

Final Environmental Impact Report
NEPTUNE MARINA APARTMENTS AND
ANCHORAGE/WOODFIN SUITE
HOTEL AND TIMESHARE
RESORT PROJECT

SCH#2007031114

County Projects

R2006-03647 (Parcel 10R),
R2006-03652 (Parcel FF),
TR067861 (Parcel 9U),
R2006-03643 (Parcel 9U) and
R2006-03644 (Basin B)



Prepared by:

IMPACT SCIENCES, INC.

234 East Colorado Blvd, Suite 205
Pasadena, California 91101

Prepared for:

County of Los Angeles
Department of Regional Planning

February 2010

Final Environmental Impact Report

**THE NEPTUNE MARINA APARTMENTS AND
ANCHORAGE/WOODFIN SUITE HOTEL AND
TIMESHARE RESORT PROJECT**

MARINA DEL REY, CALIFORNIA

STATE CLEARINGHOUSE NO. 2007031114

Parcel 10R

Project R2006-03647

RCDPT200600008

RCUPT200600289

RENT200600217

RPAT200600013

RVART200600013

Parcel FF

Project R2006-03652

RCDPT200600009

RCUPT200600290

RENT200700024

RPAT200600014

RVART200600014

Parcel 9U North

Project TR067861

RCDPT200600007

RCUPT200600288

RENT200600216

RPKPT200600020

RVART200600012

TR067861

Parcel 9U South

Project R2006-03643

RCDPT200600006

Basin Adjacent to Parcel 9U

Project R2006-03644

RPPT200602191

Prepared for:

County of Los Angeles
Department of Regional Planning
Environmental Review Division
320 West Temple Street
Los Angeles, California 90012

Prepared by:

Impact Sciences, Inc.
234 East Colorado Boulevard, Suite 205
Pasadena, California 91101

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1.0 INTRODUCTION TO THE FINAL EIR

1.1 PURPOSE

This document represents the Final Environmental Impact Report for The Neptune Marina project (County of Los Angeles Project Nos. R2006-003647-[4], R2006-003652-[4], R2006-003643-[4], R2006-003644-[4], and TR067861). It has been prepared in accordance with Section 15132 of the *California Environmental Quality Act (CEQA) Guidelines*, as amended. As required by this section, a Final EIR shall consist of the following:

- The Draft EIR or a revision of the Draft EIR
- Comments and recommendations received on the Draft EIR, either verbatim or in summary
- A list of persons, organizations, and public agencies commenting on the Draft EIR
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process
- Other information deemed necessary by the Lead Agency

The evaluation and response to public comments is an important part of the CEQA process as it allows for (1) the opportunity to review and comment on the methods of analysis contained within the Draft EIR; (2) the ability to detect any omissions which may have occurred during preparation of the Draft EIR; (3) the ability to check for accuracy of the analysis contained within the Draft EIR; (4) the ability to share expertise; and (5) the ability to discover public concerns.

1.2 PROCESS

As defined by Section 15050 of the *State CEQA Guidelines*, the County of Los Angeles is serving as “Lead Agency,” responsible for preparing both the Draft and Final EIR for this project. A Notice of Preparation (NOP) was prepared and circulated by the County of Los Angeles March 22, 2007 through April 21, 2007, for the required 30-day review period.

The Draft EIR was then prepared and circulated for a 45-day public review period as required by state law beginning September 8, 2008, and ending October 22, 2008. The County of Los Angeles Planning Commission held an initial public hearing on October 29, 2008. At the conclusion of that hearing, the Los Angeles Regional Planning Commission (RPC) 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 RPC scheduled its field trip and continued public hearing in Marina del Rey for

November 22, 2008. On November 12, 2008, however, the applicants for the above-mentioned project requested the RPC to take its November 22nd continued public hearing and field trip in Marina del Rey off its hearing calendar. This request was based on the recommendation of County staff to revise and recirculate certain sections of the Draft EIR in response to new information that was not previously analyzed, and which could have potential impacts not addressed in the original Draft EIR. The RPC honored the applicants' request in this regard and took the continued public hearing and field trip in Marina del Rey off its hearing calendar pending the County's revision and recirculation of certain Draft EIR sections. The Draft EIR sections of noise, air quality, visual quality, traffic/access, sewer service, and solid waste were revised and recirculated for a period of 45 days, from June 11, 2009, to July 27, 2009. The Regional Planning Commission then conducted a field trip to Marina del Rey to the project sites. A second public hearing was held August 12, 2009 at Burton W. Chase Park in Marina del Rey. A third hearing was held October 14, 2009 to receive responses from the applicant and the planning staff to issues and concerns raised by the Commission and members of the public. A fourth hearing was held March 10, 2010.

1.3 CONTENTS OF THE FINAL EIR

As discussed above, the primary intent of the Final EIR is to provide a forum to air and address comments pertaining to the analysis contained within the Draft EIR. Pursuant to Section 15088 of the *State CEQA Guidelines*, the County of Los Angeles, as the Lead Agency for this project, has reviewed and addressed all comments received on the Draft EIR prepared for The Neptune Marina project. Included within the Final EIR are written comments that were submitted during the required public review period and extensions approved by the Los Angeles County Regional Planning Commission. Responses to oral testimony received at the Regional Planning Commission hearings of October 29, 2008, August 12, 2009, and October 14, 2009, are also provided. These comments are included in the interest of providing a complete public record for this project.

In order to adequately address the comments provided by interested agencies and the public in an organized manner, this Final EIR has been prepared in four sections. A description of each section is as follows:

- **Section 1.0** provides a brief introduction to the Final EIR and its contents.
- **Section 2.0** provides a corrections to the environmental analysis sections of the Draft EIR.
- **Section 3.0** provides responses to written comments made by both the public agencies and interested parties. Included are each written comment received by County of Los Angeles Department of Regional Planning staff during the required public review period and extensions for both the 2008 Draft EIR and the 2009 Recirculated Draft EIR approved by the Los Angeles County Regional

Planning Commission. Following each the letter, responses are provided. Prior to the responses, this Final EIR includes an "Introduction to Response to Comments/Written Responses."

- **Section 4.0** provides responses to general oral testimony taken during the hearings before the County of Los Angeles Regional Planning Commission on October 29, 2008, August 12, 2009, and October 14, 2009.

Consistent with state law (Public Resources Code 21092.5), responses to agency comments were forwarded to each commenting agency at least 10 days prior to the last public hearing. The Final EIR is available for public review at the:

County of Los Angeles Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012
Contact: Michael Tripp

County of Los Angeles Public Library
Lloyd Taber-Marina del Rey Branch
4533 Admiralty Way
Marina del Rey, California 90292

City of Culver City
Culver City Julian Dixon Library
4975 Overland Avenue
Culver City, California 90230

City of Los Angeles
Venice-Abbott Kinney Memorial Library
501 S. Venice Boulevard
Venice, California 90291

2.0 REVISIONS TO DRAFT EIR

2.1 REVISIONS TO PROJECT DESCRIPTION

Revisions have been made to the text of the Draft EIR¹ as a result of comments received as part of the Regional Planning Commission public hearing process and/or requests from County Departments.

Text added to the Draft EIR is shown in underline format, and deleted text is shown in strikethrough. This section, in combination with the Draft EIR, Recirculated Draft EIR, and the responses to comments section herein constitutes the Final EIR. Due to the nature of the text changes that are presented below, the changes are cited individually rather than in a reproduction of the entire Draft EIR. This presentation of revisions to the Draft EIR is consistent with *California Environmental Quality Act (CEQA) Guidelines* Section 15132 detailing required Final EIR contents.

¹ With respect to sections that were revised and included in the Recirculated Draft EIR, the term “Draft EIR” as used here in Final EIR **Section 2.0** refers to the Recirculated Draft EIR.

DRAFT EIR SECTION 5.1, GEOTECHNICAL AND SOIL RESOURCES

The following text within Section 5.1 Geotechnical and Soil Resources has been revised:

5.1.4.3.3 Threshold: Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

Analysis: The Neptune Marina Parcel 10R site lies in an area of high liquefaction potential due to the fine sandy soils underlying the area, the presence of shallow groundwater and the proximity of the site to the Newport-Inglewood and Palos Verdes Faults. The potential for liquefaction at the site was investigated for a design earthquake with a PGA of 0.5 g and an associated magnitude of 7.5. Results show that under the design earthquake, zones of loose to medium dense and silty sands, occurring below depths of 5 to 15 feet and above the dense native soil deposit are liquefiable. In addition, near surface soils to a depth of about 48 feet have liquefiable layers of various thickness and cannot be used for shallow foundation support without some kind of treatment.

Consequences of liquefaction on the project site include liquefaction-induced ground subsidence and lateral spread or deformation toward the low-lying areas of the project site. Liquefaction-induced subsidence could range from ~~5 to 16~~ 1 to 7 inches at the central and eastern portions of the site. Pseudo-static analysis indicated that during the design earthquake, the factor of safety on the project site and the adjacent slope would fall below one. A pseudo-static factor of safety less than one does not imply that slope would undergo failure, but it would experience an earthquake-induced lateral deformation on the order of 1 to 2 feet. In addition, the project site could experience some subsidence (slumping) due to lateral deformations.

5.1.4.4.3 Threshold: Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

Analysis: The Neptune Marina Parcel FF site lies in an area of high liquefaction potential due to the fine sandy soils underlying the area, the presence of shallow groundwater and the proximity of the site to the Newport-Inglewood and Palos Verdes Faults. Potential for liquefaction at the site was investigated for a design earthquake with a PGA of 0.5 g and an associated magnitude of 7.5. Results show that under the design earthquake, zones of loose to medium dense and silty sands, occurring below depths of 5 to 15 feet and above the dense native soil deposit are liquefiable. In addition, near surface soils to a depth of about 48 feet have liquefiable layers of various thickness and cannot be used for shallow foundation support without some kind of treatment.

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DRAFT EIR SECTION 5.2, NOISE

The following text within Section 5.2 Noise has been revised:

5.2.5 CUMULATIVE IMPACTS**5.2.5.1 Cumulative Noise Construction Impacts**

In the event that project construction occurs concurrently with construction of other projects within the immediate area, a significant cumulative construction noise impact could occur at existing off-site noise-sensitive receptors and at on-site receptors constructed and occupied during earlier phases of development. ~~Two-Three~~ adjacent projects include the Venice Pumping Plant Dual Force Main Project² (approximately 12 months of construction); ~~and~~ The Shores Project³ (up to 28 months of construction); ~~and the Esprit II Project⁴ (up to 36 months of construction).~~ Construction of each project would require bulldozers, tractors, trucks, pavers, excavators, generators, electric saws, and other equipment associated with demolition, paving, and construction. Construction of The Shores Project ~~and the Esprit II Project~~ would require the use of pile drivers.

One alignment of the Venice Pumping Plant Dual Force Main Project would result in the construction of a portion of the force main sewer beneath Marquesas Way and Via Marina, and along the project site's northern and western boundaries. The Venice Pumping Plant Dual Force Main Project was analyzed using two types of construction methods: Open Trench Method and Micro-Tunneling Method.⁵ Construction of the proposed 3,200-foot long Marquesas Way/Via Marina Alignment would result in

² The Venice Pumping Plant Dual Force Main Project is a project proposed by the City of Los Angeles to construct a new 54-inch diameter force main sewer extending from the Venice Pumping Plant to a junction structure at the North Outfall Sewer under Vista Del Mar, approximately 240 feet south of Waterview Street in Playa Del Rey. A portion of the force main sewer will be located beneath Marquesas Way and Via Marina, adjacent to the proposed project, along its northern and western boundary, respectively.

³ The Shores Project, is situated in the western portion of the Marina del Rey small craft harbor, at the northwest corner of the intersection of Via Marina and Marquesas Way (approximately 100 feet to the west of the proposed project site). The Shores Project will provide 544 residential units and 1,114 parking spaces; as there are 202 existing apartments on the site, completion of The Shores Project will result in a net increase of 342 apartment units and 809 parking spaces.

⁴ The Esprit Project is located in and adjacent to the Marina Del Rey Small Craft Harbor and consists of 18 acres on the land-side and 17 acres on the water-side, situated on Parcels 12 and 15. Construction of Phase 1 has occurred on Parcel 12, consisting of the development of 437 multi-family dwelling units, 227 boat slips and boater facilities, 2, 000 square feet of visitor-serving commercial uses, a residential recreation area, and 969 parking space garage. Phase 2 (Esprit II) will occur on Parcel 15 and consists of the development of 585 multi-family dwelling units, 212 boat slips and boater facilities, 8,000 square feet of visitor-serving commercial uses, residential recreation area, and a 1, 271 parking space garage.

⁵ URS, Venice Pumping Plant Dual Force Main Project Draft Environmental Impact Report, City of Los Angeles, Bureau of Engineering, Department of Public Works, December 20, 2005. 5-120 - 5-121.

temporary increases in noise levels in the vicinity for a period of up to 3 weeks around each active open trench zone, and up to 2 months around tunneling, jacking and extraction shaft operations.⁶ According to the analysis of the Venice Pumping Plant Dual Force Main Project, the Marquesas Way/Via Marina construction portion would result in open-trench construction activities that would take place within approximately 25 feet of residences. The southwest corner of Marquesas Way and Via Marina is proposed as a shaft site. Residences immediately adjacent to this construction activity would experience noise levels of approximately 93 to 96 dB(A), which would exceed the County of Los Angeles standards for multi-family residential exposure to construction noise and result in a significant cumulative noise impact.⁷ However, the analysis includes mitigation measures that would help reduce this noise impact,⁸ such as adding noise-reducing features to construction equipment.

The Shores Project, located adjacent to the western boundary of the proposed project site, could also contribute to cumulative construction noise levels in the area. Construction of The Shores Project will involve the temporary use of heavy equipment, such as pile drivers, tractors (dozers), excavators, loaders, concrete mixers, and cranes. Smaller equipment, such as jackhammers, pneumatic tools, saws, and hammers will also likely be used throughout the site during demolition and construction. Based on analysis, construction activity for The Shores Project would occur as close as 50 feet from existing multi-family residences located to the east. Noise levels at these residences could reach 100 dB(A) during pile driving, which would exceed County of Los Angeles noise standards for these uses and result in a significant cumulative noise impact. The impact analysis for The Shores Project includes mitigation measures that would minimize these impacts.

The Esprit II Project, located adjacent to the northern boundary of the Parcel FF project site, could also contribute to cumulative construction noise levels in the area. Construction of the project would involve the temporary use of heavy equipment, such as tractors, loaders, pile drivers, concrete mixers, and cranes. Smaller equipment such as jackhammers, pneumatic tools, saws, and hammers would also be used throughout the site during various construction stages. Precast concrete piles will be used to support building foundations as well as the docks and anchorages, thus requiring the use of pile drivers to install them. Construction activity on Parcel 15 will occur as close as 125 feet from existing sensitive uses west of the project site along Via Marina, therefore, residents in the area could experience noise levels estimated at approximately 88.0 dB(A). Furthermore, another sensitive land use is located approximately 400 feet east of Parcel 15, where residents could experience noise levels estimated at 76.0 dB(A) during construction activities. These as well as any other locations that experience an uninterrupted line of sight

⁶ Ibid. 5-120

⁷ Ibid. 5-120.

⁸ Ibid. 5-128.

to the construction noise sources could be temporarily exposed to construction noise levels that would exceed County of Los Angeles noise standards for these uses and result in a significant cumulative noise impact. The impact analysis for the Esprit II Project includes construction mitigation measures that would minimize these impacts.

As described above the proposed project will include the temporary use of heavy equipment, such as pile drivers, tractors (dozers), excavators, loaders, concrete mixers, and cranes. Smaller equipment, such as jackhammers, pneumatic tools, saws and hammers, would also most likely be used throughout the site during demolition and construction. Temporary construction activity on the proposed project site would occur as close as 50 feet from existing residences located to the west and east. Noise levels at these residences could reach 94 dB(A) which would exceed County of Los Angeles noise standards for these uses and result in a significant project and cumulative noise impact. Construction activity on the project site would also occur as close as 125 feet from existing residences located to the west along Via Marina, resulting in temporary construction noise levels of up to 85 dB(A). Additionally, the proposed project will include the installation of a sewer line within Marquesas Way, which will also result in increased construction noise for adjacent sensitive receptors. To mitigate construction noise impacts, the proposed project is required to comply with the County of Los Angeles' Noise Control Ordinance. This EIR section also includes **Mitigation Measures 5.2-1** through **5.2-3** to reduce the impact of construction noise on adjacent sensitive receptors to the extent feasible. Despite implementation of these measures, the combined cumulative construction noise impacts of this project, the Venice Pumping Plant Dual Force Main Project, ~~and~~ the Shores Project, and the Esprit II Project would result in a significant and unavoidable cumulative construction noise impact to sensitive receptors located within the vicinity. Although the cumulative construction noise impacts would be significant and unavoidable, they would be intermittent and temporary.

5.2.5.2 Cumulative Noise from Construction Haul Routes

In the event that project construction occurs concurrently with construction of other projects within the area, a cumulative mobile source noise impact could occur at noise-sensitive receptors along roadway segments utilized as haul routes for construction trucks. Heavy trucks would be used to haul excavation materials, demolition wastes, construction wastes, and building materials. Heavy trucks would also be used to deliver construction equipment to each site once and then to pick it up once it is no longer needed. During construction, each project would establish a construction truck haul route plan in order to minimize associated increases in noise levels due to trucks entering and leaving construction sites, and travelling along and past sensitive receptors, such as residences. Construction truck traffic from the proposed project, the Venice Pumping Plant Dual Force Main Project, ~~and~~ the Shores Project and the

Esprit II Project would increase noise levels at residences located along Via Marina and Marquesas Way during construction operations.

The Open Trench Construction of the Venice Pumping Plant Dual Force Main Project would require an estimated 15 round-trip truckloads per day for excess material and supplies. Under the Micro-Tunneling Method, an estimated eight round-trip truckloads per day for excess material and supplies would be required during construction. Sensitive receptors within 50 feet of the haul route could experience temporary noise events up to 88 dB(A).

Project construction of the Esprit II Project will require the use of heavy trucks to haul equipment and materials to the site, as well as transport debris and earth excavated for construction of the subterranean parking. The haul route for the Esprit II Project extends north on Via Marina to Washington Boulevard then east on Lincoln Boulevard, and south on the Marina Freeway. All vehicles will be staged either within the property lines or at designated areas as established by a County approved haul route plan. During construction activities approximately 70 trucks on average are expected to enter and leave the site on a daily basis over the three year project buildout, but only during working hours. Sensitive uses within 50 feet of the haul route could experience temporary noise events ranging from 83.0 to 88.0 dB(A), which exceeds Los Angeles County Standards.

The haul route for the Shores Project would include Via Marina, Washington Boulevard, Lincoln Avenue and the 90 "Marina" Freeway to the Puente Hills Landfill for disposal of construction related debris and excess cut material. During demolition, up to 100 round trips per average working day are expected to haul debris from the site. An additional 64 truck trips per day would be necessary for the export of 25,940 cubic yards of earth material. Sensitive receptors within 50 feet of the haul route could experience temporary noise events up to 88 dB(A).

The proposed project has designated a haul route similar to that of the Shores Project and overlapping on Via Marina with the route proposed for the Venice Pumping Plant Dual Force Main Project. The proposed project would use Via Marina, Washington Boulevard and Lincoln Boulevard to haul export material from the proposed project site to the Puente Hills Landfill. As mentioned above, a construction traffic control plan will be developed for use during the construction phases of the proposed project to minimize potential neighborhood disruption and conflicts along the haul route. During the initial two months of demolition and excavation on Parcels 10R and 9U, as many as 284 truck trips would arrive to and leave the site daily. During the remainder of the project construction, the number of truck trips would range from 70 to 194 trips per day (Crain & Associates, January 29, 2008).

Off-site sensitive receptors along the truck routes that would have a direct line of sight to the trucks would experience temporary, instantaneous noise levels up to 88 dB(A) at 50 feet from the roadway. Receptors located further away would experience less noise due to their greater distance from the roadway and to any intervening topography and/or structures that may exist between them and the noise source. This noise impact would be temporary (during construction only) and instantaneous in nature as the trucks pass by sensitive receptors. Truck traffic noise at the receptor locations would diminish rapidly as the trucks travel away from them.

Neither the County Noise Element nor the County Noise Control Ordinance governs individual motor vehicles. These are governed by the California Vehicle Code. However, as previously discussed, noise sensitive land uses located along the haul route are primarily residential in nature. Sensitive receptors within 50 feet of the haul route could experience temporary noise events ranging from 83 to 88 dB(A) from trucks, which exceeds County standards outlined above. Therefore, a temporary significant cumulative impact would result from trucks traveling to and from the cumulative project sites along the haul route during the projected buildout of the projects, and the project's contribution would be considerable.

5.2.5.3 Cumulative Vibration Impacts

Human annoyance by vibration is related to the number and duration of events. The more events or the greater the duration, the more annoying it will be to humans. The Venice Pumping Plant Dual Force Main Project was analyzed for vibration impacts using two types of construction methods: Open Trench Method and Micro-Tunneling Method.⁹ Under the Open Trench Method, the pipeline alignment along the Marquesas Way/Via Marina Alignment would be within approximately 25 feet of adjacent residences,¹⁰ resulting in construction vibrations that would exceed the Los Angeles County vibration standard of 0.01 inches per second at a distance of 150 feet as specified in Section 12.08.560 of the County Code, which would be a significant impact.¹¹ Mitigation measures included in this project would reduce these impacts to less than significant.¹² Under the Micro-Tunneling Method, construction activities would occur within 50 to 100 feet of residences.¹³ Residences located 50 feet from active micro-tunneling

⁹ Ibid. 5-126.

¹⁰ Ibid. 5-126.

¹¹ Ibid. 5-126.

¹² Ibid. 5-126 and 5-129.

¹³ Ibid. 5-126.

work areas would experience vibration levels no greater than the vibration standards set forth in Section 12.08.560 of the County Code and less than significant.¹⁴

The primary potentially significant source of vibration associated with development of the Shores Project would be the pile drivers used during foundation construction. Lesser vibration impacts could result from the use of other heavy equipment on the parcel and the haul trucks along the haul route. Pile drivers used on the parcel and haul trucks are the pieces of construction equipment most likely to exceed Section 12.08.560 of the County Code and cause potential off-site vibration impacts. Pile drivers create a high intensity, repetitious noise that is disturbing and can result in substantial ground vibration. Usually, peak ground vibrations occur during the initial blows of the hammer and pile through the compacted soil zone. Once the compacted soil layer at the surface is penetrated, the pile typically slides more easily through the ground water saturated zone.

As shown in **Table 5.2-6, Vibration Source Levels for Construction Equipment**, pile driving can result in a maximum vibration level of 1.518 inches/second PPV at 25 feet. This level of vibration is above the perception threshold identified in Section 12.08.560 of the County Code, and is within the range for architectural damage risk, which is between 0.2 and 2.0 inches/second. Therefore, temporary groundborne vibration during pile driving for The Shores Project would exceed the threshold of perception and would have the potential to cause damage to nearby structures. Pile driving vibration impacts for The Shores Project would be significant. In addition, a loaded heavy-duty haul truck can generate a level of vibration 0.076 inches/second PPV at 25 feet, and, therefore, truck traffic vibrations would exceed the threshold of significance.

The primary vibration sources associated with the development of the Esprit II Project involves the use of pile drivers during foundation construction. Impact pile drivers are capable of producing root mean square (rms) velocity levels at 25 feet in the upper range of 0.37 inch per second, but typically produce levels of about 0.16 inch per second. Sonic pile drivers are capable of producing rms velocity levels at 25 feet in the upper range of 0.18 inch per second, but typically produce levels of about 0.04 inch per second.¹⁵ These vibration levels demonstrate that it is possible that pile driving activities could result in vibration levels above the threshold of 0.4 inch per second. The impact analysis for the Esprit II Project includes pile-driving mitigation measures that would minimize these impacts.

As discussed above, the primary source of vibration associated with development of the proposed project would be from pile drivers used during foundation construction; minor vibration impacts could also

¹⁴ Ibid. 5-126.

¹⁵ U.S. Department of Transportation, Federal Transit Administration, Transit Noise and Vibration Assessment Manual, April 1995.

result from haul trucks passing on streets adjacent to sensitive receptors. Pile driving could result in a maximum vibration level of 1.518 inches/second PPV at 25 feet. This level of vibration is above the perception threshold identified in Section 12.08.560 of the County Code, and is within the range for architectural damage risk, which is between 0.2 and 2.0 inches/second. Therefore, temporary ground-borne vibration during pile driving would exceed the threshold of perception and would have the potential to cause damage to nearby structures. Pile driving vibration impacts would be significant.

As stated previously, Section 12.08.560 of the County Code applies to any device, including motor vehicles. Therefore, truck traffic vibrations would cause a significant impact.

A loaded heavy-duty haul truck can generate a level of vibration 0.076 inches/second PPV at 25 feet. The perception of truck traffic vibration would depend upon several factors, including road condition, vehicle speed, vehicle weight, vehicle suspension system, soil type and stratification, and distance between the truck and the receptor. Perceptible truck vibration would be intermittent and instantaneous as it would have a rapid onset and a rapid decay as the truck moves toward and away from the receptor. Section 12.08.560 of the County Code applies to any device, including motor vehicles, and, therefore, truck traffic vibrations exceed the threshold of significance and a significant impact can be concluded.

If pile driving or hauling operations for the Venice Pumping Plant Dual Force Main Project ~~or~~ the Shores Project, or the Esprit II Project occur at the same time that such operations occur for the proposed project, temporary cumulative vibration impacts would occur and the proposed project's contribution would be considerable.

5.2.5.4 Cumulative Operational Noise Impacts

Cumulative operational noise impacts would primarily occur as a result of increased traffic on local roadways due to ambient growth, the proposed project, and other developments in the area as identified in **Section 5.7, Traffic/Access**, of this EIR. To evaluate potential cumulative traffic noise impacts, noise prediction modeling was conducted for selected roadway segments adjacent to noise-sensitive land uses that could be affected by project traffic. Roadway segments include Washington Boulevard east of Via Marina, Via Marina south of Admiralty Way, Admiralty Way east of Via Marina, Lincoln Boulevard north of Fiji Way, Fiji Way west of Lincoln Boulevard, Mindanao Way east of Lincoln Boulevard, Panay Way east of Via Marina, Tahiti Way east of Via Marina, Marquesas Way east of Via Marina and Palawan Way east of Via Marina. Roadway geometrics and traffic volumes segments were obtained from Crain and Associates, the preparers of the traffic study for the proposed project. The noise levels that would be generated by these traffic volumes adjacent to noise sensitive land uses within the project study area are identified in **Table 5.2-11, Predicted Cumulative Roadway Noise Levels at Noise Sensitive Locations**.

As shown, community noise level increases attributable to traffic generated by cumulative development would be less than 3 dB(A) at all locations. Therefore, significant cumulative operational noise impacts would not occur.

Cumulative composite stationary operational noise levels would primarily occur as a result of increased activities in the parking lots and operating of equipment such as air conditioner units or generators upon buildout of the proposed project, the Shores Project and the Esprit II Project. Furthermore noise associated with human voices and pets could generate an increase in cumulative composite stationary operational noise levels. Noise at on-site and off-site locations around the proposed project site and related project sites would consist of intermittent sounds associated with human activity similar to a residential use, such as people talking, doors slamming, lawn care equipment operation, stereos, etc. These sources typically generate noise levels between 52.0 and 62.0 dB(A). Such noises are typical of a residential area and are comparable to the types of noise presently experienced from existing surrounding residential uses at the proposed project site, the Venice Pumping Plant Dual Force Main Project site, the Shores Project Site, and the Esprit II Project site and in the surrounding area of the project and three related projects. Sensitive receptors are located a minimum of 50 feet from the project site, the Venice Pumping Plant Dual Force Main Project, the Shores Project and the Esprit II Project and it is expected that most of the noise generated on these project sites will have attenuated and would, therefore, not have a significant cumulative impact on these receptors.

DRAFT EIR SECTION 5.7, TRAFFIC/ACCESS

The following text within Section 5.7 Traffic/Access has been revised:

5.7.7 CUMULATIVE IMPACTS

5.7.7.1 Threshold: Would the project exceed an LOS standard established by the county congestion management agency for designated roads and highways.

Threshold: Would the traffic generated by the project, if added to existing traffic volumes, exceed the design capacity of an intersection or roadway, contribute to an unacceptable LOS, or exacerbate an existing congested condition.

Analysis:

Construction: Construction activity from other nearby projects, such as the City of Los Angeles' proposed Venice Dual Force Main Sewer upgrade project, the Esprit II project, and The Shores project could potentially may occur during the same time period that the Neptune Marina Apartments and Anchorage and Woodfin Suite Hotel and Timeshare Resort projects are 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 2010¹⁶. Construction of that portion of the Venice Dual Force Main Sewer upgrade project adjacent to the proposed project will take up to 29 weeks¹⁷. As construction of the proposed 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 Sewer upgrade project would be complete prior to commencement of construction of the proposed project. Moreover, the Esprit 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 Neptune Marina Apartments and Anchorage and Woodfin Suite Hotel and Timeshare Resort 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

¹⁶ <http://eng.lacity.org/projects/vpp/> (accessed February 23, 2010).

¹⁷ Venice Pumping Plant Dual Force Main project Final EIR, SCH 2003031001.

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 relief¹⁸. Therefore, the actual alignment of the sewer upgrade project is uncertain at this time.

Under the preferred alignment one of the three proposed alignments, 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 noted previously, as a project design feature Worksite Traffic Control (WTC) Plans will be developed and approved for the Neptune Marina Apartments and Anchorage and Woodfin Suite Hotel and Timeshare Resort projects. In the unlikely event there is concurrent construction, the WTC Plans will also coordinate with the construction activities of the Venice Dual Force Main project, the Esprit 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.

The installation of the project water lines on Via Marina extending into Parcels FF, 10R and possibly 9U will also need to occur for approximately 6–8 weeks during the project construction period. This installation will require that one lane be closed during off-peak hours along this roadway. A separate closure of a southbound Via Marina lane is also anticipated to occur for the Venice Dual Force Main Project under, if the Via Marina alignment is chosen. All lane closures would be restricted to off-peak (9:00 AM to 4:00 PM) time periods. However, as noted above concurrent construction of the Venice Dual Force Main Project and the proposed project is speculative, and the actual alignment of Venice Dual Force Main Project is uncertain. As Under a worst case scenario, these closures could overlap. However, all lanes would remain open during peak time periods (7:00–9:00 AM and 4:00–6:00 PM) and at least one travel lane in each direction would remain open at all times. The project would be required to obtain and

¹⁸ Los Angeles Superior Court BS 124959

implement a Worksite Traffic Control (WTC) Plan for work within the right-of-way, which would need to coordinate with the Venice Dual Force Main Project activities. This coordination will minimize cumulative traffic impacts ~~in the unlikely event that should~~ these two in-street construction projects occur simultaneously.

DRAFT EIR SECTION 5.8, SEWER SERVICE

The following text within Section 5.8 Sewer Service has been revised:

5.8.4 CUMULATIVE IMPACTS**5.8.4.1 Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project and Other Related Projects**

Cumulative Analysis: As shown in **Table 5.8-7**, buildout of the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project and related projects occurring within the MSMD would generate an estimated ~~642,385,683,550~~ 98,531,139,696 gpd of domestic wastewater, which does not exceed the 88 mgd currently available at the HTP. Therefore, capacity is available at the HTP under current contracts. 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.

**Table 5.8-7
Cumulative Wastewater Generation
Proposed Project and Related Projects**

Land Use	Net Units	Generation Factor¹ (gal./day/unit)	Daily Generation (gal./day)
Related Projects			
Multi-Family ²	3,435 du	150/gal/unit	515,250
Commercial	32,098 sf	800 gal/day/1000 sf	25,678
Restaurant ³	-100 seats	50 gal/seat	-5,000
Office	9,908 sf	800 gal/day/1000 sf	7,926
Subtotal:			543,854
Net Project Total:			<u>98,531,139,696</u>
Total:			<u>642,385,683,550</u>

Source: Impact Sciences, Inc., March 2005.

Note: Numbers may not total exactly due to rounding.

du = dwelling unit; sf = square feet

1 The generation factor is from the City of Los Angeles, Bureau of Sanitation letter of December 17, 2008, unless otherwise noted.

2 Includes senior care facilities, hotel and motel rooms; generation factor is an average.

3 The generation factor is from the Los Angeles County Sanitation Districts, Estimated Average Daily Flows for Various Occupancies.

DRAFT EIR SECTION 5.12, POLICE PROTECTION

The following text within Section 5.12 Police Protection has been revised:

5.12.2.3 Summer Enforcement Team~~Bicycle Patrol~~

During the summer months, from Memorial Day to Labor Day, the Marina del Rey Sheriff station staffs a full-time bicycle law enforcement team.¹⁹ The Summer Enforcement Team (SET) generally consists of six deputies and a sergeant. However, it can vary between two and six deputies depending upon budgetary restraints.~~The team is supplemented by two additional Harbor Patrol deputies who police the additional summer boating traffic with two one-man 20-foot patrol boats.~~

¹⁹ Los Angeles County Sheriff's Department, Marina del Rey station, website <http://www.lasd.org/stations/for2/mdr/aboutus.html#bike>.

DRAFT EIR SECTION 5.13, FIRE PROTECTION

The following text within Section 5.13 Fire Protection have been revised:

SUMMARY

Fire protection and emergency medical response services for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project site and the surrounding area are provided by the Los Angeles County Fire Department (County Fire Department). Fire Station 110, located at 4433 Admiralty Way in Marina del Rey, is the jurisdictional company for the Marina del Rey area. Current fire protection services are provided at a level that is considered to be adequate.

Fire service to the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project inclusive of Neptune Marina Parcel 10R, the Neptune Marina Parcel FF and Woodfin Suite Hotel and Timeshare Resort Parcel 9U components of the project would be funded through payment of property taxes and special tax revenues, but not ground lease rentals. ~~In addition, ground lease rentals, property tax, and special tax revenues would provide for the operation and staffing of the fire stations.~~ Each proposed project would be required to meet County codes and requirements relative to providing adequate fire protection services to the project site during both the construction and operational stages of the projects. Also, prior to project approval, the Fire Department must review and approve all project plans to ensure adequate access and compliance with all fire code requirements as defined in the Los Angeles County Code. As a result, the project would not diminish the staffing or the response times of the existing fire station in Marina del Rey and fire stations in the surrounding area, nor would the projects create a special fire protection requirement on the site that would result in a decline in existing service levels in the Marina del Rey area. Therefore, with payment of the required property taxes, special tax revenues, and review of site plans, the proposed Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project would not have significant project-specific or cumulatively considerable impacts on fire protection services in the Marina del Rey area.

5.13.2 EXISTING CONDITIONS**5.13.2.1 Los Angeles County Fire Department**

The County Fire Department is the commonly used name for the Consolidated Fire Protection District of Los Angeles County. The County Fire Department provides fire protection services in Marina del Rey.

The County Fire Department provides fire prevention, fire protection, and emergency medical services to more than 4.1 million people ~~who reside in unincorporated areas of Los Angeles County and in the 58 district cities that contract with the County Fire Department and all of unincorporated Los Angeles~~

County. These services are provided as outlined in the Los Angeles County Fire Code and the General Plan Safety Elements for these various cities. The County Fire Department operates ~~158-170~~ fire stations ~~in from three subregions—regional bureaus: North Region, Central Region, and East Region of unincorporated Los Angeles County.~~²⁰ Each region is under the command of a Deputy Chief, assisted by several staff members.

Units from the closest available fire station usually provide emergency response. Should a significant incident occur, the County Fire Department is able to dispatch units from any station in the entire County Fire Department system, not just the station(s) closest to the site. ~~The While the~~ County Fire Department is also party to an automatic aid agreement with the fire departments of nearby cities, including the ~~cities of Los Angeles (City) Fire Department, the Culver City, Fire Department and the Santa Monica Fire Departments,~~ not all of these agreements provide for response into the project areas. For the project area, the County Fire Department has an automatic aid agreement with the Los Angeles City Fire Department to respond one engine to a full first alarm (structure) incident. In addition, the City of Los Angeles will provide one Light Force on “second alarms” and one additional Light Force on “third alarms.” A Light Force consists of an engine company and a truck company responding as one unit. This agreement provides for routine exchange of service across jurisdictional boundaries, but only for specific incident types within limited, predefined areas. Pursuant to these agreements, in the event of a significant fire event, fire responders from the other jurisdictions may be called upon to respond to emergencies within the County Fire Department service area. Similarly, County Fire Department units may be called upon to assist fire personnel in other cities. In addition, the County Fire Department has mutual aid agreements with the Cities of Los Angeles and Santa Monica by which additional resources during major incidents, or simultaneous incidents, can be requested. Mutual aid is provided by one fire protection agency to another upon request during major emergencies, and is not intended to provide for supplemental fire protection resources on a daily basis.

5.13.2.1.2 Service Standards

County Fire department service standards are associated with the County Fire Department’s Capital Resources Plans. Adequacy of fire protection services for a given area are based on a combination of assessment factors including (1) fire-flow requirements, (2) response time from available fire service facilities, and (3) the County Fire Department’s judgment for anticipated frequency and nature of occurrences or needs in an area.

²⁰ ~~Los Angeles County Fire Department Website, <http://fire.lacounty.gov/PDFs/StatSummary.pdf>.~~

The level of service provided for areas within the fire district is determined by the County Fire Department. The County Fire Department uses response time guidelines for urban areas of 5 minutes for an engine, 8 minutes for a paramedic squad, and 10 minutes for a truck. Response times for the Stations 110 and 58 are within these guidelines, with the exception of the two-person paramedic squad at Station 58, which when needed, has historically had response times in excess of County Fire Department Standards in the marina area. It is not expected that land uses in Marina del Rey would require emergency responses from the ~~Health-Hazardous Materials unit~~Squad. Fire protection service in the project area is considered adequate for existing development/land uses.

5.13.2.2 County Fire Department Funding

The County Fire Department annually updates its five-year Capital Plan, which identifies anticipated facilities that will be needed during a five-year planning horizon. Funding for land acquisitions, facility improvements and new equipment is generated through ~~ground lease rentals in the Marina~~, property taxes and special tax revenue and in part, and where applicable, through the County Fire Department's Developer Fee Program. Developer Fee Programs do not apply to projects in Marina del Rey, and as such, improvements to fire facilities in Marina del Rey are funded through the property taxes and special tax revenues (Kolker, 2005), but not ground lease rentals.

