Lincoln Boulevard and Mindanao Way, and Admiralty Way and Mindanao Way. Mitigation measures would reduce these potential impacts to a less than significant level.

The project would be required to pay the traffic mitigation fees to the County of Los Angeles pursuant to the Marina del Rey Specific Plan Transportation Improvement Program (TIP). This fee is intended to address regionally significant impacts and/or impacts resulting from cumulative development in and around the Marina, by providing "fair share" contributions to planned roadway improvements identified in the Marina del Rey Land Use Plan (LUP). After payment of mitigation fees, impacts for the project would be less than significant; however, significant impacts would remain if implementation of the prescribed mitigation measures is delayed or the measures are not implemented.

Facts

Traffic/access impacts are discussed at pages 5.7-1 to 5.7-94 of the Recirculated Draft EIR. Upon completion, the Project will generate approximately 3,104 net new daily trips, with approximately 253 net new AM peak hour trips and 228 net new PM peak hour trips. For Project traffic only, at the 17 intersections evaluated, the Project would, after mitigation, result in a less than significant impact on all intersections. . Prior to mitigation, only one intersection (Admiralty Way/Mindanao Way) would result in a significant impact in the AM peak hour. In the PM peak hour, four intersections (Admiralty Way/Via Marina, Washington Boulevard/Ocean Avenue/Via Marina, Lincoln Boulevard/Mindanao Way, and Admiralty Way/Mindanao Way) are significantly impacted prior to mitigation. These impacts would be fully mitigated through the

implementation of area traffic improvement measures indicated in the Traffic section of the Recirculated Draft EIR as well as the adopted Marina del Rey Specific Plan Transportation Improvement Plan. The Transportation Improvement Plan includes specific detailed transportation and circulation improvements designed to fully mitigate the traffic generation of the Phase II development of Marina del Rey. .Short-term impacts may occur if the Project becomes operational prior to implementation of the planned traffic improvements proposed at these intersections.

According to the traffic distribution for the Project that was reviewed and agreed to by the County Department of Public Works, Traffic, and Lighting Division, approximately five percent of the project traffic is anticipated to access and depart from the Project using Via Dolce. Based on the trip generation for the Project, the Project would generate about eight net trips (about one trip every 7.5 minutes) during the AM peak hour and six net trips (about one trip every 10 minutes) during the PM peak hour to the traffic on Via Dolce. The segment of the roadway west of Via Marina currently carries about 288 trips during the AM peak hour and 236 trips during the PM peak hour. The Project's contribution to traffic on Via Dolce will be minimal and the peak-hour traffic volumes are and would continue to be well below its capacity, no significant project or cumulative traffic impact is expected to occur on this roadway.

One Congestion Management Program intersection, Lincoln Boulevard and Marina Expressway, was identified in the project area. The Project is not expected to add 50 or more trips to this intersection during either the AM or PM weekday peak hours. However, this intersection was included as a study intersection and analyzed due to its close proximity to the project site. In addition, a traffic analysis is also required at all mainline freeway monitoring locations where the project will add 150 or more trips, in either direction, during either the AM or PM weekday peak hours. A review of the Project's net trip generation assignments indicates that the Project is not expected to add substantial traffic volumes to the regional transportation system. The maximum amount of project traffic added to any particular freeway segment would occur along the eastbound Marina Expressway/Freeway east of Mindanao Way during the AM peak

hour. During this time, the Project would add approximately 71 trips, which is substantially less than the Los Angeles Congestion Management Program threshold of 150 peak hour trips added to any freeway segment in a single direction.

The Local Coastal Plan establishes a PM peak hour vehicle trip cap for Marina del Rey Second Generation Development, of which the Project is a part. Parcel 9U is located in DZ 2 and that portion of Project is consistent with the original development allowances and trip cap for DZ 2. The cap for DZ 2 is 200.89 PM peak hour trips, 200.89 trips are currently available, and the DZ 2 portion of the Project would require 101.66 PM peak hour trips. Parcels 10R and FF are located in DZ 3. DZ 3 currently has a cap of 180.5 PM peak hour trips, while, after taking into account existing dwelling units in DZ 3, -39.12 PM peak hour trips are available. After transfer of 36.51 PM peak hour trips from DZ 1 and 89.65 PM peak hour trips from DZ 2, 131.19 PM peak hour trips would be available in DZ 3, of which the DZ 3 portion of the Project would require 126.16 PM peak hour trips. The Local Coastal Plan identifies a series of mitigation measures to address the impacts of traffic generated by new development. Among other things, the Project, as well as other projects, will be assessed a trip fee of $5,690 per PM peak hour trip generated. This money will be used to build the infrastructure necessary to accommodate additional traffic flows.

Potential impacts from the Venice Dual Force Sewer Main Project Via Marina alignment are speculative because the County has filed for declaratory relief against the Via Marina alignment of the Project; as a result, the Project is on hold until trial and a final alignment has thus yet to be determined. There is also no indication that the Project construction and construction of the Venice Dual Force Sewer Main will be completed concurrently. The Venice Dual Force Sewer Main Project will also use designated staging and roadway areas for its construction, and those impacts have been analyzed in a separate environmental document pursuant to CEQA. In addition, the Project is required to coordinate with other area projects, including the Venice Dual Force Sewer Main Project, as part of the required mitigation for the Project. Thus, if and when the Venice Dual Force Sewer Main Project is implemented, the Project will

coordinate with the Venice Dual Force Sewer Main Project to ensure minimal impacts to traffic in the immediate area.

A total of 1,510 parking spaces will be provided for resident, guest, and visitor parking for the 526 apartment units, 174 boat slips, and 288 guest rooms and uses ancillary to the Hotel/Timeshare resort. The amount of parking provided for all uses exceeds County parking requirements. The parking provided for the 526 apartment units and 174 boat slips meets County parking requirements for stand-alone facilities. The parking provided for the Hotel/Timeshare resort use meet County parking requirements for shared use of Hotel/Timeshare facilities and ancillary uses such as a sundry shop, spa, ballroom, meeting rooms, and a restaurant. Parking for the Public Wetland Park exceeds County requirements. As all parking provided in the Project is in excess of County requirements, the Project will not result in a significant parking impact.

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

The project Applicant shall pay the traffic mitigation fee imposed by the County of Los Angeles Department of Public Works, pursuant to the Marina del Rey Specific Plan Transportation Improvement Program ("TIP"). This fee is intended to fund the roadway improvements described in the TIP, by providing "fair share" contributions toward the improvements, based on the amount of PM peak hour trips generated by each new Marina del Rey development project. These improvements address local traffic generated in and confined to the Marina, as well as trips, which leave the Marina (regional trips). The County's traffic mitigation fee structure is currently $5,690 per PM peak-hour trip. Based on the expected Project trip generation of 228 net-new PM peak-hour trips, the Project shall be required to pay $1,297,320.

The County Department of Public Works prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, Applicant's payment of the above-described fee is recommended mitigation over the partial construction by the Applicant of portions of the significant TIP roadway improvements.

However, should the County decide that some roadway improvement measures are necessary immediately, the following measure is recommended to reduce the significant project traffic impact identified in the traffic study prepared for this Project to less than significant levels:

- **Admiralty Way and Via Marina** – Reconstruct the intersection to provide for a realignment of Admiralty Way as a through roadway with the southern leg of Via Marina, instead of widening the south side of Admiralty Way to accommodate a triple westbound left turn movement, and two lanes eastbound on Admiralty Way with a right-turn merge lane from northbound Via Marina as proposed under the Marina del Rey TIP Category 1 improvement. This improvement is identified in the Marina del Rey TIP as a Category 3 improvement, and will enhance traffic flow within the Marina.
- **Washington Boulevard and Via Marina/Ocean Avenue** – No feasible physical improvements are identified in the TIP that remain available to mitigate this potential direct project traffic impact. However, the County of Los Angeles Department of Public Works has identified an improvement at the nearby intersection of Washington Boulevard and Palawan Way that would provide additional egress from the Marina, reducing traffic volumes on the northbound approach of Via Marina at this intersection, and providing mitigation for the impacts. The proposed improvement would reconstruct the intersection of Washington Boulevard and Palawan Way to allow for dual northbound left-turns onto westbound Washington Boulevard, and install a new traffic signal at that intersection. The improvement will provide an additional means of accessing westbound Washington Boulevard from westbound Admiralty Way, reducing the existing high northbound volumes at Washington Boulevard and Via Marina/Ocean Avenue. (See "Washington Boulevard and Palawan Way" below for additional details.) It should be noted that this improvement is not included in the TIP. As such, the proposed project would be conditioned to contribute fair share funding to this improvement above and beyond the previously identified

traffic mitigation fees. The project's fair share proportion is 18.4 percent or approximately $61,180 as determined by the County.

- **Lincoln Boulevard and Mindanao Way** – Widen the west side of Lincoln Boulevard both north and south of Mindanao Way, and relocate and narrow the median island on Lincoln Boulevard to provide a right-turn lane in the northbound direction. This improvement is identified in the Marina del Rey TIP as a Category 1 improvement, and will enhance traffic flow within the Marina.
- **Admiralty Way and Mindanao Way** – Install dual left-turn lanes on Admiralty Way for southbound travel at the approach to Mindanao Way and modify the traffic signal to provide a westbound right-turn phase concurrent with the southbound left-turn movement. The dual left-turn lanes on Admiralty Way will enhance egress from the Marina at Mindanao Way, has already been approved as part of a previous project (Esprit I Apartments), and would mitigate to less than significance the combined traffic impacts of both projects. It should be noted that this improvement is not included in the TIP. As such, the proposed project would be conditioned to contribute fair share funding to this improvement above and beyond the previously identified traffic mitigation fees. The project's fair share proportion would be negotiated between the Project applicants and the County.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project will contain 400 apartment units and is located in an area with known congestion problems at roadways and/or intersections. The Parcel 10R Project may result in hazards traffic conditions due to high density development with a single access point, and may result in parking problems with a subsequent impact on traffic conditions. The single access point for the site may result in inadequate access during an emergency, resulting in problems for emergency vehicles or residents/employees in the area. The Parcel 10R Project may exceed the Congestion Management Program Transportation Impact Analysis thresholds of 50 peak hour

vehicles added by project traffic to a Congestion Management Program highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link.

Finding

With implementation of conditions of approval and design features incorporated into the Parcel 10R Project, as well as participation in the Marina del Rey Specific Plan Transportation Improvement Program, traffic impacts from the Parcel 10R Project are less than significant.

The Parcel 10R Project would be required to pay the traffic mitigation fees to the County of Los Angeles pursuant to the Marina del Rey Specific Plan Transportation Improvement Program (TIP). This fee is intended to address regionally significant impacts and/or impacts resulting from cumulative development in and around the Marina, by providing "fair share" contributions to planned roadway improvements identified in the Marina del Rey Land Use Plan (LUP). After payment of mitigation fees, impacts for the project would remain less than significant.

Facts

Traffic/access impacts are discussed at pages 5.7-51 to 5.7-60 of the Recirculated Draft EIR. Upon completion, the Parcel 10R Project will generate approximately 1,017 net new daily trips, with approximately 92 net new AM peak hour trips and 85 net new PM peak hour trips. For Parcel 10R Project traffic only, at the 17 intersections evaluated, the Parcel 10R Project would result in a less than significant impact at all intersections. Based on the trip generation for the Parcel 10R Project, the Parcel 10R Project's contribution to traffic on Via Dolce will be minimal and the peak-hour traffic volumes are and would continue to be well below the capacity of Via Dolce. Thus, no significant project impact is expected to occur on this roadway.

The Parcel 10R Project would not add 50 or more trips to any Congestion Management Program intersection. The Parcel 10R Project's maximum peak hour generation (92 trips) is less than the Congestion Management Program threshold of 150 peak hour trips. Therefore, the Parcel 10R Project would not result in a significant impact to the regional transportation system.

The Local Coastal Plan establishes a PM peak hour vehicle trip cap for Marina del Rey second generation development, of which Parcel 10R is a part. Parcel 10R is located in DZ 3. The Project would transfer development allowances for Parcel 10R of approximately 261 dwelling units (out of a total of 275 available dwelling units) from the abutting DZ 2. The transfer of 261 dwelling units from DZ 2 plus the 3 remaining allowable units for DZ 3 would allow for the development increase of 264 dwelling units on Parcel 10R. In addition, the Project would transfer development allowances from the remaining 14 dwelling units within DZ 2, and transfer 112 dwelling units from nearby DZ 1 into DZ 3. Thus, the proposed residential development allowance transfers from DZ 1 and DZ 2 would permit the entire proposed Parcel 10R and FF development within DZ 3 to be consistent with the development allowances described in the Marina Del Rey LUP.

A total of 908 parking spaces will be provided for resident, guest, and visitor parking for the 400 apartment units and 174 boat slips. The amount of parking provided for all uses exceeds County parking requirements for stand-alone parking facilities. As all parking provided in the Parcel 10R Project is in excess of County requirements, the Parcel 10R Project will not result in a significant parking impact.

The above finding is made in that the following mitigation measures will be made conditions of Parcel 10R Project approval so as to mitigate the identified impacts:

The Parcel 10R Project Applicant shall pay the traffic mitigation fee imposed by the County of Los Angeles Department of Public Works, pursuant to the Marina del Rey Specific Plan Transportation Improvement Program ("TIP"). This fee is intended to fund the roadway improvements described in the TIP, by providing "fair share" contributions toward the improvements, based on the amount of PM peak hour trips generated by each new Marina del Rey development project. These improvements address local traffic generated in and confined to the Marina, as well as trips, which leave the Marina (regional trips). The County's traffic mitigation fee structure is currently $5,690 per PM peak-hour trip. Based on the expected Project trip generation of 85 net-new PM peak-hour trips, the Parcel 10R Project shall be required to pay $483,650.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project will contain 126 apartment units is located in an area with known congestion problems at roadways and/or intersections. The Parcel FF Project may result in hazards traffic conditions due to high density development with a single access point, and may result in parking problems with a subsequent impact on traffic conditions. The single access point for the site may result in inadequate access during an emergency, resulting in problems for emergency vehicles or residents/employees in the area. The Parcel FF Project may exceed the Congestion Management Program Transportation Impact Analysis thresholds of 50 peak hour vehicles added by project traffic to a Congestion Management Program highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link.

Finding

With implementation of conditions of approval and design features incorporated into the Parcel FF Project, as well as participation in the Marina del Rey Specific Plan Transportation Improvement Program, traffic impacts from the Parcel FF Project are less than significant.

The Parcel FF Project would be required to pay the traffic mitigation fees to the County of Los Angeles pursuant to the Marina del Rey Specific Plan Transportation Improvement Program (TIP). This fee is intended to address regionally significant impacts and/or impacts resulting from cumulative development in and around the Marina, by providing "fair share" contributions to planned roadway improvements identified in the Marina del Rey Land Use Plan (LUP). After payment of mitigation fees, impacts for the project would remain less than significant.

Facts

Traffic/access impacts are discussed at pages 5.7-61 to 5.7-69 of the Recirculated Draft EIR. Upon completion, the Parcel FF Project will generate approximately 499 net new daily trips, with approximately 44 net new AM peak hour trips and 41 net new PM peak hour trips. For Parcel FF Project traffic only, at the 17 intersections evaluated, the

Parcel FF Project would result in a less than significant impact to all intersections. Based on the trip generation for the Parcel FF Project, the Parcel FF Project's contribution to traffic on Via Dolce will be minimal and the peak-hour traffic volumes are and would continue to be well below the capacity of Via Dolce. Thus, no significant project traffic impact is expected to occur on this roadway.

The Parcel FF Project would not add 50 or more trips to any Congestion Management Program intersection. The Project's maximum peak hour generation (44 trips) is less than the Congestion Management Program threshold of 150 peak hour trips. Therefore, the Parcel FF Project would not result in a significant impact to the regional transportation system.

The Local Coastal Plan establishes a PM peak hour vehicle trip cap for Marina del Rey Second Generation Development, of which the Parcel FF Project is a part. Parcel FF is located in DZ 3. DZ 3 currently has a cap of 180.5 PM peak hour trips, while, after taking into account existing dwelling units in DZ 3, -39.12 PM peak hour trips are available. After transfer of 36.51 PM peak hour trips from DZ 1 and 89.65 PM peak hour trips from DZ 2, 131.19 PM peak hour trips would be available in DZ 3, of which the Project would require 41 PM peak hour trips. The Local Coastal Plan identifies a series of mitigation measures to address the impacts of traffic generated by new development. Among other things, the Parcel FF Project, as well as other projects, will be assessed a trip fee of $5,690 per PM peak hour trip generated. This money will be used to build the infrastructure necessary to accommodate additional traffic flows.

A total of 242 parking spaces will be provided for resident, guest, and visitor parking for the 126 apartment units. The amount of parking provided for all uses exceeds County parking requirements for stand-alone parking facilities. As all parking provided in the Parcel FF Project is in excess of County requirements, the Parcel FF Project will not result in a significant parking impact.

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

The Parcel FF Project Applicant shall pay the traffic mitigation fee imposed by the County of Los Angeles Department of Public Works, pursuant to the Marina del Rey Specific Plan Transportation Improvement Program ("TIP"). This fee is intended to fund the roadway improvements described in the TIP, by providing "fair share" contributions toward the improvements, based on the amount of PM peak hour trips generated by each new Marina del Rey development project. These improvements address local traffic generated in and confined to the Marina, as well as trips, which leave the Marina (regional trips). The County's traffic mitigation fee structure is currently $5,690 per PM peak-hour trip. Based on the expected Project trip generation of 41 net-new PM peak-hour trips, the Parcel FF Project shall be required to pay $233,290.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project will contain 288 hotel and timeshare suites and is located in an area with known congestion problems at roadways and/or intersections. The Woodfin Suite Hotel and Timeshare Resort Project may result in hazards traffic conditions due to high density development with a single access point, and may result in parking problems with a subsequent impact on traffic conditions. The single access point for the site may result in inadequate access during an emergency, resulting in problems for emergency vehicles or residents/employees in the area. The Woodfin Suite Hotel and Timeshare Resort Project may exceed the Congestion Management Program Transportation Impact Analysis thresholds of 50 peak hour vehicles added by project traffic to a Congestion Management Program highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link.

Finding

With implementation of conditions of approval and design features incorporated into the Woodfin Suite Hotel and Timeshare Resort Project, as well as participation in

the Marina del Rey Specific Plan Transportation Improvement Program, traffic impacts from the Woodfin Suite Hotel and Timeshare Resort Project are less than significant.

The Woodfin Suite Hotel and Timeshare Resort Project would be required to pay the traffic mitigation fees to the County of Los Angeles pursuant to the Marina del Rey Specific Plan Transportation Improvement Program (TIP). This fee is intended to address regionally significant impacts and/or impacts resulting from cumulative development in and around the Marina, by providing "fair share" contributions to planned roadway improvements identified in the Marina del Rey Land Use Plan (LUP). After payment of mitigation fees, impacts for the Woodfin Suite Hotel and Timeshare Resort Project would remain less than significant.

Facts

Traffic/access impacts are discussed at pages 5.7-70 to 5.7-79 of the Recirculated Draft EIR. Upon completion, the Woodfin Suite Hotel and Timeshare Resort Project will generate approximately 1,538 net new daily trips, with approximately 117 net new AM peak hour trips and 102 net new PM peak hour trips. For Woodfin Suite Hotel and Timeshare Resort Project traffic only, at the 17 intersections evaluated, the Woodfin Suite Hotel and Timeshare Resort Project would result in a less than significant impact at all intersections. Based on the trip generation for the Woodfin Suite Hotel and Timeshare Resort Project, the Woodfin Suite Hotel and Timeshare Resort Project's contribution to traffic on Via Dolce will be minimal and the peak-hour traffic volumes are and would continue to be well below the capacity of Via Dolce. Thus, no significant project traffic impact is expected to occur on this roadway.

The Woodfin Suite Hotel and Timeshare Resort Project would not add 50 or more trips to any Congestion Management Program intersection. The Woodfin Suite Hotel and Timeshare Resort Project's maximum peak hour generation (117 trips) is less than the Congestion Management Program threshold of 150 peak hour trips. Therefore, the Woodfin Suite Hotel and Timeshare Resort Project would not result in a significant impact to the regional transportation system.

The Local Coastal Plan establishes a PM peak hour vehicle trip cap for Marina del Rey Second Generation Development, of which the Woodfin Suite Hotel and Timeshare Resort Project is a part. Parcel 9U is located in DZ 2 and that portion of Woodfin Suite Hotel and Timeshare Resort Project is consistent with the original development allowances and trip cap for DZ 2. The cap for DZ 2 is 200.89 PM peak hour trips, 200.89 trips are currently available, and the DZ 2 portion of the Woodfin Suite Hotel and Timeshare Resort Project would require 101.66 PM peak hour trips. The Local Coastal Plan identifies a series of mitigation measures to address the impacts of traffic generated by new development. Among other things, the Woodfin Suite Hotel and Timeshare Resort Project, as well as other projects, will be assessed a trip fee of $5,690 per PM peak hour trip generated. This money will be used to build the infrastructure necessary to accommodate additional traffic flows.

A total of 556 parking spaces will be provided for resident, guest, and visitor parking for the 288 hotel/timeshare units and appurtenant hotel uses. The amount of parking provided for all uses exceeds County parking requirements using the County's shared parking requirements. As all parking provided in the Woodfin Suite Hotel and Timeshare Resort Project is in excess of County requirements, the Woodfin Suite Hotel and Timeshare Resort Project will not result in a significant parking impact.

The above finding is made in that the following mitigation measures will be made conditions of Woodfin Suite Hotel and Timeshare Resort Project approval so as to mitigate the identified impacts:

The Woodfin Suite Hotel and Timeshare Resort Project Applicant shall pay the traffic mitigation fee imposed by the County of Los Angeles Department of Public Works, pursuant to the Marina del Rey Specific Plan Transportation Improvement Program ("TIP"). This fee is intended to fund the roadway improvements described in the TIP, by providing "fair share" contributions toward the improvements, based on the amount of PM peak hour trips generated by each new Marina del Rey development project. These improvements address local traffic generated in and confined to the Marina, as well as trips, which leave the Marina (regional trips). The County's traffic mitigation fee

structure is currently $5,690 per PM peak-hour trip. Based on the expected Woodfin Suite Hotel and Timeshare Resort Project trip generation of 102 net-new PM peak-hour trips, the Woodfin Suite Hotel and Timeshare Resort Project shall be required to pay $580,380.

5. Sewer Service

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

Potential Effect

The Project is served by a community sewage system, and the Project could create capacity problems at the treatment plant due to an increase in population in the area. The Project could create capacity problems in the sewer lines serving the Project due to an increase in population in the area. Construction and operation of the Public Wetland Park and Public-Serving Boat Spaces would not generate material amounts of wastewater and therefore do not have the potential to have significant sewer service impacts.

Findings

Implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Project will reduce the potential sewer service impacts identified in the Final Environmental Impact Report to a less than significant level.

Facts

Sewer service impacts are discussed at pages 5.8-1 to 5.8-25 of the Recirculated Draft EIR. Operation of the Project would generate approximately 160,096 gallons per day (gpd) of wastewater. This represents a net increase of 139,696 gpd when compared to existing uses on the Project site. Wastewater in Marina del Rey is collected and conveyed by a sewer system owned and operated by the Los Angeles County Department of Public Works. Treatment of domestic sewage and wastewater is provided at the City of Los Angeles Hyperion Treatment Plant. The Hyperion Treatment Plant currently has adequate capacity to treat sewage generated by the Project. In

addition, the existing County 15-inch sewer main and City of Los Angeles downstream facilities have existing sufficient capacity to serve the Project. The Project will include abandonment of a portion of existing sewer mains, and new sewer mains would be built. Further, the applicant shall pay the required sewer connection and capacity fees that are utilized by the County Department of Public Works to fund expansion of facilities. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare resort Project shall design and construct all sewer lines to the specifications and standards defined by the Los Angeles County Department of Public Works.

To mitigate impacts associated with the increased population and resulting Sewer Service impact caused by the Project, the following Mitigation Measure will be implemented.

Mitigation Measure:

- Prior to issuance of building permits, the Project applicants shall demonstrate sufficient sewage capacity for the Project by providing a "will serve" letter from Los Angeles County's Department of Public Works' Sewer Maintenance Division.

With incorporation of this mitigation measure, potential impacts from the proposed project are less than significant.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project is served by a community sewage system, and the Parcel 10R Project could create capacity problems at the treatment plant due to an increase in population in the area. The Parcel 10R Project could create capacity problems in the sewer lines serving the Parcel 10R Project due to an increase in population in the area.

Findings

Implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Parcel 10R Project will reduce the

potential sewer service impacts identified in the Final Environmental Impact Report to a less than significant level.

Facts

Sewer service impacts for the Parcel 10R Project are discussed at pages 5.8-13 to 5.8-16 of the Recirculated Draft EIR. Operation of the Parcel 10R Project would generate approximately 67,700 gallons per day (gpd) of wastewater. This represents a net increase of 47,300 gpd when compared to existing uses on the Parcel 10R Project site. Wastewater in Marina del Rey is collected and conveyed by a sewer system owned and operated by the Los Angeles County Department of Public Works. Treatment of domestic sewage and wastewater is provided at the City of Los Angeles Hyperion Treatment Plant. The Hyperion Treatment Plant currently has adequate capacity to treat sewage generated by the Parcel 10R Project. In addition, the existing County 15-inch sewer main and City of Los Angeles downstream facilities have existing sufficient capacity to serve the Parcel 10R Project. The Parcel 10R Project will include abandonment of a portion of existing sewer mains and new sewer mains would be built. Further, the applicant shall pay the required sewer connection and capacity fees that are utilized by the County Department of Public Works to fund expansion of facilities. The Parcel 10R Project shall design and construct all sewer lines to the specifications and standards defined by the Los Angeles County Department of Public Works.

To mitigate impact associated with the increased population and resulting Sewer Service impacts caused by the Parcel 10R Project, the following Mitigation Measure will be implemented.

Mitigation Measure:

- Prior to issuance of building permits, the Parcel 10R Project applicants shall demonstrate sufficient sewage capacity for the Project by providing a "will serve" letter from Los Angeles County's Department of Public Works' Sewer Maintenance Division.

With incorporation of this mitigation measure, potential impacts from the Parcel 10R Project are less than significant.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project is served by a community sewage system, and the Parcel FF Project could create capacity problems at the treatment plant due to an increase in population in the area. The Parcel FF Project could create capacity problems in the sewer lines serving the Parcel FF Project due to an increase in population in the area.

Findings

Implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Parcel FF Project will reduce the potential sewer service impacts identified in the Final Environmental Impact Report to a less than significant level.

Facts

Sewer service impacts are discussed at pages 5.8-16 to 5.8-18 of the Recirculated Draft EIR. Operation of the Parcel FF Project would generate approximately 21,000 gallons per day (gpd) of wastewater. Wastewater in Marina del Rey is collected and conveyed by a sewer system owned and operated by the Los Angeles County Department of Public Works. Treatment of domestic sewage and wastewater is provided at the City of Los Angeles Hyperion Treatment Plant. The Hyperion Treatment Plant currently has adequate capacity to treat sewage generated by the Project. In addition, the existing County 15-inch sewer main and City of Los Angeles downstream facilities have existing sufficient capacity to serve the Project. The Parcel FF Project will include abandonment of a portion of existing sewer mains and new sewer mains would be built. Further, the applicant shall pay the required sewer connection and capacity fees that are utilized by the County Department of Public Works to fund expansion of facilities. The Parcel FF Project shall design and construct all sewer lines to the specifications and standards defined by the Los Angeles County Department of Public Works.

To mitigate impact associated with the increased population and resulting Sewer Service impacts caused by the Parcel FF Project, the following Mitigation Measure will be implemented.

Mitigation Measure:

- Prior to issuance of building permits, the Parcel FF Project applicants shall demonstrate sufficient sewage capacity for the Parcel FF Project by providing a "will serve" letter from Los Angeles County's Department of Public Works' Sewer Maintenance Division.

With incorporation of this mitigation measure, potential impacts from the proposed project are less than significant.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project is served by a community sewage system, and the Woodfin Suite Hotel and Timeshare Resort Project could create capacity problems at the treatment plant due to an increase in population in the area. The Woodfin Suite Hotel and Timeshare Resort Project could create capacity problems in the sewer lines serving the Woodfin Suite Hotel and Timeshare Resort Project due to an increase in population in the area.

Findings

Implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Woodfin Suite Hotel and Timeshare Resort Project will reduce the potential sewer service impacts identified in the Final Environmental Impact Report to a less than significant level.

Facts

Sewer service impacts are discussed at pages 5.8-19 to 5.8-21 of the Recirculated Draft EIR. Operation of the Woodfin Suite Hotel and Timeshare Resort Project would generate approximately 71,396 gallons per day (gpd) of wastewater. The sewage produced by the hotel and the public-serving anchorage sewer pump serving four pumpout stations can be accommodated by the current wastewater infrastructure.

Wastewater in Marina del Rey is collected and conveyed by a sewer system owned and operated by the Los Angeles County Department of Public Works. Treatment of domestic sewage and wastewater is provided at the City of Los Angeles Hyperion Treatment Plant. The Hyperion Treatment Plant currently has adequate capacity to treat sewage generated by the Woodfin Suite Hotel and Timeshare Resort Project. In addition, the existing County 15-inch sewer main and City of Los Angeles downstream facilities have existing sufficient capacity to serve the Woodfin Suite Hotel and Timeshare Resort Project. Further, the applicant shall pay the required sewer connection and capacity fees that are utilized by the County Department of Public Works to fund expansion of facilities. The Woodfin Suite Hotel and Timeshare Resort Project shall design and construct all sewer lines to the specifications and standards defined by the Los Angeles County Department of Public Works.

To mitigate impact associated with the increased population and resulting Sewer Service impacts caused by the Woodfin Suite Hotel and Timeshare Resort Project, the following Mitigation Measure will be implemented.

Mitigation Measure:

- Prior to issuance of building permits, the Woodfin Suite Hotel and Timeshare Resort Project applicants shall demonstrate sufficient sewage capacity for the Woodfin Suite Hotel and Timeshare Resort Project by providing a "will serve" letter from Los Angeles County's Department of Public Works' Sewer Maintenance Division.

With incorporation of this mitigation measure, potential impacts from the Woodfin Suite Hotel and Timeshare Resort Project are less than significant.

6. Water Service

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

Potential Effect

The Project will increase water demand over existing on-site uses, which could be considered a significant impact if sufficient additional water is not available to service

the increase in demand caused by the Project. Construction and operation of the Public Wetland Park and Public-Serving Boat Spaces would not generate demand for material amounts of water and therefore do not have the potential to have significant water service impacts.

Finding

The implementation of water efficient landscaping and water conservation measures would reduce the potential impacts on water resources identified to a less than significant level.

Facts

Water service impacts are discussed in pages 5.9-1 to 5.9-38 of the Draft EIR. Water is provided to the site by the Los Angeles County Department of Public Works (Water Works District No. 29), which receives water from the Metropolitan Water District.

The Project would consume approximately 107,320 gallons of water per day ("gpd"). This represents a net increase of approximately 91,000 gpd over existing water use on the Project site. However, sources of water have been determined and are adequate to serve existing uses and projected growth in Marina del Rey, including the Project. Moreover, no significant impacts to the existing water distribution system would occur with implementation of the County-approved improvements. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area.
- The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall incorporate into the building plans water conservation measures as outlined in the following items:
- Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;

- Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixutures, and
- Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.
- Prior to the issuance of grading permits, the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants shall provide to the Los Angeles County Department of Regional Planning a letter from WWD No. 29 confirming that it is able to provide water service to the project phase under consideration.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project will increase water demand over existing on-site uses, which could be considered a significant impact if sufficient additional water is not available to service the increase in demand caused by the Parcel 10R Project.

Finding

The implementation of water efficient landscaping and water conservation measures would reduce the potential impacts on water resources identified to a less than significant level.

Facts

Water service impacts are discussed in pages 5.9-28 to 5.9-30 of the Draft EIR. Water is provided to the site by the Los Angeles County Department of Public Works (Water Works District No. 29), which receives water from the Metropolitan Water District.

The Parcel 10R Project would consume approximately 48,000 gallons of water per day ("gpd"). This represents a net increase of approximately 31,680 gpd over existing water use on the Parcel 10R Project site. However, sources of water have been determined and are adequate to serve existing uses and projected growth in Marina del

Rey, including the Parcel 10R Project. Moreover, no significant impacts to the existing water distribution system would occur with implementation of the County-approved improvements. The above finding is made in that the following mitigation measures will be incorporated into the Parcel 10R Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- The Neptune Marina Parcel 10R shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area.
- The Neptune Marina Parcel 10R shall incorporate into the building plans water conservation measures as outlined in the following items:
- Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;
- Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixutures, and
- Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.
- Prior to the issuance of grading permits, the Neptune Marina Parcel 10R applicant shall provide to the Los Angeles County Department of Regional Planning a letter from WWD No. 29 confirming that it is able to provide water service to the project phase under consideration.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project will increase water demand over existing on-site uses, which could be considered a significant impact if sufficient additional water is not available to service the increase in demand caused by the Parcel FF Project.

Finding

The implementation of water efficient landscaping and water conservation measures would reduce the potential impacts on water resources identified to a less than significant level.

Facts

Water service impacts are discussed in pages 5.9-31 to 5.9-33 of the Draft EIR. Water is provided to the site by the Los Angeles County Department of Public Works (Water Works District No. 29), which receives water from the Metropolitan Water District.

The Parcel FF Project would consume approximately 15,120 gallons of water per day ("gpd"). Sources of water have been determined and are adequate to serve existing uses and projected growth in Marina del Rey, including the Parcel FF Project. Moreover, no significant impacts to the existing water distribution system would occur with implementation of the County-approved improvements. The above finding is made in that the following mitigation measures will be incorporated into the Parcel FF Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- The Neptune Marina Parcel FF shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area.
- The Neptune Marina Parcel FF shall incorporate into the building plans water conservation measures as outlined in the following items:

Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;

- Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixutures, and

Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.

- Prior to the issuance of grading permits, the Neptune Marina Parcel FF applicant shall provide to the Los Angeles County Department of Regional Planning a letter from WWD No. 29 confirming that it is able to provide water service to the project phase under consideration.

Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project will increase water demand over existing on-site uses, which could be considered a significant impact if sufficient additional water is not available to service the increase in demand caused by the Project.

Finding

The implementation of water efficient landscaping and water conservation measures would reduce the potential impacts on water resources identified to a less than significant level.

Facts

Water service impacts are discussed in pages 5.9-34 to 5.9-38 of the Draft EIR. Water is provided to the site by the Los Angeles County Department of Public Works (Water Works District No. 29), which receives water from the Metropolitan Water District.

The Woodfin Suite Hotel and Timeshare Resort Project would consume approximately 44,200 gallons of water per day ("gpd"). Sources of water have been determined and are adequate to serve existing uses and projected growth in Marina del Rey, including the Woodfin Suite Hotel and Timeshare Resort Project. Moreover, no significant impacts to the existing water distribution system would occur with implementation of the County-approved improvements. The above finding is made in that the following mitigation measures will be incorporated into the Woodfin Suite Hotel and Timeshare Resort Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- The Woodfin Suite Hotel and Timeshare Resort Project shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area.
- The Woodfin Suite Hotel and Timeshare Resort Project shall incorporate into the building plans water conservation measures as outlined in the following items:
- Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;
- Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixutures, and
- Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.
- Prior to the issuance of grading permits, the Woodfin Suite Hotel and Timeshare Resort Project applicants shall provide to the Los Angeles County Department of Regional Planning a letter from WWD No. 29 confirming that it is able to provide water service to the project phase under consideration in accordance with the water supply analysis in the EIR.

7. Education

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

Potential Effect

The Project could create capacity problems for schools at the District level due to the addition of apartment units to be served by the Los Angeles Unified School District. The Woodfin Hotel and Timeshare Resort, Public Wetland Park and Public-Serving Boat Spaces would not add any permanent population and therefore do not have the potential to have significant education impacts.

Finding

Existing capacity within the Los Angeles Unified School District exists to accommodate the additional student population that will be generated by the Project. The implementation of a mitigation measure requiring payment of school fees by the Project developer would reduce impacts to a less than significant level.

Facts

Education impacts are discussed in pages 5.11-1 to 5.11-18 of the Draft EIR. Primary, secondary, and high school educational services are provided to the area by the Los Angeles Unified School District.

The Project is expected to generate 90 new students, an increase of 27 students over the current site condition. Of the additional new students, 13 are expected to use primary schools, 6 are expected to use secondary schools, and 8 are expected to use high schools. The Los Angeles Unified School District schools that serve the area are: Coeur d'Alene Elementary School (capacity for 27 additional students available); Marina del Rey Middle School (capacity for 400 additional students available); and Venice Senior High School (capacity for 502 additional students available). Thus, the existing schools in the District serving the area have adequate capacity to serve the students generated by the Project. Moreover, no significant impacts to the Los Angeles Unified School District would occur with implementation of the required payment of school fees. The above finding is made in that the following mitigation measure will be incorporated into Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- Pursuant to Government Code Section 65995, the developer is required to pay statutory school fees to the LAUSD for the purpose of mitigating the impact of project-generated new students on school facilities. Developer fees are $3.60 per square foot of new residential use. Payment of this fee is deemed to be full and complete mitigation of Project impacts.

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could create capacity problems for schools at the District level due to the addition of apartment units to be served by the Los Angeles Unified School District.

Finding

Existing capacity within the Los Angeles Unified School District exists to accommodate the additional student population that will be generated by the Parcel 10R Project. The implementation of a mitigation measure requiring payment of school fees by the Parcel 10R Project developer would reduce impacts to a less than significant level.

Facts

Education impacts are discussed in pages 5.11-12 to 5.11-13 of the Draft EIR. Primary, secondary, and high school educational services are provided to the area by the Los Angeles Unified School District.

The Parcel 10R Project is expected to generate 71 new students, an increase of 8 students over the current site condition. Of the additional new students, 4 are expected to use primary schools, 1 is expected to use secondary schools, and 3 are expected to use high schools. The Los Angeles Unified School District schools that serve the area are: Coeur d'Alene Elementary School (capacity for 27 additional students available); Marina del Rey Middle School (capacity for 400 additional students available); and Venice Senior High School (capacity for 502 additional students available). Thus, the existing schools in the District serving the area have adequate capacity to serve the students generated by the Parcel 10R Project. Moreover, no significant impacts to the Los Angeles Unified School District would occur with implementation of the required payment of school fees. The above finding is made in that the following mitigation measure will be incorporated into Parcel 10R Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- Pursuant to Government Code Section 65995, the developer is required to pay statutory school fees to the LAUSD for the purpose of mitigating the impact of

project-generated new students on school facilities. Developer fees are $3.60 per square foot of new residential use. Payment of this fee is deemed to be full and complete mitigation of Project impacts.

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could create capacity problems for schools at the District level due to the addition of apartment units to be served by the Los Angeles Unified School District.

Finding

Existing capacity within the Los Angeles Unified School District exists to accommodate the additional student population that will be generated by the Parcel FF Project. The implementation of a mitigation measure requiring payment of school fees by the Parcel FF Project developer would reduce impacts to a less than significant level.

Facts

Education impacts are discussed in pages 5.11-14 to 5.11-15 of the Draft EIR. Primary, secondary, and high school educational services are provided to the area by the Los Angeles Unified School District.

The Parcel FF Project is expected to generate 19 new students. Of the new students, 9 are expected to use primary schools, 4 are expected to use secondary schools, and 6 are expected to use high schools. The Los Angeles Unified School District schools that serve the area are: Coeur d'Alene Elementary School (capacity for 27 additional students available); Marina del Rey Middle School (capacity for 400 additional students available); and Venice Senior High School (capacity for 502 additional students available). Thus, the existing schools in the District serving the area have adequate capacity to serve the students generated by the Parcel FF Project. Moreover, no significant impacts to the Los Angeles Unified School District would occur with implementation of the required payment of school fees. The above finding is made in that the following mitigation measure will be incorporated into Parcel FF Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- Pursuant to Government Code Section 65995, the developer is required to pay statutory school fees to the LAUSD for the purpose of mitigating the impact of project-generated new students on school facilities. Developer fees are $3.60 per square foot of new residential use. Payment of this fee is deemed to be full and complete mitigation of Project impacts.

8. Police Protection

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

Potential Effect

The Project could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of designed security features and the reduction in the number of boat spaces available will reduce potential impacts to police protection services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol, to a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-1 to 5.12-32 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Project area.

The Project could result in a potential increased demand for police services due to the increased population that would be residing on-site. However, the Project has been designed with security features intended to deter crime and reduce demand for police services. In addition, the reduction in the number of available boat slips will likely result in decreased police protection demand due to the overall reduction of users on-

site. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- Prior to construction, the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall install navigational aids such as buoys and lights as defined by the U.S. Coast Guard to ensure safe access within all channels of the small-craft harbor.
- As part of the building permit process, the County Sheriff's Department shall review the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.
- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of designed security features and the reduction in the number of boat spaces available will reduce potential impacts to police protection

services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol, to a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-12 to 5.12-15 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Project area.

The Project could result in a potential increased demand for police services due to the increased population that would be residing on-site. However, the Project has been designed with security features intended to deter crime and reduce demand for police services. In addition, the reduction in the number of available boat slips will likely result in decreased police protection demand due to the overall reduction of users on-site. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- Prior to construction, the Neptune Marina Parcel 10R Project shall install navigational aids such as buoys and lights as defined by the U.S. Coast Guard to ensure safe access within all channels of the small-craft harbor.
- As part of the building permit process, the County Sheriff's Department shall review the Neptune Marina Parcel 10R Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.
- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of designed security features will reduce potential impacts to police protection services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol, to a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-12 to 5.12-15 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Parcel FF Project area.

The Parcel FF Project could result in a potential increased demand for police services due to the increased population that would be residing on-site. However, the Parcel FF Project has been designed with security features intended to deter crime and reduce demand for police services. The above finding is made in that the following mitigation measures will be incorporated into the Parcel FF Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- As part of the building permit process, the County Sheriff's Department shall review the Neptune Marina Parcel FF Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.

- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if Woodfin Suite Hotel and Timeshare Resort Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of designed security features will reduce potential impacts to police protection services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol, to a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-20 to 5.12-23 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Project area.

The Woodfin Suite Hotel and Timeshare Resort Project could result in a potential increased demand for police services due to the increased population that would be residing on-site. However, the Woodfin Suite Hotel and Timeshare Resort Project has been designed with security features intended to deter crime and reduce demand for police services. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- As part of the building permit process, the County Sheriff's Department shall review the Woodfin Suite Hotel and Timeshare Resort Project site design during the planning and building plan-check process with respect to lighting,

landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.

- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

1.46 Acre Restored Wetland and Public Upland Park Project

Potential Effect

The 1 Public Wetland Park Project could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if the 1. park's demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of the small park will likely result in a minimal increase in demand to services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol. However, due to the lack of permanent residents on the site and the size of the park, the operation of the small park would result in a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-24 to 5.12-26 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Project area.

The Public Wetland Park would likely result in minimal increase in demand for police services due to public use of the park by visitors and transients. However, no significant impact is expected from this slight increase. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- As part of the approval process, the County Sheriff's Department shall review the 1.46-acre public park site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.
- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

Public-Serving Boat Spaces Project

Potential Effect

The Public-Serving Boat Spaces could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if the Public-Serving Boat Spaces' demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of the Public-Serving Boat Spaces will likely result in a minimal increase in demand to services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol. However, due to the lack of permanent residents using the facility, the operation of the Public-Serving Boat Spaces would result in a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-27 to 5.12-29 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Project area.

The Public-Serving Boat Spaces would likely result in a minimal increase in demand for police services due to public use of the facility by visitors and transients. However, no significant impact is expected from this slight increase. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- As part of the building permit process, the County Sheriff's Department shall review the Public-Serving Boat Space Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.
- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

9. Fire Protection

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

Potential Effect

The Project could increase demand for fire protection services over existing on-site uses, which could be considered a significant impact if Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives. The Public Wetland Park and Public-Serving Boat Spaces would only not result in any habitable structures and therefore do not have the potential to have significant fire protection impacts.

Finding

The existing fire protection infrastructure for both landside and waterside uses is adequate to accommodate the Project. Thus, implementation of the Project will result in a less than significant impact.

Facts

Fire protection impacts are discussed in pages 5.13-1 to 5.13-32 of the Draft EIR. The Los Angeles County Fire Department provides fire protection services to the Project area.

The Project could result in a potential increased demand for fire protection services due to the increased number of structures on the Project site. However, the Project has been designed to comply with building and fire codes to prevent need for fire protection, and the Project design includes on-site water improvements to ensure adequate fire flow. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:
Mitigation Measures:

- Applicants associated with the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and timeshare Resort Project shall submit and have approved by the County of Los Angeles Fire Department prior to project approval, a Fire Safety Plan. The Fire Safety Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant will provide a Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each project. Typically, such plans defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safe Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval.
- During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department.
- Consistent with the Fire Safe Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval.

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

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project could increase demand for fire protection services over existing on-site uses, which could be considered a significant impact if Parcel 10R Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The existing fire protection infrastructure for both landside and waterside uses is adequate to accommodate the Parcel 10R Project. Thus, implementation of the Parcel 10R Project will result in a less than significant impact.

Facts

Fire protection impacts are discussed in pages 5.13-14 to 5.13-19 of the Draft EIR. The Los Angeles County Fire Department provides fire protection services to the Parcel 10R Project area.

The Parcel 10R Project could result in a potential increased demand for fire protection services due to the increased number of structures on the Parcel 10R Project site. However, the Parcel 10R Project has been designed to comply with building and fire codes to prevent need for fire protection, and the Parcel 10R Project design includes on-site water improvements to ensure adequate fire flow. The above finding is made in that the following mitigation measures will be incorporated into the Parcel 10R Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- Applicants associated with the Neptune Marina Parcel 10R Project shall submit and have approved by the County of Los Angeles Fire Department prior to project approval, a Fire Safety Plan. The Fire Safety Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant will provide a

Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each project. Typically, such plans defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safety Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval.

- During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department.
- Consistent with the Fire Safety Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval.
- The development of this project shall comply with all applicable code and ordinance requirements for access, water mains, fire flows and fire hydrants.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project could increase demand for fire protection services over existing on-site uses, which could be considered a significant impact if Parcel FF Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The existing fire protection infrastructure is adequate to accommodate the Parcel FF Project. Thus, implementation of the Parcel FF Project will result in a less than significant impact.

Facts

Fire protection impacts are discussed in pages 5.13-20 to 5.13-24 of the Draft EIR. The Los Angeles County Fire Department provides fire protection services to the Parcel 10R Project area.

The Parcel FF Project could result in a potential increased demand for fire protection services due to the increased number of structures on the Parcel FF Project site. However, the Parcel FF Project has been designed to comply with building and fire codes to prevent need for fire protection, and the Parcel FF Project design includes on-site water improvements to ensure adequate fire flow. The above finding is made in that the following mitigation measures will be incorporated into the Parcel FF Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- Applicants associated with the Neptune Marina Parcel FF Project shall submit and have approved by the County of Los Angeles Fire Department prior to project approval, a Fire Safety Plan. The Fire Safety Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant will provide a Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each project. Typically, such plans defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safe Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval.
- During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department.
- Consistent with the Fire Safe Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval.
- The development of this project shall comply with all applicable code and ordinance requirements for access, water mains, fire flows and fire hydrants.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could increase demand for fire protection services over existing on-site uses, which could be considered a significant impact if Woodfin Suite Hotel and Timeshare Resort Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The existing fire protection infrastructure is adequate to accommodate the Woodfin Suite Hotel and Timeshare Resort Project. Thus, implementation of the Woodfin Suite Hotel and Timeshare Resort Project will result in a less than significant impact.

Facts

Fire protection impacts are discussed in pages 5.13-25 to 5.13-28 of the Draft EIR. The Los Angeles County Fire Department provides fire protection services to the Woodfin Suite Hotel and Timeshare Resort Project area.

The Woodfin Suite Hotel and Timeshare Resort Project could result in a potential increased demand for fire protection services due to the increased number of structures on the Woodfin Suite Hotel and Timeshare Resort Project site. However, the Woodfin Suite Hotel and Timeshare Resort Project has been designed to comply with building and fire codes to prevent need for fire protection, and the Woodfin Suite Hotel and Timeshare Resort Project design includes on-site water improvements to ensure adequate fire flow. The above finding is made in that the following mitigation measures will be incorporated into the Woodfin Suite Hotel and Timeshare Resort Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- Applicants associated with the Woodfin Suite Hotel and Timeshare Resort Project shall submit and have approved by the County of Los Angeles Fire Department prior to project approval, a Fire Safety Plan. The Fire Safety Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant

will provide a Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each project. Typically, such plans defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safety Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval.

- During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department.
- Consistent with the Fire Safety Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval.
- The development of this project shall comply with all applicable code and ordinance requirements for access, water mains, fire flows and fire hydrants.

10. Library Services

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

Potential Effect

The Project could excess demand for library services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the Los Angeles County Library. The Woodfin Hotel and Timeshare Resort, Public Wetland Park and Public-Serving Boat Spaces would not add any permanent population and therefore do not have the potential to have significant library impacts.

Finding

Existing capacity exists within the area-serving library to accommodate the additional library demand that will be generated by the Project. The implementation of

a mitigation measure requiring payment of library fees by the Project developer would reduce impacts to a less than significant level.

Facts

Library service impacts are discussed in pages 5.14-1 to 5.14-15 of the Draft EIR. The Los Angeles County Public System's Lloyd Taber Marina del Rey Library ("the Library") provides library services to the area. The County uses the service level planning guidelines of 0.50 gross square feet and 2.75 items per capita, and the Library is large enough to accommodate an additional 7,339 residents based on its current facilities and existing population in the Marina del Rey area. The Project would result in a population increase of 585 persons, which can easily be absorbed within the current Library resources available. Thus, the existing Library in the area has adequate capacity to serve the residents generated by the Project. Moreover, no significant impacts to the Los Angeles County Public Library system would occur with implementation of the required payment of library fees. The above finding is made in that the following mitigation measure will be incorporated into Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicant shall pay the library mitigation impact fee in effect at the time building permits for the project are issued ($772.00 per residential unit as of July 1, 2007). Fees are paid to Los Angeles County to offset the demand for library items and building square footage generated by the proposed project.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project could excess demand for library services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the Los Angeles County Library.

Finding

Existing capacity exists within the area-serving library to accommodate the additional library demand that will be generated by the Parcel 10R Project. The implementation of a mitigation measure requiring payment of library fees by the Parcel 10R Project developer would reduce impacts to a less than significant level.

Facts

Library service impacts are discussed in pages 5.14-9 to 5.14-10 of the Draft EIR. The Los Angeles County Public System's Lloyd Taber Marina del Rey Library ("the Library") provides library services to the area. The County uses the service level planning guidelines of 0.50 gross square feet and 2.75 items per capita, and the Library is large enough to accommodate an additional 7,339 residents based on its current facilities and existing population in the Marina del Rey area. The Parcel 10R Project would result in a population increase of 396 persons, which can easily be absorbed within the current Library resources available. Thus, the existing Library in the area has adequate capacity to serve the residents generated by the Parcel 10R Project. Moreover, no significant impacts to the Los Angeles County Public Library system would occur with implementation of the required payment of library fees. The above finding is made in that the following mitigation measure will be incorporated into Parcel 10R Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- The Neptune Marina Parcel 10R Project applicant shall pay the library mitigation impact fee in effect at the time building permits for the project are issued ($772.00 per residential unit as of July 1, 2007). Fees are paid to Los Angeles County to offset the demand for library items and building square footage generated by the proposed project.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project could excess demand for library services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the Los Angeles County Library.

Finding

Existing capacity exists within the area-serving library to accommodate the additional library demand that will be generated by the Parcel FF Project. The implementation of a mitigation measure requiring payment of library fees by the Parcel FF Project developer would reduce impacts to a less than significant level.

Facts

Library service impacts are discussed in pages 5.14-11 to 5.14-12 of the Draft EIR. The Los Angeles County Public System's Lloyd Taber Marina del Rey Library ("the Library") provides library services to the area. The County uses the service level planning guidelines of 0.50 gross square feet and 2.75 items per capita, and the Library is large enough to accommodate an additional 7,339 residents based on its current facilities and existing population in the Marina del Rey area. The Parcel FF Project would result in a population increase of 189 persons, which can easily be absorbed within the current Library resources available. Thus, the existing Library in the area has adequate capacity to serve the residents generated by the Parcel FF Project. Moreover, no significant impacts to the Los Angeles County Public Library system would occur with implementation of the required payment of library fees. The above finding is made in that the following mitigation measure will be incorporated into Parcel FF Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- The Neptune Marina Parcel FF Project applicant shall pay the library mitigation impact fee in effect at the time building permits for the project are issued ($772.00 per residential unit as of July 1, 2007). Fees are paid to Los Angeles County to offset the demand for library items and building square footage generated by the proposed project.

11. <u>Parks and Recreation</u>

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

Potential Effect

The Project could create excess demand for park services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the County of Los Angeles Department of Beaches and Harbors, which operates parks and recreational facilities in Marina del Rey. The Public Wetland Park and Public-Serving Boat Spaces would not add any permanent population and therefore do not have the potential to have significant parks and recreation impacts.

Finding

The Park Planning Area in which the Project is located, Park Planning Area 28, currently has a shortage of improved park and recreational facilities. However, the Project is subject to the requirements of the Marina del Rey Specific Plan that call for parkland dedication, payment of fees to the Coastal Improvement Fund in lieu of land dedication, or some combination thereof. The Project includes a Waterfront Stroll Promenade, public wetland park, and public-serving anchorage. These features, combined with the payment of fees for parkland dedication as required by the Marina del Rey Specific Plan, would reduce potential Project impacts to a less than significant level.

Facts

Park and recreation impacts are discussed in pages 5.15-1 to 5.14-18 of the Draft EIR. The County of Los Angeles Department of Beaches and Harbors operates parks and recreational facilities within Marina del Rey. Implementation of the Project would require a parkland dedication of 1.77 acres using the specific plan requirement of 3.0 acres of parkland per 1,000 persons. As an alternative to parkland dedication, applicants of residential projects can make payment into the Coastal Improvement Fund for parkland dedication or provide other recreational improvements within Marina del Rey. The Project includes a publicly-accessible Waterfront Stroll Promenade with public access to the waterfront, a public wetland park with restored wetlands, and a public-

serving anchorage to allow the public access to use of boat slips. The Project also includes additional recreational facilities available to Project residents including a resident's fitness center, media theater room, recreational lounge, game room, business center, outdoor pool, and 174 boat docks. In addition, the Woodfin Suite Hotel and Timeshare Resort would include a restaurant and bar, business center, meeting rooms, sundry shop, exercise room and spa, outdoor pool, and dining terrace.

While the Project would technically fall 0.31 acres shy of meeting the required parkland per new resident standard, additional recreational components, as well as the payment of fees to the Coastal Improvement Fund, less any credit the applicant may be eligible for under Section 22.46.1950 C (1) of the County Zoning Code, which provides residential developers a credit against the calculated Coastal Improvement Fund fee at the rate of $2.30 for every square foot of improved public open space, as indicated in the specific plan (Section 22.46.1950.D), would mitigate Project impacts to a less than significant level. Thus, with the implementation of proposed park and recreation improvements, and payment of the required fees, no significant impact to the County of Los Angeles Department of Beaches and Harbors' provision of parks and recreation facilities would occur.