5.13.3 Impact Analysis

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

County Fire Department Funding/Fiscal Impact: ~~As defined above, the County Fire Department annually updates its five-year Capital Plan, which identifies anticipated facilities that will be needed in Marina del Rey through a five-year planning horizon. Funding for land acquisitions, facility improvements and new equipment is generated through, ground lease rentals in the Marina, property taxes and special tax revenue and in part, and where applicable, through the County Fire Department's Developer Fee Program. Developer Fee Programs do not apply to projects in Marina del Rey, and as such, improvements to fire facilities in Marina del Rey are funded through the County's General Fund (Kolker, 2005).~~

Revenues collected through ~~ground lease rentals in the Marina and~~ normal taxes would adequately fund fire service to the proposed project. The project would be required to meet County codes and requirements relative to providing adequate fire protection services to the site during both the construction and operational stages of the project. As a result, operation of the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project would not diminish the

staffing or the response times of existing fire stations in the Marina del Rey area and would not create a special fire protection problem on the site that would result in a decline of existing services levels in Marina del Rey.

5.13.3.3.2 Neptune Marina Parcel 10R Project

County Fire Department Funding/Fiscal Impact: ~~As defined above, the County Fire Department annually updates its five-year Capital Plan, which identifies anticipated facilities that will be needed in Marina del Rey through a five-year planning horizon. Funding for land acquisitions, facility improvements and new equipment is generated through, ground lease rentals in the Marina, property taxes and special tax revenue and in part, and where applicable, through the County Fire Department's Developer Fee Program. Developer Fee Programs do not apply to projects in Marina del Rey, and as such, improvements to fire facilities in Marina del Rey are funded through the County's General Fund (Kolker, 2005).~~

Revenues collected through ~~ground lease rentals in the Marina and~~ normal taxes would adequately fund fire service to the proposed project. The project would be required to meet County codes and requirements relative to providing adequate fire protection services to the site during both the construction and operational stages of the project. As a result, operation of the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project would not diminish the staffing or the response times of existing fire stations in the Marina del Rey area and would not create a special fire protection problem on the site that would result in a decline of existing services levels in Marina del Rey.

5.13.3.3.3 Neptune Marina Parcel FF Project

County Fire Department Funding/Fiscal Impact: ~~As defined above, the County Fire Department annually updates its five-year Capital Plan, which identifies anticipated facilities that will be needed in Marina del Rey through a five-year planning horizon. Funding for land acquisitions, facility improvements and new equipment is generated through, ground lease rentals in the Marina, property taxes and special tax revenue and in part, and where applicable, through the County Fire Department's Developer Fee Program. Developer Fee Programs do not apply to projects in Marina del Rey, and as such, improvements to fire facilities in Marina del Rey are funded through the County's General Fund (Kolker, 2005).~~

Revenues collected through ~~ground lease rentals in the Marina and~~ normal taxes would adequately fund fire service to the proposed project. The project would be required to meet County codes and requirements relative to providing adequate fire protection services to the site during both the

construction and operational stages of the project. As a result, operation of the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project would not diminish the staffing or the response times of existing fire stations in the Marina del Rey area and would not create a special fire protection problem on the site that would result in a decline of existing services levels in Marina del Rey.

5.13.3.3.4 Woodfin Suite Hotel and Timeshare Resort Project

County Fire Department Funding/Fiscal Impact: ~~As defined above, the County Fire Department annually updates its five-year Capital Plan, which identifies anticipated facilities that will be needed in Marina del Rey through a five-year planning horizon. Funding for land acquisitions, facility improvements and new equipment is generated through ground lease rentals in the Marina, property taxes and special tax revenue and in part, and where applicable, through the County Fire Department's Developer Fee Program. Developer Fee Programs do not apply to projects in Marina del Rey, and as such, improvements to fire facilities in Marina del Rey are funded through the County's General Fund (Kolker, 2005).~~

Revenues collected through ~~ground lease rentals in the Marina and~~ normal taxes would adequately fund fire service to the proposed project. The project would be required to meet County codes and requirements relative to providing adequate fire protection services to the site during both the construction and operational stages of the project. As a result, operation of the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project would not diminish the staffing or the response times of existing fire stations in the Marina del Rey area and would not create a special fire protection problem on the site that would result in a decline of existing services levels in Marina del Rey.

DRAFT EIR SECTION 5.14, LIBRARY SERVICES

The following text within Section 5.14 Library Services have been revised:

5.14.3.3 Impact Analysis

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

Mitigation Measure:

5.14-1. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicant shall pay the library mitigation impact fee in effect at the time building permits for the project are issued (\$772.00 per residential unit as of July 1, 2007) for the total of all new units (526 units). Fees are paid to Los Angeles County to offset the demand for library items and building square footage generated by the proposed project.

5.14.3.3.2 Neptune Marina Parcel 10R Project

5.14-2. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicant shall pay the library mitigation impact fee in effect at the time building permits for the project are issued (\$772.00 per residential unit as of July 1, 2007) for the total of all new units (400 units on Parcel 10R). Fees are paid to Los Angeles County to offset the demand for library items and building square footage generated by the proposed project.

5.14.3.3.3 Neptune Marina Parcel FF Project

5.14-3. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicant shall pay the library mitigation impact fee in effect at the time building permits for the project are issued (\$772.00 per residential unit as of July 1, 2007) for the total of all new units (126 units on Parcel FF). Fees are paid to Los Angeles County to offset the demand for library items and building square footage generated by the proposed project.

DRAFT EIR SECTION 5.15, PARKS AND RECREATION

The following text within Section 5.15 Parks and Recreation have been revised:

5.15.2.1 Existing Facilities

The project site is situated in County of Los Angeles Park and Recreation Planning Area No. ~~2818B~~. Park Planning Area No. ~~28-18B~~ maintains five parks totaling 24.1 acres in the Marina del Rey area. These facilities include Burton W. Chace Park, Admiralty Way Park, Harold Eddington Park, Aubrey E. Austin Park; and Mother's Beach. The acreage and types of facilities available at these parks are presented in **Table 5.15-1**. The location of each of these facilities is shown in **Figure 5.15-1**.

Table 5.15-1
Parks and Recreational Facilities Located in Marina del Rey

Name	Facilities	Acreage
1. Burton W. Chace Park	Community building, picnic shelters, barbecue units, promenade path, fishing dock, benches, and lawn areas.	8.8
2. Admiralty Way Park	Bike path, self-guiding exercise facility, jogging path, benches, and lawn areas.	8.2
3. Harold Eddington Park	Benches, walkways, and lawn area.	0.4
4. Aubrey E. Austin Park	Fishing jetty, view piers, benches, promenade, and lawn areas.	0.7
5. Mother's Beach	Swimming, beach, non-motorized boating, picnic shelters, benches, and tables, bicycle rentals, volleyball (sand,) and children's play equipment.	6.0
TOTAL		24.1

Source: Julie Cook, Planner, County of Los Angeles Department of Beaches and Harbors, September 28, 1998, Impact Sciences, August 1999.

Based on 1990 census information, it has been determined that the Marina del Rey portion of Park Planning Area No. ~~28-18B~~ is deficient in parks and recreational facilities by 30.9 acres.²¹ However, the project is within the Marina del Rey Specific Plan, which contains more specific standards applicable to this area. Buildout of uses allowed by the Marina del Rey Specific Plan would create a demand for an additional 14.5 acres of parkland within the specific plan area. A total of 12.7 acres of new parkland have been identified in Section 22.46.1950 of the Los Angeles County Zoning Code. These improvements

²¹ Larry Hensley, Los Angeles County Department of Parks and Recreation, Telephone conversation, October 10, 1998.

include development of Parcel FF with a 2-acre park and improvement of Parcel P as a 10.7-acre open space area.

Parcel FF is zoned "Specific Plan" and has an Open Space land use designation. It is currently developed as an under-utilized parking lot. The Marina del Rey LUP indicates that no designated public parking areas, including but not limited to Lots OT, UR, or FF, shall be converted to uses other than public parking or public park uses. (Marina del Rey Land Use Plan, 2-8.) However, the Marina del Rey LUP also contemplates the potential conversion of the three parking lots to other uses. (Marina del Rey LUP, 2-5). In particular, Parcel FF is being contemplated for residential uses with a public park being incorporated as part of the new development. (Ibid.) There are currently no plans to develop Parcel FF as a park.

It is noted that the primary form of recreation within Marina del Rey is boating and marine related activity. The Marina del Rey Small Craft Harbor has eight separate boat basins, and the capacity for 6,100 boat-slips. In addition, the small craft harbor contains public swimming and beach areas, transient/guest boat docks and public boat ramps, a public pedestrian waterfront promenade, and a public bicycle path. Fisherman's Village is also located in Marina Del Rey, and incorporates numerous public-oriented commercial shops and restaurants, boat rental facilities, and other water-related recreational services. While these facilities do not count as developed parkland, they do serve as a source of recreational activity. The County of Los Angeles Subdivision Code defines local park space as follows:

Local park space may include, but shall not be limited to: publicly or privately owned playgrounds, riding and hiking trails, tennis, basketball or other similar game-court areas, swimming pools, putting greens, athletic fields, picnic areas, and other types of natural or scenic areas as recommended by the director of parks and recreation for passive or active recreation.²²

Although the Marina del Rey portion of Park Planning Area No. ~~28-18B~~ may be deficient in developed parkland, there are a number of other types of recreational opportunities such as the small craft harbor and related recreational uses that by definition in the Subdivision Code may be considered as parkland. Additionally, Venice Beach and other coastal recreational facilities are available within 2 miles of the project site.

²² Title 21 of the Los Angeles County Subdivision Code, 21.24.340 C.

5.15.3.3 Impact Analysis

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

Analysis: Buildout of the project would result in a net increase of 390 dwelling units on Parcels 10R and FF. **Section 5.16, Population and Housing**, of this EIR indicates a net increase in on-site population of 585 persons. Since there is a shortage of improved park and recreational facilities within Park Planning Area No. ~~2818B~~, impacts under this category would be considered significant without mitigation. 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. Applying the specific plan requirement of 3.0 acres of parkland per 1,000 persons, dedication of land totaling 1.77 acres or payment of fees to the Coastal Improvement Fund is required. With a net increase of 390 dwelling units, it is estimated that the Coastal Improvement Fund fee for the proposed project would be approximately \$234,000 (\$600.00 x 390 residential units), less any credit provided the applicant from the fee per LACC 22.46.1950.D, as described below.

5.15.3.3.2 Neptune Marina Parcel 10R Project

Analysis: Buildout of the project would result in a net increase of 264 dwelling units. **Section 5.16, Population and Housing** of this EIR indicates a net increase in on-site population of 396 persons. Since there is a shortage of improved park and recreational facilities within Park Planning Area No. ~~2818B~~, impacts under this category would be considered significant without mitigation. 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. Applying the specific plan requirement of 3.0 acres of parkland per 1,000 persons, dedication of land totaling 1.20 acres or payment of fees to the Coastal Improvement Fund is required. With a net increase of 264 dwelling units, it is estimated that the Coastal Improvement Fund fee for the proposed project would be approximately \$158,400 (\$600.00 x 264 residential units), less any credit provided the applicant from the fee per LACC 22.46.1950.D, as described below.

Mitigation Measures

As described above, in order mitigate potential significant impacts caused to park and recreational facilities within Park Planning Area No. ~~28-18B~~ in conjunction with the Parcel 10R Project component, Legacy Partners will make payment into the Coastal Improvement Fund, as directed per LACC 22.46.1970, less any credit from said fee Legacy Partners is eligible for per LACC 22.46.1950.D. As such,

impacts to parks and recreational facilities in conjunction with development of the Parcel 10R project component would be less than significant and no mitigation is required.

5.15.3.3.3 Neptune Marina Parcel FF Project

Analysis: Buildout of the Neptune Marina Apartments and Anchorage (Parcel FF) Project would result in a net increase of 126 dwelling units (all new on this parcel). **Section 5.16, Population and Housing** (subheading 5.16.3.3.1), of this EIR indicates a net increase in on-site population of 189 persons on Parcel FF. Since there is a shortage of improved park and recreational facilities within Park Planning Area No. ~~2818B~~, impacts under this category would be considered significant without mitigation. 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. Applying the specific plan requirement of 3.0 acres of parkland per 1,000 persons, dedication of land totaling 0.57 acre or payment of fees to the Coastal Improvement Fund is required. With a net increase of 126 dwelling units, it is estimated that the Coastal Improvement Fund fee for the proposed project would be approximately \$75,600 ($\600.00×126 residential units), less any credit from the fee awarded the applicant per LACC 22.46.1950.D.

DRAFT EIR SECTION 5.16, POPULATION AND HOUSING

The following text within Section 5.16 Population and Housing have been revised:

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

The applicable threshold of significance is listed below followed by analysis of the significance of any potential impacts. Mitigation measures are also identified which would reduce or avoid potential impacts.

5.16.3.3.1.1 Threshold: Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through the extension of roads or other infrastructure).

Analysis: Implementation of the Neptune Marina Project (Parcels 10R and FF) would intensify development on the project site by adding a net increase of 390 dwelling units, as well as a net increase in population of 585 persons, as shown in **Table 5.16-4, Neptune Marina Project (Parcels 10R and FF), Population and Housing Unit Statistical Summary**. It is assumed for purposes of this analysis of population and housing impacts that construction would be complete by ~~September-October 2011~~2013, and full occupancy of the residential components of the project will be complete by the year ~~2012~~2014.

On a local level, the latest SCAG forecast predicts population within Census Tract 7029.01 will increase to 11,587 persons by the year 2010 and to 13,205 persons by the year 2020. Population of this Census Tract stood at 8,334 persons in 2000. As discussed above, construction of the project would result in a net increase in on-site population estimated at approximately 585 people by the year ~~2012~~2014. The addition of project-generated residents would increase the current population of this Census Tract to 8,919 persons (18.0 percent of the projected 2000 to 2010 population increase of 3,253 persons and 36 percent of the projected 2010 to 2020 population increase of 1,618 persons). This increase is also within the predicted SCAG population projections for 2010 and 2020, and no significant impact would occur.

With regard to housing, SCAG housing forecasts predict that the number of residential dwelling units within this Census Tract will increase to 6,298 units by the year 2010, an increase of 970 dwelling units, and to 6,950 units by the year 2020. Buildout of the project would result in a net increase of 390 units by the year ~~2012~~2014. The addition of 390 dwellings to the year 2000 total of 5,328 units occurring within this Census Tract represents 40 percent of the projected 970-unit increase by 2010 and represents 60 percent of the projected 652-unit increase between 2010 and 2020. As shown, this increase is accounted for within SCAG housing projections for both 2010 and 2020, and no significant impact would occur.

5.16.3.3.2 Neptune Marina Parcel 10R Project

The applicable threshold of significance is listed below followed by analysis of the significance of any potential impacts. Mitigation measures are also identified that would reduce or avoid potential impacts.

5.16.3.3.2.1 **Threshold: Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through the extension of roads or other infrastructure).**

Analysis: Implementation of the 400-unit Neptune Marina Parcel 10R would intensify development on the project site by adding a net increase of 264 dwelling units, as well as a net increase in population of 396 persons, as shown in **Table 5.16-5, Neptune Marina Parcel 10R, Population and Housing Unit Statistical Summary**. It is assumed for purposes of this analysis of population and housing impacts that construction would be complete by ~~September 2011~~November 2013, and full occupancy of the residential components of the project will be complete by the year ~~2012~~2014.

On a local level, the latest SCAG forecast predicts population within Census Tract 7029.01 will increase to 11,587 persons by the year 2010. Population of this Census Tract stood at 8,334 persons in 2000. As discussed above, construction of the project would result in a net increase in on-site population estimated at approximately 396 people by the year ~~2010~~2014. The addition of project-generated residents would increase the current population of this Census Tract to 8,730 persons (12.2 percent of the projected 2000 to 2010 population increase of 3,253 persons). This increase is also within the predicted SCAG population projections for 2010, and no significant impact would occur.

With regard to housing, SCAG housing forecasts predict that the number of residential dwelling units within this Census Tract will increase to 6,298 units by the year 2010, an increase of 970 dwelling units. Buildout of the project would result in a net increase of 264 units by the year ~~2011~~2014. The addition of 264 dwellings to the year 2000 total of 5,328 units occurring within this Census Tract would increase the total number of units to 5,592 (27.3 percent of the projected housing increase). As shown, this increase is within predicted SCAG housing projections, and no significant impact would occur.

5.16.3.3.3 Neptune Marina Parcel FF Project

The applicable threshold of significance is listed below followed by analysis of the significance of any potential impacts. Mitigation measures are also identified that would lessen or avoid potential impacts.

5.16.3.3.1 Threshold: Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through the extension of roads or other infrastructure).

Analysis: Implementation of the Neptune Marina Parcel FF would intensify development on the project site by adding a net increase of 126 dwelling units. Using a County average of 1.5 persons per dwelling unit,²³ This increase in units would result in an increase in population of approximately 189 persons. It is assumed for purposes of this analysis that construction would be complete by ~~September~~October ~~2011~~2013, and full occupancy of the residential components of the project will be complete by the year ~~2012~~2014.

On a local level, the latest SCAG forecast predicts population within Census Tract 7029.01 will increase to 11,587 persons by the year 2010 and to 13,205 persons by the year 2020. Population of this Census Tract stood at 8,334 persons in 2000. As discussed above, construction of the project would result in a net increase in on-site population estimated at approximately 189 people by the year ~~2012~~2014. The addition of project-generated residents would increase the current population of this Census Tract to 8,523 persons (5.9 percent of the projected 2000 to 2010 population increase of 3,253 persons). This increase accounts for 11.7 percent of the projected population growth of 1,618 persons between 2010 and 2020. This increase is also within the predicted SCAG population projections for both 2010 and 2020, and no significant impact would occur.

With regard to housing, SCAG housing forecasts predict that the number of residential dwelling units within this Census Tract will increase to 6,298 units by the year 2010, an increase of 970 dwelling units. Buildout of the project would result in an increase of 126 units by the year ~~2012~~2014. The addition of 126 dwellings to the year 2000 total of 5,328 units occurring within this Census Tract would increase the total number of units to 5,454 (13.0 percent of the projected housing increase). This increase accounts for 19 percent of the projected housing growth of 652 units between 2010 and 2020. As shown, this increase is within predicted SCAG demographic projections, and no significant impact would occur.

²³ Marina del Rey Specific Plan, 1996.

3.0 RESPONSES TO WRITTEN COMMENTS

The California Environmental Quality Act (CEQA) and County of Los Angeles procedures permit the public to respond to information included in a Draft Environmental Impact Report (Draft EIR) in one of two ways. First, the public may prepare written comments. Second, the public may submit oral testimony during public hearings on a project. Section 15088 of the *State CEQA Guidelines* states that the Lead Agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare written responses. **Section 3.0, Responses to Written Comments**, and **Section 4.0, Response to Oral Testimony**, are consistent with procedures defined in the *State CEQA Guidelines*. Review of written comments and oral testimony indicates that there are comments that are common to numerous reviewers. To respond to these common concerns, an Introduction to Response to Comments has been prepared and is provided below.

3.1 RESPONSES TO COMMENTS ON THE 2008 DRAFT EIR

3.1.1 Index to Comments on the 2008 Draft EIR

As described in **Section 1.0, Introduction**, all comments on the Draft EIR provided during the September 8, 2008, to October 22, 2008, comment period, received in writing have been numbered, and the numbers assigned to each comment are indicated on the written communication and the public hearing transcript that follow. All agencies, organizations, and individuals who provided written comments on the Draft EIR are listed in **Table 3.0-1, Index to Comments on the 2008 Draft EIR**, below.

**Table 3.0-1
Index to Comments on the 2008 Draft EIR**

Letter Number	Agency/Organization/Individual – Name
SA-1	California Department of Fish and Game (Paznokas, William)
SA-2	California Department of Transportation (Caltrans) District 7, Regional Planning
SA-3	California Department of Transportation (Caltrans) Division of Aeronautics
SA-4	Department of Conservation Division of Oil, Gas and Geothermal Resources
SA-5	State Clearinghouse
LA-1	City of Los Angeles, Bureau of Sanitation
LA-2	County of Los Angeles Department of Parks and Recreation
LA-3	County of Los Angeles Fire Department, November 13, 2008
LA-4	County of Los Angeles Public Library
LA-5	County of Los Angeles Sheriff's Department
LA-6	Metropolitan Transportation Authority (Chapman, Susan)
LA-7	Metropolitan Water District
ORG-1	Coalition to Save the Marina, Inc. (Miller, Richard)
ORG-2	We ARE Marina Del Rey (Barish, David and Marino, Nancy)
I-1	Aljian, Marjorie
I-2	Barnes, Judith
I-3	Billot, Michael and Aminta
I-4	Dilek Mir
I-5	Dombchewsky, Zorianna
I-6	Godfrey, Robert and Joan
I-7	Gottlieb, Prof. Daniel Henry
I-8	Hall, Vivian M.
I-9	Mielle, Dominique, and Carrillo, Juan
I-10	Murez, Libbe
I-11	Nadlam, Sanfird
I-12	Nuechterlein, Keith
I-13	Nuechterlein, Nancy
I-14	Pak, Firooz
I-15a	Shapiro, Lynne 1
I-15b	Shapiro, Lynne 2
I-16	Sibelman, Howard
I-17	Silver, Larry
I-18	Van der Hoek, Robert
I-19	Versace, Vivienne

SA: State Agency; LA: Local Agency; ORG: Organization; I: Individual

3.1.2 Responses to Comments on the 2008 Draft EIR

Responses to written comments have been prepared and are provided on the following pages. Comments are presented first, followed by responses.

From: William Paznokas [mailto:WPaznokas@dfg.ca.gov]
 Sent: Fri 10/17/2008 3:11 PM
 To: Tripp, Michael
 Subject: Neptune marina project

Dear Mr. Tripp:

The Department of Fish and Game (Department) has reviewed the Draft Environmental Impact Report (DEIR) for the project (Project) proposed by the Los Angeles County Department of Regional Planning. The Project would involve, 1) demolishing an existing 136 unit apartment complex and construction of a 400 unit complex with an adjacent pedestrian waterfront promenade and a new 174 anchorage within the Marina del Rey basin B replacing an old 194 slip anchorage, 2) Construction of a 126 unit apartment complex on an adjacent vacant parking area with adjacent pedestrian waterfront promenade, 3) Construction of a 19 story, 225 foot high, hotel and resort with a six level parking garage structure, 4) Construction of a 1.46 acre public wetland and upland park, and 5) Construction of a public boat anchorage that would be situated proximal to the new hotel within the Marina del Rey basin B. This public anchorage would contain approximately 2,923 square feet of dock area.

1

As trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. In this capacity, the Department administers the California Endangered Species Act, the Native Plant Protection Act, and other provisions of the California Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction the Department has the following comments and concerns regarding the project.

2

1. The DEIR, in the biota section, gives a brief and inadequate discussion of existing eelgrass and eelgrass habitat. The DEIR indicates that eelgrass is not present in basin B of the project area; however, there is not a cited survey or data associated with this statement. The DEIR also indicates that the sediment, light, and water conditions appear to be conducive to development of an eelgrass community and that eelgrass growth has been documented in nearby basins in the past. The Department recommends that a new pre-construction eelgrass survey be conducted in basin B in the areas where shading from over water dock structures or from the proposed housing units may shade eelgrass or eelgrass habitat. The final EIR should indicate that appropriate and timely eelgrass surveys will be conducted. Any impacts or loss of eelgrass will require mitigation.

3

2. The DEIR does not contain sufficient information for the Department to determine impacts to eelgrass, fish, invertebrate habitat and marine bird foraging habitat due to shading, water column loss and loss of soft bottom habitat. The Department recommends that the final EIR include a more comprehensive discussion of the impacts to biological resources due to shading of marina waters, open water column loss and soft bottom loss from the proposed anchorage structures, fill, public promenade etc. The discussion should include a calculation of the total square footage of permanently and temporarily shaded areas of marina waters. The discussions should also include a calculation of the area of soft bottom losses from installation of structures, rip rap or other fill. The final EIR should include an impact analysis for significant adverse impacts along with appropriate mitigation, avoidance and minimization measures. A table summary accounting for net losses and gains of natural habitats should be included in the final EIR.

4

3. The DEIR is not clear regarding the extent of loss of bay bottom habitat as a result of bulk heading or realignment of riprap. Any such activities that are not maintained within the footprint of the existing riprap would be considered "fill." Reconfiguring components of the marina (e.g., relocating an arm of the existing harbor, moving the boat launch ramp) and installing structures, such as pilings, would also result in fill. The placement of any structures that reduce or eliminate bay habitat should be minimized to the fullest extent possible. Filling of marine waters has significant adverse impacts upon the marine environment that should be described in the final EIR. These impacts require compensation in the form of habitat replacement, restoration, and improvement.

5

4. The Department concurs with the DEIR that potential cumulative impacts could potentially affect marine resources including benthic invertebrate community, fish and bird species such as the California and federally endangered California brown pelican, *Pelecanus occidentalis californicus*, and California least tern, *Sterna antillarum*, that forage in various portions of Marina del Rey. The Department believes that the final EIR should include additional information to justify that cumulative impacts to these species are not considered significant. cts.

6

The Department appreciates the opportunity to review and comment on the DEIR. As always, Department personnel are available to discuss our concerns, comments, and recommendations in greater detail. If you have questions regarding marine issues, please contact Ms. Loni Adams, Environmental Scientist, at (858) 627-3985. All biological surveys should be forwarded to Loni Adams at ladams@dfg.ca.gov.

7

Letter SA-1: California Department of Fish and Game, William Paznokas, October 17, 2008 (SA-1)

Response to Comment SA-1-1

This comment does not address the adequacy or completeness of the Draft EIR, and no response is necessary.

Response to Comment SA-1-2

This comment does not address the adequacy or completeness of the Draft EIR, and no response is necessary.

Response to Comment SA-1-3

Please see Draft EIR Subsection 5.5.3.3.3 for a discussion regarding existing eelgrass habitat at the project site. The survey for eelgrass (*Zostera marina*) at Basin B was documented in the *Supplemental Marine Biological Impact Assessment, Neptune Marina Development Project*, prepared by Coastal Resources Management, Inc. (CRM) in 2007. According to this report, focused site-specific eelgrass surveys were conducted by CRM in October 2006 along the extreme inward seawall of Basin B in the immediate vicinity of the proposed public dock and pumping station seaward of Parcel 9U. Historically, there have been no records of eelgrass (*Zostera marina*) growing within Marina del Rey Harbor, and no eelgrass was found during these surveys.

Ditchgrass (*Ruppia maritima*) is an uncommon form of sea grass in Southern California found in quiet water habitats. It also serves as an important habitat for larval and fishes that use the seagrass for cover and protective purposes. It has only been reported within Basin D (Mother's Beach) and has occurred irregularly since 1979.

Pre-construction surveys to determine if the invasive algae *Caulerpa taxifolia* is present and using standard agency-approved protocols of National Marine Fisheries Service/California Department of Fish and Game will be required by the Coastal Commission prior to waterside construction of the project. The species will be eradicated if found to be present. During the pre-construction surveys, any presence of eelgrass or ditchgrass will be noted and the agencies above notified, as required of National Marine Fisheries Service/California Department of Fish and Game Certified Field Surveyors.

Response to Comment SA-1-4

Please see Draft EIR Subsection 5.5.3.3.3 Marine Biological Resources for analysis potential impacts to the marine habitat and organisms (infauna, epibiota, and ichthyofauna). Please see discussion of the shade and shadow analysis in Section 5.6, Visual Quality, Subsection 5.6.3.3.1.4, of the Recirculated Draft EIR. It

is acknowledged that the Woodfin Suite Hotel and Timeshare Resort would cast shadows on small portions of the western portion of Marina del Rey Basin B in the afternoon only.

Shading from landside developments on the project site will result in a temporary, adverse late-morning to mid-afternoon shading of plants and invertebrates, including plankton and attached macroalgae, within portions of Basin B and Basin C. The shading effect is transient for any one area within the shadow zone for a short period each day, and primarily during the least productive time of year. Therefore, the shading effect of the proposed landside structures on marine habitat and biological productivity is not considered a significant biological impact. Seagrass (eelgrass or ditchgrass) does not grow within Basin B and will not be affected by any shading effects from the proposed buildings. No listed species of wildlife would be affected by shading effects associated with the project development. Moreover, the shadow patterns would differ and fall on different portions at different times of the year. Therefore, no areas would be permanently shaded by the proposed structures.

Short-term effects on water quality and biology related to the demolition and subsequent construction of the Legacy Marina replacement boat anchorage include the following; sediment resuspension in the immediate demolition and construction zone; temporary degradation in water quality and increased turbidity resulting from pile removal and pile emplacement activity; mortality of benthic invertebrates in the immediate area of piling and of algae and invertebrates attached to the pilings and docks during the removal process; movement of fishes out of the immediate demolition and construction zone due to increased turbidity and potential increases of underwater noise; attraction of fishes to the general project vicinity to forage on algae and invertebrates dislodged from the docks and pilings as they are removed, and temporary reduction of seabird foraging habitat in the immediate demolition and construction area. These impacts are not considered significant because the Army Corps of Engineers, the California Department of Fish and Game, the Regional Water Quality Control Board, and the California Coastal Commission will each impose permit conditions designed to minimize water quality impacts as they effect the marine environment.

In order to lessen sedimentation impacts, Mitigation Measure 5.5-1 will require that siltation collar be secured 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. Additionally, sedimentation collars would be used similar to silt screens as a means of controlling or reducing turbidity in the vicinity of the construction zone. The collars would be 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 would be 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. Mortality to marine

life may result from short-term burial of the soft bottom. This is not considered a significant impact because there are no sensitive marine resources in the project construction vicinity. With this mitigation measure, impacts to the marine habitat would be less than significant.

The comment requested a summary table of the net losses and gains of natural habitats. This table is not needed because there would be almost no net loss or gain of natural habitats since the limited wetland habitat on Parcel 9U would be replaced with the wetland park and the Parcel 10R boat anchorage will be replaced with a new anchorage of comparable size and area. The one exception is the new public-serving anchorage in Basin B, adjacent to Parcel 9U. In this case, there would be a minor impact for the installation of the new pilings and the shading from the new dock.

Response to Comment SA-1-5

Impact 5.5.4.3.1.1 evaluates the impacts related to in-water construction activities. The piling activities do not include bulk heading or riprap realignment. The excerpt from the section below explains the impacts of piling activities to marine infauna, which include bay bottom habitat:

Potentially significant impacts to the existing water quality and the associated marine infauna could result from the re-suspension of sediments associated with the removal of the existing pilings and placement of the new pilings for up to 185 new boat spaces (174 boat spaces adjacent to Parcel 10R and between 7 and 11 public-serving spaces adjacent to Parcel 9U). 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 (see Draft EIR Section 3.0, Project Description) would reduce the potential impacts to a less than significant level and limit the extent of the turbidity. The use of a debris boom during removal and replacement of the new dock facilities would 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.

Impacts to the marine habitat and infauna would be less than significant.

Response to Comment SA-1-6

Potential cumulative impacts could potentially affect marine resources and those terrestrial species that use marine environments such as the Endangered California brown pelican and California least tern that forage in various portions of Marina del Rey. Project related impacts on these species are described in Subsection 5.5.4.3.1.1 of Section 5.5 Biota of the 2008 Draft EIR. Because these species forage over a large area, and available forage areas occur near the site and in the region, cumulative impacts are not considered significant, and the project's contribution are not cumulatively considerable, as only one of the related projects proposes development within the marine environment. None of the related projects are expected to temporarily reduce the foraging area of the California least tern or the California brown pelican. Each individual project is subject to its own environmental review and would be conditioned to mitigate impacts. In this manner, cumulative impacts are reduced to less than significant levels.

Response to Comment SA-1-7

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary.

DEPARTMENT OF TRANSPORTATION
 DISTRICT 7, REGIONAL PLANNING
 IGR/CEQA BRANCH
 100 SOUTH MAIN STREET
 LOS ANGELES, CA 90012-3606
 PHONE (213) 897-3747
 FAX (213) 897-1337



*Flex your power!
 Be energy efficient!*

Mr. Michael Tripp
 Los Angeles County Department of Regional Planning
 320 West Temple St.
 Los Angeles, CA. 90012

Re: Notice of Completion of DEIR
*Neptune Marina Apartments/
 Woodfin Suites Marina Del Rey*
 IGR/CEQA 080920NY, Previous 061222/EA
 Vic. LA / 90 / PM 1.72, LA / 405 / PM 25.93

September 29, 2008

Dear Mr. Tripp:

Thank you for including the California Department of Transportation (Caltrans) in the review of the traffic impact analysis prepared for Neptune Marina Apartments / Woodfin Suites development project. The development proposal consists of a total of 526 apartments, a 288-room hotel, 174 new boat slips, an approximately 1.5-acre public wetland park, and related parking which may to approximately 1000 spaces.

1

We reviewed and commented on the traffic study prepared for the above referenced development proposal back in February 21, 2007. Please see attached document for details.

2

The recent Notice of Completion of the Draft EIR mailed to Caltrans did not address our previous comments. Our previous comments still apply. We request that our comments regarding potential traffic impacts to State facilities be addressed before finalizing the Environmental Impact Report.

3

We are available to meet with you to resolve our traffic impact concerns if there is a need again. To schedule the meeting at your earlier convenience, you may call coordinator Nerses Yerjanian at (213) 897 - 6536 or myself at (213) 897-6696. Please refer to our record number 080920/NY.

4

Sincerely,

Elmer Alvarez
 IGR/CEQA Program Manager
 Caltrans, District 7



"Caltrans improves mobility across California"

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, OFFICE OF REGIONAL PLANNING
AND PUBLIC TRANSPORTATION
IGR/CEQA BRANCH
100 SOUTH MAIN STREET
LOS ANGELES, CA 90012
PHONE (213) 897-3747
FAX (213) 897-1337



*Flex your power!
Be energy efficient!*

February 21, 2007

Mr. James H. Chon
Los Angeles County Department of Public Works
Traffic and Lighting Division
1000 S. Fremont Avenue, Bldg. A-9E, 4th Floor
Alhambra, CA 91803-1331

Re: **Legacy Partners/Woodfin Suites**
Marina Del Rey – Traffic Study
IGR/CEQA 061222/EA,
Vic. LA / 90 /PM 1.72, LA / 405 /PM 25.93

Dear Mr. Chon:

Thank you for including the California Department of Transportation (Caltrans) in the review of the traffic impact analysis prepared for Legacy Partners/Woodfin Suites development project. The development proposal consists of a total of 526 apartments, a 288-room hotel, 174 new boat slips, an approximately 1.5-acre public wetland park, and related parking which may to approximately 1000 spaces.

We have reviewed the traffic study prepared by Crain & Associates under the direction and supervision of County of Los Angeles Department of Transportation. We request to meet with lead agency representatives (County of Los Angeles) and traffic consultants to discuss various items of concern, which include the following:

- Critical Movement Analysis (CMA) vs. Highway Capacity Manual (HCM)
The traffic study prepared used CMA to compute level of service not HCM methodology accepted by Caltrans.
- Additional significant traffic impacts
Contrary to the in traffic analysis prepared, our analysis indicates that significant traffic impacts would occur on state highway facilities due to the proposed development generated traffic at the following intersections:

Lincoln Boulevard and Washington Boulevard
Lincoln Boulevard and Mindanao Way
Lincoln Boulevard and Fiji Way
Marina Expressway (SR-90) and Mindanao Way

"Caltrans improves mobility across California."

- Existing Level of Service discrepancies at six intersection on Lincoln Boulevard and Marina Expressway (State Route 90)

At Lincoln Boulevard and Fiji Way, the existing LOS shown is "A", Caltrans' review determined that should LOS "F"

8

- Trip generation discrepancies

	Crain & Associates	Caltrans (ITE Manual 6 th Edition)
ADT	3104	5212
AM Peak Hour	253	248
PM Peak Hour	228	258

9

- No Short-term (2010) improvements are proposed on State facilities.

We recommend the following short-term mitigation improvements: (a) Installation of Adaptive Signal Traffic Control System (ASTCS) at intersections 8, 11, and 12. (b) At intersections 17, it is recommended to widen Mindanao Eastbound approach for additional exclusive right-turn lane to provide two through lanes, and two right-turn lanes. To widen Mindanao Way Westbound approach for additional exclusive left-turn lane, to provide two through lanes and two left-turn lanes.

10

We look forward to meeting with you to resolve our traffic impact concerns. To schedule the meeting, you may call me at (213) 897 – 3747 at your earliest convenience. Please refer to our record number 061222/EA.

Sincerely,

Original Signed by:

CHERYL J. POWELL
IGR/CEQA Program Manager
Caltrans, District 7

"Caltrans improves mobility across California"

**Letter SA-2: California Department of Transportation (Caltrans) District 7, IGR/CEQA Branch
September 29, 2008 (SA-2)**

Response to Comment SA-2-1

This comment does not address the adequacy or completeness of the Draft EIR, and no response is necessary.

Response to Comment SA-2-2

Responses to comments submitted on February 21, 2007, are acknowledged and responses to those are provided below.

Response to Comment SA-2-3

Please see **Responses to Comments SA-2-5 through SA-2-10** below

Response to Comment SA-2-4

This comment does not address the adequacy or completeness of the Draft EIR, and no response is necessary.

Response to Comment SA-2-5

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary. Representatives of the County and the applicants' traffic consultant met with Caltrans in 2007.

Response to Comment SA-2-6

The traffic study was prepared for the County of Los Angeles, the lead agency under the California Environmental Quality Act (CEQA) for the proposed project. As lead agency, the County alone has the legal authority to determine the scope and methodology of the analysis, thresholds of significance, etc. As such, the traffic study utilized the procedures specified by the County for studies of development projects involving land-use designation changes within the County's jurisdiction. No project within California Department of Transportation (Caltrans) jurisdiction is the subject of this study. Therefore, County standards (including standards for determining levels of service at all study intersections), rather than Caltrans' standards, were appropriately followed for this study.

Also note that the Highway Capacity Manual (HCM) calculations conducted by the commenter contain overly conservative assumptions, which overstate congestion at intersections and potential project impacts. For example, the arrival type is listed as 3 (random arrivals) when the area is already heavily signalized and includes as part of the City's Automated Traffic Surveillance and Control (ATSAC)/Adaptive Traffic Control System (ATCS) signal system, which helps synchronize arrivals. The

Critical Movement Analysis (CMA) results are consistent with results from other area studies and correctly reflect that the intersection of Washington Boulevard and Lincoln Boulevard (State Route [SR]-1) is the primary constraint on the amount of traffic that travels through this portion of the SR-1 corridor.

Response to Comment SA-2-7

Under the methodology used by the County as lead agency, project traffic will not significantly impact the four intersections set forth in the comment. However, each of these intersections would be significantly impacted by traffic from the project together with cumulative development. Mitigation Measures are identified to reduce these impacts to less than significant. However, the EIR conservatively concludes that significant impacts will remain at all four intersections. Please see **Responses to Comments SA-2-4, SA-2-5, and SA-2-6** for further responses to the adequacy of the traffic study.