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could create excess demand for park services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the County of Los Angeles Department of Beaches and Harbors, which operates parks and recreational facilities in Marina del Rey.

Finding

The Park Planning Area in which the Parcel 10R Project is located, Park Planning Area 28, currently has a shortage of improved park and recreational facilities. However, the Parcel 10R Project is subject to the requirements of the Marina del Rey Specific Plan

that call for parkland dedication, payment of fees to the Coastal Improvement Fund in lieu of land dedication, or some combination thereof. The payment of fees for parkland dedication as required by the Marina del Rey Specific Plan, less any credit due to eligibility per LACC 22.46.1950.D, would reduce potential Parcel 10R Project impacts to a less than significant level.

Facts

Park and recreation impacts are discussed on page 5.15-11 of the Draft EIR. The County of Los Angeles Department of Beaches and Harbors operates parks and recreational facilities within Marina del Rey. Implementation of the Project would require a parkland dedication of 1.20 acres using the specific plan requirement of 3.0 acres of parkland per 1,000 persons.

The Project developer would be required to pay fees to the Coastal Improvement Fund, less any credit the applicant ay be eligible for under Section 22.46.1950 C (1) of the County Zoning Code, which provides residential developers a credit against the calculated Coastal Improvement Fund fee at the rate of $2.30 for every square foot of improved public open space, as indicated in the specific plan (Section 22.46.1950.D). With this required payment, no significant impact to the County of Los Angeles Department of Beaches and Harbors' provision of parks and recreation facilities would occur.

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could create excess demand for park services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the County of Los Angeles Department of Beaches and Harbors, which operates parks and recreational facilities in Marina del Rey.

Finding

The Park Planning Area in which the Parcel FF Project is located, Park Planning Area 28, currently has a shortage of improved park and recreational facilities. However, the Parcel FF Project is subject to the requirements of the Marina del Rey Specific Plan

that call for parkland dedication, payment of fees to the Coastal Improvement Fund in lieu of land dedication, or some combination thereof. The payment of fees for parkland dedication as required by the Marina del Rey Specific Plan, less any credit due to eligibility per LACC 22.46.1950.D, would reduce potential Parcel FF Project impacts to a less than significant level.

Facts

Park and recreation impacts are discussed on pages 5.15-1 5.15-15 of the Draft EIR. The County of Los Angeles Department of Beaches and Harbors operates parks and recreational facilities within Marina del Rey. Implementation of the Project would require a parkland dedication of 0.57 acres using the specific plan requirement of 3.0 acres of parkland per 1,000 persons.

The Project developer would be required to pay fees to the Coastal Improvement Fund, less any credit the applicant ay be eligible for under Section 22.46.1950 C (1) of the County Zoning Code, which provides residential developers a credit against the calculated Coastal Improvement Fund fee at the rate of $2.30 for every square foot of improved public open space, as indicated in the specific plan (Section 22.46.1950.D). In addition, the Parcel FF Project would include or the developer of the Parcel FF Project would participate in the funding of public and private recreational facilities. Accompanying the change of Open Space designated land use of Parcel FF by the Marina del Rey Specific Plan, as Parcel FF would instead by developed with an apartment building, the developer of Parcel FF would fund one-half the cost of a public wetland and upland park of approximately 1.46 acres within the southern portion of Parcel 9U, while the developer of the remainder of Parcel 9U would fund the other half of the cost of the public wetland and upland park.

Additional recreational components and features of the Parcel FF Project would help to further offset potential recreational demands of the new residents. The location of the public wetland park and buffer area, immediately adjacent to the planned Waterfront Stroll Promenade, as well as the public dock accessible to between 7 and 11 transient vessels, and would represent a significant public boater-serving amenity, as no

such purely public anchorage currently exists on the eastern residential side of Marina del Rey. The combination of benefits to the public from these habitat and public access and recreation improvements accomplish all of the County's objectives otherwise associated with the future park site on Parcel FF.

Parcel 9U, the site of the new public park, is similarly situated to and in close proximity to Parcel FF. Moreover, Parcel 9U is superior to Parcel FF in that it provides a park with greatly enhanced habitat value—a restored wetland and upland, fronts a more heavily traveled street (Via Marina), and provides for more expansive and higher-quality views of the basin. The Park on Parcel 9U would also better integrate with other pubic uses, including the public amenities associated with the hotel and timeshare resort, the waterfront public pedestrian promenade on Parcel 9U, and the public-serving anchorage adjacent to the Parcel 9U bulkhead within Basin B. Therefore, the Parcel FF Project would facilitate, rather than impede, the development of future public parkland.

The Parcel FF Project's additional recreational components, as well as the payment of fees to the Coastal Improvement Fund, less any credit the applicant may be eligible for under Section 22.46.1950 C (1) of the County Zoning Code, which provides residential developers a credit against the calculated Coastal Improvement Fund fee at the rate of $2.30 for every square foot of improved public open space, as indicated in the specific plan (Section 22.46.1950.D), mitigates any potential impacts. Thus, with the implementation of proposed park and recreation improvements and payment of required fees, no significant impact to the County of Los Angeles Department of Beaches and Harbors' provision of parks and recreation facilities would occur.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could create excess demand for park services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the County of Los Angeles Department of Beaches and Harbors, which operates parks and recreational facilities in Marina del Rey.

Finding

The Park Planning Area in which the Woodfin Suite Hotel and Timeshare Resort Project is located, Park Planning Area 28, currently has a shortage of improved park and recreational facilities. However, the Woodfin Suite Hotel and Timeshare Resort Project is not subject to the requirements of the Marina del Rey Specific Plan that call for parkland dedication, payment of fees to the Coastal Improvement Fund in lieu of land dedication, or some combination thereof, due to the fact that the Woodfin Suite Hotel and Timeshare Resort is a non-residential use.

Therefore, the Woodfin Suite Hotel and Timeshare Resort Project would result in a less than significant impact to park and recreation resources in the area.

Facts

Park and recreation impacts are discussed on pages 5.15-16 to 5.15-18 of the Draft EIR. The County of Los Angeles Department of Beaches and Harbors operates parks and recreational facilities within Marina del Rey. Implementation of the Woodfin Suite Hotel and Timeshare Resort Project would require no parkland dedication due to the fact that it does not include residential uses.

The Woodfin Suite Hotel and Timeshare Resort Project would include the funding of one-half the cost of a public wetland and upland park on the southern portion of Parcel 9U, and would include a Waterfront Stroll Promenade providing public access to the Waterfront. In addition, the Woodfin Suite Hotel and Timeshare Resort would include a restaurant and bar, a business center, meeting rooms, a sundry shop, an exercise room and spa, an outdoor pool, and a dining terrace, and all ground-level uses on the Woodfin Suite Hotel and Timeshare Resort Project would be open to the public. Thus, impacts from the Woodfin Suite Hotel and Timeshare Project would be less than significant.

12. <u>Population and Housing</u>

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

Potential Effect

The Project could exceed official regional or local population projections, could induce substantial direct or indirect growth in an area, or could displace substantial numbers of people, necessitating the construction of replacement housing. The Woodfin Suite Hotel and Timeshare Resort Project, Public Wetland Park and Public-Serving Boat Spaces would not add any permanent population and therefore do not have the potential to have significant population and housing impacts.

Finding

The Project would not exceed official regional or local population projections, and would not induce substantial direct or indirect growth in an area. The Project would not displace any people or necessitate the construction of replacement housing. Thus, no significant impact will occur with implementation of the Project.

Facts

Population and housing impacts of the Project are discussed on pages 5.16-1 to 5.16-15. The net increase in persons anticipated as part of the Project results in 4.0 percent of the projected increase in population for the area from 2000-2010 and 7.9 percent of the projected increase in population for 2010-2020 according to the Southern California Association of Governments. The Project impacts are well within the estimated population increases from the area and the census tract and would not result in a significant impact.

The net increase in housing units anticipated as part of the Project results in 10.4 percent of the projected increase in housing units for the area from 2000-2010 and 8.2 percent of the projected increase in housing units for the area from 2010-2020 according to the Southern California Association of Governments. The Project impacts are well within the estimated housing unit increases for the area and the census tract and would not result in a significant impact.

All relocations involved in implementation of the Project would be conducted in a manner consistent with the Mello Act's inclusionary and replacement housing regulations. In addition, adequate three-month notice will be provided to boat

anchorage tenants and information regarding alternative arrangements will be made. Thus, no significant impact will occur and no mitigation is required.

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could cumulatively exceed official regional or local population projections, could induce substantial direct or indirect growth in an area, or could displace substantial numbers of people, necessitating the construction of replacement housing.

Finding

The Parcel 10R Project would not cumulatively exceed official regional or local population projections, and would not induce substantial direct or indirect growth in an area. The Project would not displace any people or necessitate the construction of replacement housing. Thus, no significant impact will occur with implementation of the Project.

Facts

Population and housing impacts of the Parcel 10R Project are discussed on pages 5.16-9 to 5.16-11. The net increase in persons anticipated as part of the Project results in 2.7 percent of the projected increase in population for the area from 2000-2010 and 5.3 percent of the projected increase in population for 2010-2020 according to the Southern California Association of Governments. The Project impacts are well within the estimated population increases from the area and the census tract and would not result in a significant impact.

The net increase in housing units anticipated as part of the Project results in 7.1 percent of the projected increase in housing units for the area from 2000-2010 and 3.5 percent of the projected increase in housing units for the area from 2010-2020 according to the Southern California Association of Governments. The Project impacts are well within the estimated housing unit increases for the area and the census tract and would not result in a significant impact.

All relocations involved in implementation of the Project would be conducted in a manner consistent with the Mello Act's inclusionary and replacement housing regulations. In addition, adequate three-month notice will be provided to boat anchorage tenants and information regarding alternative arrangements will be made. Thus, no significant impact will occur and no mitigation is required.

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could cumulatively exceed official regional or local population projections, could induce substantial direct or indirect growth in an area, or could displace substantial numbers of people, necessitating the construction of replacement housing.

Finding

The Parcel FF Project would not cumulatively exceed official regional or local population projections, and would not induce substantial direct or indirect growth in an area. The Project would not displace any people or necessitate the construction of replacement housing. Thus, no significant impact will occur with implementation of the Project.

Facts

Population and housing impacts of the Parcel FF Project are discussed on pages 5.16-12 to 5.16-13. The net increase in persons anticipated as part of the Project results in 1.3 percent of the projected increase in population for the area from 2000-2010 and 2.5 percent of the projected increase in population for 2010-2020 according to the Southern California Association of Governments. The Project impacts are well within the estimated population increases from the area and the census tract and would not result in a significant impact.

The net increase in housing units anticipated as part of the Project results in 3.4 percent of the projected increase in housing units for the area from 2000-2010 and 2.6 percent of the projected increase in housing units for the area from 2010-2020 according to the Southern California Association of Governments. The Project impacts

are well within the estimated housing unit increases for the area and the census tract and would not result in a significant impact.

There are no housing units or residents on the Neptune Marina Parcel FF site. Therefore, no displacement of people or housing would occur. Thus, no significant impact will occur and no mitigation is required.

13. Land Use and Planning

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

Potential Effect

The Project could physically divide a community, conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the Project, or could conflict with an applicable habitat conservation plan or natural community conservation plan.

Finding

The Project would be consistent with the existing County of Los Angeles General Plan land use designations for the project site. More specific land use guidance is provided in the County's Marina del Rey Local Coastal Program, which is made up of the Marina Del Rey Land Use Plan and Specific Plan. The majority of the individual components of the Project, including the hotel/timeshare, wetland park and public boat slips, and marina components are fully consistent with the Marina del Rey Specific Plan Land Use Plan and the Marina del Rey Specific Plan. The Neptune Marina Parcels 10R and FF, while consistent with most of the policies, goals and requirements of the Marina Del Rey Land Use Plan and Specific Plan, require amendments to the Land Use Plan and Specific Plan. The proposed amendments to the Marina del Rey Land Use Plan and Specific Plan would be consistent with the policies of the Coastal Act. With the California Coastal Commission's certification of the requested amendments, the Project would be consistent with the certified Local Coastal Program (LCP). The individual components of the Project would also require approval of Coastal Development Permits; Conditional

Use Permits; Variances; a Tentative Map; and/or a Parking Permit. No mitigation measures are required and all impacts are less than significant.

Facts

Development of the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project would not physically divide the community of Marina del Rey. As noted earlier, the project site is located in the western portion of the Marina del Rey small-craft harbor area and is currently developed with some housing, boat anchorage, and surface parking. Parcel 9U is an undeveloped vacant lot. High-density residential uses occur or are being constructed to the east, west, and south of the project site. West of the project site is the main collector road for the west side of Marina del Rey, Via Marina. Across this road, high-density residential land uses also occur. Further north of the site, high-density visitor-serving commercial land uses are present. The Project would continue the development of residential and commercial uses that currently border the site. The existing roadway infrastructure in Marina del Rey would provide access to the project site. The hotel proposed on Parcel 9U would be 225-feet tall (exclusive of appurtenant, screened rooftop equipment, parapets and architectural features) and considerably taller than nearby structures. This height is consistent with the height provisions for this parcel in the LCP. While this relative height difference, would create a conspicuous contrast to the surrounding residential structures, it would not physically divide the existing community. Therefore, the Project does not have the potential to divide the existing community.

Parking Policy No. 12 of Chapter 2 of the LUP (page 2-8) states that public parking spaces lost due to the conversion of parking lots shall be replaced elsewhere in the Marina on a 0.5:1 (50 percent) basis. The County is proposing an amendment to the LCP, consisting of modifications to the LUP and Specific Plan to allow deferral of construction of the 103 "replacement" parking spaces (i.e., 50 percent of the existing 206 spaces) until these replacement parking spaces can be provided for by the County at an alternate location in the Marina. This LCP amendment will also request authorization to allow tenants to occupy the new Parcel FF apartment building prior to construction of

replacement parking spaces elsewhere in the Marina. The Applicant will deposit funds sufficient to construct the replacement parking with the County prior to issuance of a building permit. The County will use these funds to construct new parking at a location that better serves visitor-serving uses. As the current parking lot is underutilized, no short-term parking impacts would result from this proposed modification.

The Neptune Marina Apartments and Anchorage/Woodfin Suites Hotel and Timeshare Resort Project would require the transfer of 387 total development allotment credits from the neighboring Tahiti and Bora Bora Development Zones (DZs) into the Marquesas DZ to accommodate the proposed residential development on Parcels 10R and FF. There is a clear precedent for such inter-development zone transfers on the western side of Marina del Rey (See Goldrich & Kest Industries' LCP amendment approval at Marina Parcel 20, certified by the Coastal Commission, which authorized the transfer of 97 development units from the Bora Bora DZ into the Panay DZ). Redevelopment of the Project site as proposed would improve the public's coastal recreational opportunities, consistent with the relevant policies of the Coastal Act , with the creation of the wetland and upland park.

As with the Parcel 20 LCP amendment, a traffic analysis has been prepared which has determined that the traffic and circulation impacts of the proposed inter-DZ transfer of excess development units are insignificant. The Project's development of new housing units, after approval of the transfer of development credits, are consistent with the Marina del Rey Land Use Plan and the policy objectives of the Plan.

The Marina del Rey LUP designates Parcel FF as Open Space. An amendment to the Marina del Rey LUP is proposed to construct and operate the 126 apartment units on Parcel FF. As discussed above, as an offset for precluding the potential future development of a park on Parcel FF, the developer will fund 50% of the costs of developing a public wetland park on the southerly 1.46 acres of Parcel 9U. The development of a public park on Parcel 9U is superior to Parcel FF in that it provides a park with greatly enhanced habitat value (a restored wetland park), fronts a more heavily traveled street (Via Marina), and provides for more expansive and higher quality

views of the basin and the water. The park on Parcel 9U would also better integrate with other public uses than would a park on Parcel FF, including the public amenities associated with the proposed hotel and timeshare resort, the waterfront public pedestrian promenade on Parcel 9U, and the public-serving anchorage adjacent to the Parcel 9U bulkhead within Basin B.

Development proposed for Parcel 9U is consistent with provisions of the certified LCP. As defined in the Marina del Rey Land Use Plan, the Tahiti DZ calls for a hotel with a maximum of 288 rooms and a maximum height of 225 feet. The Woodfin Suites Hotel and Timeshare Resort project is planned on the northern portion of Parcel 9U, fronts on Via Marina, and is limited to a building height of 225 feet. Moreover, the development of a public park on Parcel 9U is in conformance with the parcel's "Hotel-Waterfront Overlay Zone" land use designation per the LCP (inasmuch as parks are a permitted land use in the Hotel land use category). LUP Section C.8 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 are complementary to a hotel. The Woodfin Suite Hotel and Timeshare Resort will be a full-service facility, with a single set of support facilities (check-in desk, reception, restaurants, cocktail lounge, etc.) for both timeshare and hotel users. Therefore, there will be no distinction in terms of services between hotel patrons and timeshare patrons. Key points regarding the operational aspects of the proposed timeshare use are the following :

- The timeshare suites will not be in a separate tower from the hotel suites; rather, both the hotel and timeshare suites will be on same floors (4 through 19).
- Rental of both the timeshare suites and hotel suites will be handled in a similar manner by on-site management (electronic keys issued by the front desk, concierge services, housekeeping, and front desk check-in/out).
- Timeshares will be made available to the general public through the hotel reservation system when not used by timeshare vacationers.
- Timeshare vacationers may make their unused timeshare suites available to the

general public.

- Timeshare suites will be marketed through an exchange program and through the hotel, and will be rented at comparable rates to equivalent hotel suites.
- Timeshare suites will be sold in one-week intervals.
- Stays in the timeshare suites would be limited to no more than a total of four weeks annually.
- The Woodfin timeshare component will remain a commercial use and will comply with the timeshare laws governed by the California Department of Real Estate.

The timeshare portion of the proposed development on Parcel 9U is consistent with the LCP, which recognizes overnight lodgings as a primary visitor-serving use in accord with Section 30213 of the CCA. There is no discernible difference in intensity of use or impacts to the physical environment between units that are used as timeshares and those that are used as traditional hotel rooms. All project impacts have been fully analyzed and the Woodfin Suite Hotel and Timeshare Resort will not result in any impacts to the physical environment based on timeshare or hotel units.

The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project meets all applicable policies and development standards of the certified LCP, including, but not limited to, adequate parking, view corridors, public access to the shoreline, provision of new usable public recreation and open space (waterfront public pedestrian promenade), provision of adequate traffic capacity and provisions for affordable housing consistent with the County's Affordable Housing Policy for Marina del Rey and Government Code Section 66590, et seq. (Mello Act). The project applicant would be conditioned by the County to provide both replacement and inclusionary affordable housing units on site in compliance with the State Mello Act and the County's Marina del Rey Mello Act Policy. Upon approval of the requested LCP amendments for the Neptune Marina Apartment portions of the Project, the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project would not conflict with any applicable land use plan, policy, or regulation as discussed in Table 5.17.1 of the Draft EIR which provides detailed analysis of the consistency with

specific policies in applicable land use plans.

Development of the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project would not conflict with any habitat conservation plan or natural community conservation plan because no such plans are applicable to the project site or its vicinity. No mitigation measures are required and impacts would be less than significant.

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Parcel 10R Project, or could conflict with an applicable habitat conservation plan or natural community conservation plan.

Finding

The Parcel 10R Project would not physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Parcel 10R Project, and would not conflict with an applicable habitat conservation plan or natural community conservation plan.

Facts

Development of the Parcel 10R Project would not physically divide the community of Marina del Rey. The Parcel 10R Project would redevelop an existing residential development, and the existing roadway infrastructure in Marina del Rey would provide access to the Parcel 10R Project site. The Parcel 10R Project site does not include the addition of new roadways and would not divide an existing community and would therefore not result in the physical division of the community.

The Parcel 10R Project would exceed the Marquesas DZ residential allotment by 261 units and an amendment of the Local Coastal Plan would be required in order to authorize the transfer of the required residential development credits from the adjacent DZs to the Marquesas DZ. As indicated in the Traffic analysis included in the Recirculated Draft EIR, this transfer of residential credits would not result in significant

environmental impacts. Therefore, the Parcel 10R Project would not be in conflict with applicable land use policies and would not result in a physical impact to the land as a result of the consistency.

Development of the Parcel 10R Project would not conflict with any habitat conservation plan or natural community conservation plan as no such plans as no such plans are applicable to the Parcel 10R Project site or its vicinity. Therefore, no significant impact would result from the Parcel 10R Project.

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Parcel FF Project, or could conflict with an applicable habitat conservation plan or natural community conservation plan.

Finding

The Parcel FF Project would not physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Parcel FF Project, and would not conflict with an applicable habitat conservation plan or natural community conservation plan.

Facts

Development of the Parcel FF Project would not physically divide the community of Marina del Rey. The existing roadway infrastructure in Marina del Rey would provide access to the Parcel FF Project site. The Parcel FF Project site does not include the addition of new roadways and would not divide an existing community and would therefore not result in the physical division of the community.

The Parcel FF Project would exceed the Marquesas DZ residential allotment by 126 units and an amendment of the Local Coastal Plan would be required in order to authorize the transfer of the required residential development credits from the adjacent DZs to the Marquesas DZ. As indicated in the Traffic analysis included in the Recirculated Draft EIR, this transfer of residential credits would not result in significant

environmental impacts. Therefore, the Parcel FF Project would not be in conflict with applicable land use policies and would not result in a physical impact to the land as a result of the consistency.

The Marina del Rey LUP currently designates Parcel FF as Open Space. To address the Parcel FF Project's loss of Open Space-designated land and potential public park, the Parcel FF Project developer has proposed to relocate the potential future public park space contemplated in the LCP on Parcel FF to the southerly portion of Parcel 9U. The development of a public park on Parcel 9U is superior to Parcel FF in that it provides a park with greatly enhanced habitat value (a restored wetland park), fronts a more heavily traveled street (Via Marina), and provides for more expansive and higher quality views of the basin and the water. The park on Parcel 9U would also better integrate with other public uses than would a park on Parcel FF, including the public amenities associated with the proposed hotel and timeshare resort, the waterfront public pedestrian promenade on Parcel 9U, and the public-serving anchorage adjacent to the Parcel 9U bulkhead within Basin B. The proposed benefits to the public from the improvements meet the intent and spirit of the LUP. Therefore, there is no conflict with applicable plans, policies, or regulations and this impact is considered less than significant.

Development of the Parcel FF Project would not conflict with any habitat conservation plan or natural community conservation plan as no such plans as no such plans are applicable to the Parcel FF Project site or its vicinity. Therefore, no significant impact would result from the Parcel FF Project.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Woodfin Suite Hotel and Timeshare Resort Project, or could conflict with an applicable habitat conservation plan or natural community conservation plan.

Finding

The Woodfin Suite Hotel and Timeshare Resort Project would not physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Woodfin Suite Hotel and Timeshare Resort Project, and would not conflict with an applicable habitat conservation plan or natural community conservation plan.

Facts

Development of the Woodfin Suite Hotel and Timeshare Resort Project would not physically divide the community of Marina del Rey. The Woodfin Suite Hotel and Timeshare Resort Project would occupy the northernmost portion of Parcel 9U, while the Public Wetland Park would occupy the southern portion of Parcel 9U and the public-serving boat anchorage would connect the Parcel with the Marina del Rey Basin B. The Hotel on the northern portion of Parcel 9U would be 225 feet tall (exclusive of appurtenant, screened rooftop equipment, parapets, and architectural features) and considerably taller than nearby structures. this relative height difference, while consistent with the LCP, would create a conspicuous contrast to the surrounding lower residential structures; however, it would not divide the community. In addition, the Woodfin Suite Hotel and Timeshare Resort Project site does not include the addition of new roadways and would not divide an existing community and would therefore not result in the physical division of the community.

Development proposed for the Woodfin Suite Hotel and Timeshare Resort Project is consistent with provisions of the certified LCP. As defined in the Marina del Rey Land Use Plan, the Tahiti DZ calls for a hotel with a maximum of 288 rooms and a maximum height of 225 feet. The Woodfin Suites Hotel and Timeshare Resort project is planned on the northern portion of Parcel 9U, fronts on Via Marina, and is limited to a building height of 225 feet. Moreover, the development of a public park on Parcel 9U is in conformance with the parcel's "Hotel-Waterfront Overlay Zone" land use designation per the LCP (inasmuch as parks are a permitted land use in the Hotel land use category). LUP Section C.8 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 are complementary to a hotel. The Woodfin Suite Hotel and Timeshare Resort will be a full-service facility, with a single set of support facilities (check-in desk, reception, restaurants, cocktail lounge, etc.) for both timeshare and hotel users. Therefore, there will be no distinction in terms of services between hotel patrons and timeshare patrons. Key points regarding the operational aspects of the proposed timeshare use are the following:

- The timeshare suites will not be in a separate tower from the hotel suites; rather, both the hotel and timeshare suites will be on same floors (4 through 19).
- Rental of both the timeshare suites and hotel suites will be handled in a similar manner by on-site management (electronic keys issued by the front desk, concierge services, housekeeping, and front desk check-in/out).
- Timeshares will be made available to the general public through the hotel reservation system when not used by timeshare vacationers.
- Timeshare vacationers may make their unused timeshare suites available to the general public.
- Timeshare suites will be marketed through an exchange program and through the hotel, and will be rented at comparable rates to equivalent hotel suites.
- Timeshare suites will be sold in one-week intervals.
- Stays in the timeshare suites would be limited to no more than a total of four weeks annually.
- The Woodfin timeshare component will remain a commercial use and will comply with the timeshare laws governed by the California Department of Real Estate.

The timeshare portion of the proposed development on Parcel 9U is consistent with the LCP, which recognizes overnight lodgings as a primary visitor-serving use in accord with Section 30213 of the CCA. There is no discernible difference in intensity of use or impacts to the physical environment between units that are used as timeshares and those that are used as traditional hotel rooms. All project impacts have been fully analyzed and the Woodfin Suite Hotel and Timeshare Resort will not result in any

impacts to the physical environment based on timeshare or hotel units.

The Woodfin Suite Hotel and Timeshare Resort Project meets all applicable policies and development standards of the certified LCP, including, but not limited to, adequate parking, view corridors, public access to the shoreline, provision of new usable public recreation and open space (waterfront public pedestrian promenade), provision of adequate traffic capacity and provisions for affordable housing consistent with the County's Affordable Housing Policy for Marina del Rey and Government Code Section 66590, et seq. (Mello Act). The Woodfin Suite Hotel and Timeshare Resort project would not conflict with any applicable land use plan, policy, or regulation as discussed in Table 5.17.1 of the Draft EIR, which provides detailed analysis of the consistency with specific policies in applicable land use plans.

Development of the Woodfin Hotel and Timeshare Resort Project would not conflict with any habitat conservation plan or natural community conservation plan as no such plans as no such plans are applicable to the Woodfin Hotel and Timeshare Resort Project site or its vicinity. Therefore, no significant land use impact would result from the Woodfin Hotel and Timeshare Resort Project.

Cumulative Impacts

(1) Cumulative Geotechnical and Soil Resources

Potential Effect

A number of development projects are pending or approved in the vicinity of the Project site. These related projects, in conjunction with the Project, may potentially result in cumulative geotechnical and soil resource impacts.

Finding

The Project and the related projects will not cause any cumulative geotechnical and soils resource impacts through compliance with current building and seismic safety codes and other applicable laws and regulations.

Facts

Cumulative geotechnical and soil resource impacts are discussed at section 5.1.5 of the Draft EIR. Geotechnical impacts are generally site specific rather than cumulative

in nature. Each development site is subject to, at a minimum, uniform development and construction standards relative to seismic and other geologic conditions that are prevalent within the region. Development of each development projects are pending or approved in the vicinity of the Project site would have to be consistent with Los Angeles County or other applicable governmental requirements as they pertain to protection against known geologic hazards.