Therefore, contrary to the comment, the traffic impacts were adequately analyzed.

Response to Comment SA-2-8

Please see **Responses to Comment SA-2-5** through **SA-2-7**, above. The County acknowledges the discrepancies in Level of Service calculation; however, the CMA used for the traffic study is the preferred method of these calculations.

Response to Comment SA-2-9

The study utilizes the procedures required by the County of Los Angeles for the Marina del Rey area, which are consistent with the Institute of Transportation Engineers (ITE) recommendations. ITE published the manual "Trip Generation Handbook" in 1998 as a guide for using the 6th Edition of "Trip Generation." On page 7, that manual recommends, "If available, properly collected and validated local rates should be considered in addition to the national database." Also, on page 115, this manual states, "The data contained in Trip Generation are, by definition, from single use developments where virtually all access is by private automobile and all parking is accommodated on site. An analyst may desire to account for the potential effects of transportation demand management (TDM) programs, of transit availability, and of small-area development patterns on site-specific trip generation rate." Thus, the County's use of a specific set of rates based on trip data collected from actual land uses in the Marina del Rey area is consistent with ITE recommendations.

Please see also **Responses to Comments SA-2-5** through **SA-2-7**, above. As Table 9 of the traffic study is accurate based on applicable methodologies and standards, no revision to this table is considered necessary or appropriate. As shown in Table 9 of the report, significant project traffic impacts are not anticipated to occur on State facilities. Therefore, the study recommends only cumulative mitigation measures to State facilities. The project will make fair share payments toward implementation of these

measures. The timing of the implementation of these measures has not been determined, but would depend in large part upon the rate at which trip fees are collected.

Response to Comment SA-2-10

Please see also **Responses to Comments SA-2-5 through SA-2-7 above**. As Table 9 of the traffic study is accurate based on applicable methodologies and standards, no revision to this table is considered necessary or appropriate. As shown in Table 9 of the report, significant project-specific traffic impacts are not anticipated to occur on State facilities. Therefore, the study recommends only cumulative mitigation measures to State facilities. The project will make fair share payments toward implementation of these measures. The timing of the implementation of these measures has not been determined, but would depend in large part upon the rate at which trip fees are collected.

Please note that the referenced intersections already are operated by the City of Los Angeles, Department of Transportation as part of their ATCS. This system has more extensive connectivity to other area signals. Switching to a Caltrans operated system would be unlikely to improve traffic flows and only including Lincoln Boulevard signals in a system may actually reduce the level of area signal coordination.

The mitigation measure recommended by the commenter at Intersection 17 would require added right-of-way to be acquired. As the applicant does not have control over this right of way, the recommended measure is infeasible. Instead, the EIR recommends an alternative cumulative mitigation measure that installs a free right-turn lane on eastbound Mindanao Way (with an appropriate receiving and merge area on the eastbound SR-90 Expressway). This measure would not require the acquisition of additional right-of-way.

The project would be required to contribute its fair share to this improvement measure.

DEPARTMENT OF TRANSPORTATION
 DIVISION OF AERONAUTICS – M.S.#40
 1120 N STREET
 P. O. BOX 942873
 SACRAMENTO, CA 94273-0001
 PHONE (916) 654-4959
 FAX (916) 653-9531
 TTY 711



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October 14, 2008

Mr. Michael Tripp
 Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, CA 90012

Dear Mr. Tripp:

County of Los Angeles's Draft Environmental Impact Report for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel Timeshare Resort; SCH# 2007031114

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports.

1

The proposal includes a 19-story building approximately 11,700 feet northwest of the Los Angeles International Airport.

Public Utilities Code Section 21659 prohibits structural hazards near airports. Since one of the proposed structures exceeds 200 feet in height, a Notice of Proposed Construction or Alteration (Form 7460-1) will be required by the Federal Aviation Administration (FAA) in accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace." Form 7460-1 is available on-line at <http://oeaaa.faa.gov/oeaaa/external/portal.jsp> and should be submitted electronically to the FAA.

2

Figure 3.0-2 of the Draft Environmental Impact Report depicts a heliport. The heliport may require the issuance of a State heliport permit by the Division in accordance with Public Utility Code (PUC) Section 21663. Heliports that are required by building code as an Emergency Use Facility (i.e. to be used only for emergency medical or evacuation purposes), however, are exempt from the State's heliport permit requirements. The California Code of Regulations, Section 3527 defines an Emergency Use Facility to be, "An area for accommodating helicopters in support of emergency public safety operations, but is not used as a heliport for any other purpose."

3

If a State heliport permit is required, please advise the applicant to contact the Division's Aviation Safety Officer for Los Angeles County, Jeff Brown, at (916) 654-4565, for assistance with the State permit requirements. Information regarding the State heliport permit process is available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/heliportpermit.html>. We will require, at a minimum, verification from Los Angeles County Airport Land Use Commission (ALUC) that they have considered the proposed heliport. Additionally, the FAA will require the filing of a Notice of Landing Area Proposal (Form 7480-1). A copy of the form is available on the FAA website at <http://www.faa.gov/ARP/ane/forms/7480-1.pdf>.

"Caltrans improves mobility across California"

Prior to issuing a State heliport permit, the Division, as responsible agency, must be assured that the proposal is in full compliance with CEQA. The issues of primary concern to us include heliport-related noise and safety impacts on the surrounding community. To ensure that the community will not be adversely impacted by helicopter operations, flight paths should avoid noise-sensitive and people intensive uses. Environmental documentation should include the anticipated number of operations, daytime and/or nighttime use, a noise study with heliport noise contours, diagrams showing the proposed landing site and the approach/departure flight paths. The diagrams should also depict the proximity of the proposed flight paths to any existing or proposed noise sensitive or people intensive uses. Consideration given to the issue of compatible land uses in the vicinity of a heliport should help to relieve future conflicts between the heliport and its neighbors.

4

These comments reflect the areas of concern to the Division with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our Caltrans District 7 office concerning surface transportation issues.

5

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-5314.

Sincerely,



SANDY HESNARD
Aviation Environmental Specialist

c: State Clearinghouse, LAWA

"Caltrans improves mobility across California"

Letter SA-3: Department of Transportation, Division of Aeronautics October 14, 2008 (SA-3)

Response to Comment SA-3-1

This comment does not address the adequacy or completeness of the Draft EIR, and no response is necessary.

Response to Comment SA-3-2

The project applicant for the Woodfin Hotel and Timeshare Resort would be required to comply with the Public Utilities Code Section 21659 and would submit a Form 7460-1 Notice of Proposed Construction or Alteration in accordance with Federal Aviation Administration Regulations. Marina del Rey is located outside of the airport influence area for Los Angeles International Airport (LAX), therefore, no airport land use commission review is required.

Response to Comment SA-3-3

As part of the Recirculated Draft EIR, the text in Section 3.0, Project Description, was revised to clarify that the rooftop helistop would be for emergencies, consistent with County Code requirement (Fire Code 1107.9). Thus the helistop would be exempt from the State's heliport permit requirements, as the comment suggests. There is no heliport proposed with this project.

Response to Comment SA-3-4

As stated above, the proposed rooftop helistop would be for emergency use only and would be exempt from the State heliport permit. The use of the helistop will be in compliance with the Public Utilities Code Section 21659 and would submit a Form 7460-1 Notice of Proposed Construction or Alteration in accordance with Federal Aviation Administration Regulations. Noise associated with the use of the helistop would be temporary and infrequent

Response to Comment SA-3-5

Please see **Responses to Comments SA-3-2 through SA-3-4**, above.

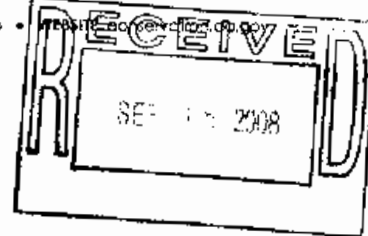


DEPARTMENT OF CONSERVATION

DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES

801 K STREET • MS 20 20 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 445-9686 • FAX 916 / 393-0424 • TDD 916 / 324-2555 • www.dcr.ca.gov



September 11, 2008

Mr. Michael Tripp
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, California 90012

Subject: Draft Environmental Impact Report for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project, SCH# 2007031114

Dear Mr. Tripp:

The Department of Conservation's (Department) Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced project. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California.

The proposed project is located within the administrative boundaries of the Playa Del Rey oil field. There are two plugged and abandoned wells within or in proximity to the project boundaries. The wells are identified on Division map 120 and in Division records. The Division recommends that all wells within or in close proximity to project boundaries be accurately plotted on future project maps.

Building over or in the proximity of idle or plugged and abandoned wells should be avoided if at all possible. If this is not possible, it may be necessary to plug or re-plug wells to current Division specifications. Also, the State Oil and Gas Supervisor is authorized to order the reabandonment of previously plugged and abandoned wells when construction over or in the proximity of wells could result in a hazard (Section 3208.1 of the Public Resources Code). If abandonment or reabandonment is necessary, the cost of operations is the responsibility of the owner of the property upon which the structure will be located. Finally, if construction over an abandoned well is unavoidable an adequate gas venting system should be placed over the well.

Furthermore, if any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

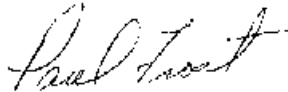
Mr. Michael Tripp, Los Angeles County – Department of Regional Planning
September 11, 2008
Page 2

To ensure proper review of building projects, the Division has published an informational packet entitled, "Construction Project Site Review and Well Abandonment Procedure" that outlines the information a project developer must submit to the Division for review. Developers should contact the Division Cypress district office for a copy of the site-review packet. The local planning department should verify that final building plans have undergone Division review prior to the start of construction.

4

Thank you for the opportunity to comment on the Draft Environmental Impact Report. If you have questions on our comments, or require technical assistance or information, please call me at the Cypress district office: 5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731; phone (714) 816-6847.

Sincerely,



Paul Frost
Associate Oil & Gas Engineer
Division of Oil, Gas and Geothermal Resources
District 1

cc: State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Linda Campion – Headquarters
Sacramento

**Letter SA-4: Department of Conservation, Division of Oil, Gas and Geothermal Resources
September 11, 2008 (SA-4)**

Response to Comment SA-4-1

This comment does not address the adequacy or completeness of the Draft EIR, and no response is necessary.

Response to Comment SA-4-2

Section 5.1, Geotechnical and Soil Resources, in the Draft EIR documents the historical use of the Playa Vista land as an active oil field and notes that there are abandoned oil wells near the project site. Implementation of Mitigation Measure 5.1-14 would reduce impacts related to health risks related to methane gas due to the presence of abandoned wells to less than significance. Soil gas testing conducted on Parcels 10U and FF in March 2008 by Carlin Environmental Consulting, Inc., revealed only trace samples of methane gas. A May 2008 geophysical investigation performed by Subsurface Surveys and Associates confirmed the presence of an oil well at the western property boundary of Parcel 9U. This well is the likely source for the elevated methane readings.

Response to Comment SA-4-3

Implementation of Mitigation Measure 5.1-14 provides that construction of buildings or structures adjacent to or within 200 feet of active, abandoned, or idle oil or gas well(s) shall be provided with a methane gas protection system. In addition, the mitigation measure required implementation of recommendations in Methane Specialist reports and other reports pertaining to soil gas safety. With implementation of this mitigation measure, it would not be necessary to plug or re-plug wells on the project site. In the event that plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading of the project, the project proponent will contact the Department of Conservation as is required by state law.

Response to Comment SA-4-4

The project construction contractor will contact the local district office in Cypress of the Department of Conservation for review of the final building plans prior to the start of construction.



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

October 21, 2008

Michael Tripp
Los Angeles County Department of Regional Planning
320 W. Temple Street, Room 1348
Los Angeles, CA 90012

Subject: The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort
Project
SCH#: 2007031114

Dear Michael Tripp:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 20, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

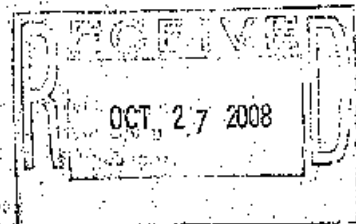
Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures

cc: Resources Agency



1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044

(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report State Clearinghouse Data Base

SCH# 2007031114
Project Title The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project
Lead Agency Los Angeles County

Type	EIR Draft EIR
Description	Proposed project is the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel Timeshare Resort Project on Parcels 10R, FF, and 9U as well as adjacent Marina Basins. The proposed project consists of five components requiring five Coastal Development Permits, three Conditional Use Permits, three Variances, one Parking Permit, two Plan Amendments to the Marina del Rey Local Coastal Program, and a Tract Map. Component 1 (Parcel 10R) consists of demolishing an existing 136-unit apartment complex to build a total of 400 apartment units and adjacent waterfront public pedestrian promenades. This component also includes the demolition of an existing 198-slip anchorage to construct a new 174-slip anchorage within the Marina Del Rey Basin B. Component 2 (Parcel FF) consists of demolishing an existing 206 space parking lot to build a total of 126 apartment units and adjacent waterfront public pedestrian promenades. Component 3 is for the development of the northerly portion of Parcel 9U. Component 4 is to construct a public-serving boat anchorage that would be situated proximal to parcel 9U within the Marina Del Rey Basin B. This public anchorage would contain approximately 2,923 square foot of dock area and would provide approximately 542 linear feet of transient boat docking space. Approximately 180,000 cubic yards of grading will be required with excess cut material to be exported to a landfill located in Los Angeles County.

Lead Agency Contact

Name	Michael Tripp	
Agency	Los Angeles County Department of Regional Planning	
Phone	(213) 974-4813	Fax
email		
Address	320 W. Temple Street, Room 1348	
City	Los Angeles	State CA Zip 90012

Project Location

County	Los Angeles
City	
Region	
Lat / Long	
Cross Streets	Via Marina and Admiralty Way
Parcel No.	4224-002-900, 4224-003-900
Township	
	Range Section Base

Proximity to:

Highways	1 and 90
Airports	LAX
Railways	No
Waterways	Ballona Creek, Pacific Ocean
Schools	Venice HS and Westchester IIS
Land Use	Residential (Parcel 10R), Parking (Parcel FF), Undeveloped (Parcel 9U)/Residential III and IV with Waterfront Overlay (Parcel 10R); Open Space (Parcel FF); Hotel, Water, Waterfront Overlay (Parcel 9U)

Project Issues Aesthetic/Visual; Air Quality; Coastal Zone; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Land Use; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Note: Blanks in data fields result from insufficient information provided by lead agency.

**Document Details Report
State Clearinghouse Data Base**

Reviewing Agencies	Resources Agency; Department of Boating and Waterways; California Coastal Commission; Department of Fish and Game, Region 5; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 7; Department of Housing and Community Development; Integrated Waste Management Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission; Department of Conservation		
Date Received	09/04/2008	Start of Review	09/04/2008
		End of Review	10/20/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

**Letter SA-5: Governor's Office of Planning and Research, State Clearinghouse and Planning Unit
October 21, 2008 (SA-5)**

Response to Comment SA-5-1

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary. The comment indicates compliance with the provisions of providing the environmental document for state agency review.

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

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ASSISTANT DIRECTORS

WASTEWATER ENGINEERING SERVICES DIV.
2714 MEDIA CENTER DRIVE
LOS ANGELES, CA 90065
FAX: (323) 342-8210 OR 8211

December 17, 2008

File: SC.CE.

Michael Tripp
County of Los Angeles
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Tripp:

FINAL RESPONSE: Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel & Timeshare Resort Project – Notice of Completion Draft EIR

This is in response to your October 21, 2008 letter requesting wastewater service information for the proposed project. The Bureau of Sanitation, Wastewater Engineering Services Division (WESD), has conducted a preliminary evaluation of the potential impacts to the wastewater system for the proposed project.

Projected Wastewater Discharges for the Proposed Project:

Type Description	Average Daily Flow per Type Description (GPD/UNIT)	Proposed No. of Units	Average Daily Flow (GPD)
Existing			
Residential (2BR)	160 GPD/DU	136 DU	(21,760)
Parking	20 GPD/1000 SQ.FT	89,298 SQ.FT	(1,785)
Proposed			
Residential (1BR)	120 GPD/DU	330 DU	39,600
Residential (2BR)	160 GPD/DU	196 DU	31,360
Single-Family Home	330 GPD/DU	136 DU	44,880
Hotel	130 GPD/DU	152 DU	19,760
Restaurant	300 GPD/1000 SQ.FT	6,105 SQ.FT	1,832
Health Club/Spa	800 GPD/1000 SQ.FT	5,555 SQ.FT	4,444
Ballroom	800 GPD/1000 SQ.FT	5,200 SQ.FT	4,160
Retail	80 GPD/1000 SQ.FT	1,176 SQ.FT	95
Total			122,586

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SEWER AVAILABILITY

The sewer infrastructure in the vicinity of the proposed project includes the existing 15-inch line on Via Dolce. The sewage from the existing 15-inch line flows into the Venice Pumping Plant on Hurricane Ave before discharging into a 48-inch force main on Hurricane St. Based on our gauging information, the current flow level (d/D) in the sewer system is as follows: 15-inch line is approximately 14% full. Based on our pumping information the Venice Pumping Plant appears to have capacity. The design capacities at d/D of 50% for the 15-inch line are 866,833 Gallons per Day, for the 21-inch line is 3.53 million Gallons per Day, for the 24-inch line is 4.24 million Gallons per Day, and for the 48-inch line is 40.43 million Gallons per Day.

Based on the estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. Further detailed gauging and evaluation may be needed as part of the permit process to identify a sewer connection point. If the local sewer line, the 15-inch lines to the 48-inch sewer line, has insufficient capacity then the developer will be required to build a secondary line to the nearest larger sewer line with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

If you have any questions, please call Abdul Danishwar of my staff at (323) 342-6220.

Sincerely,


Brent Lorscheider, Acting Division Manager
Wastewater Engineering Services Division
Bureau of Sanitation

Letter LA-1: City of Los Angeles, Bureau of Sanitation December 17, 2008 (LA-1)

Response to Comment LA-1-1

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary.

Response to Comment LA-1-2

This comment references the City of Los Angeles' Projected Wastewater Discharge for the Proposed Project. Subsequent to this comment, a Recirculated Draft EIR was prepared and distributed for public and agency review in 2009. **Section 5.8, Sewer Service**, was re-evaluated using these wastewater generation rates provided by the City of Los Angeles in its letter dated December 17, 2008. The Bureau of Sanitation provided a comment letter on the Recirculated Draft EIR (see **Letter R-LA-1**) in which different generation rates are included.

Response to Comment LA-1-3

The Recirculated Draft EIR provided updated information on the sewer infrastructure proposed for the project. In addition, the Recirculated Draft EIR evaluated the proposed Venice Pumping Plant Dual Force Main Project relative to cumulative construction impacts.

Response to Comment LA-1-4

Detailed gauging will be conducted as part of the normal building permit process. If this detail gauging shows that the City's gauging data referred to in the comment is incorrect and in fact insufficient capacity exists, the project will be responsible for the necessary improvements.

This comment also refers to the adequacy of the infrastructure and the Hyperion Treatment Facility to accommodate the new wastewater generated by the proposed project and concludes that a significant impact would not likely occur because sufficient capacity exists within the sewer system. This comment is in agreement with the EIR for the proposed project.



COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Creating Community Through People, Parks and Programs"
Russ Guiney, Director

Sept 08, 2008

TO: Michael Tripp, Principal Regional Planning Assistant
Department of Regional Planning
Special Projects Section

FROM: Jui Ing Chien *JC*
Park Planner

SUBJECT: **DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE NEPTUNE
MARINA APARTMENTS AND ANCHORAGE/ WOODFIN SUITE HOTEL
AND TIMESHARE RESORT PROJECT**

Below is the comment provided by the Department of Parks and Recreation on April 23, 2008 which has not been incorporated into the Draft EIR dated September, 2008:

Park Planning Area No.28 has been merged to Park Planning Area No.18B. Please replace No.28 with No.18B throughout the document.

1

If you have any questions, please contact me at (213) 351-5129.

Planning and Development Agency • 510 Vermont Ave • Los Angeles, CA 90020 • (213) 351-5198

Letter LA-2: County of Los Angeles, Department of Parks and Recreation September 8, 2008 (LA-2)

Response to Comment LA-2-1

It is acknowledged that Park Planning Area No. 28 has been merged with Park Planning Area No 18B. The text in Draft EIR Section 5.15 and all other applicable sections are hereby corrected according to the comment. These changes are shown in **Section 2.0, Revisions to the Draft EIR.**



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

(323) 890-4330

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

November 13, 2008

NOV 24 2008

Mr. Michael Tripp
Department of Regional Planning
Special Projects Section
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Tripp:

DRAFT ENVIRONMENTAL IMPACT REPORT, SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT, NEPTUNE MARINA APARTMENTS AND ANCHORAGE/WOODFIN SUITE HOTEL AND TIMESHARE RESORT PROJECT COUNTY PROJECTS TR067861, R2006-03647, R2006-03652, R2006-03643 AND R2006-03644, MARINA DEL REY PARCELS 10R, FF AND 9U, STATE CLEARINGHOUSE NO. 2007031114 MARINA DEL REY (FFER #200800249)

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

PLANNING DIVISION:

1. Section 5.13 Summary Paragraph 2: The sentence "In addition, ground lease rentals, property tax and special tax revenues would provide for the operation and staffing of Fire Stations" is incorrect and should be deleted. As correctly stated in the first sentence in this paragraph, fire protection services (operation and staffing) to the project area are funded through property tax and special tax revenues, not ground lease rentals.
2. 5.13.2.1 Los Angeles County Fire Department Paragraph 2: This paragraph should be revised to reflect the following: The County Fire Department provides fire prevention, fire protection and emergency medical services to more than 4.1 million people in 58 cities and all of unincorporated Los Angeles County. These services are provided as outlined in the Los Angeles County Fire Code and the General Plan Safety Elements of these various cities. The County Fire Department operates 168 Fire Stations from three regional bureaus: North Region, Central Region and East Region. Each region is under the command of a Deputy Chief, assisted by several key staff members.

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SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGUANA HILLS
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER

BRADBURY
CALABASAS
CARSON
CERRITOS
CLAREMONT
COMMERCE
Covina

CUDARY
DIAMOND BAR
DUARTE
EL MONTE
GARDENA
GLENDORA
HAWAIIAN GARDENS

HAWTHORNE
JUDEN HILLS
JUNTINGTON PARK
INDUSTRY
INGLEWOOD
IRVINDALE
LA CANADA-FLINTHURST
LA HABRA

LA MIRADA
LA PUENTE
LAKEWOOD
LANCASTER
LAWDALE
LDMITA
LYNNWOOD

MALIBU
MAYWOOD
NORWALK
PALMDALE
PALOS VERDES ESTATES
PARAMOUNT
PICO RIVERA

POMONA
RANCHO PALOS VERDES
ROLLING HILLS
ROLLING HILLS ESTATES
ROSEMead
SAN DIMAS
SANTA CLARITA

SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

3. Paragraph 3, for clarification, while the County Fire Department has automatic and mutual aid agreements with the cities of Los Angeles, Culver City and Santa Monica Fire Departments, not all of these agreements provide for response into the project area. For the project area the County Fire Department has an automatic aid agreement with the Los Angeles City Fire Department to respond one engine to a full first alarm (structure) incident. In addition, the City of Los Angeles will provide one Light Force on "second alarms and one additional Light Force on "third alarms". A Light Force consists of an engine company and a truck company responding as one unit. This agreement provides for the routine exchange of service across jurisdictional boundaries, but only for specified incident types within limited, pre-defined areas. 4
4. In addition, the County Fire Department has mutual aid agreements with the Cities of Los Angeles and Santa Monica by which additional resources during major incidents, or simultaneous incidents, can be requested. Mutual aid is provided by one fire protection agency to another upon request during major emergencies, and is not intended to provide for supplemental fire protection resources on a daily basis.
5. 3.13.2.1.2 Service Standards - Paragraph 2: The sentence, "It is not expected that land uses in Marina Del Rey would require emergency responses from the Health Hazardous Materials Unit" is incorrect. A "Health Hazardous Materials Unit" is not a first responder. The specialized unit which responds to hazardous materials spills is a Hazardous Materials "Squad". A Health Hazardous Materials Unit is a second responder that monitors clean up and abatement. 5
6. 5.13.2.2 County Fire Department funding as previously stated, fire protection and emergency medical services in Marina Del Rey are funded through property tax and special tax revenues, not ground lease rentals. 6
7. 5.13.3.3.1 Analysis - County Fire Department Funding/Fiscal Impact The five-year Capital Plan referenced is a part of the Developer Fee Program in effect only the urban expansion areas of the County. Marina Del Rey is not considered to be an urban expansion area. Therefore, it is not included in the Developer Fee Program. Also, as previously stated, funding for land acquisitions, "facility improvements", and new equipment is generated through property taxes and special taxes only. The sentence which states, "improvements to fire facilities in Marina del Rey are funded through the County General Fund" is incorrect and should be deleted throughout the EIR. Further reference to fire protection services funded through ground lease rentals should be deleted throughout the EIR as well. 7

LAND DEVELOPMENT UNIT:

1. We do not have additional comments at this time. 8

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation,

Mr. Michael Tripp
November 13, 2008
Page 3

fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance.

2. The areas germane to the statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division have been addressed.

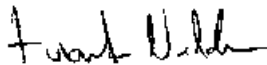
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HEALTH HAZARDOUS MATERIALS DIVISION:

1. We do not have any comments at this time.

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

Very truly yours,



FRANK VIDALES, ACTING CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

FV:lj

Letter LA-3: County of Los Angeles Fire Department, November 13, 2008 (LA-3)

Response to Comment LA-3-1

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary.

Response to Comment LA-3-2

The text in Draft EIR Section 5.13 Summary Paragraph 2 is deleted, as shown in **Section 2.0, Revisions to the Draft EIR**.

Response to Comment LA-3-3

The text in Draft EIR Subsection 5.13.2.1 Paragraph 2 is hereby revised to reflect the language provided by the commenter. These changes are shown in **Section 2.0, Revisions to the Draft EIR**.

Response to Comment LA-3-4

The text in Draft EIR Subsection 5.13.2.1 Paragraph 3 is hereby revised for the clarifications suggested by the commenter. These changes are shown in **Section 2.0, Revisions to the Draft EIR**.

Response to Comment LA-3-5

The text in Draft EIR Subsection 5.13.2.1.2 Paragraph 2 is hereby revised for the clarifications suggested by the commenter. These changes are shown in **Section 2.0, Revisions to the Draft EIR**.

Response to Comment LA-3-6

The text in Draft EIR Subsection 5.13.2.2 is hereby revised for the clarifications suggested by the commenter. These changes are shown in **Section 2.0, Revisions to the Draft EIR**.

Response to Comment LA-3-7

The text in Draft EIR Subsection 5.13.3.3.1 is hereby revised for the clarifications suggested by the commenter. These changes are shown in **Section 2.0, Revisions to the Draft EIR**.

Response to Comment LA-3-8

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary.

County of Los Angeles Public Library
 7400 East Imperial Hwy., P.O. Box 7011, Downey, CA 90241 7011
 (562) 940 8461, TELEFAX (562) 803 3032



MARGARET DONNELLAN TODD
 COUNTY LIBRARIAN

October 27, 2008

TO: Michael Tripp
 Special Projects Section
 Department of Regional Planning

FROM: Terri Maguire *Terri Maguire*
 Chief Deputy County Librarian

SUBJECT: **DRAFT ENVIRONMENTAL IMPACT REPORT
 NEPTUNE MARINA APARTMENTS AND ANCHORAGE/
 WOODFIN SUITE HOTEL AND TIMESHARE RESORT PROJECT
 COUNTY PROJECTS TR067861, R2006-03647, R2006-03652, R2006-03643
 AND R2006 - 03644 - MARINA DEL REY PARCELS 10R, FF AND 9U**

This is to provide clarification to the mitigation measures for library services in the Draft Environmental Impact Report (DEIR) for the Neptune Marina Apartment and Anchorage Woodfin Suite Hotel and Time Share Resort Project.

The applicant will be required to pay the library facilities mitigation fee on the total 526 units, (400 units for Parcel 10R and 126 units for Parcel FF), not on the net 390 units. While this was mentioned in the Operational Impacts, Funding section, it was not clearly stated in the language for Mitigation Measure numbers 5.14-1, 5.14-2, and 5.14-3.

If you have any questions or need additional information, please contact Malou Rubio at (562) 940-8450.

TM:DF:MR:MB:vm

\\STAFFSERV\GFS\DFVF.OPPR\FF\FIR\Neptune Marina Apartments and Anchorage.doc

c: David Flint, Assistant Director, Finance and Planning
 Malou Rubio, Staff Services
 Robert Seal, Public Services Administration

Serving the unincorporated areas of Los Angeles County and the cities of: Agoura Hills • Artesia • Avalon • Balboa Park • Bell • Bell Gardens • Bellflower • Buena Vista • Carson • Claremont • Compton • Cudahy • Culver City • Diamond Bar • Duarte • El Monte • Gardena • Hawaiian Gardens • Hawthorne • Hermosa Beach • Hidden Hills • Huntington Park • La Canada Flintridge • La Habra • Lakewood • La Mirada • Lancaster • La Puente • La Verne • Lawndale • Lemont • Lynwood • Malibu • Manhattan Beach • Maywood • Montebello • Norwalk • Paramount • Pico Rivera • Rosemead • San Dimas • San Fernando • San Gabriel • Santa Clarita • South El Monte • South Gate • Temple City • Walnut • West Covina • West Hollywood • Westlake Village

Letter LA-4: County of Los Angeles Public Library October 27, 2008 (LA-4)

Response to Comment LA-4-1

The comment requests clarification of library mitigation fees for the proposed project. As noted in the comment and in the Draft EIR Section 5.14, the applicant would be required to pay library mitigation fees on the total 526 units associated with Parcel 10R and Parcel FF. Please see text revisions in **Section 2.0** that clarify the fee requirements of Mitigation Measures 5.14-1, 5.14-2, and 5.14-3.



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters

4700 Ramona Boulevard
 Monterey Park, California 91754-2169



October 6, 2008

Mr. Michael Tripp
 Los Angeles County
 Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

Dear Mr. Tripp:

**DRAFT ENVIRONMENTAL IMPACT REPORT
 THE NEPTUNE MARINA APARTMENTS AND ANCHORAGE/WOODFIN
 SUITE HOTEL AND TIMESHARE RESORT PROJECT**

This is in response to your request for any additional comments from the Marina Del Rey Sheriff's Station, dated August 28, 2008, regarding the Draft Environmental Impact Report for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project, in Marina Del Rey. For our Department's comments, please review the attached memorandum dated September 11, 2008, provided by Acting Captain Reginald Gault, of the Marina Del Rey Sheriff's Station.

The Station requests that revisions be made to Section 5.12.2.3 Bicycle Patrol. The revisions are being requested because variations in staffing and patrol responsibilities have occurred since the Station's original response, dated May 2, 2008, which was forwarded to your office. The specific revision in the memorandum is offered in the interests of the Final EIR document's accuracy.

We reserve the right to address these issues in future reviews.

Should you have any additional questions regarding this matter, please contact Mr. Tom Bellizia, of my staff at (626) 300-3021.

Sincerely,

LEROY D. BACA, SHERIFF

Gary T. Tse, Director
 Facilities Planning Bureau

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OCT 14 2008

A Tradition of Service Since 1850

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

"A Tradition of Service"

DATE September 11, 2008

OFFICE CORRESPONDENCE

FILE NO.

FROM: REGINALD GAUTT, A/CAPTAIN
MARINA DEL REY STATION

TO: GARY T.K. TSE, DIRECTOR
FACILITIES PLANNING BUREAU

**SUBJECT: NEPTUNE MARINA APARTMENTS AND ANCHORAGE / WOODFIN SUITE
HOTEL AND TIMESHARE RESORT PROJECT DRAFT EIR SEPTEMBER
2008.**

The purpose of this memorandum is to amend the Environmental Impact Report for the Neptune Marina Apartments and Anchorage / Woodfin Suite and Timeshare Resort Project Draft.

5.12.2.3 Bicycle Patrol (Will be amended to the below).

During the summer months, from Memorial Day to Labor Day, the Marina del Rey Station staffs a full-time enforcement team. The Summer Enforcement Team (SET) generally consist of six deputies and a sergeant. The team is supplemented by two additional Harbor patrol deputies who police the additional summer boating traffic with two single-man, 20-foot patrol boats.

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5.12.2.3 Summer Enforcement Team (Revision).

During the summer months, from Memorial Day to Labor Day, the Marina del Rey Station staffs a full time enforcement team. The Summer Enforcement Team (SET) generally consist of six deputies and a sergeant. However, it can vary between two and six deputies depending upon budgetary restraints.

If you have any questions or concerns please do not hesitate to contact me or Sergeant Rick Petty at (310) 482-6091.

Letter LA-5: County of Los Angeles Sheriff's Department October 6, 2008 (LA-5)

Response to Comment LA-5-1

The comment is requesting clarification of Subsection 5.12.2.3 of the Draft EIR. The requested changes are shown in **Section 2.0, Revisions to the Draft EIR**.

Response to Comment LA-5-2

See **Response to Comment LA-5-1** and requested changes in **Section 2.0, Revisions to the Draft EIR**.



Metro

Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

October 22, 2008

Mr. Michael Tripp
County of Los Angeles
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012

007 23 2008

Dear Mr. Tripp:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort project. This letter conveys recommendations from the Los Angeles County Metropolitan Transportation Authority (Metro) concerning issues that are germane to our agency's statutory responsibilities in relation to the proposed project.

1

The Traffic Impact Analysis prepared for the Draft EIR satisfies the traffic requirements for the proposed project. However, the following issues were not addressed in the DEIR and should be included for the Final EIR:

2

1. An analysis of the expected project impacts on current and future transit services along with proposed project mitigation;
2. Documentation on the assumptions/analyses used to determine the number and percentage of trips assigned to transit;
3. Information on facilities and/or programs that will be incorporated into the development plan that will encourage public transit usage and transportation demand management (TDM) policies and programs; and
4. Several corridors with Metro bus service could be impacted by the project. Metro Bus Operations Control Special Events Coordinator should be contacted at 213-922-4632 regarding construction activities that may impact Metro bus lines. Other Municipal Bus Service Operators including Culver City, LADOT, and Santa Monica Big Blue Bus may also be impacted and therefore should be included in construction outreach efforts.

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In addition, it does not appear as though the County of Los Angeles included Metro in the outreach efforts when the Notice of Preparation for the proposed project was open for public review between 3/22/2007 and 4/21/2007.

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Metro looks forward to reviewing the Final EIR. If you have any questions regarding this response, please call me at 213-922-6908 or by email at chapmans@metro.net. Please send the Final EIR to the following address:

8

Metro CEQA Review Coordination
One Gateway Plaza MS 99-23-2
Los Angeles, CA 90012-2952
Attn: Susan Chapman

Sincerely,



Susan Chapman
Program Manager, Long Range Planning

Letter LA-6: Metropolitan Transportation Authority October 22, 2008 (LA-6)

Response to Comment LA-6-1

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary.

Response to Comment LA-6-2

Please see **Responses to Comments LA-6-3 through LA-6-7** below.

Response to Comment LA-6-3

Subsequent the submittal of the comment, the Draft EIR was revised and recirculated to include an analysis of the project's impacts on current and future transit services. Please see page 5.7-44 of the Recirculated Draft EIR for an explanation of the transit impacts.

Response to Comment LA-6-4

As stated above, subsequent to the submittal of the comment, the Draft EIR was revised and recirculated. The revised text documents the assumptions used to determine the number of trips assigned to transit. Please see page 5.7-44 of the Recirculated Draft EIR.

Response to Comment LA-6-5

As stated above, subsequent to the submittal of the comment, the Draft EIR was revised and recirculated. The revised text includes information on the transportation demand management (TDM) program that would be established as part of the hotel component of the project. Said TDM program shall follow the guidelines in the Transportation Improvement Program (TIP) contained in Appendix G of the Marina del Rey Local Coastal Program. An annual report on the effectiveness of the TDM program shall be submitted to the Director.

According to the TIP guidelines, each of the projects would be conditioned thusly:

The permittee shall establish a functional Transportation Demand Management (TDM) program or shall participate in an existing TDM program. Viable TDM components may include, but shall not be limited to: carpools; ridesharing; vanpools; increase use of bicycles for transportation; bicycle racks; preferential parking for TDM participants; incentives for TDM participants; and disincentives [e.g., measures which dissuade persons from making automobile and/or drive alone trips].

In addition, the project will participate in the County transportation fee program. The County will allocate the fees from this program to various improvements in the area. This fee is designed to offset the need for tax monies to pay for public transportation improvements that need to serve new developments.

Thus, participation in the fee program is considered fair-share to public transportation improvements. It is the County's responsibility to allocate the fee collected from new developments to various improvements in the Marina. That fee would be based on an evaluation of the development impacts upon a variety of transportation modes, including transit.

It should be noted that no transit trip credits were assumed for the analysis of project trip generation, as required by the County; transit ridership created by the project was calculated using the Congestion Management Program (CMP) transit rates in order to determine a worst case transit impact scenario. The hotel component of the project, however, proposes to establish a TDM program to encourage transit use and to reduce potential traffic impacts. Even without taking into account the implementation of the hotel's TDM program, however, the project is not expected to result in a significant transit impact due to the trip generation of the hotel.

Response to Comment LA-6-6

Traffic impacts related to construction activities were thoroughly analyzed in the Recirculated Draft EIR. The project proponents will be required to develop and implement a Worksite Traffic Control (WTC) Plan to assure that construction impacts to traffic will be less than significant.

Response to Comment LA-6-7

The Notice of Preparation (NOP) for the proposed project was circulated and available for public and agency review, in compliance with *State CEQA Guidelines*. The County apologizes if the NOP was not provided to the Metropolitan Transit Authority prior to the release of the Draft EIR.

Response to Comment LA-6-8

The Final EIR will be distributed to all commenting agencies and organizations to the Draft EIR.

MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

September 22, 2008

Mr. Michael Tripp
County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Tripp:

Notice of Preparation of a Draft Environmental Impact Report for the Neptune
Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Thank you for submitting the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort for review and comment. The Metropolitan Water District of Southern California (Metropolitan) is comprised of 26 cities and water agencies charged with providing a reliable supply of high quality drinking water to 18 million people in six counties in Southern California. Metropolitan reviews the consistency of local plans, projects, and programs for effects to Metropolitan's projects, programs, activities, and planning efforts. Information provided by these reviews is intended to encourage local agencies and project sponsors to take actions that aid and sustain Metropolitan's water policies and programs, including conservation, recycling, and reclamation.