(2) Cumulative Hydrology and Water Quality

Potential Effect

A number of development projects are pending or approved in the vicinity of the Project. These projects, in conjunction with the Project, could have a significant cumulative impact on hydrology and drainage.

Finding

The Project and related Projects would meet the local jurisdiction and Regional Water Quality Control Board water quality requirements. The cumulative impacts of the Project and related projects with respect to hydrology and water quality are not significant.

Facts

Cumulative hydrology and water quality impacts are discussed at section 5.3.4 of the Draft EIR. All cumulative projects within the tributary watershed are required to meet the same general flood control and water quality requirements as the Project. The requirements will be identified by the local jurisdiction and the Regional Water Quality Control Board and will include prohibitions on significant increases in post-development stormwater flows and stormwater velocities into the small craft harbor. Since the Project would not represent a significant change in hydrological or drainage conditions, its contribution to cumulative impacts is negligible. Other projects can be expected to be similarly conditioned such that no significant cumulative impacts will occur.

(3) Cumulative Biota Effects

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the potential impacts to naturally occurring plants and animals, resulting in a potentially significant cumulative impact to biota in the Marina del Rey area.

Finding

As with the Project, each related project is required to ensure that adequate precautions are taken to protect naturally occurring plants and animals in the project area. As such, cumulative impacts to biota would be less than significant.

Facts

Cumulative effects to biota are discussed on page 5.5-76 of the Draft EIR. Cumulative or other related projects currently proposed in the Marina del Rey area that would affect the terrestrial or marine environments are proposed in a highly urbanized environment and/or involve the re-use of existing land uses and/or the replacement of boat spaces. Due to the urban character of the area in which the related projects occur, no special status species, naturally occurring special status habitat or wetlands are known to occur. With respect to marine avian species, the species forage over a large area and many forage areas are available throughout the area. Therefore, cumulative impacts are less than significant.

(4) Cumulative Sewer/Wastewater Disposal

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the amount of effluent requiring collection and treatment, resulting in a potentially significant cumulative impact to sewer services.

Finding

As with the Project, each related project is required to ensure that adequate capacity in the local and trunk sewer lines and receiving wastewater treatment plant exists to accommodate the effluent generated by that use. Additionally, each project is required to pay a connection fee used to fund expenses needed to accommodate

growth. As such, cumulative impacts to sewage collection, treatment and disposal would be less than significant.

Facts

Cumulative sewer service impacts are discussed at pages 5.8-22 to 5.8-25 of the Recirculated Draft EIR. Treatment capacity at the Hyperion Treatment Plant is available to serve the wastewater that is estimated to be generated by cumulative projects within Marina del Rey. The City of Los Angeles has adopted an Integrated Resources Plan that provides for implementation of improvement to increase capacity to 100 mgd as demand increases. In addition, each future project is required to provide adequate capacity to convey sewage to a safe point of discharge and pay fees to connect to the sewage system. In this manner, the existing sewage collection and conveyance system would be upgraded to accommodate sewage created by the development of future projects and a significant cumulative impact avoided.

Section C.12 of the Marina del Rey Land Use Plan (the "LUP") addressed potential impacts on sewer capacity resulting from full buildout under the LUP. The LUP contains policies and actions to assure that there is proof of availability of adequate sewer facilities. The County consulted with the City of Los Angeles as part of the LUP process, and as a result the City has taken future development under the LUP in account in planning for sewer capacity infrastructure improvements. These improvements include, among other things, the upgrading of the force main from the City's Venice Pumping Station to accommodate additional flows from future development in the Marina.

(5) Cumulative Water Service

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase development intensity and water demand, resulting in a potentially significant cumulative impact to water services.

Finding

Feasible mitigation measures such as constructing waterline improvements, implementation of water efficient landscaping, and water conservation measures to address the impact of the Project and the related projects would reduce cumulative those impacts to a less than significant level.

Facts

Cumulative water service impacts are discussed on section 5.9.4 of the Draft EIR. Prior to the issuance of grading permits, the applicant for each future project within Marina del Rey shall provide to the Los Angeles County Department of Regional Planning a letter from Water Works District No. 29 stating that the District is able to provide water service to the project under consideration. Both the County and the Metropolitan Water District (MWD) are implementing plan, programs and strategies to assure the continued reliability of water supply. These plans include the Integrated Resources Plan, the Five Year Supply Plan, the Report on Metropolitan Water Supplies: A Blueprint for Water Reliability, the Urban Water Management Plan, the Water Surplus and Drought Management Plan, and the Water Supply Allocation Plan.

At present several on-going programs have been proposed to address the environmental concerns within the Delta. These programs include the CALFED Bay-Delta Program, the Delta Vision Process, and the Bay-Delta Conservation Plan. The CALFED Bay-Delta Program is a unique collaboration among 23 state and federal agencies that came together with a mission to improve California's water supply and the ecological health of the Delta. The CALFED Bay-Delta Program includes various program plans on an annual basis which address key Delta issues, including water quality, levee system, water supply, ecosystem restoration, and science. The program plans describe what was accomplished in the past year, strategically plan for future implementation actions, identify problems and propose steps for resolving issues, identify available funding and additional funding needs, and ensure cross-program integration and balance. Implementation of the CALFED Bay-Delta Program has resulted in an investment of

three billion dollars on a variety of projects and programs to being addressing water supply, water quality, ecosystem, and levee stability programs.

To guide future development of the CALFED Bay-Delta Program and identify a strategy for managing the Delta as a sustainable resource, in September 2006, Governor Schwarzenegger established by Executive Order a Delta Vision Process. The Delta Vision Process entailed the completion of two work products as prepared by phase. The Phase I work product was the Delta Vision Report (January 2008), which includes long-term strategic solutions for the conflicts in the Delta as recommended by the Delta Vision task force established by Governor Schwarzenegger. The Phase II work product was the Delta Strategic Plan (October 2008), which assesses alternative implementing measures and management practices to implement the Delta Vision Report recommendations.

In addition, specific recommendations of the Delta Vision Committee, chaired by the State Secretary for Resources, were set forth as part of the Delta Vision Committee Implementation Report in December, 2008. The Report included a list of recommended near-term actions and timelines necessary to achieve Delta sustainability. The Bay-Delta Conservation Plan (BDCP) is being developed under the aegis of the California Resources Agency to provide for the recovery of endangered and sensitive species and their habitats in the Delta in a way that also will provide for the protection and restoration of water supplies. Completion of the BCDP is just one of the recommendations from the Delta Vision Committee discussed above. The BDCP is being developed under the Federal ESA and the California Natural Community Conservation Planning Act (NCCPA) and will undergo extensive environmental analysis that will include opportunities for public review and comment. The BDCP will identify and implement conservation strategies to improve the overall ecological health of the Delta; identify and implement ecologically friendly ways to move fresh water through and/or around the Delta; address toxic pollutants, invasive species, and impairments to water quality; and provide a framework to implement the plan over time. MWD is one of the parties that are drafting the BDCP to provide State and federal ESA coverage for its SWP operations.

A draft EIR/EIS evaluating the environmental impacts of the BDCP is expected to be ready for public review and comment by early 2010.

At the regional and local levels, numerous water decision-makers are actively addressing the threats facing the Delta. MWD is engaged in planning processes that will identify local solutions that, when combined with the rest of its supply portfolio, will ensure a reliable long-term water supply for its member agencies. In the near-term MWD will continue to rely on the plans and policies and outlined it is Regional Urban Water Management Plan and Integrated Water Resource Plans to address water supply shortages and interruptions (including potential shutdowns of SWP pumps) to meet water demands. Campaigns for voluntary conservation, curtailment of replenishment water, and agricultural water delivery are some of the actions outlined in the RUWMP. If necessary, reduction in municipal and industrial water use and mandatory water allocation could be implemented.

MWD has also been developing agreements, programs, and taking efforts to provide additional water supply reliability for the entire southern California region. Programs include the Arvin-Edison/Metropolitan Water Management Program; the Semitropic/MWD Groundwater Storage and Exchange Program; the California Aqueduct Dry-Year Transfer Program; purchase, storage and exchange programs in the Sacramento and San Joaquin Valleys; the MWD/Coachella Desert Water Agency Exchange and Advance Delivery Agreement; and other agreements.

With these and other programs, MWD's storage capacity has increased to five million acre-feet. Approximately 674,000 acre-feet of stored water is emergency storage that is reserved for use in the event of supply interruptions from earthquakes or similar emergencies, as well as extended drought.

In response to the drought conditions as well as the Delta Smelt issue for the State Water Project, the Governor declared a State of Emergency-Water Shortage on February 27. 2009. In response to the Governor's declaration, Department of Water Resources (DWR) has established a 2009 Drought Water Bank. DWR will purchase water from willing sellers primarily from water suppliers upstream of the Delta. This water will

be transferred using SWP or CVP facilities to water suppliers that are at risk of experiencing water shortages in 2009 due to drought conditions and that require supplemental water supplies to meet anticipated demands. MWD is seeking to purchase up to 300,000 AF from the Drought Water Bank. Purchases will be contingent on acquisition from the DWR of supplies from willing sellers.

Climate change may also affect California's water supply. Potential impacts of climate change on California's water resources include increases in temperature that could result in drought, stressed cold-water species in rivers, and increased demand for irrigation; changes in precipitation patterns that could lead to floods, lowered groundwater table, a reduction in snowpack, and decreased hydroelectric power; and changes in sea levels that could increase pressure on Delta levees. The impact of climate change on California's water supply has been the subject of DWR's July 2006 report entitled "Progress on Incorporating Climate Change into Management of California's Water Resources," which found that climate change may have a significant effect on California's future water resources and demand. This report also examined the potential impacts of selected climate change scenarios on operations of the State Water Project (SWP) and Central Valley Project, Delta water quality, flood management and evapotranspiration.

The effects and potential future effects of climate change are part of the uncertainties water managers face as they plan for the future. The draft California Water Plan 2009 prepared by DWR promotes ways to develop a common approach for addressing uncertainty and risk in the State's future water supplies. The new approach incorporates consideration of uncertainty, risk, and sustainability into planning for the future. Additionally, the DWR prepared in October 2008, the Climate Change Adaption Strategies for California's Water, which presents 10 climate change adaption strategies for California's water. These strategies include: (1) provide sustainable funding for Statewide and Integrated Regional Water Management; (2) fully develop the potential of integrate regional water management; (3) aggressively increase water use efficiency; (4) practice and promote integrated flood management; (5) enhance and sustain

ecosystems; (6) expand water storage and conjunctive management of surface and groundwater resources; (7) fix Delta water supply, quality, and ecosystem conditions; (8) preserve, upgrade, and increase monitoring, data analysis, and management; (9) Plan for and adapt to sea level rise; and (10) identify and fund focused climate change impacts and adaption research and analysis.

MWD also recognizes that climate change will require water suppliers to develop new, alternative water supplies and to focus on water use efficiency. In March 2002, MWD's Board of Directors adopted climate change policy principles that relate to water resources. These principles are reflected in MWD's water supply planning efforts, including the IRP. Further, in response to climate change and uncertainty, MWD's 2005 RUWMP incorporated three basic elements to promote adaptability and flexibility, important in addressing impacts of climate change: conservation; groundwater recharge; and water recycling.

More recently, MWD approved criteria to further explain its position on the conveyance options that are currently being discussed to remedy the Delta, which include addressing projected sea level rise and change in inflows due to climate change. MWD's criteria provide that, "whatever option is chosen, it should provide water supply reliability, improve export water quality, allow flexible pumping operations in a dynamic fishery environment, enhance the Delta ecosystem, reduce seismic risks, and reduce climate change risks." (Report for Metropolitan Water District of Southern California Board Meeting September 11, 2007 Agenda Item 8-4, emphasis added.) MWD has demonstrated a commitment to addressing climate change by evaluating the vulnerability of its water systems to global warming impacts and has developed appropriate response strategies and management tools that account for the impacts of climate change on future water supplies.

Based on the water supply planning requirements imposed on its member agencies and ultimate customers, such as the requirements to adopt urban water management plans, water supply assessments and written verifications, MWD has adopted a series of official reports on the state of its water supplies. As described

below, MWD has consistently stated that its water supplies are fully reliable to meet the demands of its customers, in all hydrologic conditions through at least 2030.

In March 2003, MWD published a document entitled the Report on Metropolitan Water Supplies: A Blueprint for Water Reliability (Blueprint Report). The objective of the Blueprint Report was to provide member agencies, retail water utilities, cities and counties within the MWD service area with information that may assist in their preparation of urban water management plans, water supply assessments and written verifications. The Blueprint Report stated that the approach taken to evaluate water supplies and demands was consistent with MWD's 2000 Regional UWMP. MWD utilized SCAG's regional growth forecast in calculating regional water demands for its service area.

The Blueprint Report fully discusses MWD's historical and projected deliveries of Colorado River and SWP water. The conclusion of the Blueprint Report and supplemental information published by MWD, such as its Integrated Resources Plan Update and annual Implementation Reports, is that with its current water supply portfolio and planned actions, MWD will have sufficient water to deliver to LADWP to meet all of the water demands in the LADWP service area, for the next 20 years.

By comparing total projected water demands and conservatively estimating water supplies over the next 20 years, MWD has found that if its supply programs were implemented under its IRP "[b]ased on water supplies that are currently available, Metropolitan already has in place the existing capability to...[m]eet 100 percent of its member agencies' projected supplemental demands (consumptive and replenishment) over the next 20 years" in average, wet, multiple dry- and single dry years. (Report on Metropolitan Water Supplies: A Blueprint for Water Reliability, March 2003, (Blueprint Report), p. 24-35.) In multiple dry years, MWD reports that it will "[m]eet 100 percent of its member agencies' projected supplemental demands (consumptive and replenishment) even under the repeat of the worst multiple-year drought event over the next 15 years," while in a single dry-year it can "[m]eet 100 percent of its member agencies' projected supplemental demands (consumptive and replenishment) even

under the repeat of the worst single-year drought event over the next 15 years." (*Id.*) MWD's additional reserve supplies will provide a "'margin of safety' to guard against uncertainties in demand projections and risks in fully implementing all supply programs under development." (*Id.*)

Based on all or the foregoing, the Commission finds that the water supply from MWD to be reliable.

On the local level, grading permits for the Project shall not be issued until such time that the District indicates that the distribution system and water supply are adequate to serve the project under review. Alternatively, the applicant of each future project under consideration Marina del Rey may construct that phased improvement identified in the Water Works District No. 29 Backbone Water Distribution Master Plan that provides sufficient water supply and fire flows to accommodate the project under consideration. With these measures, cumulative impacts with respect to water service would be less than significant.

(6) Cumulative Public Services (Fire Protection, Police Protection, Education, Library Services, and Parks and Recreation)

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the potential impacts to public services including fire protection, police protection, education, library services, and parks and recreation resulting in a potentially significant cumulative impact to public services in the Marina del Rey area.

Finding

As with the Project, each related project is required to ensure that adequate fire protection, police protection, education, library services, and parks and recreation can service that related project, and all required mitigation measures must be taken to ensure a minimal impact. As such, cumulative impacts to public services would be less than significant.

Facts

Implementation of the Project in conjunction with the related projects studied in the Draft EIR sections 5.11, 5.12, 5.13, 5.14, and 5.15 would increase the demand for fire protection, police protection, education, library services, and parks and recreation. However, as the Project's impacts with respect to public services are less than significant, its contribution to cumulative impacts would be less than significant. With respect to fire protection, each related project developer or applicant is required to pay property taxes and other fees that will fund additional public safety services. In addition, compliance with fire codes and other safety measures, along with implementation of fire service and traffic mitigation measures, reduce any cumulative impacts to a less than significant level. With respect to police protection, each related project developer or applicant is required to pay property taxes and other fees that will fund additional public safety services. In addition, the County Sheriff's Department reviews all plans with respects to lighting, landscaping, building access, visibility, street circulation, building design, and defensible space, which would reduce any cumulative impacts to a less than significant level. With respect to educational impacts, each related project developer or applicant would be required to pay developer fees to LAUSD, which, under Government Code section 65995, is deemed to be full and complete mitigation of school facility impacts, reducing all impacts to education to a less than significant level. With respect to library services, payment of library mitigation fees by related projects on a project-by-project basis will ensure that a less than significant cumulative impact on library services. With respect to parks and recreation, each project is subject to payment of fees or dedication of parkland pursuant to the Marina del Rey Specific Plan, which ensures a less than significant impact from cumulative impacts.

SECTION 2

SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL EFFECTS WHICH CANNOT BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The County has determined that, although FEIR mitigation measures, design features included as part of the Project, and conditions of approval imposed on the

Project will reduce the following effects, these effects cannot be feasibly or effectively mitigated to less than significant levels. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (see Section 6).

1. Noise

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

Potential Construction Related Effects

Implementation of the Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Project operation would be associated with vehicular traffic.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-1 to 5.2-86. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Project construction noise would be limited to normal working hours when

many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Project construction activities, especially pile driving, would significant and unavoidable vibration impacts. Noise level increases generated by Project generated traffic at off-site locations would be in amounts hardly perceptible to the human ear.

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

Existing Regulations and Standards Applicable to the Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-site construction noise impacts, a staging area for the storage of equipment and material will be located on the project site as far as feasible from existing residences. With regard to operations, all point sources of noise occurring on the project site must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code, particularly during pile driving.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood fence or acoustic noise curtain. If determined necessary and feasible by the

County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.

- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.
- The project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.
- To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving.
- A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures.

Neptune Marina Parcel 10R Project

Potential Construction Related Effects

Implementation of the Parcel 10R Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Parcel 10R Project operation would be associated with vehicular traffic.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-30 to 5.2-36. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Parcel 10R Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Parcel 10R Project construction noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Parcel 10R Project construction activities, especially pile driving, would significant and unavoidable vibration impacts.

Noise level increases generated by Parcel 10R Project generated traffic at off-site locations would be in amounts hardly perceptible to the human ear.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Parcel 10R Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Existing Regulations and Standards Applicable to the Parcel 10R Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-site construction noise impacts, a staging area for the storage of equipment and material will be located on Parcel 10R as far as feasible from existing residences. With regard to operations, all point sources of noise occurring on the parcel must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code, particularly during pile driving.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.
- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during

weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.

- The Parcel 10R Project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.
- To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving.
- A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures.

Neptune Marina Parcel FF Project

Potential Construction Related Effects

Implementation of the Parcel FF Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Parcel FF Project operation would be associated with vehicular traffic.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval

such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-37 to 5.2-42. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Parcel FF Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Parcel FF Project construction noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Parcel FF Project construction activities, especially pile driving, would significant and unavoidable vibration impacts. Noise level increases generated by Parcel FF Project generated traffic at off-site locations would be in amounts hardly perceptible to the human ear.

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

Existing Regulations and Standards Applicable to the Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-

site construction noise impacts, a staging area for the storage of equipment and material will be located on Parcel FF as far as feasible from existing residences. With regard to operations, all point sources of noise occurring on the parcel must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code, particularly during pile driving.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.
- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.
- The Parcel FF Project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of

construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.

- To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving.
- A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Construction Related Effects

Implementation of the Woodfin Suite Hotel and Timeshare Resort Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Woodfin Suite Hotel and Timeshare Resort Project operation would be associated with vehicular traffic.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-43 to 5.2-48. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Woodfin Suite Hotel and Timeshare Resort Project during construction stages would occur periodically

throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Woodfin Suite Hotel and Timeshare Resort Project construction noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Woodfin Suite Hotel and Timeshare Resort Project construction activities, especially pile driving, would significant and unavoidable vibration impacts. Noise level increases generated by Woodfin Suite Hotel and Timeshare Resort Project generated traffic at off-site locations would be in amounts hardly perceptible to the human ear.

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

Existing Regulations and Standards Applicable to the Woodfin Suite Hotel and Timeshare Resort Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-site construction noise impacts, a staging area for the storage of equipment and material will be located on Parcel 9U as far as feasible from existing residences. With regard to operations, all point sources of noise occurring on the Parcel must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code, particularly during pile driving.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.
- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.
- The Woodfin Suite Hotel and Timeshare Resort Project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.

- To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving.
- A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures.

Wetland Park Project (Parcel 9U)

Potential Construction Related Effects

Implementation of the Wetland Park Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Wetland Park Project operation would be associated with intermittent sounds associated with human activity, including talking and domestic animals.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-49 to 5.2-51. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Wetland Park Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Wetland Park Project construction noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Wetland Park Project construction activities, especially pile

driving, would significant and unavoidable vibration impacts. Noise level increases generated by operation of the Wetland Park Project would be in amounts hardly perceptible to the human ear.

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

Existing Regulations and Standards Applicable to the Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-site construction noise impacts, a staging area for the storage of equipment and material will be located on the Wetland Park Project site as far as feasible from existing residences. With regard to operations, all point sources of noise occurring in the Wetland Park must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood

fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.

- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.
- The Wetland Park Project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.

Public-Serving Boat Space Project

Potential Construction Related Effects

Implementation of the Public-Serving Boat Space Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Public-Serving Boat Space Project operation would be associated with intermittent sounds associated with human activity, including talking and domestic animals, as well as noise from boat engines.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-52 to 5.2-54. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Public-Serving Boat Space Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Public-Serving Boat Space Project construction noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Public-Serving Boat Space Project construction activities, especially pile driving, would significant and unavoidable vibration impacts. Noise level increases generated by operation of the Public-Serving Boat Space Project would be in amounts hardly perceptible to the human ear.

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

Existing Regulations and Standards Applicable to the Public-Serving Boat Space Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-site construction noise impacts, a staging area for the storage of equipment and material will be located on the site as far as feasible from existing residences. With regard to operations, all point sources of noise occurring in the boat spaces must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.
- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during

weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.

- The Public-Serving Boat Space Project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.

.

2. Air Quality

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

Potential Construction-Related Effects

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

Potential Operation-Related Effects

Project-related traffic will generate pollutant emissions. Area source emissions would be generated by the consumption of natural gas for space heating, water heating, and cooking, the operation of gasoline powered maintenance equipment, and the use of consumer products such as hair sprays, lighters, and household cleaners. Project-

related traffic would also generate emissions. In addition, the Project has the potential to alter wind patterns in the Marina.

Finding

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. The construction-related air quality impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval and design features such as development and implementation of a construction management plan incorporated into the Project would reduce, to the extent feasible, the adverse environmental effects. Operation-related impacts would be less than significant. The Project will have a less-than-significant effect on wind patterns in the Marina. The mitigation measures set forth at pages 5.4-71 to 5.4-72 of the Recirculated Draft EIR are rejected as infeasible for the reasons set forth on those pages.

Facts

Construction emissions would exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds with respect to oxides of nitrogen ("NO_x") during construction of the Project. In addition, localized ambient air quality impacts would occur during project construction for particulate matter less than 10 microns in diameter ("PM_{10}"), particulate matter less than 2.5 microns in diameter ("$PM_{2.5}$"), and nitrogen dioxide ("NO_2"). Recommended thresholds for operational emissions would not be exceeded.

The RWDI wind study concludes that the Project will not affect key wind patterns in the Marina. The Project will produce similar wind conditions over a majority of the areas of Marina del Rey as the existing condition. The change in wind patterns caused by the Project in a small area of the Marina will not be significant due to boaters' use of power engines in this location. The overall wind conditions predicted with the proposed and expected future developments are similar to those presently experienced in and around the Marina and, therefore, the general air circulation patterns and the use of surface winds by birds will not be affected.

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

Mitigation for Demolition, Excavation/Grading and Construction Impacts:

The SCAQMD has prepared a list of measures to reduce the impacts of construction-related emissions to the greatest extent possible. Those that could be feasibly implemented during the development of the project to mitigate NO_x, $PM_{2.5}$, and PM_{10} emissions are as follows:

- Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Configure construction parking to minimize traffic interference.
    - Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
    - Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
    - Reroute construction trucks away from congested streets.
    - Consolidate truck deliveries when possible.
    - Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
    - Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
    - Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
    - Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.

- Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
- Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

- Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
  - Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
  - Replace ground cover in disturbed areas as quickly as possible.
  - Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
  - Water active grading sites at least twice daily (SCAQMD Rule 403).
  - Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
  - 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.
  - 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.
  - 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).

- 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.
- Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- Pave construction roads when the specific roadway path would be utilized for 120 days or more.

- In the event asbestos is identified within existing on-site structures, the project applicant/developer shall comply with SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). Compliance with Rule 1403 is considered to mitigate asbestos-related impacts to less than significant.

Neptune Marina Parcel 10R

Potential Construction-Related Effects

Implementation of the Parcel 10R Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of fugitive dust generated by grading activity and air pollutants generated by on-site stationery sources, heavy equipment, construction vehicle use, and energy use.

Potential Operation-Related Effects

Parcel 10R Project-related traffic will generate pollutant emissions. Area source emissions would be generated by the consumption of natural gas for space heating, water heating, and cooking, the operation of gasoline powered maintenance equipment, and the use of consumer products such as hair sprays, lighters, and household cleaners. The Parcel 10R Project has the potential to alter wind patterns in the Marina.

Finding

The construction-related air quality impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval

and design features such as development and implementation of a construction management plan incorporated into the Parcel 10R Project would reduce, to the extent feasible, the adverse environmental effects. Operation-related impacts would be less than significant. The Parcel 10R Project will have a less-than-significant effect on wind patterns in the Marina. The mitigation measures set forth at page 5.4-85 of the Recirculated Draft EIR are rejected as infeasible for the reasons set forth on that page.

Facts

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. Construction emissions would exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds with respect to oxides of nitrogen ("NO_x") during construction of the Parcel 10R Project. In addition, localized ambient air quality impacts would occur during project construction for particulate matter less than 10 microns in diameter ("PM_{10}") and particulate matter less than 2.5 microns in diameter ("$PM_{2.5}$"). Recommended thresholds for operational emissions would not be exceeded.

Operation of the Parcel 10R Project would not cause exceedances of the threshold of significance for any of the five air emissions evaluated using the SCAQMD's methodology and would not result in significant carbon monoxide hotspot impacts at affected intersections in the Parcel 10R Project study area.

The RWDI wind study concludes that the Parcel 10R Project will not affect key wind patterns in the Marina. The Parcel 10R Project will produce similar wind conditions over a majority of the areas of Marina del Rey as the existing conditions. The change in wind patterns caused by the Parcel 10R Project in a small area of the Marina will not be significant due to boaters' use of power engines in this location. The overall wind conditions predicted with the proposed and expected future developments are similar to those presently experienced in and around the Marina and, therefore, the general air circulation patterns and the use of surface winds by birds will not be affected.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Parcel 10R Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Mitigation for Demolition, Excavation/Grading and Construction Impacts:

The SCAQMD has prepared a list of measures to reduce the impacts of construction-related emissions to the greatest extent possible. Those that could be feasibly implemented during the development of the project to mitigate NO_x, $PM_{2.5}$, and PM_{10} emissions are as follows:

- Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Configure construction parking to minimize traffic interference.
    - Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
    - Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
    - Reroute construction trucks away from congested streets.
    - Consolidate truck deliveries when possible.
    - Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
    - Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
    - Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
    - Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.

- Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
- Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

- Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
  - Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
  - Replace ground cover in disturbed areas as quickly as possible.
  - Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
  - Water active grading sites at least twice daily (SCAQMD Rule 403).
  - Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
  - 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.
  - 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.
  - 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).

- 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.
- Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- Pave construction roads when the specific roadway path would be utilized for 120 days or more.

- In the event asbestos is identified within existing on-site structures, the project applicant/developer shall comply with SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). Compliance with Rule 1403 is considered to mitigate asbestos-related impacts to less than significant.

Neptune Marina Parcel FF

Potential Construction-Related Effects

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

Potential Operation-Related Effects

Parcel FF Project-related traffic will generate pollutant emissions. Area source emissions would be generated by the consumption of natural gas for space heating, water heating, and cooking, the operation of gasoline powered maintenance equipment, and the use of consumer products such as hair sprays, lighters, and household cleaners. The Parcel FF Project has the potential to alter wind patterns in the Marina.

Finding

The construction-related air quality impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval

and design features such as development and implementation of a construction management plan incorporated into the Parcel FF Project would reduce, to the extent feasible, the adverse environmental effects. Operation-related impacts would be less than significant. The Parcel FF Project will have a less-than-significant effect on wind patterns in the Marina.

Facts

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. Construction emissions would not exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds during construction of the Parcel FF Project. Localized ambient air quality impacts would occur during Parcel FF Project construction for particulate matter less than 10 microns in diameter ("PM_{10}") and particulate matter less than 2.5 microns in diameter ("$PM_{2.5}$"). Recommended thresholds for operational emissions would not be exceeded.

Operation of the Parcel FF Project would not cause exceedances of the threshold of significance for any of the five air emissions evaluated using the SCAQMD's methodology and would not result in significant carbon monoxide hotspot impacts at affected intersections in the Parcel FF Project study area.

The RWDI wind study concludes that the Parcel FF Project will not affect key wind patterns in the Marina. The Parcel FF Project will produce similar wind conditions over a majority of the areas of Marina del Rey as the existing condition. The change in wind patterns caused by the Parcel FF Project in a small area of the Marina will not be significant due to boaters' use of power engines in this location. The overall wind conditions predicted with the proposed and expected future developments are similar to those presently experienced in and around the Marina and, therefore, the general air circulation patterns and the use of surface winds by birds will not be affected.

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

Mitigation for Demolition, Excavation/Grading and Construction Impacts:

The SCAQMD has prepared a list of measures to reduce the impacts of construction-related emissions to the greatest extent possible. Those that could be feasibly implemented during the development of the project to mitigate $PM_{2.5}$ and PM_{10} emissions are as follows:

- Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Configure construction parking to minimize traffic interference.
    - Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
    - Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
    - Reroute construction trucks away from congested streets.
    - Consolidate truck deliveries when possible.
    - Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
    - Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
    - Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
    - Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.
    - Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
    - Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

- Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
    - Replace ground cover in disturbed areas as quickly as possible.
    - Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
    - Water active grading sites at least twice daily (SCAQMD Rule 403).
    - Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
    - 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.
    - 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.
    - 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).
    - 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.
    - Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.

- Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- Pave construction roads when the specific roadway path would be utilized for 120 days or more.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Construction-Related Effects

Implementation of the Woodfin Suite Hotel and Timeshare Resort Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of fugitive dust generated by grading activity and air pollutants generated by on-site stationery sources, heavy equipment, construction vehicle use, and energy use.

Potential Operation-Related Effects

The Woodfin Suite Hotel and Timeshare Resort Project-related traffic will generate pollutant emissions. Area source emissions would be generated by the consumption of natural gas for space heating, water heating, and cooking, the operation of gasoline powered maintenance equipment, and the use of consumer products such as hair sprays, lighters, and household cleaners. The Woodfin Suite Hotel and Timeshare Resort Project has the potential to alter wind patterns in the Marina.

Finding

The construction-related air quality impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval and design features such as development and implementation of a construction management plan incorporated into the Woodfin Suite Hotel and Timeshare Resort Project would reduce, to the extent feasible, the adverse environmental effects. Operation-related impacts would be less than significant. The Woodfin Suite Hotel and Timeshare Resort Project will have a less-than-significant effect on wind patterns in the Marina. The mitigation measures set forth at page 5.4-112 of the Recirculated Draft EIR are rejected as infeasible for the reasons set forth on that page.

Facts

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. Construction emissions would exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds with respect to oxides of nitrogen ("NO_x") during construction of the Woodfin Suite Hotel and Timeshare Resort Project. Localized ambient air quality impacts would occur during project construction for particulate matter less than 10 microns in diameter ("PM_{10}"), particulate matter less than 2.5 microns in diameter ("$PM_{2.5}$"), and Nitrogen Dioxide ("NO_2"). Recommended thresholds for operational emissions would not be exceeded.

The RWDI wind study concludes that the Woodfin Suite Hotel and Timeshare Resort Project will not affect key wind patterns in the Marina. The Woodfin Suite Hotel and Timeshare Resort Project will produce similar wind conditions over a majority of the areas of Marina del Rey as the existing condition. The change in wind patterns caused by the Woodfin Suite Hotel and Timeshare Resort Project in a small area of the Marina will not be significant due to boaters' use of power engines in this location. The overall wind conditions predicted with the proposed and expected future developments are similar to those presently experienced in and around the Marina and, therefore, the general air circulation patterns and the use of surface winds by birds will not be affected.

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

<u>Mitigation for Demolition, Excavation/Grading and Construction Impacts</u>:

The SCAQMD has prepared a list of measures to reduce the impacts of construction-related emissions to the greatest extent possible. Those that could be feasibly implemented during the development of the project to mitigate NO_x, $PM_{2.5}$, and PM_{10} emissions are as follows:

- Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Configure construction parking to minimize traffic interference.
    - Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
    - Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
    - Reroute construction trucks away from congested streets.
    - Consolidate truck deliveries when possible.
    - Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
    - Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
    - Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
    - Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.
    - Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
    - Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.
- Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:

- Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
- Replace ground cover in disturbed areas as quickly as possible.
- Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
- Water active grading sites at least twice daily (SCAQMD Rule 403).
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
- 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.
- 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.
- 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).
- 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.
- Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- Pave construction roads when the specific roadway path would be utilized for 120 days or more.

***Wetland Park Project* Potential Construction-Related Effects**

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

Potential Operation-Related Effects

The Wetland Park Project-related traffic will generate pollutant emissions. Area source emissions would be generated by the operation of gasoline powered maintenance equipment, and the use of equipment such as landscape maintenance equipment. . The Wetland Park Project will not involve the construction of new structures and therefore does not have the potential to alter wind patterns in the Marina.

Finding

The construction-related air quality impacts identified would be less than significant. Operation-related impacts would be less than significant. The mitigation measures set forth at pages 5.4-122 to 5.4-123 of the Recirculated Draft EIR are rejected as infeasible for the reasons set forth on those pages.

Facts

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. Construction emissions would not exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds during construction of the Project. In addition, localized ambient air quality impacts would be less than significant during project construction. Recommended thresholds for operational emissions would not be exceeded.

Operation of the Wetland Park Project would not cause exceedances of the threshold of significance for any of the five air emissions evaluated using the SCAQMD's methodology and would not result in significant carbon monoxide hotspot impacts at affected intersections in the Restored Wetland and Upland Buffer Project study area.

Although the Wetland Park Project would not result in any significant air quality impacts, following measures are recommended:

Mitigation for Demolition, Excavation/Grading and Construction Impacts:

The SCAQMD has prepared a list of measures to reduce the impacts of construction-related emissions to the greatest extent possible. Even though the Restored Wetland and Upland Buffer Project would not result in any significant air quality impacts, the following measures are recommended to reduce NO_x, $PM_{2.5}$, and PM_{10} emissions:

- Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Configure construction parking to minimize traffic interference.
    - Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
    - Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
    - Reroute construction trucks away from congested streets.
    - Consolidate truck deliveries when possible.
    - Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
    - Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
    - Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
    - Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.

- Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
- Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

- Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
  - Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
  - Replace ground cover in disturbed areas as quickly as possible.
  - Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
  - Water active grading sites at least twice daily (SCAQMD Rule 403).
  - Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
  - 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.
  - 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.
  - 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).

- 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.
- Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- Pave construction roads when the specific roadway path would be utilized for 120 days or more.

Public-Serving Boat Space Project

Potential Construction-Related Effects

Implementation of the Public-Serving Boat Space Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of air pollutants generated by on-site stationery sources, heavy equipment, construction vehicle use, and energy use.

Potential Operation-Related Effects

Public-Serving Boat Space Project-related traffic will generate pollutant emissions. Minimal area source emissions would be generated by the use of the site. The Public-Serving Boat Space Project will not involve the construction of new structures and therefore does not have the potential to alter wind patterns in the Marina.

Finding

The construction-related air quality impacts identified would be less than significant. Operation-related impacts would be less than significant.

Facts

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. Construction emissions would not exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds during construction of the Public-Serving Boat Space Project. In addition, localized ambient air quality impacts would be

less than significant during Project construction. Recommended thresholds for operational emissions would not be exceeded.

3. Visual Quality

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

Potential Effect

The Project could potentially obstruct views, including views of coastal areas. The Project could also be considered out of character with existing adjacent development. The Project also has the potential to create substantial sun shadow, light, or glare problems.

Finding

The Project would not significantly obstruct views and therefore would not result in significant view blockage impacts. Although the Woodfin Suites Hotel and Timeshare Resort's height is fully consistent with LCP, it could be considered to be out of character with existing adjacent development. Therefore, the Commission conservatively considers the Project to have a significant impact to visual character. The Project would not result in significant sun shadow, light, or glare impacts.

Facts

Visual quality impacts are discussed in chapter 5.6 of the Recirculated Draft EIR. Neptune Marina Parcel 10R is presently developed with two-story wood and stucco structure with areas of surface parking and mature landscaping. The structure was constructed in the early 1960s as part of the Phase I Marina del Rey development. The apartment buildings are low-lying and rectangular in nature and are typical of other existing development on the west side of the small-craft harbor. Generally, the buildings extend in a linear fashion along the frontage of the waterfront, and in most case completely obscure water views for viewers on peripheral roadways. Along the waterfront between the existing structures and the Marina is a narrow concrete sidewalk. This existing sidewalk is accessible to the public and provides extensive views of the Marina.

Neptune Marina Parcel FF site is presently developed as an approximately 2.05-acre surface parking lot. Surrounding the western and northern portion of the parking lot (west of the existing driveway) is a screened chain-link fence. The intention of the fence is to obscure views of the parking lot from adjacent roadways. A fence that permits filtered view is present east of the parking lot, and glimpses of the parking lot and Marina are available from Marquesas Way. Panoramic views of the Marina are available from a publicly accessible sidewalk adjacent to the parking lot.

Parcel 9U is presently an undeveloped lot. Vegetation on Parcel 9U consists generally of low annual grasses and summer flowering forbs. However, in the south-central portion of the site, a small, man-made depression, the remnant of an abandoned construction project, is present where water ponds seasonally. In this location the vegetation now consists of a taller willow thicket of approximately 0.5 acre. Due to the lack of development at this location, boat masts in the western portion of Marina del Rey Basin B are visible form Via Marina. Existing residential uses are present to the north, south, and west. Panoramic views of the Marina are available from a publicly accessible sidewalk adjacent to the parking lot.

Construction Impacts

Development of the Project would require the removal of all existing structures, the existing surface parking lot, and earth movement to allow construction of the partially subterranean parking lots, landscaped areas, develop drainage patterns, and provide for necessary infrastructure. During this time, construction workers and equipment will be visible throughout the Project site. Screened chain-link fencing would likely be installed that would surround the perimeter of the Project site and would obscure direct vistas of the initial phases of construction and on-site staging areas. During construction, frames of the structures would be raised and finished, and hardscape and landscaping would be completed. As the structures are constructed and become finished, the scale of the project and changes in the visual character of the Project site would become evident. The duration of these construction activities would be approximately 30 months. Although the visual character of the Project site will be

altered from its current condition, this impact is not considered significant due to its short-term nature and the urbanized visual character of the surroundings.

Substantial Visibility from, or Obstruction of Views from, a Scenic Highway, or Location within a Scenic Corridor or other Viewshed Impact

To protect and enhance visibility of the Marina and consistent with provisions of the Marina del Rey LUP, the Neptune Marina Parcels 10R, FF, and 9U incorporate six view corridors. To further ensure visual resource protection, the Marina del Rey LUP requires the Project site plan and architectural design to be reviewed by the Design Control Board and to incorporate view corridors that do not presently exist on the Project site.

Provisions of the Land Use Plan tabulate the area of required view corridor based on the length of a given parcel's water frontage and the proposed building height. Based on the length of the Project's water frontage and the proposed building heights, the Land Use Plan requires 567 feet of view corridor. As proposed, the Project would provide 602.5 linear feet of view corridor, exceeding the amount of view corridor required under the Land Use Plan. The Project would therefore be consistent with the Land Use Plan provisions that call for public and private views of the Marina from perimeter roadways.

The Design Control Board also has the authority to regulate signage, building architectural design, site planning, and façade design for all new development proposals. The Design Control Board reviewed and conceptually approved the Project on June 29, 2006 and, as part of that action, ensured compliance with the development standard and policies (inclusive of view corridors) outlined in the Land Use Plan with the development standards under it purview. Therefore, project impact to visual corridors and view form scenic highways as defined in the Marina del Rey LUP are not considered significant.

Out of Character Use in Comparison to Adjacent Uses because of Height, Bulk, or Other Features

The Neptune Marina Project (Parcels 10R and FF) proposes development of apartment structures that would be fully compatible, in terms of height, scale, and visual qualities, with apartment structures either under construction (on Parcel 12) or soon to be constructed (Parcel 15, 100, and 101) on adjacent parcels. The visual character of the proposed Neptune Marina Project is expected to be representative of other future new development in the Marina as future (Phase II) projects recycle and redevelop existing land uses. The ongoing and proposed replacement of Phase I Marina development, consistent with the Marina's "Phase II" development pursuant to the provisions of the certified Local Coastal Program (LCP), is intentionally designed to result in a marked intensification of existing land uses, with denser, larger, and taller residential, hotel, and visitor-serving commercial developments.

While the height of the proposed structures would alter the visual character of the property, the design is consistent with the Marina del Rey Local Coastal Plan. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort structures would not result in a significant intensification of development on the project sites, but are compliant with past California Coastal Commission approvals, the Local Coastal Plan-proscribed building height standards and are consistent with the County's desire to recycle Phase I Marina development and intensify land uses within the Marina. However, the Woodfin Suite Hotel and Timeshare Resort building could appear out of character in comparison to immediately adjacent use in terms of height and mass, as the structure will dominate a larger percentage of the available viewshed. In contrast, the hotel building would occupy only a very small portion of the viewshed available from more distant locations, such as Mother's Beach or Fisherman's Village, and the panoramic view from these locations includes other structures of similar size, height, and mass. Consequently, there are significant visual character impacts from immediately adjacent locations, but no significant visual character impacts from more distant viewing locations.

To mitigate impact associated with the height and mass of the proposed Woodfin Suite Hotel and Timeshare Resort Project from certain viewing locations, the following Mitigation Measures will be implemented.

Mitigation Measures:

- A deed restriction shall be placed on the southern portion of Parcel 9U requiring that the wetland park be retained as natural open space.
- On the street level of the project landscaping, to the satisfaction of the County of Los Angeles Design Control Board, shall be implemented to reduce visual impacts of the project when viewed from adjacent rights of way. Further, if approved by the Design Control Board, areas of landscaping shall be included on terraces and balconies incorporated into the design of the hotel structure and associated parking structure.
- Articulation and variations in color or building materials shall be incorporated into the lower levels of the hotel and parking structure to reduce visual impacts on Via Marina.

With incorporation of these mitigation measures, potential impacts from the proposed project remain significant after mitigation.

Project Likelihood to Create Substantial Sun Shadow, Light, or Glare Problems

As indicated in Chapter 5.6.3.3.1.4 of the Recirculated Draft EIR, the project would cast shadows only on small portions of the south facing facades of the existing and proposed residential uses across Marquesas Way from Parcel 10R and adjacent to Parcel FF and only during the winter months. The Woodfin Suite Hotel and Timeshare Resort would cast shadows in the non-winter months on small portions of the existing residential uses to the west, but the duration of these shadows would be limited (i.e., less than two hours). Given the limited extent and duration of the shadows, the project would not result in substantial sun shadow problems. Therefore, the Project's shade and shadow impacts would be less than significant.

Structures proposed on the project site use a variety of exterior surface treatments. To reduce potential glare or reflectivity impacts, these surfaces are

intended to be non-reflective or oriented in a way that would result in limited off-site glare or reflectivity impacts. To verify limiting glare or reflectivity issues, this project has been reviewed and approved by the County of Los Angeles Design Control Board that is intended to review project design issues. Thus, the project's glare impacts would also be less than significant.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project could potentially obstruct views, including views of coastal areas. The Parcel 10R Project could also be considered out of character with existing adjacent development. The Parcel 10R Project also has the potential to create substantial sun shadow, light, or glare problems.

Finding

The Parcel 10R Project would not significantly obstruct views and therefore would not result in significant view blockage impacts. The Parcel 10R Project would be in character with existing adjacent development. The Parcel 10R Project would not result in significant sun shadow, light, or glare impacts. Therefore, impacts to visual resources would be less than significant.

Facts

Visual quality impacts are discussed in chapter 5.6 of the Recirculated Draft EIR. The Parcel 10R Project is presently developed with two-story wood and stucco structure with areas of surface parking and mature landscaping. The structure was constructed in the early 1960s as part of the Phase I Marina del Rey development. The apartment buildings are low-lying and rectangular in nature and are typical of other existing development on the west side of the small-craft harbor. Generally, the buildings extend in a linear fashion along the frontage of the waterfront, and in most case completely obscure water views for viewers on peripheral roadways. Along the waterfront between the existing structures and the Marina is a narrow concrete sidewalk. This existing sidewalk is accessible to the public and provides extensive views of the Marina.

Construction Impacts

Development of the Parcel 10R Project would require the removal of all existing structures and earth movement to allow construction of the partially subterranean parking lots, landscaped areas, develop drainage patterns, and provide for necessary infrastructure. During this time, construction workers and equipment will be visible throughout the Parcel 10R Project site. Screened chain-link fencing would likely be installed that would surround the perimeter of the site and would obscure direct vistas of the initial phases of construction and on-site staging areas. During construction, frames of the structures would be raised and finished, and hardscape and landscaping would be completed. As the structures are constructed and become finished, the scale of the project and changes in the visual character of the site would become evident. The duration of these construction activities would be approximately 30 months. Although the visual character of the Parcel 10R Project site will be altered from its current condition, this impact is not considered significant due to its short-term nature and the urbanized visual character of the surroundings.

Substantial Visibility from, or Obstruction of Views from, a Scenic Highway, or Location within a Scenic Corridor or other Viewshed Impact

To protect and enhance visibility of the Marina and consistent with the provisions of the Land Use Plan, the Parcel 10R Project incorporates four view corridors. Of the four view corridors, three allow vistas of Marina del Rey Basin B from Marquesas Way (southerly) and one corridor allows vistas of Marina del Rey Basin B from Via Marina (easterly). Provisions of the Land Use Plan tabulate the area of required view corridor based on the length of the parcel's water frontage and the proposed building height. Based on the length of the parcel's water frontage and the proposed building height, the Land Use Plan requires a total of 360 feet of view corridor. As proposed, the Parcel 10R Project would provide 388.5 linear feet of view corridor, and would therefore be consistent with the Land Use Plan provisions that call for public and private views of the Marina from perimeter roadways.

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

Out of Character Use in Comparison to Adjacent Uses because of Height, Bulk, or Other Features

The three structures proposed as part of the Parcel 10R Project would not exceed 60 feet (exclusive of appurtenant, screened rooftop equipment). This height, as well as the mass and design, are in character with adjacent existing development. Proposed building heights on Parcel 10R would be complaint with the height standards as defined in the Marina del Rey Land Use Plan. The visual character of the proposed Parcel 10R Project is expected to be representative of other future new development in the Marina as future ("Phase II") project recycle and redevelop existing land uses. The ongoing and proposed replacement of Phase I Marina development, consistent with the Marina's "Phase II" development pursuant to the provisions of the certified Local Coastal Program ("LCP"), is intentionally designed to result in a marked intensification of existing land uses, with denser, larger, and taller residential, hotel, and visitor-serving commercial developments.

The proposed apartment structures would be considered in character with the contemporary structures present or under construction within the Marina as well as existing, older residential structures in the vicinity of the Project site. Further, the Project's architecture has been approved by the Design Review Board and is considered to be in character with the contemporary structures present, under construction, or

planned within the Marina. Thus, impacts related to height, bulk, or other features are considered less than significant.

Project Likelihood to Create Substantial Sun Shadow, Light, or Glare Problems

As indicated in Chapter 5.6.3.3.2.4 of the Recirculated Draft EIR, the Parcel 10R Project would cast shadows only on small portions of the south facing facades of the existing and proposed residential uses across Marquesas Way and only during the winter months. Given the limited extent and duration of the shadows, the project would not result in substantial sun shadow problems. Therefore, Parcel 10R Project shade and shadow impacts would be less than significant.

Structures proposed on the Parcel 10R Project site use a variety of exterior surface treatments. To reduce potential glare or reflectivity impacts, these surfaces are intended to be non-reflective or oriented in a way that would result in limited off-site glare or reflectivity impacts. To verify limiting glare or reflectivity issues, the Parcel 10R Project has been reviewed and approved by the County of Los Angeles Design Control Board that is intended to review project design issues. Thus, the Project's glare impacts would also be less than significant.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project could potentially obstruct views, including views of coastal areas. The Parcel FF Project could also be considered out of character with existing adjacent development. The Parcel FF Project also has the potential to create substantial sun shadow, light, or glare problems.

Finding

The Parcel FF Project would not significantly obstruct views and therefore would not result in significant view blockage impacts. The Parcel FF Project would be in character with existing adjacent development. The Parcel FF Project would not result in significant sun shadow, light, or glare impacts. Therefore, impacts to visual resources would be less than significant.

Facts

Visual quality impacts are discussed in chapter 5.6 of the Recirculated Draft EIR. The Parcel FF Project site is presently developed as an approximately 2.05-acre surface parking lot. Surrounding the western and northern portion of the parking lot (west of the existing driveway) is a screened chain-link fence. The intention of the fence is to obscure views of the parking lot from adjacent roadways. A fence that permits filtered view is present east of the parking lot, and glimpses of the parking lot and Marina are available from Marquesas Way. Panoramic views of the Marina are available from a publicly accessible sidewalk adjacent to the parking lot.

Construction Impacts

Development of the Parcel FF Project would require the removal of the existing surface parking lot and earth movement to allow construction of the partially subterranean parking lots, landscaped areas, develop drainage patterns, and provide for necessary infrastructure. During this time, construction workers and equipment will be visible throughout the site. Screened chain-link fencing would likely be installed that would surround the perimeter of the site and would obscure direct vistas of the initial phases of construction and on-site staging areas. During construction, frames of the structures would be raised and finished, and hardscape and landscaping would be completed. As the structures are constructed and become finished, the scale of the Parcel FF Project and changes in the visual character of the site would become evident. The duration of these construction activities would be approximately 30 months. Although the visual character of the Parcel FF Project will be altered from its current condition, this impact is not considered significant due to its short-term nature and the urbanized visual character of the surroundings.

Substantial Visibility from, or Obstruction of Views from, a Scenic Highway, or Location within a Scenic Corridor or other Viewshed Impact

To protect and enhance visibility of the Marina and consistent with provisions of the Marina del Rey LUP, the Parcel FF Project incorporates one view corridor that allows views of Marina del Rey Basin C from Marquesas Way (northerly). Provisions of the

Land Use Plan tabulate the area of required view corridor based on the length of the parcel's water frontage and the proposed building height. Based on the length of the parcel's water frontage and the proposed building height, the Land Use Plan requires 53 feet of view corridor. As proposed, the Parcel FF Project would provide 60 linear feet of view corridor, and would therefore be consistent with the Land Use Plan provisions that call for public and private views of the Marina from perimeter roadways. To further ensure visual resource protection, the Marina del Rey LUP requires the Parcel FF Project site plan and architectural design to be reviewed by the Design Control Board and to incorporate view corridors that do not presently exist on the Parcel FF Project site. The Design Control Board also has the authority to regulate signage, building architectural design, site planning, and façade design for all new development proposals. The Design Control Board reviewed and conceptually approved the Parcel FF Project on June 29, 2006 and, as part of that action, ensured compliance with the development standard and policies (inclusive of view corridors) outlined in the Land Use Plan with the development standards under it purview. Therefore, project impact to visual corridors and view form scenic highways as defined in the Marina del Rey LUP are not considered significant.

Out of Character Use in Comparison to Adjacent Uses because of Height, Bulk, or Other Features

The structure proposed as part of the Parcel FF Project would not exceed 55 feet in height (exclusive of appurtenant, screened rooftop equipment). This height, as well as the mass and design, are in character with adjacent existing development. Proposed building height of the Parcel FF Project is complaint with the height standards as defined in the Marina del Rey Land Use Plan. The visual character of the proposed the Parcel FF Project is expected to be representative of other future new development in the Marina as future (Phase II) projects recycle and redevelop existing land uses. The ongoing and proposed replacement of Phase I Marina development, consistent with the Marina's "Phase II" development pursuant to the provisions of the certified Local Coastal Program (LCP), is intentionally designed to result in a marked intensification of existing

land uses, with denser, larger, and taller residential, hotel, and visitor-serving commercial developments. Further, the Project's architecture has been conceptually approved by the Design Control Board and is considered in character with the contemporary structures, under construction structures, and proposed structures within the Marina. As such, impacts are not considered significant.

Project Likelihood to Create Substantial Sun Shadow, Light, or Glare Problems

As indicated in Chapter 5.6.3.3.3.4 of the Recirculated Draft EIR, the Parcel FF Project would cast shadows only on the garages of the existing residential structures situated north of Parcel FF (Parcel 15) and, if that Parcel is redeveloped, on the lower portion of part of the south-facing façade of the proposed new development and only during the winter months. Given the limited extent and duration of the shadows, the project would not result in substantial sun shadow problems. Therefore, the Parcel FF Project's shade and shadow impacts would be less than significant.

Structures proposed on the Parcel FF Project site use a variety of exterior surface treatments. To reduce potential glare or reflectivity impacts, these surfaces are intended to be non-reflective or oriented in a way that would result in limited off-site glare or reflectivity impacts. To verify limiting glare or reflectivity issues, the Parcel FF Project has been reviewed and approved by the County of Los Angeles Design Control Board that is intended to review project design issues. Thus, the Parcel FF Project's glare impacts would also be less than significant.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could potentially obstruct views, including views of coastal areas. The Woodfin Suite Hotel and Timeshare Resort Project could also be considered out of character with existing adjacent development. The Woodfin Suite Hotel and Timeshare Resort Project also has the potential to create substantial sun shadow, light, or glare problems.

Finding

The Woodfin Suite Hotel and Timeshare Resort Project would not significantly obstruct view and therefore would not result in significant view blockage impacts. Although the Woodfin Suites Hotel and Timeshare Resort Project's height is fully consistent with LCP, it could be considered to be out of character with existing adjacent development. Therefore, the Commission conservatively considers the Woodfin Suite Hotel and Timeshare Resort Project to have a significant impact to visual character. The Woodfin Suite Hotel and Timeshare Resort Project would not result in significant sun shadow, light, or glare impacts.

Facts

Visual quality impacts are discussed in chapter 5.6 of the Recirculated Draft EIR. Parcel 9U is presently an undeveloped lot. Vegetation on Parcel 9U consists generally of low annual grasses and summer flowering forbs. However, in the south-central portion of the site, a small, man-made depression, the remnant of an abandoned construction project, is present where water ponds seasonally. In this location the vegetation now consists of a taller willow thicket of approximately 0.5 acre. Due to the lack of development at this location, boat masts in the western portion of Marina del Rey Basin B are visible form Via Marina. Existing residential uses are present to the north, south, and west. Panoramic views of the Marina are available from a publicly accessible sidewalk adjacent to the parking lot.

Construction Impacts

Development of the Woodfin Suite Hotel and Timeshare Resort Project would require earth movement to allow construction of the partially subterranean parking lots, landscaped areas, develop drainage patterns, and provide for necessary infrastructure. During this time, construction workers and equipment will be visible throughout the site. Screened chain-link fencing would likely be installed that would surround the perimeter of the site and would obscure direct vistas of the initial phases of construction and on-site staging areas. During construction, frames of the structures would be raised and finished, and hardscape and landscaping would be completed. As

the structures are constructed and become finished, the scale of the Woodfin Suite Hotel and Timeshare Resort Project and changes in the visual character of the site would become evident. The duration of these construction activities would be approximately 30 months. Although the visual character of the Woodfin Suite Hotel and Timeshare Resort Project site will be altered from its current condition, this impact is not considered significant due to its short-term nature and the urbanized visual character of the surroundings.