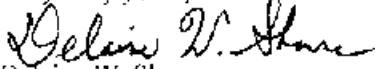
1

We reviewed the notice environmental document and determined the proposed Project is not regionally significant to Metropolitan. Metropolitan does not own or operate any facilities or maintain real estate entitlements within the footprint of the proposed Project; however, we are concerned with water conservation and encourage projects to include water conservation measures. Metropolitan supports mitigation measures such as using water efficient fixtures, drought-tolerant landscaping, and reclaimed water to offset any increase in water use associated with the proposed project.

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Should there be a change in the scope of the Project, we would appreciate the opportunity to review and comment at that time. If we can be of further assistance, please contact Mrs. Rebecca De Leon at (213) 217-6337.

Very truly yours,


Delaine W. Shane
Manager, Environmental Planning Team

RDL

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SEP 24 2008

700 N. Alameda Street, Los Angeles, California 90012 • Mailing Address: Box 54153, Los Angeles, California 90054-0153 • Telephone (213) 217-6000

Letter LA-7: Metropolitan Water District of Southern California September 22, 2008 (LA-7)

Response to Comment LA-7-1

The comment does not address concerns regarding the Draft EIR, is noted, and no further response is needed.

Response to Comment LA-7-2

Draft EIR Section 5.9, Water Services, includes mitigation measures that require water conservation for indoor and outdoor potable water use. The comment is noted.

Richard T. Miller, ESQ.
Coalition to Save the Marina, Inc.
c/o 4250 Via Dolce #222
Marina Del Rey, CA. 90292

OCT 14 2008

October 11, 2008

Mr. Michael Tripp
Dept. of Regional Planning, Rm 1362
320 West Temple Street
Los Angeles CA, 90012

RE 10/29/08 Hearings on Marina Del Rey Parcels 9U North (Project No. R2006-03643) 9U South (Project No. 2006-03644) Parcel 10R (Project No. R2006-03647) and Parcel FF (Project No. R2006-03652) and all related request for permits, variances and LCP Amendments.

Dear Mr. Tripp,

On behalf of Coalition to Save the Marina, Inc., as current President, and as a very interested homeowner residing at 4250 Via Dolce #222, Marina Del Rey, CA. 90292, we wish to place our vehement objection to the above referenced projects and their related requests for permits, variances and LCP amendments, as well as the EIR presented for the related projects. In particular, the projects do not take into account the cumulative impact of approximately 10-15 proposed development projects in Marina Del Rey, and likewise does not include updated comprehensive traffic studies for these related projects. Moreover, the proposed Time Share/Fractional ownership of units violates existing MDR LCP and The Coastal Act, as well as policy not to create another Marina City Club like structured development. Also, these projects fail to promote the small craft harbor and recreation purposes for which Marina del Rey was created, and negatively impede on view and wind corridors.

Please place our objections on the record as appropriate for further standing requirements. Thank you for assistance in these regards.

Sincerely,

Richard T. Miller, Esq.

Cci Honorable Don Knabe, LA Board of Supervisor

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Letter ORG-1: Coalition to Save the Marina, Inc. (Richard Miller) October 11, 2008 (ORG-1)

Response to Comment ORG-1-1

The commenter states his opinion that the EIR does not take into account 10 to 15 related projects and does not include a comprehensive traffic analysis for those related projects. The traffic analysis includes an analysis of cumulative impacts associated with the proposed project and 41 related projects in addition to ambient growth, discloses significant cumulative impacts, and identifies feasible mitigation measures. The Recirculated Draft EIR added the Venice Pumping Plant Dual Force Main project. The commenter does not identify the 10 to 15 related projects that he believes were omitted. However, the 41 related projects identified in the EIR represent all projects that were reasonably foreseeable at the time that the Notice of Preparation (NOP) was issued in March 2007.

Response to Comment ORG-1-2

The Draft EIR contains an analysis that explains that the timeshare element of the hotel/timeshare project is an allowable use on Parcel 9U and is consistent with the certified Local Coastal Plan (LCP).

The timeshare component here would be carefully controlled by numerous conditions of approval to conform to recent Coastal Commission decisions. These conditions are designed to ensure that 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.

As to the specific provisions of the LCP, as with many municipal land use and zoning ordinances, “timeshares” are not specifically listed under any category, but nonetheless do fall within the types of uses that are permissible. That is the case here: Land Use Plan (LUP) Section A.2 (Recreation and Visitor-Serving Facilities), subsection (e) lists “overnight lodging” as a qualifying visitor-serving use in accord with related Coastal Act provisions. The timeshare component will be operated similar to a conventional hotel, and it is a type of “overnight lodging” that is consistent with the overnight lodging policies of the LUP’s Recreational & Visitor-Serving Facilities chapter. The argument is that timeshare implies ownership, not a temporary use of facilities — but as conditioned, the timeshare and hotel uses will both be temporary and virtually indistinguishable from each other except for the size of the accommodations.

LUP Section C.8, subsection (e) (Policies and Actions, Part 2 – Mapped Policy for the LUP) lists “hotel” as a permissible land use category, and designates overnight accommodations and attendant visitor-serving uses including dining and entertainment areas as uses that may occur attendant to a hotel. The timeshare would be limited in duration just like a hotel, and would provide overnight accommodations and be included in a structure that provides dining and ancillary services.

LUP Section C.8.e.7 incorporates by reference language from the Countywide general plan and Title 22 of the County Code. And, the Marina del Rey Specific Plan (Section 22.46.1030.A) states: “For matters on which this Specific Plan is silent, other applicable provisions of Title 22 shall control.” The Specific Plan does not specifically define overnight lodgings or hotel, but Title 22 defines a hotel as “Any building containing six or more guest rooms or suites of guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied on a temporary basis by guests.” The timeshare is consistent with this definition, and is therefore an allowable use on Parcel 9U.

Timeshares are consistent with and permitted by the LCP (see above), and in combination with the hotel and subject to the numerous Coastal Commission-generated conditions that will be imposed, they will provide a high-priority visitor-serving use on public land.

The Recirculated Draft EIR considered the project’s potential impacts to views (Section 5.6) and wind corridors (Section 5.4) and concluded that the project would not result in significant impacts due to view or wind blockage.

Response to Comment ORG-1-3

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary. The opposition to the project is noted and has been communicated to the decision makers.

We ARE Marina del Rey

P.O. Box 9096, Marina del Rey, CA 90295

October 28, 2008

Mr. Michael Tripp
Acting Director
Department of Regional Planning
320 West Temple Street, Room 1362
Los Angeles, CA 90012

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OCT 29 2008

REGIONAL PLANNING COMMISSION

Re: OPPOSITION COMMENTS: Project R2006-03647, Project R2006-03652, Project TR067861, Project R2006-03643 and Project R2006-03644 (together the "Woodfin/Neptune Project") and COMMENTS on combined Draft Environmental Impact Report - Neptune Marina Apartments And Anchorage/Woodfin Suite Hotel And Timeshare Resort Project ("DEIR")

Dear Mr. Tripp:

We ARE Marina del Rey ("WAM") strongly urges the Department of Regional Planning to reject the projects listed above, to deny all applicable Plan Amendments, Coastal Development permits, Conditional Use permits, Variances, Parking permits and Tentative Tract Map No. 067861 based on the following issues and comments on the projects and the DEIR.

1

A. Piecemealing CEQA/Overall Marina wide EIR

We ARE Marina del Rey ("WAM") believes that Los Angeles County ("County") is piecemealing the redevelopment of Marina del Rey in violation of state law, including the California Coastal Act ("Coastal Act") and the California Environmental Quality Act ("CEQA"). County has admitted on the record and it is widely known, that County intends to redevelop Marina del Rey (the "Marina Redevelopment Project"). This "Marina Redevelopment Project" constitutes "a project" under CEQA. According to Public Resources Code § 21065, a project is defined as the whole of an action, which has a potential for resulting in either a direct physical change in the environment.

2

The Marina Redevelopment Project consists of all the County's individual developments within Marina del Rey now making their way through the public approval process (Fisherman's Village, Mother's Beach, Western Marina residential complexes, etc). County is dividing "the Marina Redevelopment Project" into smaller redevelopment projects (e.g. the projects cited above) in order to reduce and hide the environmental impact of the "Marina Redevelopment Project." Therefore, County is piecemealing the "Marina Redevelopment Project," in violation of CEQA. California Supreme Court case law holds that the County cannot "hide" the redevelopment project from the public by breaking the Marina Redevelopment Project into little parts, and the County's behavior - actions and words - confirms there is "a Marina Redevelopment Project."

The California Coastal Commission stated during its Local Coastal Program (the "LCP") Periodic Review hearing on January 9, 2008, that County is piecemealing projects and that this is bad planning. They strongly recommended (said recommendation reaffirmed on October 16,

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We ARE Marina del Rey is a project of the International Humanities Center, a nonprofit public charity exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code

2008), that County should do a comprehensive LCP update amendment of anticipated future development that includes all pending project driven amendments, fulfillment of Asset Management strategies and other facilities identified through a community planning process. The intent behind this recommendation was:

"Well, I think it is apparent that if LCP amendments are pursued on an individual basis, project by project, that the cumulative impacts, and the coordinated efforts will be very difficult for the community, for the County, and for this Commission to understand." - Commissioner Kinsey, LCP Review Hearing, January 9, 2008

3

An Environmental Impact Report should be prepared for the whole "Marina Redevelopment Project" should be County's highest obligation to determine the overall environmental impacts of all projects in the Marina. County argues that the LCP is the functional equivalent of an EIR per CEQA § 21080.5 because it is a certified program, a position WAM does not share. However, instead of following the LCP for Marina del Rey, which County considers to be the functional equivalent of an EIR, County is implementing a slate of redevelopment projects contained in its *Marina del Rey Asset Management Strategy* ("AMS," April 15, 1997, which is not part of the Certified LCP). The projects, including Project R2006-03652 (apartment units on Parcel PF, a public parking lot) and Project TR067861 (the 19-story hotel and timeshare suites – more on this inconsistency follows below) and the document itself are not in conformity or consistent with the Marina del Rey Certified LCP. Additionally, the AMS has not been reviewed or approved by the California Coastal Commission and has no regulatory or legal standing.

4

Public Resources Code § 21080.5 and CEQA Guideline also state that a "certified program" remains subject to other provisions in CEQA such as the policy of avoiding significant adverse effects on the environment where feasible. Therefore, even if the LCP were the functional equivalent of an EIR, County must still review the overall impacts of the "Marina Redevelopment Project."

The DEIR states that it is a "project EIR, and therefore, can use environmental information from the Certified LCP. DEIR, page 8 of Section 2.0 Introduction, reads:

The scope of the analyses in this project EIR also relates to the environmental analyses contained within the Local Coastal Program (LCP). LCPs are Certified Regulatory Programs and as such are exempt from CEQA pursuant to CEQA Section 21080.5. Because the Coastal Commission's consideration and certification of an LCP is the functional equivalent of an EIR, any environmental impact determinations and analysis of the CCC within the LCP are pertinent to and may be incorporated within the scope of the impact discussion in the project EIR where such analyses are sufficiently complete for that purpose. Therefore, where appropriate, reference will be made to the prior environmental analysis to the extent such analysis obviates the need for further discussion of an environmental issue within the meaning of Section 21166.

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The land use changes accommodated in the 1996 certified Marina LCP, inclusive of the provision of view corridors of the harbor to accommodate taller structures, complied with CEQA as provided in Public Resources Code Section 21080.5 and Coastal Act Sections 30500 through 30522 because the LCP certification process involves the functional environmental analysis equivalent to that required by CEQA. (bold emphasis added)

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However, because projects, including Project R2006-03652 and Project TR067861, are not in conformity with the LCP, the environmental impacts of said projects would not have been contemplated or analyzed in the 1996 certification of the Marina del Rey LCP. Therefore the LCP as a functional equivalent to an EIR provides an insufficiently incomplete analysis vis-à-vis the projects in this DEIR, and the reliance on the environmental provisions of the LCP in relation to these projects problematic. Additionally, as stated above, a “certified program” still remains subject to other provisions in CEQA such as the policy of avoiding significant adverse effects on the environment where feasible.

Another area where reliance on the environmental analysis of the LCP is seriously flawed involves ESHA. This DEIR does not reflect the changes on the ground to the environment since the LCP was certified in 1996. The DEIR states on page 44 of Section 5.5 Biota:

The Marina del Rey Local Coastal Plan does not designate any environmentally sensitive habitat areas (ESHA), and none is recognized within the project site. Accordingly, no significant, adverse impacts will result from the project.

6

However, on January 9, 2008 (reaffirmed October 16, 2008), the California Coastal Commission determined parts of Marina del Rey contain ESHA, and therefore, recommended that County, as part of the overall LCP update amendment, add ESHA findings and provisions to the Marina del Rey LCP, in conformance with the Coastal Act and that County carry out a survey to determine if there are additional ESHA sites in Marina del Rey. For example, in close proximity to the instant Project Site (parcels 9U, 10R and FF) is a great blue heron rookery at Mariners Village. This DEIR provides no analysis of the potential environmental impacts of the Woodfin/Neptune Project on these ESHA sites or potentially unidentified ESHA sites. Therefore, in relation to ESHA, this DEIR is substantially incomplete.

B. Inconsistencies with Certified Land Use Plan (“LUP”) and Plan Amendments

Although the DEIR states otherwise, there are a number of major inconsistencies and lack of conformity to the Certified LCP with regards to Project R2006-03652 (apartment units on Parcel FF, a public parking lot) and Project TR067861 (the 19-story hotel and timeshare suites).

7

A 19-story structure, while permitted on Parcel 9U, is significantly out of context to its surroundings. The usurpation of public parking lots for private development is also inconsistent with the LUP.

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Page 5 of the DEIR Executive Summary states "Intensification of development within Marina del Rey is authorized in the certified Local Coastal Program (LCP)." However, it cannot be emphasized enough that that the LUP states that just because development units are allocated and uses allowed does not entitle such use. Development Potential is defined in the LUP (page i-4 to i-5) as:

Specific types of land uses and the maximum intensity of development that may be permitted on a specific parcel or sub-parcel as established by text policy or shown by land use category on policy maps. The actual development that may be granted on any given parcel is subject to constraints, limitations and conditions, applicable at the time of application, that may be imposed during a public hearing process, culminating in the granting of a Coastal Development Permit. Development potential, by itself, does not establish any right or entitlement to a specific development project.

7

Public Parking Lots

The Land Use Plan (LUP) Section A2.e.12 states that NO public parking lots, including parcel FF, SHALL be converted to uses other than public parking or public park purposes. That is why Project R2006-03652 requires an LCP Amendment. However, in the analysis section A2.e, the LUP states that a park would be contemplated for Parcel FF. So the analysis and final adopted policies forbid development on parcel FF other than a public park or public parking lot.

8

Page 6 of the DEIR Executive Summary states that Parcel FF is developed as an underutilized surface parking lot with approximately 200 parking spaces. However, there is no mention that Parcel FF was partially closed (over 50% of the parcel) for years and occupied illegally by Doug Ring and his Esprit project (Parcel 12). The Coastal Commission, on January 9, 2008 in its Staff Report (W10-a) recommended (#19) that the County "analyze the total pattern of public serving and park uses in the Marina" before converting public parking to private use. This DEIR does not present such analysis and is therefore incomplete.

Timeshare not contemplated by LCP

County has determined that Project TR067861 does not require an LCP Amendment. However, this proposed finding is inconsistent with the Coastal Commission staff's determination and therefore is not supportable in law or fact. For example, in a letter dated April 27, 2007, in response to the NOP of the Woodfin/Neptune Project, Coastal Commission staff stated that an LCP Amendment would be required. Additionally, in LCP Amendment 1-01, on page 20 of the Coastal Commission staff report, *Table 3.0 Lease Negotiation Parcels* lists Parcel 9, 20-story vacation time share of requiring an LCP amendment. Finally, a Coastal Commission Memorandum dated December 26, 2006 on Condominium Development in the Coastal Zone, states:

"condo-hotel projects and other limited use/fractional ownership hotel proposals should not be considered unless the applicable LCP specifically allows such development. In the absence of specific LCP provisions allowing such projects, the local government should prepare and submit an LCP amendment for Commission review."

9

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The Certified LCP for Marina del Rey is silent on timeshares. Nowhere in the LCP are timeshares contemplated. The argument made in the DEIR that timeshare use was the equivalent of hotel units is baseless. If there was no difference, there would not be two completely separate land use designations. Based on this fact alone, Project TR067861 should be rejected as no LCP amendment has been proposed by County.

9

Transfer of Development Units Between Development Zones

The Marina del Rey LUP specifically states that development units may not be transferred between zones (Section C.8). The argument that precedence now exists because Parcel 20 was granted a transfer of development units for that specific parcel only as part of LCP Amendment 1-01 is also baseless. Instead of changing the LCP through amendment to allow transfer of development units, County has created the exception and is now making it the rule. This is another form of piecemeal development that obviates the planning law. When the LCP as written suits County, they quote the LCP. When it does not, they make exceptions to the rules without officially changing the rules.

10

Parcel 9U Wetland Status

The southern portion of Parcel 9U, where Project No. R2006-03643 is to be constructed was designated a wetland by the Army Corp of Engineers in 2001. LUP Policy B.4.e.1 states:

"The existing wetlands, including the flood control basin in parcel PP, the Marina waters, and the Ballona Creek flood control channel are the marine resources which shall be maintained, and where feasible, enhanced and restored. Uses permitted in or adjacent to these areas shall be carried out in a manner to protect the biological productivity of these marine resources and maintain healthy populations of marine organisms."

11

Although the southern portion of Parcel 9U was designated as wetland in 2001, the wetland was in existence at the time of the 1996 LCP Certification.

The Marina as a Small Craft Harbor

Further evidence that the Woodfin/Neptune Project is not consistent with the LCP and should be denied exists in the Marina del Rey LUP. Section A.2.d states:

"A strong demand exists for new lower-cost recreational opportunities in the LCP area such as restaurants, waterfront parks, pedestrian/bicycle paths, and for improved transit to such opportunities, whereas demand for more expensive visitor-serving facilities, such as hotel rooms, has proven to be limited."

12

The LUP further states C.8.e.1:

The primary purpose of the Land Use plan shall be to maintain Marina del Rey as a Small Craft Harbor for recreational purposes. A secondary purpose shall be to promote visitor-serving uses.

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The LUP further states (C.8.e.8):

"Coastal Housing not a Priority."

12

C. Issues/Comments On DEIR

DEIR Executive Summary

The introduction includes a number of misleading statements and leaves out important issues as follows:

13

- The DEIR does not discuss the fact that the Coastal Commission states that a Plan Amendment is required for Project # TR067861.
- Page 7 includes the following statement: "A structure height of 75 feet is consistent with height provisions defined in the LUP, the recently approved 'The Shores' project on the adjacent Parcels 100 and 101, and the recently constructed apartments on the adjacent Parcel 12. This DEIR fails to state that "The Shore" project was no longer approved and that all permits were rescinded.

Traffic

One of the major mitigations cited to deal with traffic impacts in the DEIR is the improvement at the intersection of Via Marina and Admiralty Way that will enhance traffic flow between Admiralty Way and Via Marina south of Admiralty Way within the Marina, reducing the northbound right-turn traffic volumes on Via Marina at Washington Boulevard as specified in the TIP. However, it should be noted that this project has not been approved or funded at this point in time. And this DEIR relies heavily on this traffic mitigation factor. Therefore, we urge the Regional Planning Commission to remove this mitigation option from the analysis and to re-determine the impacts on traffic for the overall Woodfin/Neptune Project.

14

Construction Impacts

Firstly, the DEIR is missing a significant proposed project in Marina del Rey, the Venice Dual Force Main Sewer project that contemplates a 32-month project that will include a long strip of Via Marina from Marquesas Way to the Breakwater as part of the new underground sewer line. This project, which is anticipated to commence in August of 2010 will significantly short-term construction related impacts on the Marina del Rey community and will coincide with the planned construction dates of the Woodfin/Neptune Project.

15

Additionally, this DEIR does not detail the construction timelines and impact analysis of other nearby Marina del Rey proposed projects that will, if approved, most likely be constructed concurrently with the Woodfin/Neptune Project.

Therefore, this DEIR, in leaving out the Venice Dual Force Main Sewer project and construction timelines of other nearby proposed projects, fails to fully analyze the overall and project short-term construction impacts on the community and the environment.

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Alternative Projects

WAM finds the following reason for passing on Alternative #5 as baseless.

"Alternative 5 would not meet the project objectives as fully as the proposed project in that with the provision of fewer residential units less affordable housing would be incorporated into the proposed project. Additionally, with the construction of fewer hotel and timeshare units, fewer visitors would be served by the project."

16

The loss in affordable housing and fewer visitors being served by the project does not outweigh the lessened environmental impacts that would be gained by Alternative #5. This project would certainly lessen low-cost recreational visitor serving uses which is a priority. See comments above on the Marina as a Small Craft Harbor that details what priorities are in the Marina.

D. Conclusion

Based on the above facts, comments, concerns and issues related to the Woodfin/Neptune Project and all Marina del Rey development, WAM urges Regional Planning to deny this project the Plan Amendments, all applicable permits, and deem the DEIR insufficient in light of the overall piecemealing of the Marina Redevelopment Project. Additionally, we urge you to advise the Board of Supervisors to prepare an Environmental Impact Report for the Marina Redevelopment Project and adhere to the California Coastal Commission's recommendation to carry out a comprehensive LCP update amendment in order to assess the overall environmental and social impacts of the Marina Redevelopment Project through a meaningful community planning process.

17

Together,
We ARE Marina del Rey



David Barish
Nancy Vernon Marino
Directors
info@wearemdr.com
www.wearemdr.com

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Letter ORG-2: We ARE Marina Del Rey (Barish, David and Marino, Nancy) October 28, 2008 (ORG-2)

Response to Comment ORG-2-1

This comment does not address the adequacy or completeness of the Draft EIR, and no response is necessary.

Response to Comment ORG-2-2

The cumulative impact analysis included in the Draft EIR included all projects that were reasonably foreseeable at the time of the Notice of Preparation (NOP) in March 2007. The Draft EIR considers a total of 41 related projects in unincorporated Los Angeles County, City of Los Angeles and Culver City, in addition to ambient growth. The Recirculated Draft EIR added the Venice Pumping Plant Dual Force Main project. As the testifier identifies only Fisherman's Village and Mother's Beach projects, along with unspecified "Western Marina residential complexes" as being underway, it is not possible to know whether all of these projects were included in the Draft EIR.

In any event, the cumulative analysis is quite conservative in that it assumes that all of the related projects will be approved and built out at the maximum proposed density and without any mitigation. It is likely that some projects would be approved at a lower density and/or with mitigation, and others may never be built due to poor economic conditions or other reasons.

Contrary to the comment, the County is not piecemealing environmental analysis and is in fact is analyzing five separate components proposed by different applicants in a single environmental document. In addition, the County is preparing a single aggregate Local Coastal Plan (LCP) map and text amendment for all pending projects in Marina del Rey that are seeking LCP amendments, as well as a cumulative impact assessment of all pending development in the Marina. The projects are not inconsistent with the LCP if the proposed LCP amendments are approved by the Coastal Commission.

Response to Comment ORG-2-3

Please see **Responses to Comment ORG-2-2**. The California Coastal Commission has endorsed the County's approach.

Response to Comment ORG-2-4

Please see **Responses to Comments ORG-2-2 and ORG-2-3**.

In 1996, after extensive hearings by the County and Coastal Commission, the Commission certified comprehensive revisions to the LCP. Under CEQA and case law, the Coastal Commission's decision was the functional equivalent of an EIR, and the Commission found that, as approved, there are no feasible

alternatives or mitigation measures available that would substantially lessen any significant adverse impact that the LCP might have on the environment.

Contrary to the comment, the hotel and timeshare resort is consistent with the existing LCP. Please see **Response to Comment ORG-1-1** regarding the timeshare element's consistency with the LCP. As part of its proposal to update the LCP in 1995, the County had sought to change the land use designation for Parcel 9U to residential. The Coastal Commission rejected that proposal, finding "that in order to reserve land for recreational development, Parcel 9 must be maintained for a visitor-serving use, in this instance a hotel." And, as noted above, the Coastal Commission approved a modified building height program in the Marina that allows taller buildings as a trade-off for expanded view corridors, including at the inland end of basins along Via Marina, and specifically Parcel 9U, a maximum height of 225 with a 40 percent view corridor, and the Commission found that "greater heights do not detract from the quality of the Marina as a recreation area as long as larger view corridors are provided." No one challenged the Commission's certification of the 1996 amended LCP.

The developments on Parcels 10R and FF would be consistent with the LCP if the proposed LCP amendments are approved by the California Coastal Commission.

Response to Comment ORG-2-5

As the comment notes, Public Resources Code Section 21080.5 and *State CEQA Guidelines* state that a "certified program" remains subject to other provisions in CEQA such as the policy of avoiding significant adverse effects on the environment where feasible. Rather than rely on the LCP as the functional equivalent of CEQA, the County required a preparation of a comprehensive EIR. The cumulative impact analysis contained in the EIR for subject Woodfin Suite Hotel and Timeshare Resort and Legacy Neptune Marina Apartments and Anchorage projects includes all projects that were reasonably foreseeable at the time of the NOP in March 2007. The Draft EIR considers total of 41 related projects in unincorporated Los Angeles County, City of Los Angeles and Culver City, in addition to ambient growth. The Recirculated Draft EIR added the Venice Pumping Plant Dual Force Main project.

The EIR for the project components have analyzed all potential impacts from the project components and has not relied upon the LCP for that analysis except where the certified LCP land uses have been authorized such as the hotel use for Parcel 9U.

Please see **Responses to Comments ORG-2-2** regarding the project's consistency with the LCP.

Response to Comment ORG-2-6

The ESHA sites are addressed in Draft EIR Section 5.5.4.3.1.4: “the Marina del Rey Local Coastal Plan does not designate any environmentally sensitive habitat areas (ESHA), and none is recognized within the project site. Accordingly, no significant, adverse impacts will result from the project.” There are no resources on Parcels 10R, FF, or 9U that qualify for designation of ESHA under the Coastal Act. Any recommendations by the Coastal Commission as part of the LCP periodic review would not have the effect of amending the LCP or creating an ESHA site.

The Draft EIR provides adequate analysis of special-status species, including great blue heron rookeries, that could be impacted by the proposed project and concluded that no significant impacts would occur to any special-status species with the implementation of the mitigation measures.

Response to Comment ORG-2-7

The LCP permits a hotel height of 225 feet on Parcel 9U with a 40 percent view corridor. Hotels within the updated Marina LCP located on the Marina’s “non-mole” roads (such as Via Marina) are permitted a height limit of 225. (Land Use Plan [LUP] page 8-11.) Height design flexibility also is provided for seaward parcels along Via Marina, including Parcel 9U, allowing a maximum height of 225 feet when a 40 percent view corridor is provided (LUP Policy 8b). Consistent with the certified LCP’s “Modified Bowl” concept, the hotel/timeshare project provides a 40 percent view corridor over Parcel 9U as the tradeoff for developing a taller building with a significantly smaller building footprint. The proposed hotel design offers a significantly wider water view corridor than the previous hotel (Marina Plaza Hotel) that was approved for development on the site by the County and Coastal Commission in the 1980s. That prior-approved hotel spanned the entire parcel, offering only a scant view to the water, and also included a nine-story hotel tower.

The comment also notes that “the usurpation of public parking lots for private development is also inconsistent with the LUP.” Please see **Response to Comment ORG-2-8**.

Response to Comment ORG-2-8

Section A.2 of the LUP (page 2-5), under the “Potential Conversion of Public Parking Lots” subsection, expressly acknowledges that Parcel FF is underutilized by the public and is thus being contemplated for conversion to residential use. Neither the County nor the applicant (or any other developer) has any plans to develop Parcel FF for park use. Parcel FF has for many years been developed with an underutilized surface parking lot.

In March 2009, the County Department of Beaches & Harbors prepared the Marina del Rey Right-Sizing Parking Study, which comprehensively analyzes the current and projected parking needs in the Marina.

This study analyzes Parcel FF as follows: “Parking lot 12 on Parcel FF, adjacent to Mother’s Beach activity area, is also a public parking lot, per the LCP. There are 201 spaces in this lot. However, in the past few years, this overflow lot has not been used much by the general public for recreational purposes but has been used mostly for construction staging and by construction vehicles during construction. No public demand has been noticed in this lot. Therefore, no further analysis of this parking lot 12 is conducted in this study. This lot is planned to be removed from the list of public parking lots in the future pending a Plan Amendment is approved by the California Coastal Commission.”

A July 2009 parking utilization study of Parcel FF, prepared by Crain & Associates of Southern California, has been submitted to the Regional Planning Commission as part of the record for this case. That study found the public’s use of the existing parking at Parcel FF to be minimal. The July 2009 study analyzed recent counts conducted at the lot on Memorial Day 2009 and for a non-holiday weekend in June 2009. The new count results are consistent with the findings from the previous Parking Utilization Study, which Crain conducted for Parcel FF back in August 2004. In summary, in its July 2009 study, Crain found that Lot 12 was not heavily utilized, with an average peak parking demand of only 27 vehicles for the three count days. Additionally, a majority of the vehicles accessing the parking lot was associated with residential parking needs for the adjacent apartment uses. These findings comport with those in Department of Beaches and Harbors (DBH)’s comprehensive March 2009 Right-Sizing Study of Parking Lots in Marina del Rey, which also concludes the public’s use of Lot 12 is minimal. The County’s study was based on field observations in 2005 and 2007. The California Coastal Commission’s April 2009 Revised Findings in support of the Periodic LCP Review also found that the lot is underutilized, because it is not located in the vicinity of any visitor-serving or recreational uses. Half of the spaces displaced (101) will be replaced by the County in a new structure conveniently located at a recreational attraction in the Marina, such as Burton Chase Park, at a location that much better serves the recreating public. Therefore, no parking shortage will occur.

Response to Comment ORG-2-9

The Draft EIR contains an analysis that explains that the timeshare element of the hotel/timeshare project is an allowable use on Parcel 9U and is consistent with the certified LCP.

The timeshare component here would be carefully controlled by numerous conditions of approval to conform to recent Coastal Commission decisions. These conditions are designed to ensure that 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.

As to the specific provisions of the LCP, as with many municipal land use and zoning ordinances, “timeshares” are not specifically listed under any category, but nonetheless do fall within the types of

uses that are permissible. That is the case here: LUP Section A.2 (Recreation and Visitor-Serving Facilities), subsection (e) lists “overnight lodging” as a qualifying visitor-serving use in accord with related Coastal Act provisions. The timeshare component will be operated similar to a conventional hotel, and it is a type of “overnight lodging” that is consistent with the overnight lodging policies of the LUP’s Recreational & Visitor-Serving Facilities chapter. The argument is that timeshare implies ownership, not a temporary use of facilities — but as conditioned, the timeshare and hotel uses will both be temporary and virtually indistinguishable from each other except for the size of the accommodations.

LUP Section C.8, subsection (e) (Policies and Actions, Part 2 – Mapped Policy for the LUP) lists “hotel” as a permissible land use category, and designates overnight accommodations and attendant visitor-serving uses including dining and entertainment areas as uses that may occur attendant to a hotel. The timeshare would be limited in duration just like a hotel, and would provide overnight accommodations and be included in a structure that provides dining and ancillary services.

LUP Section C.8.e.7 incorporates by reference language from the Countywide general plan and Title 22 of the County Code. And, the Marina del Rey Specific Plan (Section 22.46.1030.A) states: “For matters on which this Specific Plan is silent, other applicable provisions of Title 22 shall control.” The Specific Plan does not specifically define overnight lodgings or hotel, but Title 22 defines a hotel as “Any building containing six or more guest rooms or suites of guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied on a temporary basis by guests.” The timeshare is consistent with this definition, and is therefore an allowable use on Parcel 9U.

Response to Comment ORG-2-10

The applicant is seeking an LCP amendment to allow the transfer of unused residential development units from adjoining zones. There is clear precedent for the proposed inter-Development Zone transfer of residential development units; reference Goldrich & Kest Industries’ LCP amendment approval at Marina Parcel 20, certified by the California Coastal Commission, which authorized the transfer of 97 development units from the Bora Bora DZ into the Panay DZ (see approval for County Project No. 98-172-4). A traffic analysis has been prepared for the subject project that has determined that the traffic and circulation impacts of the proposed inter-Development Zone transfer of excess development units will have no adverse impact on traffic circulation in the project vicinity. The County Department of Public Works’ Traffic & Lighting Division has reviewed and approved the project traffic study and concurs with the traffic report’s finding that the proposed transfer of dwelling units will not impact traffic or circulation patterns within or outside of the Marina. The proposed transfer of the development allocation among different Development Zones is consistent with the goals and policies of the certified LCP in as

much as it will neither result in additional development as contemplated in the certified LCP nor result in additional traffic impacts as contemplated in the certified LCP.

Response to Comment ORG-2-11

The Draft EIR recognizes the artificially created depression on Parcel 9U as a wetland, and the project proposes to enhance this wetland area to the public benefit with the proposed wetland park. The limited area of wetland that currently exists on the site was created incidentally during excavation on the site that was left unfinished in the 1980s. The wetland area consists of a significant component of non-native vegetation, which is in turn surrounded by areas that consist almost entirely of non-native vegetation or existing development. As such, characterization of the area as “degraded” is not misleading but in fact an accurate and appropriate descriptor for the site. When compared with pristine or otherwise intact wetland systems, the artificially created wetland is degraded. The project will restore the existing degraded wetland as was a saltwater marsh, reminiscent of the time before Marina del Rey was built, that will serve more wildlife and would greatly increase the habitat value.

Response to Comment ORG-2-12

The project implements Land Use Plan Policy 1 of the LUP (“Preservation of the small craft harbor as a recreational facility shall be a priority”) by replacing an aging, outdated marina with a contemporary marina with state-of-the-art landside (boaters’ lounge and locker room facilities) and waterside (sewerage pump-out stations and on-dock utilities) amenities while achieving compliance with today’s Americans with Disabilities Act (ADA) and California Department of Boating and Waterways standards. The project will also further this policy through development of a public/“transient” boat anchorage along the Parcel 9U bulkhead. In addition, the proposed visitor-serving hotel/timeshare resort use directly advances LUP Policy 1’s stated “secondary purpose” of promoting the development of new visitor-serving facilities in the Marina. Moreover, the project will be conditioned to ensure project construction will be coordinated in a manner to ensure that the planned development will neither detract from nor, to the extent practically feasible, interfere with the use of existing boating facilities in the vicinity of the site, nor the ancillary uses that support these facilities.

Along with the priority for recreation and visitor-serving facilities, the certified LCP includes the provision of residential development potential. Specifically, Section 2 Recreation and Visitor-Serving Facilities of the LUP (page 2-3) states “This Land Use Plan allows for significant increases in residential development, primarily on the west side of the Marina.”

Response to Comment ORG-2-13

Contrary to the comment, County Project TR067861 does not require an LCP amendment. Please see **Response to Comment ORG-2-9**. The County has re-approved the Shores project and re-certified the revised project EIR in compliance with state law.

Response to Comment ORG-2-14

All proposed mitigation measures for traffic impacts, including the improvement at the intersection of Via Marina and Admiralty Way, have been reviewed and approved by the County Department of Public Works. The improvement cited in the comment is identified in the Marina del Rey Transportation Improvement Plan (TIP) as a Category 3 improvement, and will enhance traffic flow within the Marina. Implementation of traffic improvements would proceed as required by the County Traffic and Lighting Division.

Response to Comment ORG-2-15

Subsequent the submittal of the comment, the Draft EIR was revised and recirculated to include an analysis of potential cumulative impacts of the proposed project and the Pumping Plant Dual Force Main Project. The comment is noted.

The Recirculated Draft EIR evaluated a worst case scenario of construction impacts including all components of the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Projects, the Shores project and the Venice Pumping Plant Dual Force Main project and has provided mitigation to reduce the impacts associated with these construction activities. Please refer also to the revised cumulative traffic impacts discussion under Subsection 5.7.7.1 of **Section 2.0, Revisions to the Draft EIR**.

Response to Comment ORG-2-16

The commenters cite their opinion that the environmental advantages of Alternative 5 would outweigh the disadvantages of reduced housing, including affordable housing, and fewer visitors being served. The comment is noted and will be passed onto the decision makers.

Response to Comment ORG-2-17

Please see **Responses to Comments ORG-2-1 through ORG-2-16**.

Ham #8

Honorable Commissioners:

Agenda Item 8: Neptune Apartments and Parcel FF

I am Marjorie Aljian of Silver Strand/~~Lynne Shapiro of Via Dela~~ *I will address*
Parks and Parking:

The "underused" parking lot once designated for a park is sought by the applicant for private development of apartments. Land Use Plan A.2e Policies and Actions states, "Specific improvements proposed by this LUP Include the conversion of Parcel FF from a parking lot to a public park". The tiny wetland park adjacent to the hotel has no parking for the public. Let's talk about parking:

The Woodfin will require additional adjacent parking for guests, staff, dock staff, restaurant and bar patrons, boaters, service and delivery trucks. Neptune also lacks parking and advertises in a brochure that was mailed to some residents that an additional "public parking facility located near Burton Chase Park will serve its visitors in this high demand area." Since the park is on the other side of the Marina, I ask you, "How will visitors get to Neptune Apartments?"

- a. Will they walk around most of the Marina?
- b. Will they swim?
- c. Will they hire a boat?
- d. Will they wait for the commuter bus?
- e. Will they sleep over and return to their cars the following day?

The answer is f. Scale back this project and require adequate on site parking; in fact, require additional on site parking because where will the public park for the wetland park? and where will the public park for the promenade that has also been promised us so that we who live here can actually see the Marina? Both amenities have been touted as significant. Are we supposed to walk there from the Silver Strand and Mariners' Village when sidewalks are not contiguous and we have children and grandchildren in tow? There is no parking nor does their appear to be an amenity called public toilets along the public promenades.

The residents of Marina del Rey and the boaters want parking facilities on this side of the Marina and the park that was promised and water views.

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Letter I-1: Aljian, Marjorie October 29, 2008 (I-1)**Response to Comment I-1-1**

This comment references the use of Parcel FF as a parking lot or conversion to a public park. The County nor the applicant (or any other developer) has any plans to develop Parcel FF for park use. Please see **Response to Comment ORG-2-8** for a discussion of the adequacy of parking provisions for the proposed project and the underutilization of existing parking at Parcel FF.