Substantial Visibility from, or Obstruction of Views from, a Scenic Highway, or Location within a Scenic Corridor or other Viewshed Impact

To protect and enhance visibility of the Marina and consistent with provisions of the Marina del Rey LUP, the Woodfin Suite Hotel and Timeshare Resort Project incorporates a substantial 154-foot view corridor. Provisions of the Land Use Plan tabulate the area of required view corridor based on the length of the parcel's water frontage and the proposed building height. Based on the length of the parcel's water frontage and the proposed building height, the Land Use Plan requires 154 feet of view corridor. As proposed, the Woodfin Suite Hotel and Timeshare Resort Project would provide 154 linear feet of view corridor through the Parcel 9U public park/wetland situated south of the structure. The Woodfin Hotel and Timeshare Resort Project would therefore be consistent with the Land Use Plan provisions that call for public and private views of the Marina from perimeter roadways.

To further ensure visual resource protection, the Marina del Rey LUP requires the Woodfin Suite Hotel and Timeshare Resort Project site plan and architectural design to be reviewed by the Design Control Board and to incorporate view corridors that do not presently exist on the Woodfin Suite Hotel and Timeshare Resort Project site. The Design Control Board also has the authority to regulate signage, building architectural design, site planning, and façade design for all new development proposals. The Design Control Board reviewed and conceptually approved the Project on June 29, 2006 and, as part of that action, ensured compliance with the development standard and policies (inclusive of view corridors) outlined in the Land Use Plan with the development

standards under it purview. Therefore, project impact to visual corridors and view from scenic highways as defined in the Marina del Rey LUP are not considered significant.

Out of Character Use in Comparison to Adjacent Uses because of Height, Bulk, or Other Features

The proposed Woodfin Suite Hotel and Timeshare Resort Project building would appear taller than other immediately adjacent existing or proposed structures when the views are not obstructed by structures, landscaping, or distance. The Woodfin Suite Hotel and Timeshare Resort Project is consistent with the stated height guidelines as approved by the California Coastal Commission and the County of Los Angeles as defined in the Marina del Rey Land Use Plan. The height of the Woodfin Suite Hotel and Timeshare Resort Project would be a dominant visual element as seen from immediately adjacent viewing locations, but would only be another structure in the panoramic view that comes from more distant viewing locations such as Mother's Beach and Fisherman's Village.

Site development of the Woodfin Suite Hotel and Timeshare Resort Project would not alter any defined significant visual features, especially of the scenic Marina. The Woodfin Suite Hotel and Timeshare Resort Project on Parcel 9U would not eliminate views of the Marina from the distant viewing locations across the Marina from the Woodfin Suite Hotel and Timeshare Resort Project site. While the height of the Woodfin Suite Hotel and Timeshare Resort Project would alter the visual character of the property, the design is consistent with the Marina del Rey Local Coastal Plan. The Woodfin Suite Hotel and Timeshare Resort Project structures would not result in a significant intensification of development on the Woodfin Suite Hotel and Timeshare Resort Project site, but are compliant with past California Coastal Commission approvals, the Local Coastal Plan-prescribed building height standards and are consistent with the County's desire to recycle Phase I Marina development and intensify land uses within the Marina. Nonetheless, the Woodfin Suite Hotel and Timeshare Resort Project could appear out of character in comparison to immediately adjacent use in terms of height and mass, as the structure will dominate a larger percentage of the

available viewshed. In contrast, the hotel tower occupies only a very small portion of the viewshed available from more distant locations, such as Mother's Beach or Fisherman's Village, and the panoramic view from these locations includes other structures of similar size, height, and mass. Consequently, the Commission conservatively finds significant visual character impacts from immediately adjacent locations, but no significant visual character impacts from more distant viewing locations.

To mitigate impact associated with the height and mass of the proposed Woodfin Suite Hotel and Timeshare Resort Project from certain viewing locations, the following Mitigation Measures will be implemented.

Mitigation Measures:

- A deed restriction shall be placed on the southern portion of Parcel 9U requiring that the wetland park be retained as natural open space.
- On the street level of the project landscaping, to the satisfaction of the County of Los Angeles Design Control Board, shall be implemented to reduce visual impacts of the project when viewed from adjacent rights of way. Further, if approved by the Design Control Board, areas of landscaping shall be included on terraces and balconies incorporated into the design of the hotel structure and associated parking structure.
- Articulation and variations in color or building materials shall be incorporated into the lower levels of the hotel and parking structure to reduce visual impacts on Via Marina.

With incorporation of these mitigation measures, potential impacts from the Woodfin Suite Hotel and Timeshare Resort Project remain significant after mitigation.

Project Likelihood to Create Substantial Sun Shadow, Light, or Glare Problems

As indicated in Chapter 5.6.3.3.4.4 of the Recirculated Draft EIR, the Woodfin Suite Hotel and Timeshare Resort Project building would cast shadows in the non-winter months on small portions of the existing residential uses to the west across Via Marina, but the duration of these shadows would be limited (i.e., less than two hours). Given

the limited extent and duration of the shadows, the Woodfin Suite Hotel and Timeshare Resort Project would not result in substantial sun shadow problems. Therefore, the Woodfin Suite Hotel and Timeshare Resort Project's shade and shadow impacts would be less than significant.

Structures proposed on the Woodfin Suite Hotel and Timeshare Resort Project site use a variety of exterior surface treatments. To reduce potential glare or reflectivity impacts, these surfaces are intended to be non-reflective or oriented in a way that would result in limited off-site glare or reflectivity impacts. To verify limiting glare or reflectivity issues, this project has been reviewed and approved by the County of Los Angeles Design Control Board that is intended to review project design issues. Thus, the project's glare impacts would also be less than significant.

4. Solid Waste Service

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

Potential Effect

Implementation of the Project would generate a net increase of solid waste, which will increase demand on limited landfill capacity. Construction and operation of the Wetland Park Project and Public-Serving Boat Spaces would not generate material amounts of solid waste and therefore do not have the potential to have a solid waste impact.

Finding

Implementation of measures identified in this section, conditions of approval, and design features incorporated into the Project will reduce the Project's potential construction impact, although a significant and unavoidable impact will remain with regard to operation of the Project.

Facts

Solid waste impacts are discussed at pages 5.10-1 to 5.10-35 of the Recirculated Draft EIR. Demolition of existing uses would generate approximately 14,650 cubic yards ("cy") of solid waste, and construction debris would create additional solid waste

requiring disposal. Approximately 198,450 cy of earth material would also be exported from the site to be used as cover material at Puente Hills Landfill in the City of Industry. The Project will comply with existing County laws requiring recycling and reuse of construction debris. This will reduce construction and demolition debris by 50 percent. The one-time disposal of this debris could be accommodated by existing landfills. Therefore, the project will not result in a significant solid waste impact during construction.

During operation, the Project would generate a net increase of solid waste generation of approximately 3,076 pounds per day over existing on-site uses. This quantity represents a worst-case scenario with no recycling. However, the Project would include adequate areas for collecting and loading recyclable materials in accordance with the County's model ordinance. This will reduce operational solid waste by approximately 50 percent. County landfills and county-contracted landfills have sufficient capacity to accommodate the Project's solid waste only confirmed through 2017; therefore, even though the Project's solid waste represents only .0006 percent of the remaining capacity at County landfills, the Project is conservatively assumed to have a significant and unavoidable operational solid waste impact.

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

- The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.

- To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.
- If hazardous materials are encountered during demolition, the Neptune Marina Project Parcel 10R applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County.

Neptune Marina Parcel 10R Project

Potential Effect

Implementation of the Parcel 10R Project would generate a net increase of solid waste, which will increase demand on limited landfill capacity.

Finding

Implementation of measures identified in this section, conditions of approval, and design features incorporated into the Parcel 10R Project will reduce the Parcel 10R Project's potential construction impact, although a significant and unavoidable impact will remain with regard to operation of the Parcel 10R Project.

Facts

Solid waste impacts are discussed at pages 5.10-20 to 5.10-24 of the Recirculated Draft EIR. Demolition of existing uses would generate approximately 13,300 cubic yards ("cy") of solid waste, and construction debris would create additional solid waste requiring disposal. Approximately 124,650 cy of earth material would also be exported from the site to be used as cover material at Puente Hills Landfill in the City of Industry. The Parcel 10R Project will comply with existing County laws requiring recycling and reuse of construction debris. This will reduce construction and demolition debris by 50

percent. The one-time disposal of this debris could be accommodated by existing landfills. Therefore, the Parcel 10R Project will not result in a significant solid waste impact during construction.

During operation, the Parcel 10R Project would generate a net increase of solid waste generation of approximately 1,692 pounds per day over existing on-site uses. This quantity represents a worst-case scenario with no recycling. However, the Parcel 10R Project would include adequate areas for collecting and loading recyclable materials in accordance with the County's model ordinance. This will reduce operational solid waste by approximately 50 percent. County landfills and county-contracted landfills have sufficient capacity to accommodate the Parcel 10R Project's solid waste only confirmed through 2017; therefore even though the Project's solid waste represents only .00035 percent of the remaining capacity at County landfills, the Parcel 10R Project is conservatively assumed to have a significant and unavoidable operational solid waste impact.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Parcel 10R Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

- If hazardous materials are encountered during demolition, the Neptune Marina Project Parcel 10R applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County.
- The Neptune Marina Project Parcel 10R shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.

- To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.

Neptune Marina Parcel FF Project

Potential Effect

Implementation of the Parcel FF Project would generate a net increase of solid waste, which will increase demand on limited landfill capacity.

Finding

Implementation of measures identified in this section, conditions of approval, and design features incorporated into the Parcel FF Project will reduce the Parcel FF Project's potential construction impact, although a significant and unavoidable impact will remain with regard to operation of the Parcel FF Project.

Facts

Solid waste impacts are discussed at pages 5.10-25 to 5.10-28 of the Recirculated Draft EIR. Demolition of existing uses would generate approximately 1,350 cubic yards ("cy") of solid waste, and construction debris would create additional solid waste requiring disposal. Approximately 31,600 cy of earth material would also be exported from the site to be used as cover material at Puente Hills Landfill in the City of Industry. The Parcel FF Project will comply with existing County laws requiring recycling and reuse of construction debris. This will reduce construction and demolition debris by 50 percent. The one-time disposal of this debris could be accommodated by existing landfills. Therefore, the Parcel FF Project will not result in a significant solid waste impact during construction.

During operation, the Parcel FF Project would generate a net increase of solid waste generation of approximately 808 pounds per day over existing on-site uses. This quantity represents a worst-case scenario with no recycling. However, the Parcel FF Project would include adequate areas for collecting and loading recyclable materials in accordance with the County's model ordinance. This will reduce operational solid waste by approximately 50 percent. County landfills and county-contracted landfills have sufficient capacity to accommodate the Parcel FF Project's solid waste only confirmed through 2017; therefore, even though the Project's solid waste represents only .0002 percent of the remaining capacity at County landfills, the Parcel FF Project is conservatively assumed to have a significant and unavoidable operational solid waste impact.

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

- The Neptune Marina Project Parcel FF shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.
- To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs

contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.

- If required, during demolition the Neptune Marina Project Parcel FF applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

Implementation of the Woodfin Suite Hotel and Timeshare Resort Project would generate a net increase of solid waste, which will increase demand on limited landfill capacity.

Finding

Implementation of measures identified in this section, conditions of approval, and design features incorporated into the Woodfin Suite Hotel and Timeshare Resort Project will reduce the Woodfin Suite Hotel and Timeshare Resort Project's potential construction impact, although a significant and unavoidable impact will remain with regard to operation of the Woodfin Suite Hotel and Timeshare Resort Project.

Facts

Solid waste impacts are discussed at pages 5.10-29 to 5.10-32 of the Recirculated Draft EIR. Construction debris would create solid waste requiring disposal. Approximately 42,200 cy of earth material would also be exported from the site to be used as cover material at Puente Hills Landfill in the City of Industry. The Woodfin Suite Hotel and Timeshare Resort Project will comply with existing County laws requiring recycling and reuse of construction debris. This will reduce construction and demolition debris by 50 percent. The one-time disposal of this debris could be accommodated by existing landfills. Therefore, the Woodfin Suite Hotel and Timeshare Resort Project will not result in a significant solid waste impact during construction.

During operation, the Woodfin Suite Hotel and Timeshare Resort Project would generate a net increase of solid waste generation of approximately 576 pounds per day

over existing on-site uses. This quantity represents a worst-case scenario with no recycling. However, the Woodfin Suite Hotel and Timeshare Resort Project would include adequate areas for collecting and loading recyclable materials in accordance with the County's model ordinance. This will reduce operational solid waste by approximately 50 percent. County landfills and county-contracted landfills have sufficient capacity to accommodate the Woodfin Suite Hotel and Timeshare Resort Project's solid waste only confirmed through 2017; therefore, even though the Project's solid waste represents only .0001 percent of the remaining capacity at County landfills, the Woodfin Suite Hotel and Timeshare Resort Project is conservatively assumed to have a significant and unavoidable operational solid waste impact.

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

- The Woodfin Suite Hotel and Timeshare Resort shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.
- To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.

Cumulative Effects

(1) Cumulative Noise

Potential Effect

Significant cumulative noise impacts could occur as a result of construction activity taking place within Marina del Rey, as well as increased vehicle traffic generated by cumulative development, once the related projects are constructed and operational.

Finding

The Project and related projects will comply with local noise ordinances. However cumulative construction noise impacts will result in a significant and unavoidable cumulative construction noise impact due to neighboring construction projects. Cumulative construction traffic noise will exceed applicable thresholds of significance, resulting in an unavoidable cumulative construction traffic impact due to shared haul routes and the number of truck trips required for the Project and neighboring projects. Cumulative construction vibration impacts will result in a significant and unavoidable cumulative construction impact. The cumulative impacts of the operation of the Project and related projects with respect to noise are not significant.

Facts

Cumulative noise impacts are discussed at pages 5.2-74 to 5.2-84 of the Recirculated Draft EIR. All construction activities would be subject to the requirements of the "County of Los Angeles Construction Equipment Noise Standards" and the Noise Control Ordinance of the County of Los Angeles (LACC 12.08.440) or similar ordinances in other jurisdictions. Compliance with the County's Noise Ordinance, along with incorporation of mitigation recommended as part of each project's environmental review, would reduce cumulative construction-related noise impacts, but not to a less-than-significant level. Resulting impacts from construction noise, truck haul trip noise, and vibration would therefore be significant and unavoidable during the construction phase of the Project when analyzed with neighboring projects. There are no known

mitigation measures that would mitigate these potential cumulative significant impacts to a less than significant level.

Under the adopted threshold of significance, significant cumulative operational noise impacts will occur if cumulative traffic increases noise levels at noise-sensitive land uses 5 dB(A) or more, if noise levels remain within the normally acceptable range, or 3 dB(A) if noise levels change from normally acceptable to conditionally acceptable. In this case, cumulative operational noise increases from traffic along the identified road segments adjacent to sensitive land uses would be less than 3 dB(A) at all locations. Therefore, cumulative operational noise impacts will be less than significant.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(2) Cumulative Air Quality

Potential Effect

Significant cumulative construction air quality impacts could occur as a result of construction activity taking place within Marina del Rey, as well as increased vehicle traffic generated by cumulative development, once the Project is constructed and operational. Significant cumulative air quality impacts could also contribute to global climate change.

Finding

The Project will result in a cumulative air quality impact using the emission-based thresholds for project-specific impact which are considered to cause a cumulatively considerable increase in emissions for NO_x, as well as local NO_2, PM_{10} and $PM_{2.5}$, during construction, which would result in a significant and unavoidable construction air quality impact. The Project will not result in any significant operational air quality impacts. Further, the Project would not result in a cumulative air quality impact to global climate change.

Facts

Cumulative air quality impacts are discussed at pages 5.4-128 to 5.4-139 of the Draft EIR. While the Project does not create a cumulative air quality impact using two of the methods generally used for analysis pursuant to the *CEQA Air Quality Handbook*, using an emissions-based threshold as suggested by SCAQMD staff, construction of the Project would result in daily construction emissions of NO_x, as well as local NO_2, PM_{10} and $PM_{2.5}$,that exceed the thresholds of significance recommended by the SCAQMD during peak construction activities. There are no known mitigation measures that would mitigate these potential cumulative significant impacts to a less than significant level. Because the basin is in nonattainment for ozone, and because NO_x is a precursor to ozone, construction of the Project would generate a cumulatively considerable contribution, and this is considered a significant and unavoidable construction impact.

Operation of the Project would not cause exceedances of the threshold of significance for any of the five air emissions evaluated using the SCAQMD's methodology and would not result in significant carbon monoxide hotspot impacts at affected intersections in the Project study area. Operation of the Project would also result in a less than significant impact to Global Climate Change after mitigation. Therefore, the Project's contribution to cumulative Global Climate Change impacts would not be considerable.

<u>Mitigation for Global Climate Change Impacts</u>:

- The Project shall achieve energy efficiency equivalent to California Energy Commission Tier II building energy use standards.
- The Project applicant shall recycle and/or salvage for reuse a minimum of 65 percent of non-hazardous construction and demolition debris by weight.
- The Project applicant shall use drought-tolerant landscaping from an approved plant list proved by the lead agency, the County of Los Angeles, or other agency.
- The Project applicant shall install a smart irrigation controller for any area of the lot that is either landscaped or designed for future landscaping. The project

applicant shall ensure landscaped areas comply with all requirements within Title 22 Part 21 of Chapter 22.523.

- The Project applicant shall install high-efficiency toilets (maximum 1.28 gallons/flush) when tank-type toilets are installed.
- The Project applicant shall provide sufficient interior and exterior bicycle parking facilities at residential components of the Project. The Project applicant will also provide resident and hotel guests with information regarding local and regional public transportation services.

The wind study by RWDI attached as an appendix to the Draft EIR expressly considered potential cumulative impacts from the Project and expected future development in the area. The analysis shows that the Project and related projects will not affect existing wind conditions in Marina Del Rey.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(3) Cumulative Visual Quality

Potential Effect

As Phase II Marina del Rey development becomes more prominent, the existing visual character of the Marina del Rey community will be altered. Larger, in many cases, taller, structures will become more commonplace in the Marina, which will increase development intensity. The potential exists that, when all Phase II development is viewed cumulatively, including the height and design changes proposed as part of the Project, impacts to visual quality within the Marina del Rey community could be considered significant, given the intensification of development that will occur.

Finding

The Project has received conceptual approval from the Design Review Board and will be constructed to not exceed the height requirements and is designed to meet the massing and height requirements after the changes discussed in the Recirculated Draft EIR pages 5.6-1 to 5.6-126. Related projects are expected to also conform to height requirements and be reviewed an approved by the Design Review Board. The Project,

however, will result in a significant impact on visual resources, and, when considered cumulatively with the potential removal of trees related to the Force Main Project, the Project is considered to create a potential cumulative impact on visual resources.

Facts

Cumulative visual quality impacts are discussed at pages 5.6-122 to 5.6-124 of the Recirculated Draft EIR. Only those related projects in the immediate Project vicinity could potentially result in cumulative visual quality impacts. The rest of the related projects are located sufficiently away from the Project site so as not to result in changes to the visual environment within which the Project is located. Those related projects within the immediate Project vicinity will be required to comply with the certified LCP's height, density, view corridor and other requirements intended to reduce visual quality impacts and will be subject to design review by the DCB to further reduce such impacts. However, the Force Main Project could result in the removal of trees which could incrementally increase the visual quality impacts caused by the Project.

Development of the Project and the related projects would introduce new or expanded sources of artificial light. As the Project area is highly urbanized, the additional light sources represented by these projects are not of a sufficient magnitude to alter the existing artificial light environment that currently exists in the area. As a result, cumulative light impacts are concluded to be less than significant.

No cumulative shade/shadow impacts would occur, relative to sensitive uses, since no related projects are located adjacent to the Project site or in close enough proximity to result in cumulative shadows. The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(4) Cumulative Traffic/Access

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the amount of traffic in and out of the

area both on a temporary basis during Project construction and on a long-term basis during Project operation.

Finding

Construction

Construction activity from other nearby projects, such as the City of Los Angeles' proposed Venice Dual Force Main Sewer upgrade project, the Espirit II project, and The Shores project could potentially may occur during the same time period that the Project is actively under demolition or construction. These potential simultaneous construction activities could limit access along both Via Marina and Marquesas Way. According to the City of Los Angeles, construction of the Venice Dual Force Main Sewer upgrade project will begin in August 2010. Construction of that portion of the Dual Force Main adjacent to the Project will take up to 29 weeks. As construction of the Project is not expected to commence until May 2011, it is reasonably foreseeable that construction of such portion of the Venice Pumping Plant Dual Force Main project would be complete prior to commencement of construction of the proposed project. Moreover, the Espirit II and The Shores projects have not moved forward due to lack of financing, and there are currently no plans for commencement of construction of these projects. Therefore, it is speculative to assume overlapping construction of these projects and the Projects.

Moreover, the County is opposed to the Venice Dual Force Main Sewer upgrade project's preferred Via Marina alignment and has demanded that the City chose the environmentally superior route down Pacific Avenue. The Via Marina alignment would run in and beneath County roads and highways and would utilize a portion of a County-owned parking lot for construction staging. The County has not agreed that the City may construct the proposed sewer upgrade in and beneath the County's highways or use the parking lot for staging and has not granted the City any proprietary interests or rights that would allow such construction and staging. The County contends that the City has not complied with the requirements of Public Utilities Code Sections 10101 to 10105 and has brought an action in the Los Angeles Superior

Court to quiet title and for declaratory relief. Therefore, the actual alignment of the sewer upgrade project is uncertain at this time.

Under the preferred alignment, the Venice Dual Force Main Sewer upgrade project would be constructed in Via Marina, the consequence of which would be the temporary reduction to a single travel lane in each direction on portions of Via Marina, which may result in delays during the day, including peak commuting periods. Although the Final EIR for the Venice Dual Force Main Sewer upgrade project found no significant construction traffic impacts, a supplemental traffic study prepared after completion of the Final EIR indicates that segments and intersections along Via Marina may be temporarily and adversely impacted during construction due to temporary lane closures. Therefore, under the very conservative assumption of concurrent construction, there is a potential for a cumulative construction traffic impacts. However, the combined short-term traffic due to the construction activities of the Venice Dual Force Main project and the peak level of activity of the proposed project would be lower than that of the completed project. Further, such impacts would be temporary and of short duration. In addition, as a project design feature Worksite Traffic Control (WTC) Plans will be developed and approved for the Project. In the unlikely event that there is concurrent construction, the WTC Plans will also coordinate with the construction activities of the Venice Dual Force Main project, the Espirit II project, and The Shores project, as applicable, to minimize any short-term construction traffic impacts. The WTC Plans will also ensure that resident and emergency access will not be impeded, and that pedestrian safety will be maintained.

Operation

As with the Project, each related project is required to ensure mitigation for Project impacts including traffic and parking. However, based on conservative assumptions regarding ambient growth and related projects and the inability to accurately quantify the benefits of certain mitigation measures, the Commission

conservatively finds that the Project will make a considerable contribution to a cumulative impact on area traffic.

Facts

Cumulative traffic impacts are discussed at pages 5.7-80 to 5.7-94 of the Recirculated Draft EIR. The analysis shows that the project traffic, together with the related projects and cumulative growth, would result in significant impacts at twelve of the study intersections as set forth in Table 5.7-25 of the Recirculated Draft EIR. The cumulative mitigation measures include measures specifically identified in the TIP, including funding for larger long-term improvements such as widening the Lincoln Boulevard Corridor and the planned Marina Expressway (SR-90) extension to Admiralty Way that will increase area-wide traffic capacity and help alleviate existing and future congestion in the study area. However, if these or other equally effective measures are not installed, significant cumulative traffic impacts would remain.

Pursuant to *State CEQA Guidelines* Section 15130(d), the project's cumulative impacts may be found to be less than cumulatively considerable/less than significant because they are consistent with (and indeed less severe than predicted in) the cumulative traffic analysis in the Certified LCP (a "comparable programmatic plan...") that is hereby incorporated by reference.

As to intersections within the County and LCP, the Project's significant cumulative impacts are rendered less than cumulatively considerable (less than significant) because the Project is required to pay the Marina del Rey traffic fees (i.e., its fair share contribution toward improvements designed to alleviate the cumulative impacts at the five intersections within Marina del Rey and that are controlled by the LACDPW). As such, all impacts can be reduced to a level of less than significant with implementation of identified mitigation measures. However, if these or other equally effective measures are not installed, significant cumulative traffic impacts would remain. Furthermore, as the precise benefits of the SR-90 extension cannot be quantified at this time, it is conservatively concluded that significant cumulative impacts will remain at the following intersections even with implementation of the SR-90

extension: Lincoln Boulevard and Washington Boulevard; Lincoln Boulevard and Marina Expressway; Lincoln Boulevard and Bali Way; Lincoln Boulevard and Mindanao Way; and Lincoln Boulevard and Fiji Way.

Mitigation Measures:

- **Admiralty Way and Via Marina** – Participate in the reconstruction of the intersection to provide for a realignment of Admiralty Way as a through roadway with the southern leg of Via Marina. As described above, the northern leg of Via Marina, south of Washington Boulevard, will intersect into Admiralty Way in a "T" configuration. The striping for turning movements at the configured intersection will be constructed as dual left and dual/triple right-turning movements. This improvement is identified in the Marina del Rey TIP as Category 3 improvement, and will enhance traffic flow within the Marina.
- **Washington Boulevard and Via Marina/Ocean Avenue** – No feasible physical improvements are identified in the TIP that remain available to mitigate this potential direct project traffic impact. However, the County of Los Angeles Department of Public Works has identified an improvement at the nearby intersection of Washington Boulevard and Palawan Way that would provide additional egress from the Marina, reducing traffic volumes on the northbound approach of Via Marina at this intersection, and providing mitigation for the cumulative impacts. The proposed improvement would reconstruct the intersection of Washington Boulevard and Palawan Way to allow for dual northbound left-turns onto westbound Washington Boulevard, and install a new traffic signal at that intersection. The improvement will provide an additional means of accessing westbound Washington Boulevard from westbound Admiralty Way, reducing the existing high northbound volumes at Washington Boulevard and Via Marina/Ocean Avenue. (See "Washington Boulevard and Palawan Way" below for additional details.)
- In addition, the Marina del Rey TIP also identified an 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. This improvement would reconstruct the Admiralty Way/Via Marina intersection to realign Admiralty Way as a through roadway with the southern leg of Via Marina. The northern leg of Via Marina, south of Washington Boulevard, will intersect into Admiralty Way in a "T" configuration. The striping for turning movements at the reconfigured intersection will be constructed as dual left and dual/triple right-turning movements. As a result, northbound traffic volumes on Via Marina would need to turn left (instead of making a through movement) at Admiralty Way to access eastbound Washington Boulevard. Due to the high left-turn volume on northbound Via Marina at Admiralty Way, some of these traffic volumes would reroute along eastbound Admiralty Way and turn left at Palawan Way.

- **Admiralty Way and Palawan Way** – Restripe the southbound approach to convert the through lane into a left/through shared lane. Restripe the northbound approach to provide an exclusive left-turn only lane, in addition to a shared right-turn/through lane. In addition, add a third westbound through lane to Admiralty Way within the existing right-of-way by moving the median and restriping Admiralty Way. These measures are identical to or consistent with the improvements in the Marina del Rey TIP.
- **Washington Boulevard and Palawan Way** – Install a new traffic signal at this intersection (as described above as in-lieu mitigation for the cumulative impact at Washington Boulevard and Via Marina/Ocean Avenue). The south leg of the intersection should be realigned to reduce the angle of the northbound right-turn only lane, and provide a more perpendicular approach, and provide northbound dual left-turn lanes. While this improvement is currently being investigated by the County for implementation as a new TIP-type measure, funded by fair share contributions by projects within Marina del Rey, it is not currently included in the TIP improvement program. As such, the proposed

project would be conditioned to contribute fair share funding to this improvement above and beyond the previously identified traffic mitigation fees. Cost estimates for this traffic signal improvement are currently being finalized, but are expected to be approximately $332,500, with a project responsibility of approximately $61,180. If the measure is not implemented by the time the anticipated cumulative traffic growth occurs, a temporary significant cumulative impact would remain. Furthermore, if this measure or another measure of equal effectiveness are not implemented (because the County is unable to formally establish an enforceable TIP-type mechanism for collecting fair share contributions or otherwise), a significant cumulative traffic impact would remain at this location.

- **Lincoln Boulevard and Washington Boulevard** – No feasible physical improvements are currently available to mitigate this potential cumulative impact. However, regional transportation improvements being considered include the future extension of the Marina Freeway (SR-90) westward to connect with Admiralty Way. The extension, slated for completion by the year 2016, will help alleviate traffic congestion in the area, including at the key intersection of Lincoln Boulevard and Washington Boulevard. However, it should be noted that a temporary cumulative traffic impact would remain at this location if the extension of the SR-90 or another measure of equal effectiveness is not implemented by the time the anticipated cumulative traffic growth occurs. This measure is identified in Appendix G of the Marina del Rey Local Implementation Program and must have approval by the Board of Supervisors, the City of Los Angeles, and Caltrans. Furthermore, if the extension of the SR-90 is not constructed (due to not having concurrent approval by the Board of Supervisors, the City of Los Angeles, and Caltrans, or for other reasons) or another measure of equal effectiveness is not implemented, a significant cumulative traffic impact would remain at this location.

- **Lincoln Boulevard and Marina Expressway (SR-90)** – Extend Route 90 to connect to Admiralty Way across Lincoln Boulevard. The extension would reconstruct and expand the at-grade intersection, providing additional capacity for all approaches. This improvement is currently included in the TIP roadway improvements funded by the trip fee. However, it should be noted that a temporary cumulative traffic impact would remain at this location if the extension of the SR-90 or another measure of equal effectiveness is not implemented by the time the anticipated cumulative traffic growth occurs. Furthermore, if the extension of the SR-90 is not constructed at all (due to not having concurrent approval by the Board of Supervisors, the City of Los Angeles, and Caltrans, or for other reasons) or another measure of equal effectiveness is not implemented, a significant cumulative traffic impact would remain at this location.
- **Lincoln Boulevard and Bali Way** – No feasible physical improvements are currently available to mitigate this potential cumulative impact. However, regional transportation improvements being considered include the future extension of the Marina Freeway (SR-90) westward to connect with Admiralty Way. The extension, slated for completion by the year 2016, will help alleviate traffic congestion in the area, including at the intersection of Lincoln Boulevard and Bali Way. However, it should be noted that a temporary cumulative traffic impact would remain at this location if the extension of the SR-90 or another measure of equal effectiveness is not implemented by the time the anticipated cumulative traffic growth occurs. The SR-90 extension is identified in Appendix G of the Marina del Rey Local Implementation Program and must receive approval from the Board of Supervisors, the City of Los Angeles, and Caltrans. Furthermore, if the extension of the SR-90 is not constructed (due to not having concurrent approval by the Board of Supervisors, the City of Los Angeles, and Caltrans, or for other reasons) or another measure of equal effectiveness is not identified, a significant cumulative traffic impact would remain at this location.

- **Lincoln Boulevard and Mindanao Way** – No feasible physical improvements are currently available to mitigate this potential cumulative impact. However, regional transportation improvements being considered include the future extension of the Marina Freeway (SR-90) westward to connect with Admiralty Way. The extension, slated for completion by the year 2016, will help alleviate traffic congestion in the area, including at the intersection of Lincoln Boulevard and Mindanao Way, which currently provides direct access from the SR-90 to Admiralty Way in the Marina, by providing a direct access alternative route. However, it should be noted that a temporary cumulative traffic impact would remain at this location if the extension of the SR-90 or another measure of equal effectiveness is not implemented by the time the anticipated cumulative traffic growth occurs. The SR-90 extension is identified in Appendix G of the Marina del Rey Local Implementation Program and must have approval by the Board of Supervisors, the City of Los Angeles, and Caltrans. Furthermore, if the extension of the SR-90 is not constructed (due to not having concurrent approval by the Board of Supervisors, the City of Los Angeles, and Caltrans, or for other reasons) or another measure of equal effectiveness is not identified, a significant cumulative traffic impact would remain at this location.
- **Lincoln Boulevard and Fiji Way** – No feasible physical improvements are currently available to mitigate this potential cumulative impact. However, regional transportation improvements being considered include the future extension of the Marina Freeway (SR-90) westward to connect with Admiralty Way. The extension, slated for completion by the year 2016, will help alleviate traffic congestion in the area, including at the intersection of Lincoln Boulevard and Fiji Way. However, it should be noted that a temporary cumulative traffic impact would remain at this location if the extension of the SR-90 or another measure of equal effectiveness is not implemented by the time the anticipated cumulative traffic growth occurs. The SR-90 extension is identified in Appendix G of the Marina del Rey Local Implementation Program and must receive approval

from the Board of Supervisors, the City of Los Angeles, and Caltrans. Furthermore, if the extension of the SR-90 is not constructed (due to not having concurrent approval by the Board of Supervisors, the City of Los Angeles, and Caltrans, or for other reasons) or another measure of equal effectiveness is not identified, a significant cumulative traffic impact would remain at this location.

- **Admiralty Way and Bali Way** – Add a third westbound through lane to Admiralty Way within the existing right-of-way by moving the median and restriping Admiralty Way, as identified in the TIP as Category 1 improvement.
- **Admiralty Way and Mindanao Way** – Widen northbound Admiralty Way to provide a right-turn lane at Mindanao Way, as identified in the TIP. In addition, install dual left-turn lanes on Admiralty Way for southbound travel at the approach to Mindanao Way and modify the traffic signal to provide a westbound right-turn phase concurrent with the southbound left-turn movement. The dual left-turn lanes on Admiralty Way will enhance egress from the Marina at Mindanao Way, and has already been approved as part of a previous project (Marina Two). It should be noted that the installation of dual left-turn lanes on Admiralty Way and the traffic signal modification is not identified in the TIP. As such, the proposed project would be conditioned to contribute "fair share" funding to this non-TIP improvement above and beyond the previously identified traffic mitigation fees. The project's "fair share" proportion would be negotiated between the proposed project and the County.
- **Marina Expressway (SR-90) Eastbound and Mindanao Way** – Restripe the westbound approach of Mindanao Way at the eastbound Marina Expressway to provide two through lanes and one free-right-turn lane. This improvement is not identified in the TIP. As such, the proposed project would be conditioned to contribute fair share funding to this non-TIP improvement above and beyond the previously identified traffic mitigation fees. The project's fair share proportion would be negotiated between the proposed project and Caltrans. If the measure is not implemented by the time the anticipated cumulative traffic growth occurs, a

temporary significant cumulative impact would remain. Furthermore, if this measure or another measure of equal effectiveness are not implemented (because the County and/or Caltrans is unable to formally establish an enforceable TIP-type mechanism for collecting fair share contributions or otherwise), a significant cumulative traffic impact would remain at this location.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(5) Cumulative Solid Waste Service

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the amount of solid waste requiring collection and disposal, resulting in a potentially significant cumulative impact to solid waste services.

Finding

As with the Project, each related project is required to ensure that adequate capacity in landfills exists to accommodate the refuse generated by that use. However, due to the inability to guarantee adequate landfill space beyond 2017, the Project is found to have a significant and unavoidable impact on solid waste.

Facts

Cumulative Solid Waste impacts are discussed on pages 5.10-33 to 5.10-35 of the Recirculated Draft EIR. Build out of the Project and related projects would generate solid waste, and other pending projects within the County would generate solid waste beyond amounts generated by the Project and the identified related projects. It is reasonable to assume that market forces that drive the waste disposal industry will place pressure on the industry and governmental agencies to continually identify new economically feasible means of waste disposal in the future to accommodate this growth. However, because an adequate supply of landfill space has not been approved for beyond 2017 and because existing hazardous waste management facilities in the County are deemed inadequate, the cumulative increase in solid and hazardous waste

generation would cause a significant impact unless additional landfill space or other disposal alternatives are approved. There are no known mitigation measures that would mitigate these potential Project and cumulative significant impacts to a less than significant level. The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(6) Cumulative Population and Housing

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, could induce substantial population growth in an area either directly or indirectly, or displace substantial units of housing, necessitating the need for replacement housing.

Finding

Due to anticipated growth from the Project and related projects, the Project is expected to have a significant and unavoidable cumulative impact on population and housing due to projected growth in population to 2010 as well as available housing units.

Facts

Combined, it is projected that the Project and related projects could increase the subregion's population by approximately 16,767 residents, a 14% increase above the projected population growth for 2010, and approximately 76% of the projected 2020 increase. As the Project will not be built out until 2013, and construction of many of the related projects has yet commenced, the 2020 projections are the most appropriate comparison. However, to provide a conservative analysis chapter 5.16 of the Draft EIR was not updated. Under this conservative approach, population growth associated with the Project and the related projects is considered significant in the short term, as the amount of growth projected for the subregion is would be exceeded in the year 2010. However, in the longer term, anticipated population growth is consistent with 2020 projections. Combined, it is projected that the Project and related project could

increase the number of housing units in the subregion by approximately 11,789 units. As such, the projected number of housing units for the subregion for 2010 would be exceeded, and the growth of housing units associated with the Project and related projects are considered substantial. While population growth increase would remain within SCAG projections through the year 2020, the cumulative impact on the growth of housing units is conservatively considered significant for this reason. The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(7) Cumulative Land Use and Planning

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, could result in a substantial adverse physical impact associated with increased development density.

Finding

The Project could contribute to significant and unavoidable cumulative impacts with respect to noise, air quality, visual resources, population, traffic and solid waste. As a result, cumulative impacts to land use and planning are considered significant and unavoidable.

Facts

As discussed in these findings, the Project will result in cumulative impacts to noise, air quality, visual resources, population, traffic and solid waste. While mitigation measures have been required to reduce these cumulative impacts, they cannot be reduced to a less than significant level. The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

SECTION 3

GROWTH INDUCING IMPACTS OF THE PROJECT

Potential Effect

Development of the Project has the potential to induce growth by fostering economic or population growth or construction of additional housing either directly or indirectly.

Finding

The proposed Project does not meet a growth-inducing criterion specified under CEQA, and, therefore, the proposed Project is not considered to be growth inducing.

Facts

Growth inducing impacts are discussed at pages 8.0-1 to 8.0-6 of the Draft EIR. The following facts support the above finding:

(1) Removal of an Impediment to Growth

Growth in an area may result from the removal of physical impediments or restrictions to growth. A network of electricity, water, sewer, stormwater, communication, roads and other supporting infrastructure for the Project is already in place. The Project would connect to existing infrastructure, with some off-site improvements necessary to meet Project demands. Off-site improvements include traffic capacity enhancing improvements at area intersection and new water lines to accommodate necessary water flows. These improvements would serve the Project, but would also allow for more intensive development on other Marina del Rey parcels that could utilize these infrastructure components. However, these improvements and the associated increase in development intensity are consistent with already adopted and approved policies of the Marina del Rey Land Use Plan that promote recycling of Phase I Marina del Rey development with more intensive uses. In addition, no new service lines (e.g., storm drain, electricity, telephone, roadways, etc.) other than those required to serve the proposed uses are to be constructed. Therefore, the Project would not induce growth through introduction or expansion of infrastructure.

(2) Urbanization of Land in Remote Locations

The Project is a redevelopment of improved property and is situated in an existing developed urban community. As a result, the proposed Project will not

"leapfrog" over any undeveloped area or introduce development into a previously undeveloped area.

(3) Economic Growth

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

(4) Precedent Setting Action

The Project requires a number of discretionary actions on the part of the Los Angeles County Department of Regional Planning, Regional Planning Commission and the Board of Supervisors. Certain Project components (Neptune Marina Parcels 10R and FF) also require amendments to the Marina del Rey Specific Plan and Marina del Rey Land Use Plan. For Parcel 10R, this change would allow the transfer of excess dwelling units between zones, allowing for greater contiguity between projects and unity in Project design. For Parcel FF, this change would allow development of Parcel FF as a residential use, while placing a park, the desired use for Parcel FF under the Land Use Plan, in a more accessible and sensible portion of the Project. Without the financial construction volunteered by the developer applicants, Parcel FF would remain a parking lot and would not have the potential to become a park or transfer the rights of the site to another location where a park would be built. Displaced parking from the Parcel FF site would be replaced pursuant to County Policy requirements. These amendments do not propose an overall increase in development intensity in the Marina, and the changes to Parcel FF will result in additional public benefits due to the waterside Public Wetland Park.

Approval of this Project does not necessarily mean that other development approvals in the area will follow. Independent determinations must be made for each

project. Moreover, existing regulatory frameworks are not being interpreted in a precedent setting fashion. Thus, the Project is not growth inducing under this criterion.

SECTION 4

FINDINGS REGARDING ALTERNATIVES

Alternatives to the Project described in the Draft EIR were analyzed and considered. The alternatives discussed in the Draft EIR and Final EIR constitutes a reasonable range of alternatives necessary to permit a reasoned choice. The Final EIR concluded that the "No Project/No Development" Alternative was the environmentally superior alternative. However, as specified in the *State CEQA Guidelines* section 15126.d.2, if the No Project Alternative is the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Of the remaining alternatives considered, the "RV Resort," Alternative 8, was considered the environmentally superior alternative. However, these alternatives and the other alternatives analyzed in the Draft EIR and Final EIR are rejected as infeasible for the specific economic, legal, social, technological, and/or other considerations set forth below.

Alternatives Considered But Not Evaluated.

The County Department of Regional Planning, as lead agency, considered a number of potential alternatives that the Department rejected as infeasible and therefore did not analyze in detail in the EIR. The rejected potential alternatives included increasing affordable housing associated with residential development proposed on Parcels 10R and FF to qualify for a 35% density bonus, alternative sites for the Woodfin Suite Hotel and Timeshare Resort Project, alternative sites for the Parcel 10R and Parcel FF Projects, and development of all of Parcel 9U as a public park. The Commission rejects these potential alternatives as infeasible for the reasons set forth at Pages 6.0-1 to 6.0-5 of the Draft EIR.

Commenters to the Draft EIR and Recirculated Draft EIR suggested that Parcel FF be developed as a public park instead of an apartment project. The Commission finds that there is no current or forthcoming proposal—public or private—to develop a public park at Parcel FF. The Commission also finds that development of a public wetland park on the southerly 1.46-acres of Parcel 9U is a superior alternative to the development of a public park on Parcel FF. In light of current budgetary constraints, the County does not have the financial resources to undertake such development. Moreover, Parcel 9U provides a more expansive waterfront viewing opportunity along a far more heavily traveled street—Via Marina versus the Marquesas Way mole road—and would thus provide a larger, higher-quality waterfront park area to a greater number of visitors and passersby, consistent with the policies and objectives of the LCP and the Coastal Act. In addition, the restoration of the degraded wetland on Parcel 9U will provide superior habitat value. Further, developing Parcel FF with a park would not meet the following basic project objectives:

- Create a public park in a location that provides convenient parking and public access and expansive and higher quality views of the basin and allows integration with other public uses and amenities.
- Provide for additional needed affordable housing in or near the Coastal Zone, in compliance with the Mello Act.
- Replace an underutilized parking lot with high quality residential development and facilitate the future relocation of public parking in another area of the Marina which will better serve the public.
- Restore and enhance the existing artificially-created wetland by creating a wetland park.
- Generate additional revenues to the County in the form of increase ground rents, fees and tax revenues.

The Commission therefore rejects this potential alternative development of Parcel FF as infeasible.

Alternative 1, The "No Project/No Development" Alternative

Description of Alternative

Under this alternative, the Project site would remain in its present condition with site improvements as they currently exist.

Comparison of Effects

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

Finding

The "No Project/No Development" alternative is rejected as infeasible because it fails to meet any of the Project objectives identified in the Draft EIR, would not provide any of the Project benefits as set forth herein, and is not consistent with the policies defined in the Marina del Rey Land Use Plan ("LUP").

Facts

The "No Project/No Development" alternative would fail to create an integrated, self-contained recreational Marina community with contemporary boating facilities. This Alternative would fail to create a public park in a location that provides convenient

parking, public access, and expansive and higher quality views of the basin; the Alternative would also fail to allow integration with other public uses and amenities. This Alternative would fail to improve public coastal recreational opportunities and improved public pedestrian access to the waterfront. This Alternative would fail to provide increased coastal residential opportunities with designs that emphasize coastal views consistent with the residential building-out framework for Marina del Rey specified in the Local Coastal Program. This Alternative would fail to provide additional needed affordable housing in or near the Coastal Zone in compliance with the Mello Act, and would fail to develop an apartment project of sufficient density to support the construction of on-site replacement housing and inclusionary affordable units in compliance with the Mello Act. The Alternative would fail to replace an underutilized parking lot with high quality residential development and facilitate the future relocation of public parking in another area of the Marina which will better serve the public. The Alternative would fail to develop a Hotel and Timeshare resort proximate to the water and an additional high-value visitor-serving use in the Coastal Zone in compliance with the Coastal Act. The Alternative would fail to replace existing non-ADA compliant boating facilities with new, state-of-the-art facilities, would fail to replace existing aging housing with new, high-quality housing, and would also fail to restore and enhance the existing artificially-created wetland by creating a wetland park. The Alternative would also fail to generate additional revenues to the County in the form of increased ground rents, fees, and tax revenues. Finally, the Proposed Project would be superior to the "No Project/No Development" Alternative in the context of biological resources due to the inclusion of wetland restoration in the Proposed Project that would not take place if the Project was not implemented.

<u>Alternative 2</u>, The "No Project/No Amendment" Alternative

Description of Alternative

Under the "No Project/No Amendment" Alternative, the project site would be developed within the provisions defined as part of the Marina del Rey Land Use Plan. Parcel 10R, located within the Marquesas DZ, is presently developed with 136

apartment units and 198 boat spaces. Without an amendment to the Land Use Plan, the maximum permitted development that could occur on Parcel 10R would be 139 apartment units and 274 boat spaces. Parcel FF, is presently a surface parking lot. Without an amendment to the Land Use Plan, Parcel FF could be used for open viewing areas, promenades, bikeways, beaches, parks, picnic facilities, nature/interpretive centers, surface parking, or landscaping, although a portion of the Land Use Plan contemplates Parcel FF as a public park with a portion of residential development. However, other than the Project there is no current or forthcoming proposal—public or private—to develop Parcel FF. In light of current budgetary constraints, the County does not have the financial resources to undertake such alternative development. Parcel 9U is presently vacant. Without an amendment to the Land Use Plan, Parcel 9U could be used for a 225-foot high building with 360 parking spaces.

Comparison of Effects

The Project would be superior to this Alternative with respect to biota and parks and recreation. The Alternative would result in comparable impacts as the Project with respect to hydrology and drainage. The Alternative would result in reduced impacts to visual resources, air quality (construction and operation), geotechnical resources and soils, noise (construction and operation), population and housing, public services, public utilities, traffic, and land use.

Finding

The Alternative is rejected because it fails to meet many of the Project objectives. The Alternative would fail to create an integrated, self-contained recreational Marina boating community with contemporary on-water facilities to the same extent as the Project. The Alternative would fail to enhance habitat value by not restoring the existing degraded wetland on Parcel 9U. The Alternative would fail to create a public park in a location that provides convenient parking and public access and expansive and higher quality views of the basin and allows integration with other public uses and amenities because it would not include a public park. The Alternative would fail to improve public coastal recreational opportunities and provide improved public

pedestrian access to the extent of the Project due to the lack of cohesiveness of the site plan and the lack of inclusion of a public promenade in the Alternative. The Alternative would fail to provide coastal residential opportunities with designs that emphasize coastal views, consistent with the residential build-out framework for Marina del Rey specified in the certified Local Coastal Plan to the extent of the Project due to the reduced development that would be allowed under the Alternative. The Alternative would fail to provide for additional needed affordable housing in or near the Coastal Zone, in compliance with the Mello Act, to the extent of the Project due to reduced potential for housing under the Alternative. The Alternative would fail to develop an apartment project of sufficient density to support the construction of on-site replacement and inclusionary affordable units in compliance with the County's Mello Act policy to the same extent as the Project due to the reduction in the number of units built under the Alternative. The Alternative would fail to replace an underutilized parking lot with high quality residential development and facilities future relocation of public parking in another area of the Marina which will better serve the public due to the limited uses allowed on the Parcel FF site under the Marina del Rey Land Use Plan, which does not currently allow residential uses on Parcel FF. The Alternative would fail to restore and enhance the existing artificially created wetland by creating a wetland park as no wetland park would be built under the Alternative. The Alternative would also fail to generate additional revenues to the County to the same extent as the Project. The level of ground rent is calculated based substantially on the value of the developed Project. With fewer units, this Alternative would support lower ground rents than the Project and pay less fees, thereby generating less revenue to the County. . The Alternative also fails to provide the other Project benefits discussed herein. For these reasons, the Alternative is rejected as infeasible.

Facts

Under this Alternative, there would be less development on the Project site impacting visual resources, but the development on Parcel 9U of up to 225 feet would still create a significant impact. As a result, while impacts to visual resources would be

reduced under this Alternative, the impacts would, like the Project, still be significant. With respect to air quality, the reduced amount of development would reduce construction air quality impacts, but not to a less than significant level. As a result, the Project and the Alternative would result in a significant impact to air quality during construction. During operation, the Alternative would result in fewer residents and therefore fewer impacts to operational air quality, and, like the Project, would result in a less than significant impact to air quality during operation. Development under this Alternative would not include the Public Wetland Park that is included as part of the Project although the Project and the Alternative would not have any other impacts to biota. As a result, the Alternative would have greater impacts to biota than the Project due to lack of the Public Wetland Park in the Alternative design. Development of the Project site under this Alternative would require less grading than the Project due to the reduced amount of development under the Alternative, and, thus, impacts to geotechnical and soil resources are less than the Project and, like the Project, are less than significant.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative. Thus, impacts of both the Project and the Alternative would be similar in this regard. This Alternative would reduce the noise impacts over the Project as less development on site would result in less grading and construction, creating less noise. However, like the Project, construction noise levels would still create a significant impact. In operation, the Alternative would result in less traffic and, like the Project, would result in a less than significant impact. The Alternative would include less housing than the Project and would, thus, have a lesser impact on population and housing than the Project. However, the Alternative's provision of less housing would also result in the provision of less affordable housing than the Project. Impacts of both the Project and the Alternative would result in a less than significant impact to population and housing issues.

Like the Project, the Alternative would have a less than significant impact on public services (Fire Protection, Police Protection, Education, Library Services), as the development in the Alternative would be lesser, and less impactful, than the Project. Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service, although the Alternative would have a lesser impact than the Project due to the reduced amount of development. Like the Project, however, the Alternative would result in impacts to solid waste due to ongoing production of solid waste by any development on the Project site. The Alternative would result in reduced traffic when compared to the Project, due to its reduced size, resulting in a less than significant impact for both. However, traffic impacts would still be cumulatively considerable from both the Project and the Alternative. With regard to park and recreational impacts, while the Project includes a public park, the Alternative would not. As a result, the Project is considered superior to the Alternative due to the improved access to park and recreational facilities that would result from the Project, although both the Project and the Alternative would have a less than significant impact.

<u>Alternative 3</u>, The "Increased Structure Height" Alternative (applicable only to Parcels 10R and FF)

Under this Alternative, the Project components would remain the same, except that height would be increased on Parcels 10R and FF to accommodate above ground parking, which would reduce air quality impacts from grading to create subterranean parking as part of the Project. In the Project, Buildings 1, 2, and 4 would be up to 55 feet in height and Building 3 would be up to 60 feet in height. In the Alternative, Buildings 1-4 would be up to 75 feet in height.

Comparison of Effects

The Alternative would result in greater impacts to visual resources than the Project. The Alternative would result in less construction noise impacts than the Project. The remainder of impacts from the Alternative would be comparable to the impacts of the Project.

Finding

The Increased Structure Height alternative is rejected as infeasible because it fails to reduce the impacts to construction air quality to a less than significant impact while it increases already significant impacts to visual resources in the area, resulting in greater environmental impacts to the site than the Project. In addition, because the increase in visual quality impacts from the Alternative would be permanent while the increased air quality impacts from the Project would be during construction only, it is preferable to select the project that would result in fewer long-term impacts, namely, the Project.

Facts

Under this Alternative, impacts to visual resources would be greater than the Project due to the increase in height resulting from the addition of above ground parking, incrementally increasing already significant impacts to visual resources when compared to the Project. Short-term air quality impacts related to construction of the Alternative would be reduced when compared to the Project due to a reduction in grading, but, like the Project, the Alternative would still result in a significant impact to air quality. Operational impacts to air quality would be the same in both the Project and the Alternative due to the comparable amount of traffic produced by both, resulting in a less than significant impact. Both the Project and Alternative would have the same less than significant effect on biota, as both would include the same amount of development and the same features, including the Public Wetland Park, and would not have any other effects on biota in the area. The Project's impacts are considered less than significant with respect to geotechnical and soil resources, and while the Alternative would have fewer impacts due to the reduced amount of grading required with elimination of the subterranean parking features, impacts of the Project and the Alternative would remain the same, less than significant. Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative. Thus, impacts of

both the Project and the Alternative would be similar, and less than significant, in this regard.

While the Alternative would not include the amount of excavation, and the related amount of equipment, that would be required in the Project, the Alternative would require additional construction and pile driving due to its additional height. Thus, construction noise impacts from the Alternative would likely be similar to or greater than the impacts generated by the Project and would, like the Project, be significant. The Project and the Alternative would have comparable operational noise impacts due to the amount of traffic produced by the expected resident population, and, thus, is considered to be less than significant for both the Project and the Alternative. Impacts to population and housing, public services (including fire protection, police protection, education, and library services), public utilities (water service, sewer service, and solid waste service), traffic and access, parks and recreation, and land use would be the same with both the Project and the Alternative due to the same amount of units, development, and features proposed under both the Project and the Alternative.

<u>Alternative 4</u>, The "Density Bonus Associated with Affordable Housing Requirements" Alternative

Under this Alternative, the Project components would be increased to accommodate a twenty-five percent increase in the number of residential units due to Government Code section 65590, entitled "Low and Moderate Income Housing Within the Coastal Zone." All other elements of the Alternative would remain the same as the Project. While the Project includes 526 residential units and occupancy for 789 persons, the Alternative would include 657 residential units and would include occupancy for 986 persons. Due to the increase in units and occupancy under the Alternative, on-site grading requirements and building height would need to be increased to accommodate an additional level of parking and an additional residential level of units for each structure. While all building footprints would remain the same under the Alternative, maximum residential building height would increase from 55 and 60 feet to 70 and 75 feet, respectively.

Comparison of Effects

The Density Bonus Associated with Affordable Housing Requirements Alternative would result in greater impacts to visual resources, air quality (construction and operation), geotechnical resources and soils, noise (construction and operation), population and housing, public services, public utilities, and traffic. The Alternative would result in comparable impacts with the Project in impacts to biota, hydrology and drainage, parks and recreation, and land use.

Finding

The Alternative would result in greater impacts to the environment than the Project and would not reduce any of the environmental impacts of the Project, and, thus, is rejected on environmental grounds. .