This comment also maintains that there is no public parking for the wetland park. In fact, the hotel development will include 360 parking spaces, 21 of which will be fee-based “self-park” spaces available to visitors to the parcel’s wetland park. (The County Code requires only 3 automobile parking spaces for the proposed 1.46-acre park). Also, because of the passive nature and size of the public park (1.46 acres, including a 0.46-acre fully functioning restored tidal wetland), 21 parking spaces is more than sufficient parking to accommodate park users. The additional spaces provided for the public park that are above the County Code requirement could accommodate additional park users, if needed. In addition, the park will be readily accessible by water through the adjoining public boat slips, and by foot through the new waterfront promenade. It should be noted that visitors using the public/transient anchorage would arrive by boat instead of by private vehicle and therefore would not require automobile parking space.

Response to Comment I-1-2

As described in Draft EIR Section 5.7, Traffic/Access, and as shown in Table 5.7-15, Parking Tabulation for the Proposed Project Parcels 10R, FF, and 9U, it is anticipated that visitors would access the project site (Parcels FF, 10R, and 9U) from parking structures beneath or adjacent to each building. The project would also meet the County standards regarding parking requirements.

Prior to issuance of a building permit, the developer of Parcel FF shall deposit funds into the Local Coastal Plan (LCP)-established, County-administered “Coastal Improvement Fund” (see Los Angeles County Code (LACC) 22.46.1940, *et seq.*) in an amount sufficient to fund the County’s future construction of 101 replacement public parking spaces at the Burton W. Chace Park complex, or such other location designated by the County. This public parking is in addition to the parking provide on-site for the project. The parking will be built in a location that will serve the public better than the existing lot at Parcel FF, which is highly underutilized. Please see **Response to Comment ORG-2-8**

Response to Comment ORG-2-8 noted that the Draft EIR contains substantial evidence in the form of a detailed parking and traffic analysis prepared by Crain and Associates (Appendix 5.7) which concludes that the amount of parking being provided within the hotel structure will accommodate all proposed hotel uses. Thus, no spill-over parking impacts on adjacent streets or traffic problems due to queuing

onto adjoining streets is anticipated. The parking analysis explains that, in the case of a mixed-use development, the County Code allows for an analysis to be made of the parking uses on a shared parking basis. Based on that analysis, the Draft EIR concludes that “no parking spillover onto area streets or into the nearby neighborhoods is anticipated, and no parking-related impacts are expected as a result of the proposed hotel/timeshare resort development on parcel 9U.”

Response to Comment I-1-3

This comment asks the question of how guests to the Neptune Marina Apartments Project on Parcels 10R and FF would gain access to the residential apartments if the guests used public parking available across the Marina at Burton Chase Park during their stay. However, this question is apparently based on the mistaken assumption that guests could not park at the Neptune Marina Apartments Project. A total of 132 parking spaces (100 at Parcel 10R and 32 at Parcel FF) would be provided for guests to the Neptune Marina Apartments Project in compliance with the County Zoning Code requirements. Please see **Response to Comment I-1-3**.

Response to Comment I-1-4

Please see **Response to Comment I-1-2** for a description of the on site parking at the project site. In addition, please see **Response to Comments ORG-2-8** and **I-1-3** for a description of the provisions of public parking for the wetland park. The park will also be accessible by water.

Response to Comment I-1-5

As described in Subsection 3.1.3.4.4.2, Public Amenities, in the Recirculated Draft EIR, the Waterfront Stroll Promenade would continue from the Neptune Marina Apartments project of Parcel 10R across the entire waterfront extent through the Woodfin Suite Hotel and Timeshare Resort Project on Parcel 9U. All ground floor uses at the Woodfin Suite Hotel and Timeshare Resort Project would be accessible to the public, including the provision of public restroom facilities. It is intended that the ground floor of the hotel, the adjacent pedestrian promenade, the wetland park, and the public-serving boat spaces combine to create an interactive public node. In addition, the apartment projects on Parcels 10 and FF will construct new public sidewalks along their respective Marquesas Way frontages, and the Woodfin Suite Hotel and Timeshare Resort Project would provide for public restroom facilities.

Response to Comment I-1-6

As described above, the public park and parking would be provided as part of the public park facility provisions. To provide water views, the hotel project plans for 154 linear feet of view corridor through the Parcel 9U public park/wetland situated south of the hotel/timeshare resort structure, consistent with provisions of the LCP, and the Neptune Marina Apartments Parcels 10R and FF project would provide 449 linear feet of view corridor.

Woodfin

From: judy barnes <randyjudy@verizon.net>
To: info@wearemdr.com
Subject: Woodfin
Date: Mon, 27 Oct 2008 4:54 pm

Michael Tripp
 Department of Regional Planning
 Room 1362
 320 W. Temple St.
 L.A., CA 90012

Judith M. Barnes
 306 Bora Bora Way, #301
 Marina Del Rey, CA 90292

RECEIVED
 OCT 29 2008

Dear Mr. Tripp;

I urge you to oppose the 19-story Woodfin Hotel/Timeshare and new Neptune Marina Apartments proposed for Parcels 10, FF, and 8U. The height of the Woodfin is not appropriate for our area, and timeshares and private development are not allowed by our planning laws.

Recently the Esprit Apartments were completed on Marquesas Way. Have you checked their vacancy rate? I suspect it's very high. Marina Del Rey doesn't need more high-priced apartments. What it needs is a master plan, an overall EIR, and an LCP update before any projects are approved to allow for assessment of impacts on our community. This area is too unique and precious to be developed piecemeal.

I hope to see you at the public hearing Oct. 29.

Judith M. Barnes

REGIONAL PLANNING COMMISSION

1

2

<http://webmail.aol.com/39598/aol/en-us/Mail/PrintMessage.aspx>

10/28/2008

Letter I-2: Barnes, Judith October 27, 2008 (I-2)

Response to Comment I-2-1

Please see **Response to Comment ORG-2-9** for response to the permissibility of timeshare uses in the Local Coastal Plan (LCP).

The LCP permits a hotel height of 225 feet on Parcel 9U with a 40 percent view corridor. Hotels within the updated Marina LCP located on the Marina's "non-mole" roads (such as Via Marina) are permitted a height limit of 225. (Land Use Plan [LUP] page 8-11.) Height design flexibility also is provided for seaward parcels along Via Marina, including Parcel 9U, allowing a maximum height of 225 feet when a 40 percent view corridor is provided (LUP Policy 8b). Consistent with the certified LCP's "Modified Bowl" concept, the hotel/timeshare project provides a 40 percent view corridor over Parcel 9U as the trade-off for developing a taller building with a significantly smaller building footprint.

Response to Comment I-2-2

Please see **Response to Comment ORG-2-2** (Barish) concerning discussion of piecemealing of environmental analysis for the proposed projects.

Michel & Aminta Billot
3950 Via Dolce
Marina del Rey, CA 90292

Michael Tripp
Dept. of Regional Planning
Room 1362
320 West Temple Street
Los Angeles CA 90012

Marina del Rey, October 24, 2008

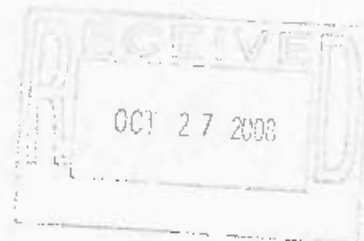
Dear Mr. Tripp

I'm writing to you in regard to the proposed development of parcels 9U, FF and 10 in Marina del Rey. In the absence of a global Marina del Rey redevelopment plan, the project by project approach that has been followed over the past few years is resulting in poor planning, unsustainable levels of traffic and an altogether inadequate management of public resources.

This particular project clearly violates the original intent of the Marina and appears to be in violation of several Coastal Commission and CEQA rules. In addition, it should be remembered that timeshares and privated development are not allowed by our planning laws.

I trust that you'll make sure that the law and common sense prevail.

Sincerely



Letter I-3: Billot, Michel and Aminta October 24, 2008 (I-3)

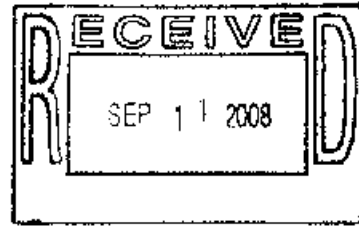
Response to Comment I-3-1

Please see **Response to Comment ORG-2-3** concerning how the County implements the land uses authorized under the Certified Local Coastal Plan (LCP).

Response to Comment I-3-2

Please see **Response to Comment ORG-2-2** concerning the County's compliance with the California Environmental Quality Act (CEQA). Please see **Response to Comment ORG-2-9** for response to the permissibility of timeshare uses in the LCP.

Dilek Mir and Rob House
4803 Via Dolce
Marina del Rey CA 90292
Tel. 310-827-0487



September 8, 2008

Mr. Michael Tripp
Department of Regional Planning, Room 1362
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Tripp,

We are writing to express our strong opposition to the construction of the Woodfin Suite Hotel and Timeshare (Project TR067861) at Parcel 9U in Marina del Rey. Our residence is only a couple of blocks away from the site. We believe that the construction of a building of such scale and for the purpose of budget hospitality will have a seriously detrimental impact on the property values and quality of life in our neighborhood. This area of the Marina is almost exclusively residential (high-end single family homes, condominiums and apartments). Building a 19-story building in the middle of our neighborhood is not appropriate. It will significantly add traffic, and decrease the attractiveness of the Marina as a place to live.

1

Our property values are already facing significant downward pressure, and this project can only make thing worse.

We urge you to deny the permits necessary to move forward with construction.

Thank you,

A handwritten signature in black ink, appearing to be "Dilek Mir".

Dilek Mir

Letter I-4: Dilek Mir September 8, 2008 (I-4)**Response to Comment I-4-1**

The comment is expressing concern with traffic and aesthetics near the project site due to the height of the building proposed on Parcel 9U. The Recirculated Draft EIR includes a discussion of the significant and unavoidable visual impact of Parcel 9U project in Draft EIR Subsection 5.6.5.3. As stated in the section, “the project’s proposed height is considered to be out of character with existing as well as recently approved project in the immediate vicinity of Parcel 9U, and from a limited perspective at two more distant locations, Mother’s Beach and Fisherman’s Village, although there are also several other high-rise buildings visible on the horizon from those locations. Therefore, visual impacts associated with the Woodfin Suite Hotel and Timeshare Resort project proposed on Parcel 9U are considered significant.” Traffic impacts related to the proposed project are discussed in **Section 5.7, Traffic/Access**. As to intersections within the County and Local Coastal Plan (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 of improvements designed to alleviate the cumulative impacts at the five intersections within Marina del Rey and that are controlled by the Los Angeles County Department of Public Works [LACDPW]) for improvements identified in the TIP and fair-share contribution for non-Transportation Improvement Plan (TIP) improvements identified above. 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 delayed or not installed, significant cumulative traffic impacts would remain. Furthermore, as the precise benefits of the State Route (SR)-90 extension cannot be quantified at this time, the Draft EIR 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.

The analysis and conclusions were presented to the decision makers for consideration prior to certification of the EIR. It should be noted that the hotel is not proposed as a “budget hospitality” but as a first class facility designed to attract new visitors to the Marina del Rey.

MDR Project- Via Marina/ Tahiti

From: Zorianna Dombchowsky <zrdombchowsky@yahoo.com>

To: info@wearemdr.com

Subject: MDR Project- Via Marina/ Tahiti

Date: Mon, 27 Oct 2008 2:13 pm

TO: THE REGIONAL PLANNING COMMISSION

RECEIVED
OCT 29 2008

REGIONAL PLANNING COMMISSION

I am a concerned, long-time resident of Marina del Rey - in fact, I have lived here at Neptune Marina for about 25 years. I have witnessed many changes, and quite honestly, its been very disheartening and frustrating.

> The enjoyment of community living has been on quite a down slide. The area has become so transient oriented and commercial that its a battle for residents to feel like its home.

> Do you know what its like to try to get out of the Marina with this traffic to go to work, come home, or just get to the freeway??? Or just get around? Its ridiculous! There is no infrastructure to support this kind of traffic.

> And once the area is "built up" with all the additional high rises (and the 2 that were built on Marquesas are still barely occupied- almost pitch black when I went out walking - why build more high rises?) and hotels, forget about just daily traffic concerns... because in the event of emergency, we're all dead & bottle necked on top of each other. What's the evacuation plan with this kind of occupancy??? The liquefaction issue/potential is another fact in itself. Its not just an "if" concern - its when and how to address it.

> The environment is polluted and it doesn't take a rocket scientist to see that. I was an environmental underwriting with AIG for over 8 years(1995-2003), and when I would go walking along the beach you used to be able to find even abalone shells. Not any more. I have not, nor will I dunk my toes in these waters! Then there are the Marina waters themselves and I know that visuals speak best for themselves - enough said.

>LA County seems to be quilting and band aiding what's the master plan?

>What about an overall EIR and an LCP Update before any projects are approved in order to asses impacts on the community.

>Is not time sharing and private development contrary to the planning laws?

As you know, "greed & crash" is not a monopoly item to nor particular just to Wall Street.

Thus my question to you is - what are you going to do about it?

Sincerely,
Zorianna Dombchowsky

<http://webmail.aol.com/39598/aol/en-us/Mail/PrintMessage.aspx>

10/28/2008

Letter I-5: Domchewsky, Zorianna October 24, 2008 (I-5)

Response to Comment I-5-1

The proposed project's impacts related to land use are discussed in **Section 5.17, Land Use**. Specifically, Table 5.17-1 Relevant Plans and Consistency with Policies presents analysis of the consistency of the project as proposed with applicable land use plans and policies including the County of Los Angeles General Plan, Local Coastal Plan (LCP), the Southern California Association of Governments (SCAG) Regional Comprehensive Plan and Guide, and the State Coastal Act.

Impacts related to population and housing are addressed in Draft EIR Section 5.16, Population and Housing. Consistent with the Marina del Rey Land Use Plan (LUP) policy, the proposed 288-room Woodfin Suite Hotel and Timeshare Resort project, the restored public wetland and upland park or the boat spaces would enhance public recreation in Marina del Rey and the small craft harbor. In addition, Marina del Rey LUP policy Section 22.46.1060.G.2 requires residential projects Neptune Marina Apartments on Parcel 10R and Parcel FF to permanently dedicate 1.77 acres of parkland or payment into the Coastal Improvement Fund for the 585 new residents associated with the projects because the County recognizes a shortage of recreational facilities for the current residents of the area.

Response to Comment I-5-2

Traffic impacts of the project are addressed in Draft EIR Section 5.7, Traffic/Access. The traffic analysis found that with implementation of mitigation measures, project-level and cumulative impacts at the study intersections would be less than significant. However, if these or other equally effective measures are delayed or not installed, significant cumulative traffic impacts would remain. Furthermore, as the precise benefits of the State Route (SR)-90 extension cannot be quantified at this time, the Draft EIR 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.

Implementation of Mitigation Measure 5.13-3, 5.13-7, and 5.13-11 would require ingress/egress access for the circulation of traffic and for emergency response access to be reviewed and approved by the County Fire Department prior to project approval. Implementation of this measure would reduce impacts with respect to emergency access to less than significant.

Impacts related to geotechnical hazards are evaluated in Draft EIR Section 5.1, Geotechnical and Soil Resources. The project site is not traversed by any known active fault and is not located in a defined Alquist-Priolo Earthquake Fault Zone. During a moderate to major earthquake occurring close to the site,

proposed project improvements would be subject to hazards associated with seismically induced settlement due to seismic shaking, as well as soil liquefaction. Unless mitigated, these impacts would have a significant effect on the environment and could expose people or structures to major geologic hazards. With implementation of the mitigation measures recommended in this section, project impacts would be reduced and are not considered significant.

Response to Comment I-5-3

The comment refers to the existing condition of the project area, in which the project is proposed. As discussed in Draft EIR Section 5.3, Hydrology and Drainage, with implementation of mitigation measures, the proposed project would not result in significant water quality impacts. The projects would result in potentially significant impacts with respect to erosion, sedimentation, and water quality impacts (pollution from non-point sources) during demolition, construction, and operation. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project would be subject to Section 402(p) of the Federal Clean Water Act (CWA) that regulates construction storm water discharges under the National Pollutant Discharge Elimination System (NPDES) program. If required by the Los Angeles County Department of Public Works (LACDPW) as part of final drainage and grading plan approvals, post-development project runoff would be treated to filter sediments and pollutants to levels prescribed by current law, thereby reducing project-related water quality impacts to levels less than are considered significant. Construction and operation association with the project would be required to be consistent with the NPDES Countywide Permit.

The biological resources setting of the project site is described in Section 5.5, Biota.

Response to Comment I-5-4

Please see **Response to Comment ORG-2-4** concerning development within the Marina del Rey LCP.

The cumulative impact analysis included in the Draft EIR included all projects that were reasonably foreseeable at the time of the Notice of Preparation (NOP) in March 2007. The Draft EIR considers total of 41 related projects in unincorporated Los Angeles County, City of Los Angeles and Culver City, in addition to ambient growth. The Recirculated Draft EIR included an additional related project, Venice Pumping Plant Dual Force Main project.

The projects will be consistent with the LCP if the proposed LCP amendments are approved by the California Coastal Commission.

Response to Comment I-5-5

The Draft EIR contains an analysis that explains that the timeshare element of the hotel/timeshare project is an allowable use on Parcel 9U and is consistent with the certified LCP.

The timeshare component here would be carefully controlled by numerous conditions of approval to conform to recent Coastal Commission decisions. These conditions are designed to ensure that 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.

Maximum public access to and along the shoreline within the LCP area is a priority goal of the LCP, balanced with the need for public safety, and protection of private property rights and sensitive habitat resources. The existing Marina provides a well developed public shoreline access system making the area open to the public. In addition, development of a 28 foot wide public pedestrian promenade along the project's entire water frontage will make access to the Marina possible. The combination of benefits to the public from the wetland park and recreation improvements (i.e., the restored wetland and upland park, and public-serving boat anchorage and a side tie area for smaller dinghy boats) will accomplish all of the County's objectives otherwise associated with a potential future park site on Parcel FF.

Please also see **Response to Comment ORG-1-2**.

Response to Comment I-5-6

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary.

Michael Tripp
Dept of Regional Planning
Room 1362
320 W Temple St
Los Angeles, CA 90012

Re: Woodfin Hotel Timeshare Resort

Mr Tripp:

Apparently the well heeled developers and the greedy politicians are at it again. The idea of a 19 story building on the west side of the Marina blows my mind. I remember when the Marina was sold to the public as a recreation area for citizens.

1

The property owners and residents of the Marina do not need more traffic or stress on our already inadequate infrastructure. What happened to the Coastal Commission who was supposed to protect us from rampant development? What happened to the EIR's and LCP's designed to prevent piecemeal destruction of the Marina? I know the answer is to increase the tax base and the re-election coffers of our Supervisor's, at the expense of the voters.

2

A 19 story Time Share or any other structure that size will destroy our skyline, block our sunshine, sunsets and wind needed for recreational boating. It should not be allowed. It is bad enough that the two story buildings are removed and replaced with five but 19 is awful.

3

Sincerely;

Robert & Joan Godfrey
13082 Mindanao Way
Marina Del Rey, CA 90292

Letter I-6: Godfrey, Robert and Joan No Date (I-6)

Response to Comment I-6-1

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary. The proposed hotel/timeshare project is consistent with Land Use Plan (LUP) Policy 8b, which permits a maximum height of 225 feet when a 40 percent view corridor is provided. The project incorporates the 40 percent view corridor (154 feet wide), which preserves substantial views of Basin B from Via Marina through the Parcel 9U public park/wetland.

Response to Comment I-6-2

Traffic impacts are evaluated in Section 5.7, Traffic/Access. Please also see **Response to Comment I-4-1**.

Response to Comment I-6-3

Under established California law, there is no protected right to a private view corridor. Moreover, private view impacts are not considered to be significant under the California Environmental Quality Act (CEQA). Consistent with the Local Coastal Plan (LCP), the hotel project will provide the required 40 percent view corridor on Parcel 9U. The proposed hotel/timeshare project is consistent with LUP Policy 8b, which permits a maximum height of 225 feet when a 40 percent view corridor is provided. The project incorporates the 40 percent view corridor (154 feet wide), which preserves substantial views of Basin B from Via Marina through the Parcel 9U public park/wetland.

The Draft EIR contains a very detailed shade and shadow study. Given the limited extent and duration of the shadows, the project would not create significant shadow effects. During the Winter Solstice, when shadows are longest, the hotel would cast shadows on portions of Via Marina in the morning only; small portions of the west portion of Basin B in the afternoon only; and no existing off-site sensitive receptors would be shaded. During the Summer Solstice, when the shadows are shortest, the hotel would cast shadows between 9:00 and 10:00 AM on a portion of the existing residential uses west of the project; no other existing sensitive receptors would be shaded; it would cast shadows on portions of Via Marina in the morning only and a small portion of Basin B in the afternoon only; and the northern portion of the proposed wetland park would receive some shading in the late afternoon.

As to protection of marina views, the certified LCP requires expanded view corridors as trade-off for additional building height on waterfront parcels. The proposed hotel/timeshare project is consistent with LUP Policy 8b, which permits a maximum height of 225 feet when a 40 percent view corridor is provided. The project incorporates the 40 percent view corridor (154 feet wide), which preserves substantial public views of Basin B from Via Marina through the Parcel 9U public park/wetland, and does necessarily

preserve and enhance some private views of the wetland park and Basin B from the condominiums on the west side of Via Marina, where one testifier resides.

The engineering firm of Rowan Williams Davies & Irwin, Inc., (RWDI) performed a detailed wind study for the project (October 2005) using wind tunnel tests to simulate and measure before and post-development wind conditions in Basin B. The study concludes that there would be no significant effect on the general air circulation patterns in Basins A, B, and C in the Marina. The study reports there will be areas of altered wind speed and direction in Basin B adjacent to the proposed development, particularly when the winds are from the southwest, and also acknowledges there will be localized areas where changes in wind direction and speed occur at the west end of Basins B and C, in areas generally close to the proposed and future developments; however, due to the localized nature of these changes and the fact that the majority of sailors will be under power as they either dock at or leave berthing slips at the basins' terminuses, the report concludes the general air circulation pattern and the use of surface winds by birds within Basins A, B and C of Marina del Rey will not be significantly affected by the proposed development.

Tripp, Michael

From: Daniel Henry Gottlieb [daniel.gottlieb@gmail.com]
Sent: Wednesday, October 22, 2008 9:42 PM
To: Tripp, Michael
Cc: David Barish - Backpack Guide; Lynne Shapiro; Nancy Marino
Subject: Comments on the Neptune/ Woodfin Timeshares Apartment EIR

Mike Tripp,

This is a response for the Woodfin EIR.

1. The traffic study is as bad as the traffic study from the Shores, and the Esprit, and the Towers. All are done by Crane and Associates. The key future trip generation plan contradicts those of the Shores and the Towers, also all done by Crane and Ass. Percents don't add up to 100%. Key intersections are ignored and their maps omit important roads, such as via Dolce. Where they double the density, they only increase the number of trips by 1.5.

All these inaccuracies appeared in the Shores EIR and were pointed out in letters and testimony. There was no response from the traffic department in the FEIR. I also note that in the current recirculation of the Shores EIR, the Department of Transportation is also not responding. Do they do any work at all on EIRs?

2. It looks like they subtracted $68 + 68 = 136$ dwelling units from from the Woodfin Hotel in Table 5.8-2, which is calculating waste water generation. I looked all over to see if I could find another 68 to see what they were referring to. The Waldo (hidden item of needed information) may be the 136 apartments existing on 10R which are to be demolished. There is no clear connection between these apartments and and the hotels time shares. I think there is more wastewater generated by a hotel unit than by an apartment unit. So there is a possible swindle here. Also this calculation is either inconsistent with the peak traffic trips or they made the same inaccurate calculation in the traffic study.

3. The consultants are Impact Sciences. They screw up the same way in all their EIRs, which I have seen. The view section in 5.6 fails to show a single mountain. Either they picked very hazy days OR they PhotoShopped the San Gabriel or Santa Monica Mountains out. They managed to pick a picture which shows FF as a construction site. I asked at the scoping meeting for the Woodfin that one of the view sites should be from Lighthouse bridge across the Ballona Lagoon. There is no such picture. The leader of the scoping meeting promised it would be included. Also they state that the only views worthy of the name are the ones from which you can see the water. Again they depreciate the mountains.

4. The shadow study looks more primitive than the incorrect one they did for the Shores. If it is worth our while, I can check to see if the angles of the shadows are correct. Probably not.

Prof. Daniel Henry Gottlieb
 Math. Dept.
 UCLA
 Los Angeles, CA 90095-1555
gottlieb@math.ucla.edu

10/23/2008

Letter I-7: Gottlieb, Daniel October 22, 2008 (I-7)

Response to Comment I-7-1

This comment is in regard to the adequacy of the Crain & Associates traffic impact analysis. The Crain & Associates for the Neptune Marina Apartments and Anchorage/Woodfin Suites Hotel and Timeshare Resort Project in December 2007 was prepared in compliance with the County's Traffic Impact Analysis Report Guidelines and was reviewed by the Traffic and Lighting Division of the Department of Public Works. The traffic report is approved by the County.

Subsection 5.7.5.3.2.2 of the Recirculated Draft EIR includes an analysis of the project's potential traffic impacts on Via Dolce. This analysis shows that the project would only add about eight net trips (about one trip every 7.5 minutes) during the AM peak hour and about six net trips (one trip every 7.5 minutes). 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. With cumulative project traffic, the roadway is anticipated to carry about 317 trips during the AM peak hour and 270 trips during the PM peak hour. As the project traffic contribution 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.

Please also see **Responses to Comments SA-2-5 through SA-2-7 (Caltrans)**.

Response to Comment I-7-2

Please see **Response to Comment I-7-2** regarding County review and approval of the traffic study. In addition the California Department of Transportation reviewed the analysis and provided comments in letters dated February 21, 2007, and September 29, 2008, respectively.

Response to Comment I-7-3

The "68" refers to the number of one- and two-bedroom timeshare units. Subsection 3.1.3.4.2, Hotel and Timeshare Units, in the project description provides: "In total, 288 overnight residential units are proposed as part of the project. There are three general types of unit proposed for the building: hotel units, one-bedroom timeshare units and two-bedroom timeshare units. As proposed, there would be 152 hotel units, 68 one-bedroom timeshare units and 68 two-bedroom timeshare units. Each hotel and timeshare unit would have one to two bedrooms, a sitting area, kitchenette and bathroom, and an exterior balcony."

In summary, as part of the project, there would be 68 one-bedroom timeshare units and 68 two-bedroom timeshare units that are expected to generate wastewater according to generation factors from Los

Angeles County Sewer Maintenance Division and City of Los Angeles Bureau of Sanitation (reference Appendix G in the Sewer Capacity Report by Fuscoe, May 2009). Under these generation factors, one hotel room generates the same amount of wastewater as a one-bedroom apartment but less than a two-bedroom apartment. The restaurant and other accessory hotel uses are assessed separately. Lastly, the traffic impact analysis conservatively evaluated impacts related to the 288 hotel units, which included the 136 timeshare units (see Table 5.7-11 of the Recirculated Draft EIR).

Response to Comment I-7-4

Per the commenter's request, a simulation of the view of the project site from Lighthouse Bridge across the Ballona Lagoon is shown on **Figure 3.0-1**. The photographs used for the visual simulations did not have the distant San Gabriel Mountains removed; rather the horizon was hazy on the day the photos were taken.

Since the comment letter was submitted, the Draft EIR was revised and recirculated for public and agency review and included a few revisions to Section 5.6, Visual Quality. The Woodfin Suite Hotel/Timeshare Resort buildings would not be considered out of character when viewed from more distant vantage points, as the buildings will occupy or cover only a small amount of the viewshed from this panoramic perspective. Consequently, there would not be any significant visual impact from distant viewing locations. In addition, the project would cast shadows on existing residential uses to the north and the west of the project site at certain times of the year, but would not result in significant shade and shadow impacts.

Response to Comment I-7-5

The Recirculated Draft EIR contains an expanded and more detailed shade and shadow study. Given the limited extent and duration of the shadows, the project should not create substantial shadow effects. During the Winter Solstice, the hotel would cast shadows on portions of Via Marina in the morning only; small portions of the west portion of Basin B in the afternoon only; and no existing off-site sensitive receptors would be shaded. During the Summer Solstice, when the shadows are shortest, the hotel would cast shadows between 9:00 and 10:00 AM on a portion of the existing residential uses west of the project; no other existing sensitive receptors would be shaded; it would cast shadows on portions of Via Marina in the morning only and a small portion of Basin B in the afternoon only; and the northern portion of the proposed wetland park would receive some shading in the late afternoon.



Pre-Development Conditions



Post-Development Conditions

SOURCE: Impact Sciences, Inc. – February 2010

FIGURE **3.0-1**



Pre-and Post-Development View of the Site as Observed from Lighthouse Bridge

OCT 27 2008

October 24, 2008

Michael Weiss
Asst. & Regional Planning
Room 1362
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Mayo:

Re: The Marina del Rey development meeting of 10/29/81.
My condo unit is directly across the street (W. Marina)
from the Marina project, and I request that the sign
be deleted - I'm sure that none of the Commission members
would tolerate such noise across from their residences.

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Also, I request that the Commission comply with the
CQTA, and be a much safer / European country
rather than create just a project as a time. If not
done, these massive projects will convert the Maricao
from a lovely and pleasant to live in, recreational
area into an extremely noisy, traffic congested and
polluted zone! How attractive to tourists will that be?

Kennedy,
 Francis M. Hall
 4850 Via Dolce #370
 Marin del Rey, CA 90292

Letter I-8: Hall, Vivian M. October 24, 2008 (I-8)

Response to Comment I-8-1

The comment requests deletion of the heliport based on noise concerns. Contrary to the comment, there is no heliport proposed with this project, but an emergency helistop. As part of the Recirculated Draft EIR, the text in Draft EIR Section 3.0, Project Description, was revised to clarify that the rooftop helistop would be for emergencies, consistent with County Code requirement (Fire Code 1107.9). The use of the helistop will be in compliance with the Public Utilities Code Section 21659 and would submit a Form 7460-1 Notice of Proposed Construction or Alteration in accordance with Federal Aviation Administration Regulations. Noise associated with the use of the helistop would be temporary and infrequent.

Response to Comment I-8-2

The comment is concerned with cumulative impacts, especially for noise and traffic. As discussed above, noise impacts were analyzed in the Recirculated Draft EIR, and cumulative noise impacts would be cumulatively considerable. Please see **Response to Comment I-4-1** and Draft EIR Section 5.7, Traffic/Access for a discussion of traffic impacts and **Response to Comment ORG-2-2** for a discussion of the County's compliance with The California Environmental Quality Act (CEQA) and piecemealing. Please see **Response to Comment ORG-2-4** concerning development within the Marina del Rey Local Coastal Plan (LCP). Please refer to Section 5.6, Visual Quality, of the Recirculated Draft EIR, for a discussion of visual impacts.

Dominique Mielle and Juan Carrillo
128 Mast Mall
Marina del Rey, CA 90292
Tel. 310-306-7008

September 4, 2008

Mr. Michael Tripp
Department of Regional Planning, Room 1362
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Tripp,

We are writing to express our strong opposition to the construction of the Woodfin Suite Hotel and Timeshare (Project TR067861) at Parcel 9U in Marina del Rey. Our residence is only a couple of blocks away from the site. We believe that the construction of a building of such scale and for the purpose of budget hospitality will have a seriously detrimental impact on the property values and quality of life in our neighborhood. This area of the Marina is almost exclusively residential (high-end single family homes, condominiums and apartments). Building a 19-story building in the middle of our neighborhood is not appropriate. It will significantly add traffic, and decrease the attractiveness of the Marina as a place to live.

1

Our property values are already facing significant downward pressure, and this project can only make things worse.

We urge the County to deny the permits necessary to move forward with construction.

Thank you,



Dominique Mielle



Juan Carrillo

Letter I-9: Mielle, Dominique and Carrillo, Juan September 4, 2008 (I-9)

Response to Comment I-9-1

The first part of the comment is regarding property values. Socioeconomic impacts are not within the purview of The California Environmental Quality Act (CEQA) and no discussion is required. Please see **Response to Comment I-4-1** and Draft EIR Section 5.7, Traffic/Access, for a discussion of traffic impacts. Please refer to **Response to Comment I-2-1** and Draft EIR Section 5.6, Visual Quality, for a discussion of visual impacts and the compatibility of the proposed 19-story hotel building.

woodfin

From: Libbe Murez <mnslib@ca.r.com>
To: info@wearemdr.com
Subject: woodfin
Date: Tue, 28 Oct 2008 11:43 am

Michael Tripp
Department of Regional Planning
Room 1362
320 West Temple St.
L.A. CA 89912

RECEIVED
OCT 29 2008
REGIONAL PLANNING COMMISSION

Libbe Murez
3852 via Dolce
Marina del Rey, Ca 90292

Dear Mr. Tripp:

I hope you will oppose the 19 story Woodfin Hotel/Timeshare and new Neptune Marina Apartments proposed for parcels 10,FF, and 90. The height of the Woodfin is not appropriate for our area, and timeshares and private development are not allowed by our planning laws.

1

High priced apartments are not needed in our marina. What is needed is a valid master plan, an overall EIR, and an LCP update before any projects are approved to allow for assessment of impacts on our community.

2

I moved into the Marina from Beverly Hills in 1970 because it was a unique area and I hate to see it ruined by developers.

3

I am looking forward to meeting you at the public hearing Oct. 29

Libbe Murez

Information from ESET NOD32 Antivirus, version of virus signature database 3563 (20081028)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

<http://webmail.aol.com/39598/aol/en-us/Mail/PrintMessage.aspx>

10/29/2008

Letter I-10: Murez, Libbe October 28, 2008 (I-10)

Response to Comment I-10-1

The Draft EIR contains an analysis that explains that the timeshare element of the hotel/timeshare project is an allowable use on Parcel 9U and is consistent with the certified Local Coastal Plan (LCP).

The timeshare component here would be carefully controlled by numerous conditions of approval to conform to recent Coastal Commission decisions. These conditions are designed to ensure that 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.

As to the specific provisions of the LCP, as with many municipal land use and zoning ordinances, “timeshares” are not specifically listed under any category, but nonetheless do fall within the types of uses that are permissible. That is the case here: Land Use Plan (LUP) Section A.2 (Recreation and Visitor-Serving Facilities), subsection (e) lists “overnight lodging” as a qualifying visitor-serving use in accord with related Coastal Act provisions. The timeshare component will be operated similar to a conventional hotel, and it is a type of “overnight lodging” that is consistent with the overnight lodging policies of the LUP’s Recreational & Visitor-Serving Facilities chapter. The argument is that timeshare implies ownership, not a temporary use of facilities — but as conditioned, the timeshare and hotel uses will both be temporary and virtually indistinguishable from each other except for the size of the accommodations.

LUP Section C.8, subsection (e) (Policies and Actions, Part 2 – Mapped Policy for the LUP) lists “hotel” as a permissible land use category, and designates overnight accommodations and attendant visitor-serving uses including dining and entertainment areas as uses that may occur attendant to a hotel. The timeshare would be limited in duration just like a hotel, and would provide overnight accommodations and be included in a structure that provides dining and ancillary services.

LUP Section C.8.e.7 incorporates by reference language from the Countywide general plan and Title 22 of the County Code. And, the Marina del Rey Specific Plan (Section 22.46.1030.A) states: “For matters on which this Specific Plan is silent, other applicable provisions of Title 22 shall control.” The Specific Plan does not specifically define overnight lodgings or hotel, but Title 22 defines a hotel as “Any building containing six or more guest rooms or suites of guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied on a temporary basis by guests.” The timeshare is consistent with this definition, and is therefore an allowable use on Parcel 9U.

Periodic Review 23 recommends excluding private “fractional” ownership on land designated for visitor or public uses. Recommendation 23 specifically distinguishes between timeshare, fractional and condominium hotel ownership forms. “Fractional” ownership, thus, does not include timeshare.

Timeshares are consistent with and permitted by the LCP (see above), and in combination with the hotel and subject to the numerous Coastal Commission-generated conditions that will be imposed, they will provide a high-priority visitor-serving use on public land, as opposed to the residential uses that occupy the areas surrounding the hotel. Contrary to one testifier’s (Ms. Shapiro) statement, Marina Del Rey was built with a combination of federal, state, and County funds with the intent of creating a regional-serving public recreational resource, NOT residential uses such as private apartments and exclusive condominiums, which are considered a non-priority use under the Coastal Act and the certified LCP.

Timeshare is a permitted use under the LCP (see above). There is no requirement in the LCP that the County must provide an “in-depth” analysis of the demand and supply for timeshares.

Response to Comment I-10-2

Please see **Response to Comment ORG-2-2** for a discussion regarding piecemealing and **Response to Comment ORG-2-4** concerning development within the existing Marina del Rey LCP.

Response to Comment I-10-3

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary. Many consider Marina del Rey to be a unique area and a desirable area in which to live.

From: nancyvmarino@aol.com [mailto:nancyvmarino@aol.com]
Sent: Sat 10/25/2008 3:52 AM
To: Tripp, Michael
Cc: info@wearemdr.com; davidb@wearemdr.com
Subject: Fwd: over development

To: Michael Tripp
Department of Regional Planning
320 W. Temple Street, Room 1362
Los Angeles, CA 90012

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

From: sandynadlman@aol.com
To: info@wearemdr.com
Sent: Fri, 24 Oct 2008 4:11 pm
Subject: over development

Dear Sir; The traffic is already impossible. Why would you allow piecemealing. I was under the impression it was not legal to allow time share. Why don't we have a master plan? Sanfird Nadlman 4600 Via Dolce #301 Marina Del Rey, CA 310-306-2950

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Letter I-11: Nadlam, Sanfird October 24, 2008 (I-11)

Response to Comment I-11-1

The comment is expressing concern with traffic, piecemealing, and the allowance of a timeshare according to planning laws. Please see **Response to Comment I-4-1** and Draft EIR Section 5.7, Traffic/Access, for a discussion of traffic impacts and **Response to Comment ORG-2-2** for a discussion of piecemealing. Please see **Response to Comment I-10-1** for an evaluation of land use policies applicable to the timeshare uses.

Keith Nuechterlein
4250 Via Dolce, Unit 322
Marina del Rey, CA 90292

October 12, 2008

Mr. Michael Tripp
Dept. of Regional Planning, Room 1362
320 West Temple Street
Los Angeles CA, 90012

RE 10/29/08 Hearings on Marina Del Rey Parcels 9U North (Project No. R2006-03643) 9U South (Project No. 2006-03644) Parcel 10R (Project No. R2006-03647) and Parcel FF (Project No. R2006-03652) and all related request for permits, variances and LCP Amendments.


Dear Mr. Tripp:

As a member of the Coalition to Save the Marina, Inc., and as an interested and very concerned homeowner residing at 4250 Via Dolce #322, Marina Del Rey, CA. 90292, I wish to register my vehement objection to the above referenced projects and their related requests for permits, variances and LCP amendments, as well as the EIR presented for the related projects. I am aware that the projects do not take into account the cumulative impact of approximately 10-15 proposed development projects in Marina Del Rey. I am also concerned that the projects do not include updated comprehensive traffic studies for these related projects.

It has come to my attention that the proposed Time Share/Fractional ownership of units violates existing law and policy the intention of which is not to create something similar to the Marina City Club development. Also, these projects fail to promote the small craft harbor and recreation purposes for which Marina del Rey was created, and negatively impede on view and wind corridors.

Please place my objections on the record as appropriate for further standing requirements. Thank you for assistance in these regards.

Sincerely,


Keith Nuechterlein
Resident

OCT 15 2008

Letter I-12: Nuechterlein, Keith October 12, 2008 (I-12)

Response to Comment I-12-1

Contrary to the comment, the Draft EIR includes an evaluation of cumulative impacts for projects in the vicinity of the proposed project. Draft EIR Section 4.0, Cumulative Projects, defines the list of 41 related projects that are included in the cumulative impact analysis. The list includes 14 projects that are within Marina del Rey. The traffic impact analysis in Draft EIR Section 5.7, Traffic/Access, evaluated the cumulative impacts of all these related projects. Additionally, the cumulative analysis was further expanded and updated in the Recirculated Draft EIR to include the Venice Pumping Plant Dual Force Main Project proposed by the City of Los Angeles. Please see also **Response to Comment ORG-2-2** for a discussion of piecemealing.

Response to Comment I-12-2

Please see **Response to Comment I-10-1** regarding the consistency of the timeshare with applicable land use policies. Please see **Response to Comment I-6-3** for a discussion of visual and wind impacts in the project vicinity. The proposed wetland park in conjunction with the public-serving anchorage will provide new recreational opportunities as stated in the Local Coastal Plan (LCP).

Response to Comment I-12-3

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary. The opposition of the commentator was forwarded to the decision makers.

Nancy A. Nuechterlein
4250 Via Dolce, Unit 322
Marina del Rey, CA 90292

October 12, 2008

Mr. Michael Tripp
Dept. of Regional Planning, Room 1362
320 West Temple Street
Los Angeles CA, 90012

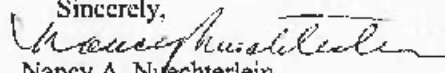
RE 10/29/08 Hearings on Marina Del Rey Parcels 9U North (Project No. R2006-03643) 9U South (Project No. 2006-03644) Parcel 10R (Project No. R2006-03647) and Parcel FF (Project No. R2006-03652) and all related request for permits, variances and LCP Amendments.

Dear Mr. Tripp:

As a member of the Coalition to Save the Marina, Inc., and as an interested and very concerned homeowner residing at 4250 Via Dolce #322, Marina Del Rey, CA. 90292, I wish to register my vehement objection to the above referenced projects and their related requests for permits, variances and LCP amendments, as well as the EIR presented for the related projects. I am aware that the projects do not take into account the cumulative impact of approximately 10-15 proposed development projects in Marina Del Rey. I am also concerned that the projects do not include updated comprehensive traffic studies for these related projects.

It has come to my attention that the proposed Time Share/Fractional ownership of units violates existing law and policy the intention of which is not to create something similar to the Marina City Club development. Also, these projects fail to promote the small craft harbor and recreation purposes for which Marina del Rey was created, and negatively impede on view and wind corridors.

Please place my objections on the record as appropriate for further standing requirements. Thank you for assistance in these regards.

Sincerely,

Nancy A. Nuechterlein
Resident

OCT 15 2008

Letter I-13: Nuechterlein, Nancy October 12, 2008 (I-13)

Please see **Comment Letter I-12** above.

opposition to development of MDR

From: firooz pak <firoozpak@yahoo.com>
To: info@wearemdr.com
Subject: opposition to development of MDR
Date: Mon, 27 Oct 2008 2:36 pm

RECEIVED
 OCT 28 2008

To whom it may concern,

I have been a resident of Marina del Rey for the past 7 years, and I am dismayed to learn about the current development projects in the marina del rey area. As it is, there have been significant additions to the building/units in the area. Witness: redevelopment of Marina Harbor on Bora Bora way, with replacement of large grassy areas with a monstrosity of building. There is significant congestion and especially noise pollution by the motor traffic (including trucks and motorcycles).

Parcel 9U would best be served by converting into a green area for the use of community, not a 19-story hotel. These developments are in violation of various zoning and planning laws and will adversely impact the comfort and safety of the residents of marina del rey without any tangible benefits.

Please strongly reconsider these development plans.

Sincerely,
 Firooz Pak

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<http://webmail.aol.com/39598/aol/en-us/Mail/PrintMessage.aspx>

10/28/2008

Letter I-14: Pak, Firooz October 27, 2008 (I-14)**Response to Comment I-14-1**

The comment discusses the commenter's feelings regarding existing development in Marina del Rey. They are also concerned with traffic and noise impacts. Traffic impacts related to the proposed project are discussed in Draft EIR Section 5.7, Traffic/Access. As to intersections within the County and Local Coastal Plan (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 of improvements designed to alleviate the cumulative impacts at the five intersections within Marina del Rey and that are controlled by the Los Angeles County Department of Public Works [LACDPW]) for improvements identified in the Transportation Improvement Plan (TIP) and fair-share contribution for non-TIP improvements identified above. 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 delayed or not installed, significant cumulative traffic impacts would remain. Furthermore, as the precise benefits of the State Route (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.

Off-site noise level increases generated by the proposed project traffic would be up to 2.0 A-weighted decibels (dB(A)) community noise equivalent level (CNEL). The largest change in noise levels would occur along Marquesas Way east of Via Marina along the project frontage. However, this increase would not exceed the off-site mobile source thresholds of significance and would be below the level of human perception. Therefore, no significant on- or off-site noise impacts would occur as a result of project operation.

Noise level increases attributable to traffic generated by cumulative development would be less than 3 dB(A) CNEL at all locations. Marquesas Way would have the largest change, where noise levels as a result of traffic generated by cumulative development would increase from 53.8 dB(A) to 56.7 dB(A), an increase of 2.9 dB(A). This increase would not exceed the off-site mobile source thresholds of significance for this analysis and would be below the level of human perception. Therefore, no significant off-site cumulative noise impacts would occur as a result of cumulative projects.

Response to Comment I-14-2

Please see **Response to Comment I-10-1** for timeshare consistency with the LCP. The Draft EIR contains an analysis that explains that the timeshare element (parcel 9U) of the hotel/timeshare project is an allowable use on Parcel 9U and is consistent with the certified LCP.

The proposed project will also construct a 1.46-acre restored public wetland and upland park that would be constructed on the southern portion of Parcel 9U, creating a “green area.”

Response to Comment I-14-3

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary. The opposition of the commentator was forwarded to the decision makers.

October 26, 2008

Mr. Michael Tripp
 Department of Regional Planning, Room 1362
 320 West Temple Street
 Los Angeles CA 90012

Dear Mr. Tripp:

I have read the D.E.I.R. for Neptune Marina and Woodfin Hotel. In several instances its assumptions are not correct and there are errors.

Regarding noise, years of grading and construction and trucking, then 3,104 additional vehicle trips daily which include service and garbage trucks and a helicopter (without definition of emergency use) are said to have no impact. The mitigating premise is that Marina residents are out at work all day long. This is false because most of those who pay property tax in the four large Via Marina condo complexes are senior citizens. They moved in during '70's and '80's. Swelling their ranks is a significant number of moms and entrepreneurs, both renters and owners who work in their homes. Many are computer specialists and graphic designers. In my building 71% spend much or all of the day at home. The mitigation factor is false. In the larger buildings of 145 and 168 residents closer to the Neptune and Woodfin, there are even more stay-at-homes. Where is the resident population study to back the assertion that noise will have no impact?

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Next is parking, since parcel FF, the "underused" parking lot once designated for a park is sought by the applicant for private development of apartments. The Woodfin Hotel at Parcel 9U does not have enough parking for its guests, staff, dock staff, restaurant and bar patrons, boaters and service and delivery trucks and will require additional adjacent parking SO where will the public park for the promenade and where will the public park for the wetland park, both touted as significant new public environmental and recreational amenities. That little park is insignificant if Mothers' Beach is lost to the public and if there is no parking lot. Are we supposed to walk from the Silver Strand and Mariners' Village when the sidewalks are not

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contiguous and we have children and grandchildren in tow? By the way, there appear to be no public toilets along the promenades.

3

In a brochure sent to some residents, Legacy states that Neptune will have an additional "public parking facility located near Burton Chase Park for visitors in a high-demand area." This park is on the other side of the Marina so I ask you, "How will the visitors get to Neptune Apartments?"

4

- a. Walk around most of the Marina?
- b. Swim?
- c. Hire a boat?
- d. Wait 30 minutes or more for the commuter bus?
- e. Sleep over to return to their cars the following day?-

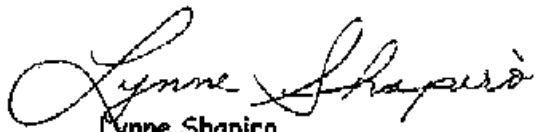
The answer is f. Scale back

In addition to all the short-term and cumulative impacts cited in these hearing notices, The 19 story hotel is a monstrous intrusion on a residential community, the closest commercial ventures being the Cheesecake Factory and The Charthouse restaurant near and on Panay Way. With the Del Rey Hotel, a projected hotel on Fiji Way, a large Marriott on Admiralty, a greatly enlarged Jamaica Bay, also on nearby Admiralty and the threat of a resident Marriott usurping Mothers' Beach, why ruin the sky, the sea, the wind, the safety and the tranquility of the community with a 19 story hotel? Marina hotel occupancy has not reached more than 70-75%. Neither traditional occupancy nor current economic conditions warrant it; neither does any consideration for the environment and the aesthetics of our Marina. On the other hand, we do need low cost accommodations for visitors and racers, not in Santa Monica where this project is said to have satisfied its time-share requirement, but rather here in the Marina by this developer.

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The D.E.I.R. states that the infrastructure does not support these projects. We residents know that a huge, new sewer would not be necessary along Via Marina were it not for the huge Woodfin and 400 Neptune apartments and possibly Esprit I and II. These are too massive and market-driven and will subject all residents of Via Marina and Silver Strand to excessive construction for many years. It is unfair that a small residential neighborhood bear these burdens or impacts.

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Lynne Shapiro

5100 Via Dolce #312

Marina del Rey CA 90292

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Letter I-15a: Shapiro, Lynne October 26, 2008 (I-15a)

Response to Comment I-15a-1

See **Response to Comment I-15b-1** concerning noise impacts.

The referenced feature on the hotel roof is a Fire Code-required “helistop” landing area for Fire Department or “Life Flight” emergency equipment, not a “heliport,” as the commenter incorrectly states. It would only be used for temporary emergency life-safety purposes.

The Draft EIR does not state that mitigation for temporary construction noise impacts is that Marina del Rey residents work away from their home during the day. Rather, the statement is that construction noise impacts would be limited to normal working hours in compliance with the County of Los Angeles Noise Control Ordinance. Realizing that many Marina del Rey residences do not travel to an off-site work place during the day, the Draft EIR concludes that temporary construction noise impacts would be significant since noise levels during construction would periodically exceed the County noise standards.

Response to Comment I-15a-2

The hotel/timeshare will provide 21 “self-park” public parking spaces reserved for park users. The County Code requires far fewer parking spaces for the public park (the Code requires but 3 automobile parking spaces for the proposed 1.46-acre park). Also, because of the passive nature and size of the public park (1.46 acres, including a 0.46-acre fully functioning restored tidal wetland), 21 parking spaces is more than sufficient parking to accommodate park users. The additional spaces provided for the public park, which are above the County Code requirement could accommodate additional park users, if needed. In addition, the park will be readily accessible by water through the adjoining public boat slips, and by foot through the new waterfront promenade. It should be noted that visitors using the public/transient anchorage would arrive by boat instead of by private vehicle and therefore would not require automobile parking space. For the promenade, the County parking code does not require parking spaces for this type of project feature.

The Draft EIR contains substantial evidence in the form of a detailed parking and traffic analysis prepared by Crain and Associates (Appendix 5.7) which concludes that the amount of parking being provided within the hotel structure will accommodate all proposed hotel uses. Thus, no spill-over parking impacts on adjacent streets or traffic problems due to queuing onto adjoining streets is anticipated. The parking analysis explains that, in the case of a mixed-use development, the County Code allows for an analysis to be made of the parking uses on a shared parking basis. Based on that analysis, the Draft EIR concludes that “no parking spillover onto area streets or into the nearby neighborhoods is

anticipated, and no parking-related impacts are expected as a result of the proposed hotel/timeshare resort development on parcel 9U.”

Response to Comment I-15a-3

The Woodfin Suite Hotel and Timeshare Resort Project would provide for public restroom facilities.

Response to Comment I-15a-4

Please see **Response to Comment I-1-3** concerning access to the Neptune Marina Apartments project.

Response to Comment I-15a-5

The site is designated for a hotel/timeshare use. The issue of market demand is not relevant to the Regional Planning Commission hearing process, or the CEQA analysis. However, an independent economic study, addressing both the market potential and the projected cash flows, was prepared for the developer by HVS International, one of the leading independent hotel economic analysts. An updated study will be undertaken as part of the project financing process.

The LCP permits a hotel height of 225 feet on Parcel 9U with a 40 percent view corridor. Hotels within the updated Marina Local Coastal Plan (LCP) located on the Marina’s “non-mole” roads (such as Via Marina) are permitted a height limit of 225 feet. (Land Use Plan [LUP] page 8-11.) Height design flexibility also is provided for seaward parcels along Via Marina, including Parcel 9U, allowing a maximum height of 225 feet when a 40 percent view corridor is provided (LUP Policy 8b). Consistent with the certified LCP’s “Modified Bowl” concept, the hotel/timeshare project provides a 40 percent view corridor over Parcel 9U as the trade-off for developing a taller building with a significantly smaller building footprint. The proposed hotel design offers a significantly wider water view corridor than the previous hotel (Marina Plaza Hotel) that was approved for development on the site by the County and Coastal Commission in the 1980s. That prior-approved hotel spanned the entire parcel, offering only a scant view to the water, and also included a nine-story hotel tower.

Response to Comment I-15a-6

New sewer conveyance lines are proposed as part of the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort project. See **Response to Comment I-15b-6** concerning sewer infrastructure improvements. See also **Response to Comment I-15b-6** regarding the Venice Pumping Plant Dual Force Main.

Item # 9
 FIVE
 D
 OCT 29 2008

Honorable Commissioners:

I am Lynne Shapiro, resident of Marina del Rey.

I have read the D.E.I.R. for the 9U parcel. With respect to NOISE its assumptions are incorrect. Years of grading, construction and trucking, then 3,104 additional vehicle trips daily including service and garbage collection and now a heliport are said to have no impact. The mitigating premise is that Marina residents are out at work all day long. This is false.

Where is the resident population study to back the assertion that this noise will have no impact? Most of the residents in the four large Via Marina condo complexes are retired senior citizens, and a significant number of renters and owners works at home. In my building 71% spends much or all of the day at in the Marina. In the buildings of 145 and 168 residents, closest to these projects, even more folks are at home during much of the day.

A heliport and its use at night for any purpose is a dreadful intrusion. We are served by ambulance now; and unless you are projecting unprecedented traffic jams, there is no reason to disturb us day or night with this horrible noise. We are not an airport; we are a quiet residential community.

In addition to all the short-term and cumulative impacts cited in this hearing notice, the nineteen story hotel is a monstrous intrusion on the residential community, the closest commercial ventures being the Charthouse restaurant and the Cheesecake Factory down on Panay way.

With the Del Rey Hotel, a hotel for Fiji Way, a large Ritz Carlton or a Marriott on Admiralty, a greatly enlarged Jamaica Bay also on nearby Admiralty, and the threat of a resident Marriott usurping Mothers' Beach from County residents, why ruin the sky, the view, the wind, the safety and tranquility of the community with a nineteen story Manhattan-like hotel? Marina hotel occupancy has never reached more than 70-75%. Neither traditional occupancy nor current economic conditions warrant this hotel. Where is the study that

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shows us a sea-change from our Current Land Use Plan A2.d.'s Findings: "demand for more expensive visitor serving facilities, such as hotel rooms, has proven to be limited." Why devote more parcels to hundreds of upscale hotel rooms when the same LUP section recognizes "strong demand for new lower-cost recreational opportunities"? This project unfairly satisfied its time-share requirement in Santa Monica rather than here in the Marina.

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Finally, the D.E.I.R. states that the infrastructure does not support this or these projects. We residents know that a huge, new sewer would not be necessary along Via Marina were it not for the huge Woodfin and four hundred Neptune apartments. It is unfair that a small residential neighborhood bear the burdens of these massive projects.

6

Letter I-15b: Shapiro, Lynne No Date (I-15b)**Response to Comment I-15b-1**

The comment is concerned with noise associated with the proposed project. Noise impacts are evaluated in Section 5.2, Noise, of the Recirculated Draft EIR. Construction noise would affect nearby noise sensitive residential uses and noise sensitive uses along the proposed haul route. Exterior noise levels during construction of up to 100 dB(A) could be experienced at some noise sensitive uses that would have direct lines of sight to pile driving. Noise levels generated during construction would periodically exceed County standards for exterior noise levels during the workday. To mitigate construction noise, all construction activities would comply with the County of Los Angeles Noise Control Ordinance (Ordinance No. 11773) so that construction noise would be limited to normal working hours when many residents in the Marina del Rey area would be away from their homes. Nevertheless, construction noise would represent a temporary, but significant impact, as noise levels would periodically exceed County standards, even after mitigation.

During project operation, it is not anticipated that interior noise levels on or off the project site would exceed County standards. The primary source of noise during project operation would be project traffic. Operation of the proposed project would introduce an additional 3,104 daily vehicle trips on local roadways (1,017 trips from the Neptune Marina Apartments [Parcel 10R], 499 trips from the Neptune Marina Apartments [Parcel FF], and 1,538 trips from the Woodfin Suite Hotel and Timeshare Resort [Parcel 9U], and the balance of the trips from the wetland park and public boat slips). Off-site noise level increases generated by proposed project traffic would be less than 3.0 dB(A) CNEL. The largest change in noise levels would occur along Marquesas Way east of Via Marina along the project frontage. However, this increase would not be audible and would not exceed the community noise significance thresholds. Therefore, no significant on- or off-site noise impacts would occur as a result of project operation.

Noise level increases attributable to traffic generated by cumulative development would be less than 3 dB(A) CNEL at all modeled locations. Receptors within 50 feet of Marquesas Way would experience the greatest cumulative traffic noise increase; however, this increase would not be audible and would not exceed the community noise significance threshold of 3.0 dB(A). Therefore, no significant off-site cumulative noise impacts would occur as a result of cumulative development. However, cumulative noise impacts during construction would be significant and the project's contribution to these cumulative impacts would be cumulatively considerable.

Response to Comment I-15b-2

See **Response to Comment I-15b-1** concerning discussion of noise impacts. The 10 noise monitoring locations studied are depicted in Figure 5.2-4 Noise Monitoring Locations, indicating that residential units to the west of Via Marina were included in the analysis.

Response to Comment I-15b-3

The referenced feature on the hotel roof is a Fire Code-required “helistop” landing area for Fire Department or “Life Flight” emergency equipment, not a “heliport,” as the commenter incorrectly maintains. It would only be used for temporary emergency life-safety purposes.

Response to Comment I-15b-4

The proposed hotel/timeshare project is consistent with Land Use Plan (LUP) Policy 8b, which permits a maximum height of 225 feet when a 40 percent view corridor is provided. The project incorporates the 40 percent view corridor (154 feet wide), which preserves substantial views of Basin B from Via Marina through the Parcel 9U public park/wetland.

The Local Coastal Plan (LCP) permits a hotel height of 225 feet on Parcel 9U with a 40 percent view corridor. Hotels within the updated Marina LCP located on the Marina’s “non-mole” roads (such as Via Marina) are permitted a height limit of 225. (LUP page 8-11.) Height design flexibility also is provided for seaward parcels along Via Marina, including Parcel 9U, allowing a maximum height of 225 feet when a 40 percent view corridor is provided (LUP Policy 8b). Consistent with the certified LCP’s “Modified Bowl” concept, the hotel/timeshare project provides a 40 percent view corridor over Parcel 9U as the trade-off for developing a taller building with a significantly smaller building footprint. The proposed hotel design offers a significantly wider water view corridor than the previous hotel (Marina Plaza Hotel) that was approved for development on the site by the County and Coastal Commission in the 1980s. That prior-approved hotel spanned the entire parcel, offering only a scant view to the water, and also included a nine-story hotel tower.

Response to Comment I-15b-5

The site is designated for a hotel/timeshare use. The issue of market demand is not relevant to the Regional Planning Commission hearing process, or California Environmental Quality Act (CEQA) analysis. However, an independent economic study, addressing both the market potential and the projected cash flows, was prepared for the developer by HVS International, one of the leading independent hotel economic analysts. An updated study will be undertaken as part of the project financing process.

Response to Comment I-15b-6

Proposed sewer improvements for Parcel 10R would require the abandonment of approximately 650 linear feet (466 feet within Parcel 10R, 130 feet within Parcel FF, and 54 feet within Marquesas Way right-of-way) of existing 10-inch sewer main and 240 linear feet of an existing 8-inch line. A new 8-inch and 10-inch sewer would be constructed to service the Neptune Marina Parcel 10R. The alignment of the proposed 10-inch main would place about 500 linear feet within Marquesas Way and 160 linear feet within Via Marina; an additional 180 linear feet would occur within existing site boundaries of Parcel 10R. Approximately 710 linear of a new 8-inch sewer line would occur within the Parcel 10R boundaries along the bulk head. These improvements are described in detail in the Section 5.8, Sewer Service, of the Recirculated Draft EIR. Proposed sewer improvements for the Woodfin Suite Hotel and Timeshare Resort Project would involve construction of a new 10-inch line that will connect to the existing 15-inch line that is in Via Marina.

The Venice Pumping Plant Dual Force Main is an infrastructure improvement to be implemented by the City of Los Angeles. It is not replacing the existing sewer trunk line but updating the aged current line to provide adequate sewer service in the event that the current line breaks or needs emergency maintenance.

NATALIE & HOWARD SIBELMAN

4050 Via Dolce #342
Marina del Rey, CA 90292
(310) 821-3245
hss37@cornell.edu

October 24, 2008

Michael Tripp
Department of Regional Planning
320 West Temple St, Room 320
Los Angeles, CA 90012

Dear Mr. Tripp:

The purpose of this letter is to voice my opposition to the proposed 288 room hotel development on Via Marina, and the proposed redevelopment of the Neptune Marina Apartments on Via Marina (currently 126 units; proposed 400 units).

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I am not a lawyer. I don't know if these proposed project are legal in the context of existing laws and regulations, but I do know that increasing the population density in this area is going to adversely impact the quality of life for everyone who does now live here, or will in the future.

2

I can't help but wonder whether the people who make the decisions that destroy quality of life in the name of progress ever visit the neighborhoods to be developed or redeveloped. If you haven't been around here lately, you should come down and see the gridlock on the streets. Bringing more cars into the Marina will worsen what is already an intolerable situation at many times of the day, day in and day out.

Please do not allow these ill conceived projects to go forward.

Yours truly,


Howard Sibelman



Letter I-16: Sibelman, Howard October 24, 2008 (I-16)

Response to Comment I-16-1

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary. The comment was forwarded to the decision makers.

Response to Comment I-16-2

Traffic impacts related to the proposed project are discussed in Draft EIR Section 5.7, Traffic/Access. As to intersections within the County and Local Coastal Plan (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 of improvements designed to alleviate the cumulative impacts at the five intersections within Marina del Rey and that are controlled by the Los Angeles County Department of Public Works [LACDPW]) for improvements identified in the Transportation Improvement Plan (TIP) and fair-share contribution for non-TIP improvements identified above. 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 delayed or not installed, significant cumulative traffic impacts would remain. Furthermore, as the precise benefits of the State Route (SR)-90 extension cannot be quantified at this time, the Draft EIR 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. The analysis and conclusions were presented to the decision makers prior to certification of the EIR.

The Regional Planning Commission (RPC) conducted a field trip to Marina del Rey on August 8, 2009. During this field trip, the RPC was able to visit the project site and surrounding areas in order to observe the current environmental setting for the proposed project.

LARRY SILVER
124 ROMA CT
MARINA DEL REY CA. 90292

phone (310) 578 9575
fax (310) 578 2313

Date sent Sept 5, 2008

Los Angeles County Regional Planning

Re: Oct 29, 08 hearing at 9:00 am on Projects TR067861 and R2006-03647, both in Marina del Rey involving Tahiti and Marquesas Way

I REQUEST THAT THIS ENTIRE LETTER BE READ OUTLOUD AT THE HEARING IN SUCH A MANNER THAT ALL PRESENT CAN HEAR IT.

I am a Real Estate Broker and own my house at 124 Roma Way which is about 200 yards from subject property. To get to or from my house I must drive by subject property every day. I can see the subject property from the roof-patio on my 4 story house. I STRONGLY OPPOSE ANY AND ALL PHASES OF WHAT IS BEING REQUESTED (permits, variances, amendments to Coastal Plan, etc) for a multitude of significant legal and safety reasons. Many of the reasons are valid even if I did not live in proximity to the subject property.

1

If I am present at the meeting I will request to speak. It would be impossible in a letter to explicate all of the many objectionable requests before this commission. However, a few examples follow:

- 1) This Commission hearing should have been held in close proximity to the subject property and neighborhood, rather than about 20 miles away at a day and time of day when most working people can not attend. I believe this may have been intentionally arranged so affected citizens could not attend. It is obvious that the County will make a lot of money (property tax & rent) from what is proposed.
- 2) I do not want the existing zoning changed to allow a 19 story building 200 yards from my house in residential zoning, including the building's parking is inadequate. Additionally, about 1/2 of the surrounding property is apartment buildings. The traffic situation is already horrible. It takes an average of 3 -5 minutes (3-4 signal cycles) to make a turn at Washington and Lincoln during business hours.
- 3) I do not want a "emergency rooftop" heliport which is exceedingly noisy and dangerous any where near my house. It will be only a short time before this heliport goes from "emergency" designation to PRIVATE BUSINESS USE. Helicopters frequently crash when full of fuel and this is a residential area.
- 4) It will be very harmful to the boating community to reduce the number of slips as proposed. The marina was originally built with money from a bond issue that made promises about improving boating facilities and availability.
- 5) The variance for excess signage as requested will destroy the neighborhood.

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Larry Silver

Letter I-17: Silver, Larry September 5, 2008 (I-17)

Response to Comment I-17-1

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary. The comment was forwarded to the decision makers.

Response to Comment I-17-2

A public hearing on the project and the Recirculated Draft EIR was held at the Burton W. Chace Park Community Room in Marina del Rey at 6:00 PM, on August 12, 2009, subsequent to the receipt of this comment.

Response to Comment I-17-3

The Local Coastal Plan (LCP) specifically contemplates development of a hotel on the subject Parcel 9U and identifies "Hotel" as the parcel's Land Use Designation and Principal Permitted Use. Therefore, no zone change or Marina del Rey Specific Plan amendment is proposed or required because the 19-story hotel is consistent with the certified LCP.

Please see **Response to Comment ORG-2-8** for a discussion of the adequacy of parking provisions for the proposed project.

Traffic impacts related to the proposed project are discussed in Section 5.7, Traffic/Access. The analysis concluded that significant cumulative impacts would occur at the intersection of Lincoln Boulevard and Washington Boulevard, consistent with the comment. This analysis and conclusions was presented to the decision makers prior to certification of the EIR.

Response to Comment I-17-4

The referenced feature on the hotel roof is a Fire Code-required "helistop" landing area for Fire Department or "Life Flight" emergency equipment. A "heliport" is not proposed, as the commenter incorrectly maintains. The project will be conditioned so that the helistop would only be used for temporary emergency life-safety purposes.

Response to Comment I-17-5

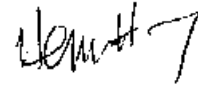
The existing marina is not Americans with Disabilities Act (ADA) compliant; (i.e., no ADA gangway and no ADA-sized slips). Federal and state law requires 5 slips in the new anchorage to be ADA-compliant. The proposed anchorage provides these required 5 ADA slips, as well as 6 additional ADA-compliant slips, for a total of 11 ADA-compliant slips. The developer is able to provide the 6 additional ADA-compliant slips due to the fact that some additional slips are adjacent to required widened end-tie fingers

and head-walks, thus meeting the 5-foot dock width rule that allows docks to be ADA-compliant. The reduction in 24 boat spaces between the existing 198-space marina and proposed 174-space marina results from achieving compliance with California Department of Boating and Waterways and ADA standards.

Response to Comment I-17-6

The applicant is seeking additional project signage to provide visibility to prospective tenants and to allow a similar right enjoyed by comparable projects within the vicinity of the site. because Strict compliance with the County's multi-residential (R-3 and R-4 Zone) sign standards would allow only one wall-mounted building identification sign per principal use, and the area of such sign could not exceed a scant 6 square feet. Moreover, no project entry monument signage would be allowed per the R-3 and R-4 Zone sign standards, whereas entry monument signage is a conventional and expected element of any new contemporary multi-family/apartment project of this size, scale and quality.

As described in Draft EIR Section 5.5, Visual Quality, the Marina del Rey Land Use Plan (LUP) requires that the project site plan and architectural design be reviewed and approved by the Design Control Board (DCB), which has the authority to regulate signage, building architectural design, site planning, and facade design for all new development proposals. The DCB reviewed and conceptually approved Neptune Marina/Woodfin Suite Hotel and Timeshare Resort Project on June 29, 2006, and, as part of that action, ensured compliance with the development standards and policies (inclusive of view corridors) outlined in the LUP with the development standards under its purview. For the reasons above, the proposed project's impact to visual corridors and views from scenic highways as defined in the Marina del Rey LUP were found to be less than significant. This analysis and conclusions was presented to the decision makers prior to certification of the EIR.


Main Identity

From: "Robert van de Hoek" <robertvandehoek@yahoo.com>
 To: "David De Lange PhD" <dr.delange@verizon.net>
 Cc: "Marcia Hanscom" <wetlandact@earthlink.net>
 Sent: Wednesday, October 29, 2008 6:42 AM
 Subject: Re: Regional Planning 9U tomorrow

Greetings Dr. David De Lange, PhD:

I am pleased to respond to your email as a wetland scientist, botanical scientist, ecologist, and conservation biologist.

The main report that wetland scientists and botanical scientists are required to rely upon for considering if a plant species is an obligate wetland plant or an upland plant is the National List of Plant Species That Occur in Wetlands, 1988, by U.S. Fish & Wildlife Service (Porter J. Reed, Jr., National Ecology Research Center). This report was reviewed for accuracy by 21 botanical scientists of university academic institution, including Wayne Ferren, Jr., and their input becomes the peer review, where they state that Seaside Heliotrope is an "obligate wetland plant." These 21 botanical scientists names and titles are listed on page 134-135 of the Reed (1988) report as the California regional reviewers. In addition, 24 government scientists from 5 federal agencies concurred with the 21 regional reviewers. These 21 federal scientists form the "Regional Interagency Review Panel." In essence, 45 scientists worked together to list Seaside Heliotrope as an "obligate wetland plant species." In addition, fyi, these same 45 scientists also listed Sandbar Willow as an obligate wetland plant species in the same report. I mention this species because this willow is also found on the 9U parcel and is also predominant in its "living cover" and Tony Bomkamp does consider this an obligate wetland species, so he obviously agrees here with the 45 wetland scientists and the USFWS report by Reed (1988). But he does not concur with the same body of expertise on Seaside Heliotrope. It's not appropriate to have it both ways as Tony Bomkamp attempts to do incorrectly.

My observations and comments at the DCB board are paraphrased incorrectly on the point that my observations are not solely based on review of the report by Tony Bomkamp, but are also based on more than a dozen site visits over the last 7 years the 9U parcel in Marina del Rey, California. I was in the field one day with Tony Bomkamp and Andi Culbertson and the soil scientists, but I have also visited the site as stated above over the last seven years, whereas, Tony Bomkamp has only been there for a couple of days of 1 summer of 1 year, which is limited. His errors and inaccuracies seem likely enhanced by not seeing the Seaside Heliotrope over a number of years in different season when Seaside Heliotrope is extremely predominant due to climatic rainfall differences and past weeding practices by the County at the 9U parcel where vegetation was plowed under with a tractor which erased vegetation dominance of the Seaside Heliotrope and disturbed the soil which gives favoritism to the weedy grass invasion. None of this history was included in the Glen Lukos memo or investigated by Tony Bomkamp or Andi Culbertson which is an attempt to mislead the reader(s) or is unprofessional scientific investigation, i.e. sloppy and unreliable report conclusions by Tony Bomkamp.

I not only reviewed the literature and reports referenced in the Glen Lukos Heliotrope Memo but I also site-inspected the 9U parcel in Marina del Rey and completed field analysis. I documented 33 locations of Seaside Heliotrope, which is more than double the number of locations identified by Tony Bomkamp. My analysis is comprehensive therefore, whereas Tony Bomkamp's investigation was only a partial investigation.

I found all 33 populations of Seaside Heliotrope to be in wetlands due to the presence of the species as

10/29/2008

well as its predominance of greater than 50% of living cover over the wetland soil. Unlike Tony Bomkamp, I do not consider dead grass stalks as legitimate to count as living cover. I do consider two other living species as countable, i.e. Telegraph Weed and Australian Saltbush. Both of these species are not predominant however, which leaves the evaluation at the 33 populations of Seaside Heliotrope as the predominant living species of vegetative cover.

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Mr. Bomkamp should have only counted the living portion of the grasses which are the seeds lying dormant in the ground, which are small and adds less than 1% to an evaluation of predominant living vegetative cover.

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Mr. Bomkamp's incorrectly uses the name of "alkali heliotrope" as the U.S National List of Plant Species That Occur in Wetlands (California) states clearly that the name is "Seaside Heliotrope." He deliberated attempts to confuse the readership as well as trying to lean readers away from considering the importance of this native wetland plant near the coast in the California Coastal Zone.

7

The Seaside Heliotrope populations in my estimation tabulate to 0.71 acre under a "linear vegetation band" that encircles the entire northern 1/3 of the 9U parcel. The roots extend down through the soil to a shallow water table of an saline (alkaline) nature which explains clearly why Seaside Heliotrope grows here. Wherever we find Seaside Heliotrope, whether on level ground or a slope, there is a perched water table, because Seaside Heliotrope roots depend on abundant water to be able to grow and be verdant green in foliage and stems and flowers during the long hot summer of southern California. Whereas, grasses are dead, turned yellow as dry stalks and thatch and are not legitimate to assess as "living" cover for a predominance of vegetation analysis.

8

In summary, Seaside Heliotrope is present and predominant as the "living" cover during summer at the time of the evaluation by Tony Bomkamp and during my several years of evaluation at the 9U parcel in Marina del Rey. There are 33 populations of Seaside Heliotrope throughout the 9U parcel. I found the predominance to range from 63% to 92%, with an average of 71% predominance of "living" vegetation cover. Under the law of the California Coastal Zone, this indicates that there are 33 wetland areas in the 9U parcel in the northern third of the property, which supplements the southern portion of the parcel where the Sandbar Willow population predominates as the "living" vegetative cover as well. Both species are obligate wetland species as defined in the USEWS report by Porter Reed (1988). The soils and hydrology would also show this soil to be wetland if measured in the wet rainy winter period because the soils are heavy adobe clay and silt with an abundance of salinity and alkalinity (high pH). The soils needed to be inspected at a greater depth, as I did, but which Tony Bomkamp did not do during his analysis which is likely why he did not determine the soils to be wetland soils. I would like to conclude with the importance of the nectar and pollen of the Seaside Heliotrope to native pollinator species, specifically, the three species of native bees and 14 species of native butterflies discovered over the course of the last 5-7 years that have visited the flowers of this consequently very important ecological native obligate wetland plant (11 of these 17 insect species play crucial roles in wetland function) at the 9u parcel in Marina del Rey. Interestingly, the Sandbar Willow wetland vegetation is wind-pollinated as there is no nectar in the flowers, so these same insect species do not occur there, but there are other species of insects that use willow forest, which in turn attracts foraging and migratory and nesting obligate bird species such as a unique wetland warbler known as the Yellowthroat and a sparrow of wetlands known as the Song Sparrow, both of which have been documented repeatedly over the last 7 years at the Sandbar Willow Forest at the 9U parcel.

9

Sincerely,

"Roy"

10/29/2008

Robert van de Hoek, RC
Wetland Scientist, Botanical Scientist, Ecologist, Conservation Biologist
Ballona Institute, Coastal Law Enforcement Action Network, Wetlands Action Network
Los Angeles, CA

--- On Tue, 10/28/08, David De Lange PhD <dr.delange@verizon.net> wrote:

From: David De Lange PhD <dr.delange@verizon.net>
Subject: Regional Planning 9U tomorrow
To: "Robert van de Hoek" <robertvandehoek@yahoo.com>
Cc: "Marcia Hanscom" <wetlandact@earthlink.net>
Date: Tuesday, October 28, 2008, 1:49 PM

Roy and Marcia, in the document below and attached Roy's views on 9U seaside heliotrope are critiqued in the Appendix to the 9U DEIR. This project will be heard tomorrow at REgional Planning. David De Lange

Glenn Lukos Associates Heliotrope Memo

MEMORANDUM

GLENN LUKOS ASSOCIATES

Regulatory Services

29 Orchard Lake Forest California 92630-8300

Telephone: (949) 837-0404 Facsimile: (949) 837-5834

PROJECT NUMBER: 06680001P9U

TO: Andi Culbertson

FROM: Tony Hornkamp

DATE: June 20, 2006

SUBJECT: Occurrences of Seaside Heliotrope (*Heliotropium curassavicum*) at Parcel

9U, Marina del Rey, California

During testimony provided by Mr. Robert "Roy" Van de Hoek at the DCB meeting on May 18,

2006, Mr. Van de Hoek asserted that the presence of Seaside Heliotrope (heliotrope) on Parcel

9U represented potential wetland locations. Mr. Van de Hoek's assertion was based on his

10/29/2008

Letter I-18: Van der Hoek, Robert October 29, 2008 (I-18)

Response to Comment I-18-1

The commenter's credentials are noted.

Response to Comment I-18-2

The County concurs that Reed (1988) lists *Heliotropium curassavicum* (seaside heliotrope) as obligate wetland plant (OBL); however, this is widely observed to be an inaccurate designation for this species. Dr. John Dixon of the California Coastal Commission suggests that facultative wetland plant (FAC) is a more appropriate designation as noted Footnote 5 of a January 18, 2003, Staff Report (Staff Report for Application Number 5-01-450). Specifically, Dr. Dixon opined that heliotrope is misclassified in the *U.S. Fish and Wildlife Service National List of Plant Species that Occur in Wetlands, Region 0 – California* and agreed with Mr. Wayne Ferren of the U.C. Santa Barbara Herbarium that it should be reclassified from its current status of OBL, plants that have a 99-percent occurrence rate in wetlands, to FAC, which are plants that exhibit equal likelihood of occurring in uplands and wetlands.

The Draft EIR is based on the expert report prepared by Tony Bomkamp, a field botanist, wetlands ecologist and senior regulatory specialist at Glenn Lukos Associates with over 30 years of extensive experience in wetland delineation. Based on data collected in Orange and Los Angeles counties, Glenn Lukos Associates (GLA) believes that FAC is the appropriate status for this seaside heliotrope. Specifically, Mr. Michael Condie, a graduate student at California State University at Fullerton, has sampled nearly 200 locations that support salt heliotrope, and has determined that only about 10 percent of those occurrences are associated with wetlands. This suggests that the species warrants a facultative upland (FACU) designation (i.e., plants with occurrences in wetlands ranging between 1 and 33 percent). Nevertheless, the Draft EIR took the conservative approach and treated this species as FAC, following the Coastal Commission until this data is published and submitted to the Army Corps of Engineers (USACE) so that its indicator status can be officially changed.

Response to Comment I-18-3

The GLA, June 20, 2006 memorandum entitled, *Occurrences of Seaside Heliotrope (Heliotropium curassavicum) at Parcel 9U, Marina del Rey, California*, from Tony Bomkamp to Andi Culbertson summarizes the Parcel 9U studies regarding wetlands delineation and the use of seaside heliotrope as an indicator of such habitats. The County concurs with the conclusion that seaside heliotrope is equally likely to occur in either wetland or upland habitat settings, and therefore, it is not an obligate indicator of wetlands where the species grows. The species tends to occur in locations where true obligate wetlands species cannot grow because the amount of seasonal drying of the area.

Response to Comment I-18-4

The GLA 2006 seaside heliotrope report was a well studied and documented review of the correlation of the presence of seaside heliotrope and the presence of wetland indicators of plants species to occur in wetland soils (hydrophytic species) and the predominance of hydric soils. The report concluded that there is effectively no direct correlation between presence of wetlands and the occurrence of seaside heliotrope.

Response to Comment I-18-5

Please see **Response to Comment I-18-3** concerning the use of seaside heliotrope as a wetland indicator.

Response to Comment I-18-6

The commenter disagrees with the conclusions of GLA. The County considers the vegetation analysis of GLA and Mr. Tony Bomkamp to be highly credible, professional and accurate.

Response to Comment I-18-7

Common names for plant species are notoriously misleading and imprecise. Whether the common name for *Heliotropium curassavicum* is seaside heliotrope or alkali heliotrope has no bearing on the species as an indicator of wetland habitats. The County does not consider this species of be an obligate indicator species.

Response to Comment I-18-8

Please see **Response to Comment I-18-2** concerning the use of seaside heliotrope as a wetland indicator.

Response to Comment I-18-9

The County concurs that wetland habitat occurs on Parcel 9U. The jurisdictional delineation for the site identified 0.26 acre of wetland area that meets the wetland definition pursuant to Section 404 of the Clean Water Act as regulated by USACE (i.e., three-parameter wetland). The area of USACE jurisdiction was clearly depicted on Exhibit 3 of the second revision to the Jurisdictional Delineation Report prepared by GLA, dated March 27, 2008.

The same jurisdictional delineation report also identified an additional 0.21 acre of one-parameter wetlands that would be subject to the California Coastal Commission for a total area of wetland meeting the Coastal Act's wetland definition covering 0.43 acre. The 0.43 acre area is also depicted on Exhibit 3 of the second revision to the Jurisdictional Delineation Report prepared by GLA, dated March 27, 2008, which was appended to the Draft EIR.

The wetland delineation methodology followed the protocols set forth in the USACE 1987 Wetland Delineation Manual. Soils of the excavated basin within the upper 0.6 feet to 2 feet of the existing soil profile consist of dredge or fill material deposited in the 1950s and early 1960s on salt marsh/mudflat habitat during marina construction. Portions of the imported dredge or fill material within the excavated basin appear to be mixed with relictual hydric soils that formed prior to deposition at the site, as evidenced by clear, sharp boundaries around redox concentration as well as the random distribution of inclusions that exhibit such redoxymorphic features. Limited areas within the upper 2 feet exhibit hydric soil characteristics that appear to have formed in place due to ponding or saturation in the upper 12 inches, consistent with the depressional topography. The existence of areas with active redox formation is critical for distinguishing between areas that are true wetlands (i.e., areas that exhibit sufficient wetness during most years to result in anaerobic conditions in the upper 12 inches of the soil profile). The presence of song sparrow and common yellowthroat as transient species within the narrow-leaved willow scrub is consistent with the designation of this habitat as wetland.

VIVIENNE VERSACE
4314 MARINA CITY DRIVE
UNIT 316C
MARINA DEL REY, CA 90292
PHONE: 310-301-6617 FAX: 310-821-5057
Email: vivfv@aol.com

RECEIVED
OCT 15 2008

October 12, 2008

Mr. Michael Tripp
Department of Regional Planning, Rm. 1362
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Tripp:

This letter is regarding the proposed 19 story hotel/timeshare (Woodfin Suites) that will be developed east of Via Marina between Marquesas Way and Tahiti Way.

We currently live in the Marina City Club and have an unobstructed view out to the ocean. It's very beautiful and one of the main reasons we chose to buy into this complex. There is not a single construction that sticks out in our view.

1

The development of a 19 story building would be an absolute destruction to the view. It would stand alone as an eye-sore and would add absolutely nothing to the landscape. I can't see any purpose, other than greed, for the development of this project. We don't need more development here to ruin the landscape and cause even more traffic and gridlock.

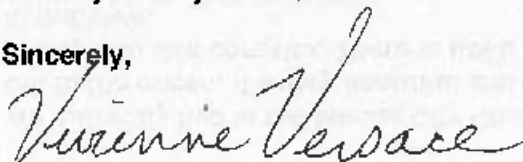
We used to live on the Marina Peninsula in the late seventies and early eighties. At that time, there were very strict rules and regulations regarding development. It seems that there are none now and anything goes regardless of its impact to the community.

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We, and many others who live here, are totally opposed to this proposal.

Thank you for your attention.

Sincerely,



Vivienne Versace

Letter I-19: Versace, Vivienne October 12, 2008 (I-19)

Response to Comment I-19-1

As described in **Response to Comment I-6-3**, under established California law, there is no protected right to a private view corridor. Moreover, private view impacts are not considered to be significant under The California Environmental Quality Act (CEQA). Consistent with the Local Coastal Plan (LCP), the hotel project will provide the required 40 percent view corridor on Parcel 9U. The proposed hotel/timeshare project is consistent with Land Use Plan (LUP) Policy 8b, which permits a maximum height of 225 feet when a 40 percent view corridor is provided. The project incorporates the 40 percent view corridor (154 feet wide), which preserves substantial views of Basin B from Via Marina through the Parcel 9U public park/wetland.

Response to Comment I-19-2

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary. The comment was forwarded to the decision makers.

3.2 RESPONSES TO COMMENTS ON THE RECIRCULATED (2009) DRAFT EIR

3.2.1 Index to Comments on the Recirculated (2009) Draft EIR

As described in **Section 1.0, Introduction to the Final EIR**, all comments on the Recirculated Draft EIR provided during the June 8, 2009, to July 22, 2009, comment period, received in writing have been numbered, and the numbers assigned to each comment are indicated on the written communication and the public hearing transcript that follow. All agencies, organizations, and individuals who provided written comments on the Draft EIR are listed in **Table 3.0-2, Index to Comments on the Recirculated (2009) Draft EIR**, below.

**Table 3.0-2
Index to Comments on the Recirculated (2009) Draft EIR**

Letter Number	Agency/Organization/Individual – Name
R-SA-1	Department of Conservation: Division of Oil, Gas and Geothermal Resources (Frost, Paul)
R-SA-2a	State Clearinghouse 1
R-SA-2b	State Clearinghouse 2
R-LA-1	City of Los Angeles, Department of City Planning (Bonstin, Shana)
R-LA-2	City of Los Angeles, Bureau of Sanitation (Lorscheider, Brent)
R-LA-3	County of Los Angeles Fire Department (Vidales, Frank)
R-LA-4	Metropolitan Transportation Authority (Susan Chapman)
R-ORG-1	Venice Neighborhood Council
R-ORG-2	We ARE Marina del Rey (Barish, David)
R-ORG-3	We ARE Marina Del Rey (Marino, Nancy)
R-I-1	Unidentified Individual
R-I-2	Bostick, Rosalie
R-I-3a	Gottlieb, Daniel Henry 1
R-I-3b	Gottlieb, Daniel Henry 2
R-I-3c	Gottlieb, Daniel Henry 3
R-I-4	Medley, Tony
R-I-5	Ruiz, Gilberto

R: Comment Letter on Recirculated(2009) Draft EIR; SA: State Agency; LA: Local Agency; ORG: Organization; I: Individual



DEPARTMENT OF CONSERVATION

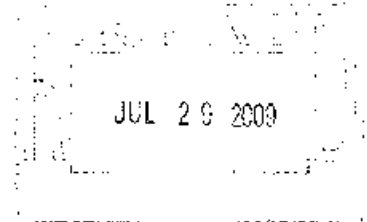
DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES

5816 Corporate Avenue • Suite 200 • CYPRESS, CALIFORNIA, 90630-4731

PHONE 714 / 816-6847 • FAX 714 / 816-6853 • WEBSITE conservation.ca.gov

July 28, 2009

Mr. Michael Tripp
County of Los Angeles, Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012



Subject: Notice of completion and Availability Recirculated Draft Environmental
Impact Report for the Neptune Marina Apartments and Anchorage
Woodfin Suite Hotel and Timeshare Resort Project, SCH# 2007031114

Dear Mr. Tripp:

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced Recirculated EIR for Los Angeles County Regional Planning Department. We offer the following comments for your consideration.

The Division is mandated by Section 3106 of the Public Resources Code (PRC) to supervise the drilling, operation, maintenance, and plugging and abandonment of wells for the purpose of preventing: (1) damage to life, health, property, and natural resources; (2) damage to underground and surface waters suitable for irrigation or domestic use; (3) loss of oil, gas, or reservoir energy; and (4) damage to oil and gas deposits by infiltrating water and other causes. Furthermore, the PRC vests in the State Oil and Gas Supervisor (Supervisor) the authority to regulate the manner of drilling, operation, maintenance, and abandonment of oil and gas wells so as to conserve, protect, and prevent waste of these resources, while at the same time encouraging operators to apply viable methods for the purpose of increasing the ultimate recovery of oil and gas.

The scope and content of information that is germane to the Division's responsibility are contained in Section 3000 et seq. of the Public Resources Code (PRC), and administrative regulations under Title 14, Division 2, Chapter 4, of the California Code of Regulations.

The proposed project is located inside the administrative boundaries of the Playa Del Rey oil field. There are two plugged and abandoned wells within or in proximity to the project boundaries. The well are identified as County of Los Angeles c/o R.A. Del Gu "Dow R.G.C." 9 and "Dow R.G.C." 10 on Division map 120 and in Division records. The Division recommends that all wells within or in close proximity to project boundaries be accurately plotted on future project maps.

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

Mr. Michael Tripp, Department of Regional Planning

July 28, 2009

Page 2

Building over or in the proximity of idle or plugged and abandoned wells should be avoided if at all possible. If this is not possible, it may be necessary to plug or re-plug wells to current Division specifications. Also, the State Oil and Gas Supervisor is authorized to order the reabandonment of previously plugged and abandoned wells when construction over or in the proximity of wells could result in a hazard (Section 3208.1 of the Public Resources Code). If abandonment or reabandonment is necessary, the cost of operations is the responsibility of the owner of the property upon which the structure will be located. Finally, if construction over an abandoned well is unavoidable an adequate gas venting system should be placed over the well.

2

Furthermore, if any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

To ensure proper review of building projects, the Division has published an informational packet entitled, "Construction Project Site Review and Well Abandonment Procedure" that outlines the information a project developer must submit to the Division for review. Developers should contact the Division Cypress district office for a copy of the site-review packet. The local planning department should verify that final building plans have undergone Division review prior to the start of construction.

3

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report. If you have questions on our comments, or require technical assistance or information, please call me at the Cypress district office: 5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731; phone (714) 816-6847.

Sincerely,



Paul Frost
Associate Oil & Gas Engineer
Division of Oil, Gas and Geothermal Resources
District 1 - Cypress

cc: State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Adele Lagomarsino – Division Headquarters
Sacramento

Letter R-SA-1: California Department of Conservation: Division of Oil, Gas and Geothermal Resources July 28, 2009 (R-SA-1)

Response to Comment R-SA-1-1

This comment does not address the adequacy or completeness of the Recirculated Draft EIR and no response is necessary.

Response to Comment R-SA-1-2

Section 5.1, Geotechnical and Soil Resources, in the Draft EIR documents the historical use of the Playa Vista land as an active oil field and notes that there are abandoned oil wells near the project site. Implementation of Mitigation Measure 5.1-14 would reduce impacts related to health risks related to methane gas due to the presence of abandoned wells to less than significance. Soil gas testing conducted on Parcels 10U and FF in March 2008 by Carlin Environmental Consulting, Inc., revealed only trace samples of methane gas. A May 2008 geophysical investigation performed by Subsurface Surveys and Associates confirmed the presence of an oil well at the western property boundary of Parcel 9U. This well is the likely source for the elevated methane readings. The proposed project has been designed to comply with the provisions of Section 3208.1 of the Public Resources Code.

Implementation of Mitigation Measure 5.1-14 provides that the construction of buildings or structures adjacent to or within 200 feet of active, abandoned, or idle oil or gas well(s) shall be provided with a methane gas protection system. In addition, the mitigation measure required implementation of recommendations in Methane Specialist reports and other reports pertaining to soil gas safety. With implementation of this mitigation measure, it would not be necessary to plug or re-plug wells on the project site. In the event that plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading of the project, the project proponent will contact the Department of Conservation as is required by state law.

Response to Comment R-SA-1-3

The project construction contractor will contact the local district office in Cypress of the Department of Conservation for review of the final building plans prior to the start of construction.



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

July 28, 2009

Michael Tripp
Los Angeles County Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

Subject: The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project
SCU#: 2007031114

Dear Michael Tripp:

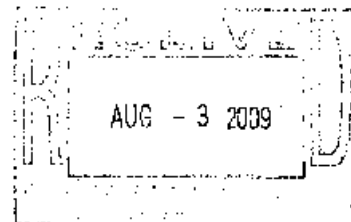
The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on July 23, 2009, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Robert
Director, State Clearinghouse

1



1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report State Clearinghouse Data Base

SCH# 2007031114
Project Title The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project
Lead Agency Los Angeles County

Type	EIR Draft EIR
Description	The proposed project is the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel Timeshare Resort Project on Parcels 10R, FF, and 9U as well as adjacent Marina Basins. The proposed project consists of five components requiring five Coastal Development Permits, three Conditional Use Permits, three Variances, one Parking Permit, two Plan Amendments, and a Tract Map. Component 1 (Parcel 10R) consists of demolishing an existing 136-unit apartment complex to build a total of 400 apartment units and adjacent waterfront public pedestrian promenades. This component also includes the demolition of an existing 198-slip anchorage to construct a new 174-slip anchorage within the Marina Del Rey Basin B. Component 2 (Parcel FF) consists of demolishing an existing 201 space parking lot to build a total of 126 apartment units and adjacent waterfront public pedestrian promenades. Component 3 is for the development of the northerly portion of Parcel 9U to construct a 19 story building with 288 hotel and timeshare suite units and accessory uses. The proposed building will include a 6 level parking garage structure, with one level below grade, for a total of 360 parking spaces. Component 4 consists of a 1.46 acre public wetland and upland park on the souther portion of Parcel 9U. Component 5 is to construct a public-serving boat anchorage that would be situated proximal to parcel 9U within the Marina Del Rey Basin B. This public anchorage would contain approximately 2,923 square foot of dock area and would provide approximately 842 linear feet of transient boat docking space. Approximately 180,000 cubic yards of grading will be required with excess cut material to be exported to the La Puente Landfill.

Lead Agency Contact

Name	Michael Tripp	
Agency	Los Angeles County Department of Regional Planning	
Phone	(213) 974-4813	Fax
email		
Address	320 W. Temple Street	
City	Los Angeles	State CA Zip 90012

Project Location

County	Los Angeles
City	
Region	
Lat / Long	
Cross Streets	Via Marina and Admiralty Way
Parcel No.	4224-002-900, 4224-003-800
Township	

Proximity to:

Highways	1 and 90
Airports	LAX
Railways	No
Waterways	Ballona Creek, Pacific Ocean
Schools	Venice HS and Westchester HS
Land Use	Residential (Parcel 10R); Parking (Parcel FF); Undeveloped (Parcel 9U)/Residential III and IV with Waterfront Overlay (Parcel 10R); Open Space (Parcel FF); Hotel, Water, Waterfront Overlay (Parcel 9U)

Note: Blanks in data fields result from insufficient information provided by lead agency.

**Document Details Report
State Clearinghouse Data Base**

Project Issues	Aesthetic/Visual; Air Quality; Coastal Zone; Cumulative Effects; Landuse; Noise; Public Services; Sewer Capacity; Traffic/Circulation; Solid Waste
-----------------------	--

Reviewing Agencies	Resources Agency; Department of Boating and Waterways; California Coastal Commission; Department of Conservation; Department of Fish and Game, Region 5; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 7; Department of Housing and Community Development; Native American Heritage Commission; State Lands Commission
---------------------------	--

Date Received	06/09/2009	Start of Review	06/09/2009	End of Review	07/23/2009
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Note: Blanks in data fields result from insufficient information provided by lead agency.

**Letter SA-2a: Governor's Office of Planning and Research, State Clearinghouse and Planning Unit
July 28, 2009 (SA-2a)**

Response to Comment SA-2a-1

This comment does not address the adequacy or completeness of the Recirculated Draft EIR and no response is necessary. The comment indicates compliance with the provisions of providing the environmental document for state agency review and that no State of California agency had submitted a comment letter at this time.



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

July 30, 2009

Michael Tripp
Los Angeles County Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

Subject: The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project
SCH#: 2007031114

Dear Michael Tripp:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on July 23, 2009. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

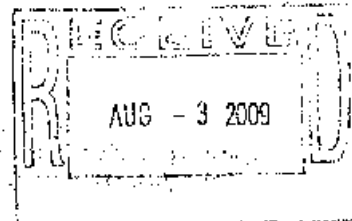
The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2007031114) when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency



1409 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Letter SA-2b: Governor's Office of Planning and Research, State Clearinghouse and Planning Unit
July 30, 2009 (SA-2b)**

Response to Comment SA-2b-1

This comment does not address the adequacy or completeness of the Recirculated Draft EIR and no response is necessary. The comment indicates compliance with the provisions of providing the environmental document for state agency review and that the California Department of Conservation's Division of Oil, Gas, and Geothermal Resources had submitted a comment letter (see **Letter R-SA-1** above).

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 325
LOS ANGELES, CA 90012-4801
AND
6262 MARINAVILLE BLVD., SUITE 351
VAN NUYS, CA 91401

CITY PLANNING COMMISSION

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CITY MANAGER
2131 978-1300

October
September 14, 2009

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

OCT 15 2009

EXECUTIVE OFFICES

E. GAIL GOLDBERG, AICP
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(213) 978-1271

VINCENT P. BERTON, AICP
DEPUTY DIRECTOR
(213) 978-1272

EVA YILAN MEDANIL
DEPUTY DIRECTOR
(213) 978-1273
FAX: (213) 978-1275

INFORMATION
(213) 978-1270
www.planning.lacity.org

TO: Michael Tripp
County Los Angeles, Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012

FROM: Shana Bonstin, City Planner
Los Angeles Department of City Planning- Community
Planning Bureau

SUBJECT: Proposed Developments in Marina Del Rey

The Los Angeles Department of City Planning recently reviewed several proposed developments for Marina Del Rey:

- Oceana Retirement Facility and Holiday Harbor Courts, which are currently undergoing the formal public review period for the Draft Environmental Impact Report.
- Boat Central
- Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort

We recognize that these projects will have an impact on the neighboring Venice community, and wish to ensure that quality, accessible public amenities are a part of the proposed developments, and that the extensive increase in development will provide benefit to Venice residents as well.

We acknowledge the inclusion of public amenities in several of the projects, including:

- Public park plaza and promenade at Holiday Harbor Courts
- Pedestrian promenade at Boat Central

- Restored public wetland and upland park project, waterfront pedestrian promenade, and public access to the ground floor uses of the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort.

1

We appreciate these amenities, and want to ensure that residents of the surrounding communities are aware of them. Please ensure that final plans include designs that are pedestrian-friendly, easily publicly accessible, and well-advertised.

Letter R-LA-1: City of Los Angeles, Department of City Planning October 14, 2009 (R-LA-1)

Response to Comment R-LA-1-1

This comment does not address the adequacy or completeness of the Recirculated Draft EIR and no response is necessary. The projects referenced in the comment letter are included in the cumulative impact analysis.

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
PUBLIC WORKS

BUREAU OF SANITATION

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CHIEF OPERATING OFFICER

VAROUI S. ABKIAN
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ALEXANDER F. HELOU
ASSISTANT DIRECTORS

1149 SOUTH BROADWAY STREET, 9TH FLOOR
LOS ANGELES, CA 90015
TEL: (213) 485-2210
FAX: (213) 485-2979

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July 10, 2009

File: SC.CE.

Michael Tripp
County of Los Angeles
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012

Subject: **Neptune Marina Apartments and Anchorage or Woodfin Suite Hotel & Timeshare Resort Project – Notice of Completion Recirculated Draft EIR**

This is in response to your June 9, 2009 letter requesting a review of your proposed project. The Bureau of Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and stormwater systems for the proposed project.

WASTEWATER REQUIREMENT

The Bureau of Sanitation, Wastewater Engineering Services Division (WESD) is charged with the task of evaluating the local sewer conditions and to determine if available wastewater capacity exists for future developments. The evaluation will determine cumulative sewer impacts and guide the planning process for any future sewer improvements projects needed to provide future capacity as the City grows and develops.

Projected Wastewater Discharges for the Proposed Project:

Type Description	Average Daily Flow per Type Description (GPD/UNIT)	Proposed No. of Units	Average Daily Flow (GPD)
Existing			
Residential	150 GPD/DU	136 DU	(20,400)
Proposed			
Neptune Marina Apartments and Anchorage			
Residential: 1-BR	150 GPD/DU	330 DU	49,500
Residential: 2-BR	200 GPD/DU	196 DU	39,200
Woodfin Suite Hotel and Timeshare Resort			
Hotel	150 GPD/DU	152 DU	22,800
Residential: 1-BR	150 GPD/DU	68 DU	10,200
Residential: 2-BR	200 GPD/DU	68 DU	13,600

AN EQUAL EMPLOYMENT OPPORTUNITY — AFFIRMATIVE ACTION EMPLOYER

Recyclable and made from recycled materials



Restaurant	300 GPD/1000 SQ.FT	82,652 SQ.FT	24,796
Total			139,696

SEWER AVAILABILITY

The sewer infrastructure in the vicinity of the proposed project includes the existing 15-inch line on Via Dolce. The sewage from the existing 15-inch line flows into a 21-inch line on Esplanade and through the Venice Pumping Plant on Hurricane Ave before discharging into the 48-inch Coastal Interceptor Sewer (CIS) force main on Hurricane St. The current flow level (d/D) in the 21-inch line cannot be determined at this time. According to our existing pumping data, the Venice Pumping Plant appears to have capacity.

Based on our existing gauging information, the current approximate flow level (d/D) and the design capacities at d/D of 50% in the sewer system are as follows:

Pipe Diameter (in)	Pipe Location	Current Gauging d/D (%)	50% Design Capacity
15	Via Dolce	14	866,833 GPD
21	Esplanade	*	3.53 MGD

* No gauging available

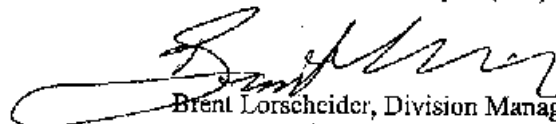
Based on the estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. Further detailed gauging and evaluation will be needed as part of the permit process to identify a sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

If you have any questions, please call Abdul Danishwar of my staff at (323) 342-6220.

SOLID RESOURCE REQUIREMENTS

The City has a standard requirement that apply to all proposed residential developments of four or more units or where the addition of floor areas is 25 percent or more, and all other development projects where the addition of floor area is 30 percent or more. Such developments must set aside a recycling area or room for onsite recycling activities. For more details of this requirement, please contact Special Projects Division.

Special Projects staff is available at your request to provide guidance on solid resource issues. Should you have any questions, please contact Daniel Hackney at (213)485-3684.


Brent Lorscheider, Division Manager
Wastewater Engineering Services Division

cc: Mehr Irani, BOS
Daniel Hackney, BOS
Rowena Lau, BOS

File Location: \Div Files\SCAR\CEQA Review\FINAL CEQA Response LTRs\Neptune Marina Apartments and Anchorage or Woodfin Suite Hotel & Timeshare Resort Project-NOC Recirculated Draft EIR.doc

**Letter R-LA-2: City of Los Angeles, Department of Public Works, Bureau of Sanitation July 10, 2009
(R-LA-2)**

Response to Comment R-LA-2-1

This comment does not address the adequacy or completeness of the Recirculated Draft EIR and no response is necessary.

Response to Comment R-LA-2-2

This comment references the City of Los Angeles' Projected Wastewater Discharge for the Proposed Project. The Recirculated Draft EIR Section 5.8, Sewer Service, re-evaluated the projected wastewater discharge using in part the wastewater generation rates provided by the City of Los Angeles in its letter dated December 17, 2008. In that letter, the projected total discharge was 122,586 gallons per day (gpd). The new projected total using the generation rates in the July 10, 2009 is 139,696 gpd. This figure of 139,696 gpd is consistent with the net projected total for the average daily generation for the project in the Recirculated Draft EIR, which also incorporated the more conservative generation rates used by Los Angeles County Sewer Maintenance Division. This total is consistent with the conclusion that the project will not cause a significant impact.

Response to Comment R-LA-2-3

Detailed gauging will be conducted as part of the normal building permit process. If this detail gauging shows that the City's gauging data referred to in the comment is incorrect and in fact insufficient capacity exists, the project applicants will be responsible for the necessary improvements.

This comment also refers to the adequacy of the infrastructure and the Hyperion Treatment Facility to accommodate the new wastewater generated by the proposed project and concludes that a significant impact would not likely occur because sufficient capacity exists within the sewer system. This comment is in agreement with the EIR for the proposed project.

Response to Comment R-LA-2-4

This comment does not address the adequacy or completeness of the Recirculated Draft EIR, and no response is necessary. A recycling area will be included in the project design.



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

(323) 890-4330

AUG 17 2009

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

August 13, 2009

Mr. Michael Tripp
Department of Regional Planning
Special Projects Section
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Tripp:

DRAFT ENVIRONMENTAL IMPACT REPORT, SUBJECT: RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT THE NEPTUNE MARINA APARTMENTS AND ANCHORAGE/WOODFIN SUITE HOTEL AND TIMESHARE RESORT PROJECT, MARINA DEL REY PARCELS 10R, FF. AND 9U, PROJECT NOS. TR67861, R2006-03647, R2006-03652, R2006-03643 AND R2006-03644, STATE CLEARINGHOUSE NO.2007031114 (FFER #200900113)

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

PLANNING DIVISION:

1. We previously reviewed this project as EIR #200800249. Our comments, which are still valid, were as follows:

Section 5.13 Summary

2. Paragraph 2 - the sentence "In addition, ground lease rentals, property tax and special tax revenues would provide for the operation and staffing of Fire Stations." is incorrect and should be deleted. As correctly stated in the first sentence in this paragraph, fire protection services (operation and staffing) to the project area are funded through property tax and special tax revenues, not ground lease rentals.

5.13.2.1 Los Angeles County Fire Department

3. Paragraph 2 - this paragraph should be revised to reflect the following: The County Fire Department provides fire prevention, fire protection and emergency medical services to more

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGORA HILLS	BRANDRY	CUDAHY	RAWTHORNE	LA MIRADA	MALIBU	POMONA	SIGNAL HILL
ARTESIA	CALABASAS	DIAMOND BAR	RODDEN HILLS	LA PUENTE	MAYWOOD	RANCHO PALOS VERDES	SOUTH EL MONTE
AZUSA	CARRSON	DUARTE	HUNTINGTON PARK	LAKEWOOD	NORWALK	ROLLING HILLS	SOUTH GATE
BALDWIN PARK	CERRITOS	EL MONTE	INDUSTRY	LANCASTER	PALMDALE	ROLLING HILLS ESTATES	TEMPLE CITY
BELL	CLAREMONT	GARDENA	IRVINGDALE	LAWNDALE	PALOS VERDES ESTATES	ROSEMEAD	WALNUT
BELL GARDENS	COMMERCE	GLENDORA	IRVINGDALE	DOMITA	PARAMOUNT	SAN DOMAS	WEST HOLLYWOOD
BELLFLOWER	COVINA	HAWAIIAN GARDENS	LA CANADA-FLINTRIDGE	LYNWOOD	PICO RIVERA	SANTA CLARITA	WESTLAKE VILLAGE
			LA HABRA				WHITTIER

than 4.1 million people in 58 cities and all of unincorporated Los Angeles County. These services are provided as outlined in the Los Angeles County Fire Code and the General Plan Safety Elements of these various cities. The County Fire Department operates 170 Fire Stations from three regional bureaus: North Region, Central Region and East Region. Each region is under the command of a Deputy Chief, assisted by several key staff members.

4. Paragraph 3 - for clarification, while the County Fire Department has automatic and mutual aid agreements with the cities of Los Angeles, Culver City and Santa Monica Fire Departments, not all of these agreements provide for response into the project area. For the project area, the County Fire Department has an automatic aid agreement with the Los Angeles City Fire Department to respond one engine to a full first alarm (structure) incident.
5. In addition, the City of Los Angeles will provide one Light Force on "second alarms and one additional Light Force on third alarms". A Light Force consists of an engine company and a truck company responding as one unit. This agreement provides for the routine exchange of service across jurisdictional boundaries, but only for specified incident types within limited, pre-defined areas.
6. In addition, the County Fire Department has mutual aid agreements with the Cities of Los Angeles and Santa Monica by which additional resources during major incidents, or simultaneous incidents, can be requested. Mutual aid is provided by one fire protection agency to another upon request during major emergencies, and is not intended to provide for supplemental fire protection resources on a daily basis.

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3.13.2.1.2 Service Standards

7. Paragraph 2 - the sentence, "It is not expected that land uses in Marina Del Rey would require emergency responses from the Health Hazardous Materials Unit" is incorrect. A "Health" Hazardous Materials Unit is not a first responder. The specialized unit which responds to hazardous materials spills is a Hazardous Materials "Squad". A Health Hazardous Materials Unit is a second responder that monitors clean up and abatement.

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5.13.2.2 County Fire Department funding

8. As previously stated, fire protection and emergency medical services in Marina Del Rey are funded through property tax and special tax revenues, not ground lease rentals.

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5.13.3.3.1 Analysis – County Fire Department Funding/Fiscal Impact

9. The five-year Capital Plan referenced is a part of the Developer Fee Program in effect only in the urban expansion areas of the County. Marina Del Rey is not considered to be an urban expansion area. It is, therefore, not included in the Developer Fee Program.
10. Also, as previously stated, funding for land acquisitions, "facility improvements" and new equipment is generated through property taxes and special taxes only. The sentence which

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Mr. Michael Tripp
August 13, 2009
Page 3

11. states, "improvements to fire facilities in Marina Del Rey are funded through the County General Fund" is incorrect and should be deleted throughout the EIR.
12. Further reference to fire protection services funded through ground lease rentals should be deleted throughout the EIR as well.

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LAND DEVELOPMENT UNIT:

1. We have no additional comments at this time.

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

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

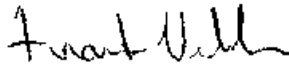
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HEALTH HAZARDOUS MATERIALS DIVISION:

1. We have no comments at this time.

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

Very truly yours,



FRANK VIDALES, ACTING CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

FV:lj

Letter R-LA-3: County of Los Angeles Fire Department August 13, 2009 (R-LA-3)

Response to Comment R-LA-3-1

This comment addresses the adequacy or completeness of the 2008 Draft EIR and does not comment on the Recirculated Draft EIR, which did not contain a fire services section. The earlier concerns are addressed in the changes shown in **Section 2.0 Revisions to the Draft EIR**, of this Final EIR. See **Responses to Comment R-LA-3-2 to R-LA-3-6** below.

Response to Comment R-LA-3-2

The text in Section 5.13, Summary paragraph 2 has been deleted, as shown in **Section 2.0, Revisions to the Draft EIR**, of this Final EIR.

Response to Comment R-LA-3-3

The text in Subsection 5.13.2.1 Paragraphs 2 and 3 have been revised to reflect the language provided by the commenter. These changes are show in **Section 2.0, Revisions to the Draft EIR**, of this Final EIR.

Response to Comment R-LA-3-4

The text in Subsection 5.13.2.1.2 has been revised to reflect the language provided by the commenter. These changes are show in **Section 2.0, Revisions to the Draft EIR**, of this Final EIR.

Response to Comment R-LA-3-5

The text in Subsection 5.13.2.2 has been revised to reflect the language provided by the commenter. These changes are show in **Section 2.0, Revisions to the Draft EIR**, of this Final EIR.

Response to Comment R-LA-3-6

The text in Subsection 5.13.3.1 paragraph 2 has been revised to reflect the language provided by the commenter. These changes are show in **Section 2.0, Revisions to the Draft EIR**, of this Final EIR.

Response to Comment R-LA-3-7

This comment does not address the adequacy or completeness of the Recirculated Draft EIR and no response is necessary.

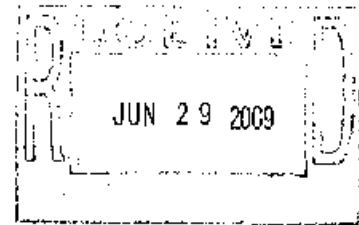

Metro

Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952213.922.2000 Tel
metro.net

June 26, 2009

Mr. Michael Tripp
County of Los Angeles
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012



Dear Mr. Tripp:

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report (RDEIR) for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort project. This letter conveys recommendations from the Los Angeles County Metropolitan Transportation Authority (Metro) concerning issues that are germane to our agency's statutory responsibilities in relation to the proposed project.

The Traffic Impact Analysis prepared for the Recirculated Draft EIR satisfies the traffic requirements for the proposed project. However, the following issues were not addressed in the RDEIR and should be included for the Final EIR:

1. An analysis of the expected project impacts on current and future transit services along with proposed project mitigation;
2. Documentation on the assumptions/analyses used to determine the number and percentage of trips assigned to transit;
3. Information on facilities and/or programs that will be incorporated into the development plan that will encourage public transit usage and transportation demand management (TDM) policies and programs; and
4. Several corridors with Metro bus service could be impacted by the project. Metro Bus Operations Control Special Events Coordinator should be contacted at 213-922-4632 regarding construction activities that may impact Metro bus lines. Other Municipal Bus Service Operators including Culver City, LADOT, and Santa Monica's Big Blue Bus may also be impacted and therefore should be included in construction outreach efforts.

In addition, it does not appear as though the County of Los Angeles included Metro in the outreach efforts when the Notice of Preparation for the proposed project was open for public review between 3/22/2007 and 4/21/2007.

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Metro looks forward to reviewing the Final EIR. If you have any questions regarding this response, please call me at 213-922-6908 or by email at chapmans@metro.net. Please send the Final EIR to the following address:

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Metro CEQA Review Coordination
One Gateway Plaza MS 99-23-2
Los Angeles, CA 90012-2952
Attn: Susan Chapman

Sincerely,



Susan Chapman
Program Manager, Long Range Planning

Letter R-LA-4: Metropolitan Transportation Authority June 26, 2009 (R-LA-4)

Response to Comment R-LA-4-1

This comment does not address the adequacy or completeness of the Recirculated Draft EIR and no response is necessary.

Response to Comment R-LA-4-2

Please see **Responses to Comments R-LA-4-3 through R-LA-4-7** below.

Response to Comment R-LA-4-3

The Recirculated Draft EIR was revised to include an analysis of the project's impacts on current and future transit services. Please see page 5.7-44 of the Recirculated Draft EIR for an explanation of the transit impacts.

Response to Comment R-LA-4-4

As stated above, the Recirculated Draft EIR included a revised analysis of potential impacts on transit services. The revised text documents the assumptions used to determine the number of trips assigned to transit. Please see page 5.7-44 of the Recirculated Draft EIR.

Response to Comment R-LA-4-5

As stated above, the Recirculated Draft EIR included a revised analysis of potential impacts on transit services. The revised text includes information on the transportation demand management (TDM) program that would be established as part of the hotel component of the project. Said TDM program shall follow the guidelines in the Transportation Improvement Program (TIP) contained in Appendix G of the Marina del Rey Local Coastal Program. An annual report on the effectiveness of the TDM program shall be submitted to the Director.

According to the TIP guidelines, each of the projects would be conditioned thusly:

The permittee shall establish a functional TDM program or shall participate in an existing TDM program. Viable TDM components may include, but shall not be limited to: carpools; ridesharing; vanpools; increase use of bicycles for transportation; bicycle racks; preferential parking for TDM participants; incentives for TDM participants; and disincentives (e.g., measures which dissuade persons from making automobile and/or drive alone trips).

In addition, the project will participate in the County transportation fee program. The County will allocate the fees from this program to various improvements in the area. This fee is designed to offset the need for tax monies to pay for public transportation improvements that need to serve new developments.

Thus, participation in the fee program is considered fair-share to public transportation improvements. It is the County's responsibility to allocate the fee collected from new developments to various improvements in the Marina. That fee would be based on an evaluation of the development impacts upon a variety of transportation modes, including transit.

It should be noted that no transit trip credits were assumed for the analysis of project trip generation, as required by the County; transit ridership created by the project was calculated using the Congestion Management Plan (CMP) transit rates in order to determine a worst case transit impact scenario. The hotel component of the project, however, proposes to establish a TDM program to encourage transit use and to reduce potential traffic impacts. Even without taking into account the implementation of the hotel's TDM program, however, the project is not expected to result in a significant transit impact due to the trip generation of the hotel.

Response to Comment R-LA-4-6

Traffic impacts related to construction activities were thoroughly analyzed in the Recirculated Draft EIR. The project proponents will be required to develop and implement a Worksite Traffic Control (WTC) Plan to assure that construction impacts to bus service will be less than significant.

Response to Comment R-LA-4-7

The Notice of Preparation (NOP) for the proposed project was circulated and available for public and agency review, in compliance with *State CEQA Guidelines*. The County apologizes if the NOP was not provided to the Metropolitan Transit Authority prior to the release of the Draft EIR.

Response to Comment R-LA-4-8

The Final EIR will be distributed to all commenting agencies and organizations to the Draft EIR.



Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



A Resolution of the Venice Neighborhood Council
Passed 02/17/2009

A Comprehensive LCP Update or CEQA Compliant EIR Required for Marina del Rey Redevelopment

Whereas Los Angeles County is redeveloping the unincorporated area of Marina del Rey (the "Project"), with sixteen (16) developments as of Feb 1, 2009 in various stages of the proprietary and/or regulatory process including: hotels, residential units and mixed-use developments (see Appendix for a complete listing) that add:

- 3,904 new residential units
- 636 new hotel rooms in three new hotels and one hotel expansion
- 1,369 additional restaurant seats
- 135,162 square feet of additional retail/commercial space
- 48,173 square feet of additional office space;

Whereas Los Angeles County avers that the Marina del Rey Local Coastal Program (LCP), which was last updated and certified by the California Coastal Commission in 1996, is the functional equivalent of an Environmental Impact Report ("EIR"); and

Whereas on January 8, 2008, in concluding its LCP Review, the California Coastal Commission unanimously voted to recommend that Los Angeles County prepare a comprehensive LCP Update consisting of all proposed or anticipated developments within Marina del Rey for purposes of the Project that addresses the Project's direct, indirect and cumulative environmental and social impacts because there have been numerous social and environmental changes since 1996 and at least seven (7) proposed developments violate policies and ordinances set forth in the LCP; and

Whereas the City of Los Angeles communities surrounding the Project, namely, Venice, Del Rey, Mar Vista and Playa Vista have not been informed of the comprehensive Project, nor have they had an opportunity to participate in land use reconfiguration decisions; and

Whereas should the Project be developed, the surrounding communities will bear a significant portion of the short-term construction and long term cumulative impacts, including increased traffic, air pollution, environmental degradation and the provision of essential services and amenities such as parks, playgrounds, schools, hospitals, churches, which the unincorporated area of Marina del Rey does not provide.

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Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



Therefore be it resolved, the Venice Neighborhood Council requests that the Los Angeles County Board of Supervisors suspend issuance of development permits and entitlements for any and all land/ projects located within Marina del Rey proper until a comprehensive Environmental Impact Report (EIR) complying in full with the California Environmental Quality Act (CEQA) is prepared by the County Department of Regional Planning, covering all such proposed or anticipated developments and addressing their environmental impacts on adjacent communities within the City of Los Angeles, or, in the alternative, until a Comprehensive LCP Update consisting of all proposed or anticipated developments within Marina del Rey for purposes of the Project be prepared and submitted to the California Coastal Commission for consideration and approval (a process exempt from CEQA because it is considered to be the functional equivalent of a CEQA compliant EIR).

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Be it further resolved that this resolution be transmitted to the Los Angeles County Board of Supervisors, the Los Angeles County Department of Regional Planning, the California Coastal Commission, Secretary of State Debra Bowen, Senator Barbara Boxer, California Congresswoman Jane Harman, California State Senator Jenny Oropeza, California State Assembly Member Ted Lieu, Los Angeles Mayor Antonio Villaraigosa, Los Angeles City Councilmember Bill Rosendahl, the Los Angeles City Council, the Los Angeles Department of City Planning, "We Are Marina Del Rey," "Save the Marina," the Del Rey Neighborhood Council, Westchester-Playa del Rey Neighborhood Council, the Palms Neighborhood Council, the Mar Vista Community Council, City of Culver City and the City of Santa Monica.

Letter R-ORG-1: Venice Neighborhood Council August 21, 2009 (R-ORG-1)

Response to Comment R-ORG-1-1

This resolution of the Venice Neighborhood Council comments on the need for comprehensive environmental impact report for all projects proposed in Marina del Rey, regardless of their compliance with the current Local Coastal Plan (LCP). Further the resolution indicates that a comprehensive LCP Update for Marina del Rey be undertaken by Los Angeles County. The comment implies that the County is piecemealing environmental review. Contrary to the comment, the County is not piecemealing environmental analysis and is in fact is analyzing five separate components proposed by different applicants in a single environmental document. In addition, the County is preparing a single aggregate LCP map and text amendment for all pending projects in Marina del Rey that are seeking LCP amendments, as well as a cumulative impact assessment of all pending development in the Marina. The California Coastal Commission has endorsed the County's approach.

We ARE Marina del Rey

P.O. Box 9096, Marina del Rey, CA 90295

VIA EMAIL

July 27, 2009

Mr. Michael Tripp
 Department of Regional Planning
 320 West Temple Street, Room 1362
 Los Angeles, CA 90012

Re: Project R2006-03647, Project R2006-03652, Project TR067861, Project R2006-03643 and Project R2006-03644 (together the “Woodfin/Neptune Project”) COMMENTS on combined Draft Environmental Impact Report (DEIR) and combined Recirculated Draft Environmental Impact Report - Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel And Timeshare Resort Project (“RDEIR”): OPPOSE

Dear Mr. Tripp:

We ARE Marina del Rey (“WAM”) strongly urges the Department of Regional Planning to reject the projects listed above, to deny all applicable Plan Amendments, Coastal Development permits, Conditional Use permits, Variances, Parking permits and Tentative Tract Map No. 067861 based on the issues and comments previously submitted by WAM on October 28, 2008 on the projects and the DEIR and based on the following issues and comments on the DEIR and the RDEIR.

Although instructions indicate that comments can no longer be submitted on the DEIR, because the hearing was postponed mid-hearing and the hearing on the DEIR was not completed, WAM is submitting additional comments on the DEIR along with comments on the RDEIR.

1) PROJECT DESCRIPTION**Conversion of Parcel FF**

Pages 3.0-10 to 3.0-13 discuss the conversion of parcel FF from a public parking lot to residential use. It states that public parking at lot FF has been underutilized. It references the 2004 Crain and Associates study and states:

Crain’s 2004 findings regarding Lot 12’s underutilization by the public are corroborated by the more recent findings of a comprehensive March 2009 report titled “Right-Sizing Parking Study for the Public Parking Lots in Marina del Rey, California,” prepared for the County Department of Beaches & Harbors by traffic engineering firm Raju Associates, Inc. (“Right-Sizing Study,” attached as Appendix 5.7 to this DEIR).

Based on parking demand surveys of each of the Marina’s 13 public parking lots conducted by Raju Associates during the busiest summer weekends, holidays (Memorial Day, Fourth of July and Labor Day), and special event days in the Marina (i.e., the Halibut Derby and Boat Parade) of 2005 and 2007, the Right-Sizing Study finds that

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each of the Marina's public parking lots "are greatly underutilized to varying degrees almost throughout the year, except for a few holidays and pre-holiday weekend days, even when the gate arms are up and no parking fee is charged" (Right-Sizing Study, Executive Summary, Page 1).

Regarding Lot 12, the Right-Sizing Study concludes: "...[I]n the past few years, this overflow lot has not been used much by the general public for recreational purposes but has been used mostly for construction staging and by construction vehicles during construction [of a nearby apartment project]. No public demand has been noticed in this lot...This lot is planned to be removed from the list of public parking lots in the future pending a Plan Amendment is by the CCC (Right-Sizing Study, Page 15). Lot 12's underutilization by the public is explained by the lot's relative isolation from visitor or recreational attractions in the Marina or surrounding vicinity.

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The following key comments are made regarding the studies and use of Parcel FF:

- The Right Sizing Study did not include Parcel FF/Lot 12 in its analysis. It made its findings based on the Crain & Associates study. Thus, references to the Right-Sizing Study should be deemed irrelevant and removed from the RDEIR
- The Crain & Associates analysis of Lot 12/Parcel FF makes no mention of the fact that two thirds of the lot was closed off for use as a construction staging parking for Esprit I development on Marquesas. A fence was put up on the perimeter of the lot covering its frontage to Via Marina and along Marquesas to the entrance. This use would skew the results of the parking study because fewer spaces would be available and the public would not be aware of the availability of a public parking lot.

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The RDEIR states:

Development of Parcel FF with residential use, as proposed, will preclude the potential future development of a public park on the parcel, which could have occurred pursuant to the parcel's current Open Space land use designation. It should be noted there is no evidence that, absent the current development proposal, a park would, in fact, be developed on Parcel FF in the future.

Neither the County nor the private development community has any plans to develop Parcel FF for the permitted park use. To the contrary, Section A.2 of the LUP (page 2-5), under the "Potential Conversion of Public Parking Lots" subsection, expressly acknowledges that Parcel FF is underutilized by the public and is thus being contemplated for conversion to residential use.

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The following comments are made with reference to the above statements:

- Section A.2 of the LUP (page 2-5) does not contemplate conversion of Parcel FF into residential use. It states:

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"In the case of Lot FF, a public park is being contemplated as part of the new development."

- Regardless of the contemplation of the LUP regarding potential conversion of public parking lots, the LUP parking policies #12 (page 2-8) clearly states:

"No designated public parking areas, including, but not limited to Lots OT, UR or FF shall be converted to uses other than public parking or parks." (emphasis added)

Furthermore, the Marina del Rey Specific Plan limits development on Parcel FF to 25', which would preclude residential development.

The notion that just because an act was contemplated means it is allowed is unfounded. If the LUP truly contemplated conversion of public parking lots, parking policy #12 stated above would not have been created.

- A lease option for Parcel 10/FF was approved by Los Angeles County Board of Supervisors in August 2008. The lease option was conditioned on implementing a future EIR process.

Because of these factors, conversion of parcel FF into a park and/or other feasible alternatives and/or mitigation measures was precluded from consideration prior to the environmental review. This is indirect conflict with the courts that provided the following guiding general principle: "[b]efore conducting CEQA review, agencies must not 'take any action' that significantly furthers a project 'in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project.'" *Save Tara*, ____ Cal. 4th ____ (citing Cal. Code Regs., tit. 14, §15004(b)(2)(B)).

As enunciated by the Supreme Court, in determining whether a conditional agreement such as the one in *Save Tara* is an approval under CEQA, "courts should look not only to the terms of the agreement but to the surrounding circumstances to determine whether, as a practical matter, the agency has committed itself to the project as a whole or to any particular features, so as to effectively preclude any alternatives or mitigation measures.

An agency's statements and unofficial actions, taken as a whole, can be the basis for finding that an agency has "committed to a definite course of action" and, therefore, "approved" a project. If environmental review has not preceded the agency's "commitment," then the agency has run afoul of CEQA.

Los Angeles County has stated on numerous occasions that FF would not be used as a park. They used FF as a staging ground for construction parking for 5+ years. Furthermore, the alternative project use of FF as a park was not fully considered. Los Angeles County never issued an RFP for any private or public entity for the creation of a park on Parcel FF. And, the County had not and is not intending to make use for this site

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of Coastal Improvements Funds paid by developers for the purpose of park development in the Marina. They are doubling the population of the Marina without increasing green space for residents or public use.

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The RDEIR states:

To further compensate for the inability to potentially develop a public park on Parcel FF in the future, as a result of developing the parcel with an apartment building, Legacy Partners will fund and develop a public-serving anchorage to adjoin the Parcel 10R and 9U bulkhead. (pg 3.0-73).

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This tradeoff does not provide residents of Marina any compensation or mitigation for the loss of a potential park. As stated previously, the residential population is expected to grow with all the proposed redevelopments in the Marina. And there are no provisions park facilities or green space for residential use.

Timeshare Component

The RDEIR on page 3.0-32 states that:

The Woodfin Suite Hotel and Timeshare Resort will enhance visitor-serving uses by providing much needed additional overnight accommodations through both the hotel and timeshare component, both of which are consistent with the LCP.

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Our comments:

- There is no supporting documentation that shows much needed additional overnight accommodations are needed in Marina del Rey. Historical occupancy rates are in the low 70s%. A need for low-cost overnight accommodation does exist, which this project does not meet. Additionally, the redevelopment proposals of the existing hotels in the Marina will increase the cost of staying in the Marina, making it unaffordable for the average tourist, which is not consistent with Coastal Act policies.

The DEIR, Section 5.17 states:

Several sections of the LCP discuss hotel use. As set forth below, an analysis of these LCP sections demonstrates that the proposed timeshare component is tantamount to this type of approved and encouraged visitor-serving use.

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Despite the DEIR analysis that concludes timeshare is consistent with the LCP through a myriad of related definitions and references to the County General Plan, we have previously stated in our October 28, 2008 comments that the Coastal Commission requires an LCP amendment for timeshare development when the LCP does not specifically authorize timeshare development. Neither the Marina del Rey LUP and LIP specifically allow timeshare use or include timeshare use in the definition of hotel. Thus timeshare is not a permitted use per the LCP or the Coastal Act without an LCP amendment to change land use regulations.

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From the statement above, the DEIR continues with:

First, subsection (e) (Policies and Actions) of section A.2 (Recreation & Visitor-Serving Facilities) in the LUP lists overnight lodgings as a qualifying visitor-serving use in accord with related Coastal Act provisions. The timeshare portion of the Woodfin component, which, as noted, will be operated similarly to a conventional hotel, is a type of overnight lodging that is consistent with the overnight lodging policies of the LUP's Recreational & Visitor-Serving Facilities chapter.

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It is true that overnight lodgings is included as a visitor-serving use but it included with public or private recreation, cultural and educational facilities, gift and specialty shops, service concessions (ie boat, bicycle or skate rentals), food and drink establishments and related parking areas. It is clear from this list that visitor-serving uses are for temporary use of services and not for ownership. This applies to overnight lodgings. The LCP does not define overnight lodgings and the definition of timeshare implies ownership, not temporary use of services. Additionally, as will be discussed in more detail below, the key to the definition of hotel in the Los Angeles County General Plan is temporary. Thus, timeshare is NOT consistent with the overnight lodging policies of the LUP of the Coastal Act.

The DEIR further states:

Second, LUP section C.8., Land Use Plan, subsection (e) (Policies and Actions, Part 2 – Mapped Policy for the Land Use Plan), lists “hotel” as a permissible land use category, and designates overnight accommodations and attendant visitor-serving uses including dining and entertainment areas as uses that may occur attendant to a hotel. The proposed timeshare component would be limited to a maximum annual and consecutive use of four weeks, in an integrated tower with other hotel suites, all of which would provide overnight accommodations and which would be contained in a structure providing dining and ancillary services.

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The section of the LUP referenced in the preceding paragraph provides a list of land use categories which includes hotel. The land use category describes what a hotel/motel is permitted to do. In other words, it defines hotel/motel use as providing overnight accommodations and attendant visitor-serving services. Thus, the LCP does define hotel. And it is silent on ownership of timeshare suites.

Furthermore, the RDEIR states:

Finally, the LCP section addressing the Land Use Plan (LUP section C.8.e.7.) incorporates by reference language from the Countywide general plan and Title 22, Planning and Zoning, Los Angeles County Code.

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LUP section C.8.e.7 does incorporated by reference, language from the Countywide general plan and Title 22, Planning and Zoning but it is in relation to entitlements to develop a new uses or change or expand an existing uses. And it states that such entitlements will utilize the County's Planning and Zoning code (Title 22) for the Coastal Development Permit process. Additionally, it will use the County's general plan, Title 22 and the LUP is it relates to the design, location and

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intensity of development on a specific parcel but it does not reference or incorporate language related to the type of use. Thus, this section provides no information as to the consistency of timeshare use with the LCP or the Coastal Act.

Specifically, the Marina del Rey Specific Plan portion of the Zoning Code, section 22.46.1030.A (Relationship to the Los Angeles County Land Use Regulations), states: "For matters on which this Specific Plan is silent, other applicable provisions of Title 22 shall control." Therefore, because the LCP does not expressly define overnight lodgings or hotel (i.e., the LCP is "silent" on the issue), Title 22 provisions apply to this use.

First, as discussed above, the LUP section C.8., Land Use Plan, subsection (e) (Policies and Actions, Part 2 –Mapped Policy for the Land Use Plan) does define hotel use as providing overnight accommodation. The LUP is not silent so the provision "*For matters on which this Specific Plan is silent, other applicable provisions of Title 22 shall control,*" does not apply.

Furthermore, the Marina del Rey Specific Plan, Section 22.46.1030 states:

Where provisions of this Specific Plan are in conflict with other provisions of this Title 22, this Specific Plan shall prevail.

Additionally, section 22.46.1020 reads:

This Specific Plan is a key component of the Local Implementation Program for Marina del Rey. It is designed to implement the Marina del Rey Land Use Plan through the application of site-specific development standards and guidelines.

The Specific Plan implements the Land Use Plan and the Land Use Plan defines hotel use. Therefore, the Specific Plan is not silent on definition of hotel. And the LCP is not silent on the definition of hotel.

The DEIR further states:

Title 22 defines hotel as "Any building containing six or more guest rooms or suites of guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied on a temporary basis by guests." The project proposed hotel and timeshare use is consistent with this definition and is therefore an allowed use on Parcel 9U.

To be conservative, even if the LCP was silent on hotel use, Title 22 of the Los Angeles County General Plan does not define nor include timeshare use. It specifically defines hotel as a temporary use which is in direct conflict to the definition of timeshare. Wikipedia defines timeshare as:

"A timeshare is a form of ownership or right to the use of a property, or the term used to describe such properties. These properties are typically resort condominium units, in which multiple parties hold rights to use the property, and each sharer is allotted a

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period of time (typically one week, and almost always the same time every year) in which they may use the property.”

According to the *Research & Practice Guide: California Legislative History and Intent*, “statutory language is to be interpreted according to the ordinary and common meaning of the words used unless it is clear that the legislature intended a different meaning.

It is clear that neither the Marina del Rey LCP nor the County General Plan includes timeshare in the definition of hotel and it was not intended to do so.

To summarize:

- 1) The LCP does define hotel - LUP section C.8., Land Use Plan, subsection (e) (Policies and Actions, Part 2 –Mapped Policy for the Land Use Plan)
- 2) Title 22 of the LA County Planning and Zoning code definition of hotel does not include timeshare.
- 3) It is irrelevant that both the Marina del Rey LCP and the County General Plan and Title 22 code do not exclude timeshare. Judicial interpretation assumes that a drafter’s intent not to include is purposeful. They say what they mean.
- 4) Ownership of a timeshare that may cost \$10,000 is not equivalent to the temporary, overnight use of a hotel room for \$250. Additionally, there is no guarantee that the timeshare units will actually be available to the general public.

In conclusion, the use of timeshares in Marina del Rey is inconsistent with the Marina del Rey LCP and the Coastal Act. Therefore, the Woodfin portion of the project should be rejected.

Public Access & Recreation

The Woodfin/Neptune project calls for an interactive node of public access and recreation that includes the Wetland and Upland Park, the public anchorage, the Waterfront Stroll Promenade and the first floor amenities and services of the Woodfin Hotel including the restaurant. The RDEIR states:

It is intended that the ground floor of the hotel, the adjacent pedestrian promenade, the wetland park, and the public serving boat spaces combine to create an interactive public node.

Additionally, it states:

Turf block areas would provide a sturdy space for group lectures, seating for visitors bringing lawn chairs for bird watching etc., and maintenance vehicles.

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And:

Parking for park visitors will be conveniently located within the adjacent hotel/timeshare resort's parking area (as noted, up to 21 fee-based self-parking spaces will be provided within the hotel/timeshare resort project, for use by the public).

Appendix 5.7c - *Crain Associates Shared Parking Analysis for Woodfin* - analyzes the uses of the project that will require parking and the amount of spaces. This list includes only:

- Hotel/Timeshare Resort
- Sundry Shop
- Spa
- Ballroom
- Meeting Room
- Restaurant

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The Shared Parking Analysis does not analyze public parking requirements for the public anchorage, the wetland park or the stroll promenade. Providing just 21 parking spaces for all the intended public access and recreation uses is insufficient and would require visitors to use the more expensive valet services for public access.

Ironically, the overall project eliminates a 200-space public parking lot (Parcel FF), adds what it calls an "interactive public node" (to justify the egregious overall project) and then provides insufficient public parking.

The lack of public parking spaces and the cost of valet is inconsistent with the visitor-serving provisions of the Marina del Rey Land Use Plan and the Coastal Act.

Original Project Started On Site

The RDEIR on page 3.0-3 states that:

In 1981, a hotel was previously approved by the CCC for development on the subject Parcel 9U (the "Marina Plaza Hotel"; see CCC Case No. A-207-79). The Marina Plaza Hotel was approved by the CCC with 300 guest rooms in nine stories and an assortment of patron- and visitor-serving accessory uses, including restaurants, a bar, a coffee shop, banquet facilities and meeting rooms, all over two stories of subterranean parking. Some site grading was completed and two concrete piles were installed by the developer of the Marina Plaza Hotel. The developer ultimately abandoned the Marina Plaza Hotel development on Parcel 9U due to lack of finances.

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However, there is nothing in the DEIR or RDEIR that addresses the fact that the concrete piling installed to support the building foundation sank. There is no analysis that supports the weight and height of a 225 foot building on this site.

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Wetland Park

The Woodfin/Neptune project calls for the removal of the existing freshwater wetlands and recreation of a seawater based wetland park. Case law from Bolsa Chica provides that wetlands are not allowed to be moved.

Additionally, section 30233 - Diking, filling or dredging; continued movement of sediment and nutrients of the Coastal Act states:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, **and shall be limited to the following:**

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
- (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- (6) Restoration purposes.
- (7) Nature study, aquaculture, or similar resource dependent activities.

The proposed Woodfin/Neptune project does not meet these requirements.

These factors would make the proposed project for a wetland project inconsistent with State law and the Coastal Act.

Questions

- 1) The Parking Policies of the Marina del Rey LUP state that all development must include parking for residents, guests, visitor use and public access. How does this project meet the requirements of this policy?
- 2) 3.0-67 states that Woodfin hotel will have a 225 ft building height when measured from finished grade elevations along Via Marina. Will the grade level of Parcel 9U be changing?

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- 3) How much cumulative excavation, cut and fill will there be from the Woodfin/Neptune project, The Shores, the Venice Dual Force Main project and the Esprit II project? This has not been analyzed.
- 4) What are the overall construction impacts and timelines from the Woodfin/Neptune project, The Shores, the Venice Dual Force Main project and the Esprit II project? This has not been analyzed.
- 5) In order to build the public anchorage on Parcel 9U, it appears that the existing dock and slips along Parcel 9U will be eliminated. Currently, these slips belong to the Bay Club Anchorage. Where in the DEIR or RDEIR is the demolition of these slips discussed and analyzed including parcel boundary changes?
- 6) How much transition and upland habitat and upland scrub?
- 7)

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2) NOISE

Page 5.2-1 of the RDEIR concludes:

Construction noise would affect nearby noise sensitive residential uses and noise sensitive uses along the proposed haul route. Exterior noise levels during site construction of up to 100 dB(A) could be experienced at some noise sensitive uses that would have direct lines of sight pile driving. Noise levels generated during construction would periodically exceed County standards for exterior noise levels during the workday. To mitigate construction noise, all construction activities would comply with the County of Los Angeles Noise Control Ordinance (Ordinance No. 11773).) so that construction noise would be limited to normal working hours when many residents in the Marina del Rey would be away from their homes. Nevertheless, construction noise would represent a temporary, but significant impact, as noise levels would periodically exceed County standards, even after mitigation.

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Section 5.2 of the RDEIR fails to include the following factors in its analysis of Construction Noise impacts, Haul routes noise impacts, Vibration impacts and Operation Impacts; Point Source Noise. Therefore the DEIR and RDEIR do not truly analyze cumulative noise impact.

Esprit II Impacts Not Analyzed

In 2009, Los Angeles County renegotiated its lease with Marina Two Holdings for Parcel 15 (Esprit II), a parcel that previously received project approval for a 500+ unit apartment complex and a 225 slip anchorage. The Esprit II parcel abuts part of the Woodfin/ Neptune/Woodfin Project, specifically on parcel FF portion. The Esprit II project includes multiple buildings in an L-shape along Via Marina and Panay Way. It is located across from the Shores project.

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The renegotiated lease requires that the developer complete construction of Esprit II by August 2013, approximating the completion times for the four major portions of the Woodfin/Neptune Project.

The RDEIR does not include information on the number of truck trips to be generated by Esprit II nor does it cumulative analyze the construction noise impacts, haul noise impacts and

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vibration impacts from the Woodfin/Neptune Project, the Shores Project, the Venice Dual Force Main project and the Esprit II project.

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Impact on Residents

The RDEIR states:

To mitigate construction noise, all construction activities would comply with the County of Los Angeles Noise Control Ordinance (Ordinance No. 11773).) so that construction noise would be limited to normal working hours when many residents in the Marina del Rey would be away from their homes.

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The RDEIR fails to account for the unique demographic mix of residents in the unincorporated area of Marina del Rey as well as the City of Los Angeles portions on the west side of Via Marina. A larger than typical population of stay at home moms, retirees and entrepreneurs live in the Marina and do not leave the area during normal working hours. There is no study of resident travel patterns during a typical work day included in the DEIR or the RDEIR. Because of the significantly higher number of residents that stay in the area during the workday, further analysis is needed to measure the true noise impacts on residents and to develop further mitigation measures beyond what is included in the RDEIR.

Noise Levels

The Noise level data used for construction equipment (Table 5.2-5) and Vibration Source Levels (Table 5.2-6) are sourced from the EPA and the US Department of Transportation as standard measurements of noise levels. However, anyone who lives in Marina del Rey can attest to the fact that noise levels carry very easily in the Marina. Because of the unique layout of the marina and harbor and proximity to shoreline, wind tunnels from the fingers noise carries much more here. The RDEIR has not taken into account the specific nature and characteristics of noise in the Marina and therefore have not properly analyzed cumulative noise impacts.

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Operation Noise Levels

Noise levels from hotel operations once the project is complete does not appear to be measured. Appendix 5.2 Noise Modeling uses the same "Assumed 24-Hour Traffic Distribution" for each project whether residential, wetland park, or hotel. There will be 24-hour noise impacts due to hotel visitors, delivery trucks, food service truck, refuse removal and employee trips which have not been reviewed or analyzed in this RDEIR.

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Cumulative Truck Trips

The RDEIR states that for the entire Woodfin/Neptune project: "during the initial two months of demolition and excavation, as many as 284 truck trips would arrive to and leave the site daily. During the remainder of the project construction, the number of truck trips would range from 70 to 194 trips per day."

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The RDEIR fails to show cumulative truck trips for the Woodfin/Neptune project, the Shores Project, the Venice Dual Force Main project and Esprit II project. Without such information, it is impossible to analyze cumulative noise impacts.

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Question on Noise Impacts

- 1) Does the haul route include Via Marina south of Marquesas?
- 2) Do the truck trip numbers for the Woodfin/Neptune project include construction of new sewer lines along Via Marina and Marquesas that are outside the project boundaries?
- 3) The DEIR states that there will be an "additional 3,104 daily vehicle trips to on local roadways situated proximal to the project site (1,017 trips from the Neptune Marina Apartments - Parcel 10R, 499 trips from the Neptune Marina Apartments- Parcel FF, and 1,588 trips from the Woodfin Suite Hotel and Timeshare Resort- Neptune Marina Parcel 9U. What types of vehicles and how many trips of each type do these numbers represent?
- 4) Construction worker traffic, which would be largely comprised of passenger vehicles and light pick-up trucks, would not represent a substantial percentage of peak hour volumes in the area and would not cause an audible increase in community noise levels. What is the percentage increase in peak hour volumes from construction workers traffic? How many workers and how many vehicles are expected on average for the project over the construction period?

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3) VISUAL QUALITY

The RDEIR states on page 5.6-2:

Pursuant to Section 15162 of the State CEQA Guidelines, no new impact finding is required for this project as the height is the same as was contemplated in the LCP when amended. In essence, the Coastal Commission and the County, in discharging their CEQA obligations during the amendment process, elected to allow greater height at certain sites in exchange for larger view corridors.

However, § 21166 states that

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When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

Since the LCP was certified in 1996, a process which is deemed equivalent to the preparation of an EIR, new conditions exist on the ground in the Marina exist that could not have been know at the time the LCP was certified. These changes could impact the original decision to allow a

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maximum height of 225 feet on this site as well as other potentially negative environmental impacts of this project.

These new conditions include:

- The designation of portions of parcel 9U as a wetland by the Army Corp. of Engineers
- The identification of ESHA sites in the Marina by the California Coastal Commission on January 9, 2008, including the nesting and roosting of the Great Blue Heron and the Great Egret and Snowy Egrets. One such site is located on the Northwest Passage and the main channel.
- The foraging of Great Egrets on the northerly portion of 9U observed by a member of the public during 2009 (see attached photo)
- the California Coastal Commission recommended during its LCP Periodic Review that Los Angeles County conduct a study of potential ESHA sites in the Marina. This study has not been performed.
- The designation by the State Department of Geology of the project site as being located in a high risk liquefaction zone.

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In fact, during its Marina del Rey LCP Review, the California Coastal Commission recommended that Los Angeles County undertake a comprehensive update of its LCP because changes have occurred since the last certification and because the impacts of proposed projects need to be reviewed on cumulative basis.

Neither the DEIR nor the RDEIR analyze project, building height and visual impacts on existing and potential ESHA sites, on the flight path of the Great Blue Heron or Great Egrets, on the shade affects of the adjacent wetlands, on the liquefaction risk or on the stability of the project site to sustain a 19-story structure.

4) TRAFFIC

Why has the ambient growth changed from 2% in the 1991 DKS Traffic Study to the .6% used in the RDEIR traffic analysis?

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5) SOLID WASTE

Neither the DEIR nor the RDEIR summarize total export of cut and total import of fill cumulatively for the project (including changes from sewer lines) plus cumulatively to include the Shores project, the Venice Dual Force Main project and the Esprit II project. Without such analyses, the DEIR and the RDEIR are incomplete and cannot measure project and cumulative solid waste impacts.

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6. CONCLUSION

Based on the above facts, comments, concerns and issues related to the Woodfin/Neptune Project and all Marina del Rey development, WAM urges Regional Planning to deny this project the Plan Amendments, all applicable permits, and deem the DEIR and the RDEIR insufficient in light of the overall piecemealing of the Marina Redevelopment Project (as stated in our October 28, 2008 comments letter). Additionally, we urge you to advise the Board of Supervisors to prepare an Environmental Impact Report for the overall Marina Redevelopment Project and adhere to the California Coastal Commission's recommendation to carry out a comprehensive LCP update in order to assess the overall environmental and social impacts of the Marina Redevelopment Project through a meaningful community planning process.

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Together,
We ARE Marina del Rey



David Barish
Co-Director
davidb@wearemdr.com
www.wearemdr.com

The Wetlands Defense Fund and CLEAN (Coastal Law Enforcement Action Network) agree with these comments and intend on commenting further at public hearing(s) in the future. Please include Marcia Hanscom at these organizations in all future public notices at 322 Culver, #317, Playa del Rey CA 90293

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Letter R-ORG-2: We ARE Marina del Rey (Barish, David) July 27, 2009 (R-ORG-2)

Response to Comment R-ORG-2-1

This comment does not address the adequacy or completeness of the Recirculated Draft EIR, and no response is necessary.

Response to Comment R-ORG-2-2

This comment quotes text from the Recirculated Draft EIR and maintains that the Right-Sizing Study did not include Parcel FF and that this study is therefore irrelevant.

In March 2009, the County of Los Angeles Department of Beaches & Harbors prepared the Marina del Rey Right-Sizing Parking Study, which comprehensively analyzes the current and projected parking needs in the Marina. Contrary to the comment, this study analyzed Parcel FF as follows: "Parking lot 12 on Parcel FF, adjacent to Mother's Beach activity area, is also a public parking lot, per the Local Coastal Plan (LCP). There are 201 spaces in this lot. However, in the past few years, this overflow lot has not been used much by the general public for recreational purposes but has been used mostly for construction staging and by construction vehicles during construction. No public demand has been noticed in this lot. Therefore, no further analysis of this parking lot 12 is conducted in this study. This lot is planned to be removed from the list of public parking lots in the future pending a Plan Amendment is approved by the California Coastal Commission."

A July 2009 parking utilization study of Parcel FF, prepared by Crain & Associates of Southern California, has been submitted to the Regional Planning Commission as part of the record for this case. That study found the public's use of the existing parking at Parcel FF to be minimal. The July 2009 study analyzed recent counts conducted at the lot on Memorial Day 2009 and for a non-holiday weekend in June 2009. The new count results are consistent with the findings from the previous Parking Utilization Study, which Crain conducted for Parcel FF back in August 2004. In summary, in its July 2009 study, Crain found that Lot 12 was not heavily utilized, with an average peak parking demand of only 27 vehicles for the three count days. Additionally, a majority of the vehicles accessing the parking lot was associated with residential parking needs for the adjacent apartment uses. These findings comport with those in DBH's comprehensive March 2009 Right-Sizing Study of Parking Lots in Marina del Rey, which also concludes the public's use of Lot 12 is minimal. The County's study was based on field observations in 2005 and 2007.

The California Coastal Commission's April 2009 Revised Findings in support of the Periodic LCP Review also found that the lot is underutilized, because it is not located in the vicinity of any visitor-serving or recreational uses. Half of the spaces displaced (101) will be replaced by the County in a new structure

conveniently located at a recreational attraction in the Marina, such as Burton Chase Park, at a location that much better serves the recreating public. Therefore, no parking shortage will occur.

Response to Comment R-ORG-2-3

The comment maintains that the Crain & Associates analysis makes no mention of the fact that Lot 12 on Parcel FF was closed off for use as construction staging. As noted in **Response to Comment R-ORG-2-2** above, Crain conducted a second utilization analysis in July 2009, after the construction staging use had ceased. Like the earlier study, this second study concluded that Lot FF is highly underutilized.

The comment also quotes language from the Recirculated Draft EIR. This comment does not address the adequacy or completeness of the Recirculated Draft EIR, and no response is necessary.

Response to Comment R-ORG-2-4

Section A.2 of the Land Use Plan (LUP) (page 2-5), under the “Potential Conversion of Public Parking Lots” subsection, expressly acknowledges that Parcel FF is underutilized by the public and is thus being contemplated for conversion to residential use. Neither the County nor the applicant (or any other developer) has any plans to develop Parcel FF for park use. Parcel FF has for many years been developed with an underutilized surface parking lot. The text extracted from the LCP in this comment follows the LCP statement: “Lots FF and OT, both on west side of the Marina, are underutilized throughout most of the year. They are being contemplated for development as residential uses.”

Response to Comment R-ORG-2-5

The comment asserts that the County should have commenced The California Environmental Quality Act (CEQA) review prior to approving the lease options for Parcels 10R and FF, based on the California Supreme Court’s decision in *Save Tara v. West Hollywood*. The County owns Parcels 10R and FF and intends to enter into extended leases for these parcels with the project applicants, in furtherance of the County’s asset management strategy. The lease options expressly provided that they shall not be exercised unless and until the County decision-makers and, as necessary, the California Coastal Commission approves the CEQA documentation and the required entitlements. Both the County decision-makers, and the Coastal Commission are free to impose mitigation measures, require changes to the project, adopt alternatives to the project, and even disapprove the project and its CEQA documentation.

Under longstanding policy in effect at the time, the County required identification of the key proposed business terms of the lease transaction in the form of an approved lease option, prior to accepting the project entitlement applications for processing. Moreover, the applicants needed approved lease options to be able to obtain funding for the substantial costs of the entitlements. To date, the applicants have

spent hundreds of thousands of dollars, much of it on the EIR and supporting studies. Therefore, it would not have been feasible for the County to have required preparation of the EIR prior to approving the lease option.

The facts in this case are very different than those in *Save Tara* case, which was decided after the County considered the lease option. In *Save Tara*, the City of West Hollywood agreed to lend the project proponent nearly half of 1 million dollars. The loan was not conditioned on CEQA compliance and was to be disbursed prior to approval of the EIR and other project approvals. If the City did not approve the project, it would not be repaid. In this case, the County has made no such financial commitment to the applicants. Furthermore, the terms of the development agreement in *Save Tara* significantly circumscribed the City's authority with respect to certifying the EIR. The lease options in this case contain no such provisions. Moreover, the City officials in *Save Tara* made repeated public statements that the project would ultimately be developed. The County officials have made no such statements. Finally, in *Save Tara*, the City proceeded with tenant relocation prior to granting the project approvals on the assumption that the property would be developed with the proposed project. In this case, no such relocation has commenced, nor will tenants be required to be relocated unless and until the project is approved. In any event, the County approved the lease option in 1999, and statute of limitations for challenging such approval has long since run.

The comment also suggests that the County should have considered an alternative use of Parcel FF as a park. As a preliminary matter there is no current or forthcoming proposal—public or private—to develop a public park at Parcel FF. Moreover, the 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. 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. 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.

Response to Comment R-ORG-2-6

This comment states that Marina del Rey residences will not be compensated for the loss of a potential park, implying that residential uses on Parcel FF would result in the reduction of park space. On the contrary, the proposed project includes the development of a wetland park on Parcel 9U that will increase the park area for Marina residents. Also contrary to the comment, the proposed residential developments will include areas of landscaped open space as well as recreational amenities for the residents.

Response to Comment R-ORG-2-7

The commenters cite their opinion in regards to their being a lack of need for additional overnight accommodations. The site is designated for a hotel/timeshare use. The issue of market demand is not relevant to the Regional Planning Commission hearing process, or the CEQA analysis. However, an independent economic study, addressing both the market potential and the projected cash flows, was prepared for the developer by HVS International, one of the leading independent hotel economic analysts. An updated study will be undertaken as part of the project financing process.

In addition to the development of a wetlands park and a public-serving anchorage, Legacy Partners will make payment into the Coastal Improvement Fund, less any credit from said fund for which the applicant may be eligible 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 for provision of improved public open space, as indicated in the Specific Plan (Section 22.46.1950.D).

Response to Comment R-ORG-2-8

The commenters cite their opinion that the LCP does not permit timeshares uses. The Draft EIR contains an analysis that explains that the timeshare element of the hotel/timeshare project is an allowable use on Parcel 9U and is consistent with the certified LCP.

The timeshare component here would be carefully controlled by numerous conditions of approval to conform to recent Coastal Commission decisions. These conditions are designed to ensure that 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.

As to the specific provisions of the LCP, as with many municipal land use and