Facts

Under this Alternative, impacts to visual resources would be greater than the Project due to the increase in height resulting from the addition of residential units, incrementally increasing already significant impacts to visual resources when compared to the Project. Short-term air quality impacts related to construction of the Alternative would be increased when compared to the Project due to the need for another subterranean parking level, and the related grading required, and to accommodate the additional height required for additional occupancy. Thus, the Alternative, like the Project, would result in a significant impact to air quality. Operational impacts to air quality would be increased due to the increased traffic resulting from the additional amount of residents driving to and from the site, but the Alternative, like the Project, would still result in a less than significant impact to operational air quality. Both the Project and Alternative would have the same less than significant effect on biota, as both would include the same amount of footprint development and the same features, including the Public Wetland Park, and would not impact any other biota in the area. The Project's impacts are considered less than significant with respect to geotechnical and soil resources, and while the Alternative would have greater impacts due to the additional grading required to accommodate an additional level of subterranean parking

features, impacts of the Project and the Alternative would remain the same, less than significant. Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative, as both having the same site footprint and design features. Thus, impacts of both the Project and the Alternative would be similar and less than significant.

The Alternative would increase already significant construction noise impacts from the Project as the building size and height would increase and additional grading for additional parking would be required for the Alternative. The Alternative would generate additional operational noise over the Project but both Project and Alternative operational noise impacts would remain the less than significant. Thus, the Alternative would result in greater impacts to construction than the impacts generated by the Project, although the Project impacts to operation would be greater but less than significant. Impacts of the Alternative to population and housing would, like the Project, result in a less than significant impact, although the provision of additional affordable housing units included in the Alternative makes the Alternative preferable to the Project. Impacts to public services (including fire protection, police protection, education, and library services) resulting from the Alternative would be greater due to the increased population but, like the Project, would still be less than significant. Impacts to public utilities (water service, sewer service, and solid waste service) from the Alternative would also be increased when compared to the Project due to the increase in residents, but impacts from the Alternative like the Project, except to solid waste, would be less than significant. Like the Project, project and cumulative impacts to solid waste from the Alternative would be significant. The Alternative would generate more traffic than the Project, but, like the Project, the Alternative would not result, after mitigation, in a significant impact on traffic. The increase in number of residents in the Alternative over and above those in the Project would result in additional trips that would, like the Project, result in a cumulatively significant impact on traffic. Impacts to parks and recreation and land use would be the same with both the

Project and the Alternative, less than significant, due to the same development and features proposed under both the Project and the Alternative. Impacts to land use are comparable for both the Project and the Alternative due to the same components of each; as a result, the resulting impact would be less than significant for the Project and the Alternative.

<u>Alternative 5</u>, The "Reduced Density" Alternative (Parcels 10R, FF, and 9U)

Description of Alternative

Under the "Reduced Density" Alternative, the project site would be developed at seventy percent of the Project for landside uses only, resulting in a thirty percent density reduction from the Project. As the size of the apartment units and hotel/timeshare guest rooms would be increased, building envelopes under this Alternative would remain the same. The only physical change to the site plan would be the amount of available parking, which would be reduced under the Alternative.

Comparison of Effects

The Alternative would result in comparable impacts to visual resources, biota, hydrology and drainage, project-specific population and housing, parks and recreation, and land use when compared with the Project. This Alternative's impacts to air quality (construction and operation, geotechnical resources and soils, noise (construction and operation), public services, public utilities, traffic and cumulative population and housing would be incrementally reduced.

Finding

While the Alternative would result in fewer and lesser impacts to the environment when compared to the Project, the Alternative is infeasible because it fails to meet several of the Project objectives to the same extent as the Project. Specifically, the Alternative would fail to provide increased coastal residential opportunities with designs that emphasize coastal views, consistent with the residential build-out framework for Marina del Rey specified in the certified Local Coastal Plan, due to the thirty percent reduction in the amount of housing that would be provided in the Alternative. The Alternative would fail to provide additional needed affordable housing

in or near the Coastal Zone, in compliance with the Mello Act, as a reduction in the number of housing units would result in less affordable housing being made available than would otherwise be available as part of the Project. The Alternative also would fail to generate additional revenues to the County in to the same extent as the Project. The level of ground rent is calculated based substantially on the value of the developed Project. Due to the thirty percent reduction in the amount of housing that would be provided, this Alternative would support lower ground rents than the Project and pay less fees, thereby generating less revenue to the County. Due to the fact that the Alternative fails to meet Project objectives to the same extent as the Project, it is therefore considered infeasible.

Facts

Under this Alternative, while there would be less development on the Project site, the site design would remain the same as the Project, and, thus, the impact on visual resources would remain the same significant impact as the Project. With respect to air quality, the reduced amount of grading required to excavate the reduced parking under the Alternative would reduce air quality impacts, but not to a less than significant level. Thus, air quality impacts would remain the same—significant—for both the Project and the Alternative. Operational impacts to air quality from the Alternative would be reduced due to the fewer trips associated with the site when compared with the Project, but both would result in a less than significant impact. Development under this Alternative would include the restored wetland park that is included as part of the Project and no other impacts to biota; as a result, both would result in a less than significant impact to biota. Development of the Project site under the Alternative would require less grading than the Project due to the reduced amount of parking required under the Alternative, and, thus, impacts to geotechnical and soil resources are less than the Project and would remain, like the Project, less than significant.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative. Thus, the less than significant impacts of both

the Project and the Alternative would be similar in this regard. This Alternative would result in reduced construction noise impacts over the Project as less excavation on site would be required, resulting in less grading and less traffic and creating less noise, but would remain significant. Thus, construction noise impacts would be significant for both the Project and the Alternative. Operational noise impacts for the Alternative would be less than the operational noise impacts from the Project due to the reduced amount of development; the impacts from both the Project and the Alternative would remain less than significant. The Alternative would include less housing than the Project and would, thus, have a lesser impact on population and housing than the Project. However, the Alternative's provision of less housing would also result in the provision of less affordable housing than the Project. Impacts of both the Project and the Alternative would result in a less than significant impact to project-specific population and housing issues; however cumulative population and housing impacts would be less than the Project but still significant.

Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service, although the Alternative would have a lesser impact than the Project due to the reduced amount of development. Like the Project, however, the Alternative would have cumulative impacts to solid waste due to ongoing production of solid waste by any development on the Project site. The Alternative, like the Project, would have less than significant impacts to public services including fire protection, police protection, education, and library services, due to its reduced size when compared to the Project. The Alternative would have reduced impacts to traffic when compared to the Project, due to its reduced size. Like the Project, this Alternative's project-specific traffic impacts would be less than significant. However, traffic impacts would still be cumulatively considerable from both the Project and the Alternative, thus resulting in a significant impact. With regard to park and recreational impacts, both the Project and the Alternative would include a Public Wetland Park and both would result in a less than significant impact to Park and Recreational resources. Impacts to land use would be the same in both the Project and

the Alternative due to the same site plan and features, and the impacts of both would be less than significant.

<u>Alternative 6</u>, The "Residential Sized Building Height for Parcel 9U" Alternative

Description of Alternative

Under the "Residential Sized Building Height for Parcel 9U" Alternative, the project site would be developed as proposed in the Project on Parcels 10R and FF. The Woodfin Suite Hotel and Timeshare Resort component on Parcel 9U, however, would be modified to accommodate a 5-story, instead of a 19-story, height. This would result in changes to the Woodfin Suite Hotel and Timeshare Resort, including a reduction in the number of rooms from 288 to 75, a reduction in height from 225 feet to 55 feet, elimination of the public serving use portions of the Woodfin Suite Hotel and Timeshare Resort Project (i.e., public restaurant, ballroom/banquet rooms and meeting rooms), and a Hotel and Timeshare Resort that serves longer-term customers.

Comparison of Effects

The Alternative would result in greater impacts to land use than the Project. The Alternative would result in comparable impacts to construction air quality, biota, geotechnical resources and soils, hydrology and drainage, population and housing, and parks and recreation than the Project. The Alternative would result in fewer impacts to visual resources, operational air quality, noise (construction and operation) public services, public utilities, and traffic than the Project.

Finding

The Alternative would fail to meet many of the Project objectives. The Alternative would fail to improve coastal recreational opportunities due to the removal of public-serving uses in reduction of the Resort component, and would also fail to provide improved public pedestrian access to the waterfront due to the reduction in public-serving uses as compared with the Project. The Alternative would fail to develop a Hotel and Timeshare resort proximate to the water as additional high-value visitor serving uses in the Coastal Zone in compliance with the Coastal Act due to the vast reduction in size and uses that would be available in the Alternative when compared to

the Project. The Alternative would also fail to generate additional revenue to the County in the form of increased ground rents, fees, and tax revenues, to the extent of the Project. The level of ground rent is calculated based substantially on the value of the developed Project. Due both the reduced size and the reduced amenities that would be provided, this Alternative would support lower ground rents than the Project and pay less fees, thereby generating less revenue to the County. The reduction in hotel rooms would reduce the amount to transient occupancy tax paid to the County. The elimination of the restaurant would deprive the County of sales tax revenue. . The Alternative also fails to provide the Project benefits discussed herein. For these reasons, the Alternative is deemed to be infeasible.

Facts

Under this Alternative, while there would be less and lower-scale development on the Parcel 9U site, the site design for the Alternative would remain the same as the Project. The Parcel 9U portion of the Alternative would be lower in height and would blend better with surrounding uses of like height when compared to the Project. As a result, visual quality impacts of the Alternative would be less than those of the Project due to the reduction in height and, unlike the Project, Alternative impacts would be less than significant. With respect to construction air quality, the reduced amount of building height for Parcel 9U under the Alternative would reduce air quality impacts, but not to a less than significant level. Thus, air quality impacts would remain the same—significant—for both the Project and the Alternative. Operational air quality impacts of the Alternative would be reduced due to the fewer trips associated with the site due to reduced size when compared with the Project, but both would result in a less than significant impact. Development under this Alternative would include the restored wetland park that is included as part of the Project and would not change any impacts to biota when compared to the Project; as a result, both would result in a less than significant impact to biota. Development of the Project site under the Alternative would require less grading than the Project due to the reduced amount of parking required

under the Alternative, and, thus, impacts to geotechnical and soil resources are less than the Project but would remain, like the Project, less than significant.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative. Thus, the less than significant impacts of both the Project and the Alternative would be similar in this regard. This Alternative would result in reduced construction noise impacts over the Project as less excavation and building on site would be required, resulting in less grading and less traffic and creating less noise. Thus, the Alternative would incrementally reduce noise impacts over the Project, but both would result in a significant impact during construction. During operation, while the Alternative would be smaller and would result in less traffic noise, both the Project and the Alternative would have a less than significant impact on operational noise. The Alternative would not have any affect on population and housing impacts because no change to permanent residents would occur under the Alternative. Thus, project-specific impacts to population and housing from both the Project and the Alternative would be less than significant and cumulative impacts would be significant.

Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service, although the Alternative would have a lesser impact than the Project due to the reduced amount of development. Like the Project, however, the Alternative would have significant project-specific and cumulative impacts to solid waste due to ongoing production of solid waste by any development on the Project site. Like the Project, the Alternative would have a less than significant impact on public services including fire protection, police protection, education, and libraries, although the Alternative would have a lesser impact than the Project due to the reduced amount of development. The Alternative would have reduced impacts to traffic when compared to the Project, due to its reduced size, but both the Alternative and the Project will have less than significant impacts to traffic after mitigation. However, traffic impacts would still be cumulatively considerable from both the Project and the Alternative due to additional project

development in the area. The changes between the Project and the Alternative would not change demand on park and recreational resources due to the reduction in only the transient population, which is not expected to use park and recreational resources. Thus, with regard to park and recreational impacts, both the Project and the Alternative would include a Public Wetland Park and both would result in a less than significant impact to park and recreational resources. Project Impacts to land use would be comparable in both the Project and the Alternative due to the same site plan and features, and the impacts of both would be less than significant. Like the Project, cumulative land use impacts would be significant.

Alternative 7, The "Marine Oriented Commercial" Alternative (Parcel 9U)

Description of Alternative

Under the "Marine Oriented Commercial" Alternative, the project site would be developed as proposed in the Project on Parcels 10R and FF. The Woodfin Suite Hotel and Timeshare Resort component on Parcel 9U, however, would be replaced instead with 191,664 square feet of commercial space in up to 100 feet in height. No hotel use would occupy Parcel 9U in this Alternative. This Alternative would also include two levels of parking, one of which would be subterranean.

Comparison of Effects

The Alternative would have greater impacts with respect to operational air quality, operational noise, traffic, and land use than the Project. The Alternative would have comparable impacts to biota, hydrology and drainage, population and housing, and parks and recreation when compared to the Project. The Alternative would have fewer impacts to visual resources, construction air quality, geotechnical resources and soils, construction noise, public services, and public utilities than the Project.

Finding

The Alternative would result in more long-term significant impacts to the environment than the Project. In addition, the Alternative fails to meet a key Project objective. Specifically, the Alternative would fail to develop a Hotel and Timeshare resort proximate to the water as additional high-value visitor-serving uses in the Coastal

Zone in compliance with the Coastal Act. The Alternative also fails to provide the other Project benefits discussed herein. Thus, the Alternative is rejected as infeasible due to its inability to meet this Project objective and due to the increase in long-term impacts to traffic and air quality resulting from the Alternative's commercial use.

Facts

Under the Alternative, while the development on the Parcel 9U site would be lower in height than the Project, the site design would remain the same as the Project. However the Parcel 9U portion of the Alternative would blend better with surrounding uses. As a result, visual quality impacts of the Alternative would be less than those of the Project and, unlike the Project, would be less than significant. With respect to air quality, the reduced amount of building height for Parcel 9U under the Alternative would reduce construction air quality impacts, and the increase in subterranean parking would contribute to construction air quality impacts, so that construction air quality impacts would remain the same—significant—for both the Project and the Alternative. Operational air quality impacts of the Alternative would be increased due to the additional trips associated with the commercial users of the site when compared with the hotel and resort users of Project, so while the Project would result in a less than significant impact to operational air quality, the Alternative would result in a significant impact to operational air quality. Development under this Alternative would include the restored Public Wetland Park that is included as part of the Project and no major wildlife corridors or other biota would be harmed; as a result, both the Project and the Alternative would result in a less than significant impact to biota. Development of the Project site under the Alternative would require more grading than the Project due to the additional amount of parking required under the Alternative to accommodate commercial uses, but impacts to geotechnical and soil resources would remain, like the Project, less than significant.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative. Thus, the less than significant impacts of both

the Project and the Alternative to water quality would be similar in this regard. The Alternative would approximately the same amount of construction as the Project due to the additional excavation on site would be required to accommodate parking for the Alternative. Thus, the Alternative would result in the same construction noise impacts as the Project, resulting in a significant impact during construction. During operation, both the Project would have a less than significant impact with respect to noise, while the Alternative would have a greater impact due to the increase in traffic noise related to the Alternative, resulting in a significant impact. The Alternative would not have any effect on population and housing impacts because no change to permanent residents would occur under the Alternative and, thus, the impact of both the Project and the Alternative are less than significant.

Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service, although the Alternative would have a comparable impact to the Project. Like the Project, however, the Alternative would have cumulative impacts to solid waste due to ongoing production of solid waste by any development on the Project site. The Alternative has potential to have a slightly greater impact on public services such as fire protection, police protection, education, and library services due to the increased number of visitors. Overall, however, impacts to public services are expected to be the same with both the Alternative and the Project, resulting in a less than significant impact.

The Alternative would generate substantially more traffic. However, because all traffic impacts of the Alternative can be mitigated, the impacts of the Alternative would, like the Project, be less than significant. However, traffic impacts would still be cumulatively considerable for both the Project and the Alternative. With regard to park and recreational impacts, both the Project and the Alternative would include a Public Wetland Park and both would result in a less than significant impact to Park and Recreational resources. Impacts to land use would be the same in both the Project and the Alternative due to the fact that both the Parcel 9U portion of the Project and the

Alternative provide visitor-serving uses, and the impacts of both would be less than significant.

<u>Alternative 8</u>, The "RV Resort" Alternative (Parcels 10R, FF, and 9U)

Description of Alternative

Under the "RV Resort" Alternative, the project site would be developed as an RV Resort with potential capacity for 130 recreational vehicles. After complete demolition of the Project site, construction would commence to build amenities such as bathroom and shower facilities, reception areas, landscaping, a small area for tent camping, guest parking, and hookups for 130 RVs. No building in this Alternative would exceed one story in height.

Comparison of Effects

The Alternative would result in more impacts to biota than the Project. The Alternative would result in comparable impacts to hydrology and drainage, population and housing, parks and recreation, and land use than the Project. The Alternative would result in fewer impacts than the Project with respect to visual resources, air quality (construction and operation), geotechnical resources and soils, noise (construction and operation), public services, public utilities, and traffic.

Finding

While the Alternative would result in fewer environmental impacts than the Project, the Alternative fails to meet any of the Project objectives. Specifically, the Alternative would fail to create an integrated, self-contained recreational Marina community with contemporary on-water facilities due to its exclusive use as an RV Resort. The Alternative would fail to enhance habitat value by restoring the existing degraded wetland on Parcel 9U due to its failure to include a Public Wetland Park. The Alternative would fail to create a public park in a location that provides convenient parking and public access and expansive and higher quality views of the basin and allows integration with other public uses and amenities due to its failure to include a Public Wetland Park. The Alterative would fail to provide improved public pedestrian access to the waterfront due to the reduction in use of the site when compared to existing

conditions. The Alternative would fail to provide increased coastal residential opportunities with designs that emphasize coastal views, consistent with the residential build-out framework for Marina del Rey specified in the certified Local Coastal Plan due to the lack of permanent residential units provided at the RV Resort. The Alternative would fail to provide additional needed affordable housing in or near the Coastal Zone, in compliance with the Mello Act due to the lack of permanent residential units provided at the RV Resort. The Alternative would fail to develop an apartment project of sufficient density to support the construction of on-site replacement and inclusionary affordable units in compliance with the County's Mello Act policy due to the lack of permanent residential units provided at the RV Resort. The Alternative would fail to replace an underutilized parking lot with high quality residential development and facilitate the future relocation of public parking in another area of the Marina which will better serve the public due to the lack of permanent residential units provided at the RV Resort. The Alternative would fail to develop a Hotel and Timeshare resort proximate to the water as additional high-value visitor-serving uses in the Coastal Zone in compliance with the Coastal Act due to the lack of a Hotel and Timeshare resort as part of the Alternative. The Alternative would fail to replace existing non-ADA complaint boating facilities with new, state-of-the-art facilities due to its failure to include public boat slips. The Alternative would fail to replace existing aging housing with new, high quality housing due to the lack of permanent residential units provided at the RV Resort. The Alternative would fail to generate additional revenue to the County in the form if increased ground rents, fees, and tax revenues.. For all these reasons, this Alternative is rejected as infeasible.

Facts

Under this Alternative, there would be less development on the Project site impacting visual resources, and large viewsheds would be available due to the minimal site development on the property. Thus, visual resource impacts would be less than significant and less than with the development contemplated in the Project. With respect to construction air quality, the reduced amount of development would reduce

air quality impacts but not to a less than significant level due to the site grading required during construction. Operational air quality impacts would be reduced when compared to the Project due to the reduction in the number of trips associated with development of the site. As a result, both the Project and Alternative would have less than significant impacts to air quality. Development under this Alternative would not include the restored wetland park that is included as part of the Project; as a result, the Alternative would have greater impacts to biota than the Project, although both would result in a less than significant impact and would not have any other significant impacts on biota. Development of the Project site under this Alternative would require less grading and excavation than the Project due to the reduced amount of development under the Alternative and the lack of the need for subterranean parking, and, thus, impacts to geotechnical and soil resources are less than the Project, although impacts are less than significant for both.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur, and the inclusion of impervious site coverings, on the site as part of the Alternative. Thus, impacts of both the Project and the Alternative would be similar, and less than significant, in this regard. Construction noise related to the Alternative would continue to exceed noise standards despite the reduced amount of construction required, and as such, like the Project, will result in a significant impact with respect to construction noise. The Alternative would result in less traffic than the Project, and, like the Project, would result in a less than significant impact with respect to operational noise. The Alternative would include no housing, unlike the Project and would, thus, have a lesser impact on population and housing than the Project. However, the Alternative's provision of no housing would also result in the provision of less affordable housing than the Project. Impacts of both the Project and the Alternative would result in a less than significant impact to population and housing issues.

Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service, although

the Alternative would have a lesser impact than the Project due to the reduced amount of development and regular use. Like the Project, however, the Alternative would have cumulative impacts to solid waste due to ongoing production of solid waste by any development on the Project site. Like the Project, the Alternative would have a less than significant impact on public services (fire protection, police protection, education, and library services) due to the transient and low-intensity use of the Project site. The Alternative would have reduced impacts to traffic when compared to the Project, due to its reduced size and intensity of use, and, like the Project, would result in a less than significant impact. However, traffic impacts would still be cumulatively considerable from both the Project and the Alternative. With regard to park and recreational impacts, while the Project includes a public park, the Alternative would not, although it would contain a recreational use that would be accessible to many. As a result, the Project is considered comparable to the Alternative and both the Project and Alternative result in a less than significant impact to parks and recreation. Due to the fact that the Alternative would result in a visitor serving use like the Project, the Alternative's land use impacts are considered comparable to the impacts from the Project and both result in a less than significant impact.

Alternative 9, The "Marina Plaza" Alternative

Description of Alternative

Under the "Marina Plaza" Alternative, the Project site would instead be used for a hotel project that was previously approved for the site by the California Coastal Commission in 1981. As a result, this Alternative is based on the design and features that were approved for the Marina Plaza project. This Alternative would include a 300-guest room hotel in nine stories, not to exceed 100 feet in height, with an assortment of patron- and visitor-serving uses including restaurants, a bar, a coffee shop, banquet facilities, and meeting rooms. Parking areas and ancillary structures, not exceeding three stories, would occupy the remainder of the Parcel 9U site. The remainder of proposed uses on Parcels 10R and FF would remain as proposed in the Project, but the Public Wetland Park proposal on Parcel 9U is not included in the Alternative.

Comparison of Effects

The Alternative would result in more impacts to biota, parks and recreation, and land use than the Project. The Alternative would result in comparable impacts to operational air quality, geotechnical resources and soils, hydrology and drainage, operational noise, population and housing, public services, public utilities, and traffic when compared to the Project. The Alternative would result in fewer impacts to visual resources, construction air quality and construction noise than the Project.

Finding

The Alternative would fail to meet many of the Project objectives. The Alternative would fail to enhance habitat value by restoring the existing degraded wetland on Parcel 9U, and would fail to create a public park in a location that provides convenient parking and public access and expansive and higher quality views of the basin and allows integration with other public uses and amenities due to its failure to include a Public Wetland Park on Parcel 9U. The Alternative would fail to provide public coastal recreational opportunities and improve public pedestrian access to the waterfront to the same extent of the Project The Alternative would fail to restore and enhance the existing artificially-created wetland by creating a wetland park due to its failure to include a Public Wetland Park. For these reasons, this Alternative has been determined to be infeasible.

Facts

Under this Alternative, there would be lower height development on the Project site impacting visual resources when compared to the Project, but the development on Parcel 9U of up to 100 feet would not be in context with surrounding buildings, which would not exceed 60 feet in height. As a result, while impacts to visual resources would be reduced under this Alternative, the impacts to visual resources, like the Project, would still be significant. With respect to construction air quality, the amount of development and construction required for the Alternative would result in comparable quality impacts to the Project, a significant impact. During operation, the Alternative and Project are expected to generate comparable air quality impacts due to uses and

trips generated by the site, and both the Project and the Alternative would result in a less than significant impact. Development under the Alternative would not include the Public Wetland Park that is included as part of the Project. While no other biotic resources would be affected by either the Project or the Alternative, the implementation of the Park is considered a benefit and, as a result, the Project would be superior to the Alternative with respect to biota, although impacts of both the Project and the Alternative would be less than significant. Development of the Project site under this Alternative would require less grading than the Project due to the reduced amount of subterranean parking proposed with the Alternative, and, thus, impacts to geotechnical and soil resources are less than the Project, although both the Project and the Alternative would result in a less than significant impact.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the site as part of the Alternative. Thus, impacts of both the Project and the Alternative would be similar in this regard and less than significant. The Alternative would result in comparable construction and operational noise impacts when compared to the Project as overall site construction requirements and operational requirements would not vary considerably between the Project and the Alternative. Thus, the Alternative and Project would have the same significant and unavoidable effects with regard to construction noise and the same less than significant impact with regard to operational noise. The Alternative would include the same amount of housing as the Project and would, thus, have the same impact on population and housing as the Project. Impacts of both the Project and the Alternative would result in a less than significant impact to population and housing issues.

Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service; the Alternative would have a comparable impact than the Project due to only a slight increase in development resulting from the Alternative. Like the Project, however, the Alternative would have project-specific and cumulative impacts to solid waste due to

ongoing production of solid waste by any development on the Project site. The Alternative would have slightly increased impacts to public services including fire protection, police protection, education, and library services, but, like the Project, would remain less than significant due to the comparable size of the Project and the Alternative.

The Alternative would have comparable impacts to traffic when compared to the Project, due to the generation of a comparable number of trips when compared with the Project, resulting in a less than significant impact for both the Project and the Alternative. However, traffic impacts would still be cumulatively considerable for both the Project and the Alternative due to the increase of traffic in the area. With regard to park and recreational impacts, while the Project includes a Public Wetland Park, the Alternative would not. As a result, the Project is considered superior to the Alternative due to the improved access to park and recreational facilities that would result from the Project. Due to the fact that the Alternative would result in the same amount and type of development as the Project, the Alternative's impacts land use impacts are considered comparable to the impacts from the Project and would be, like the Project, less than significant. Like the Project, cumulative impacts under this alternative would be significant.

SECTION 5

FINDINGS REGARDING MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires that when a public agency is making the findings required by State CEQA Guidelines Section 15091(a)(1), codified as Section 21081(a) of the Public Resources Code, the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval, in order to mitigate or avoid significant effects on the environment.

The County hereby finds that the Mitigation Monitoring Program, which is attached as Exhibit A to these Findings and incorporated in the Project's Coastal Development Permit, meets the requirements of Section 21081.6 of the Public

Resources Code by providing for the implementation and monitoring of Project conditions intended to mitigate potential environmental effects.

SECTION 6

STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR identified and discussed significant effects that will occur as a result of the Project. With the implementation of the mitigation measures discussed in the Final EIR, these effects can be mitigated to levels of insignificance except for unavoidable significant Project impacts on construction air quality, construction noise, visual resources and solid waste, and unavoidable significant cumulative impacts on construction air quality, construction noise, traffic, population and housing, land use, and solid waste disposal, as identified in Section 2 of these findings. Also, there may be temporary significant Project traffic impacts if implementation of the identified mitigation measures delayed and long-term impacts if for some reason the measures cannot be implemented at all.

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

(1) The Project will increase coastal housing opportunities that meet projected needs in Marina del Rey by replacing existing, dated development with contemporary multi-family dwelling units with designs that emphasize coastal views, as called for in the Marina del Rey Specific Plan.

(2) The Project will assist in the attainment of basic County goals for the provision of affordable housing by creating coastal housing for those in need of affordable housing.

(3) The Project will restore and enhance habitat value by restoring a degraded wetland and by providing public access to the waterfront through a promenade and public boat slips.

(4) The Project will enhance existing public boat slips by making them compliant with the Americans with Disabilities Act, and therefore making the boat slips accessible to more persons wishing to take advantage of recreational uses in the Marina.

(5) During the construction of the Project, construction related employment would be created. The residential management uses and the hotel and timeshare resort uses will also create permanent employment opportunities.

(6) The Project will result in increased revenues in the form of additional ground rents for the County as the underlying landowner of the property and lessor of the property to the Applicant, as well as increased transit occupancy and sales tax receipts from the hotel and timeshare resort component of the Project.

SECTION 7

SECTION 15091 AND 15092 FINDINGS

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

a. Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid many of the significant environmental effects identified in the FEIR.

b. Some changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.

c. Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR.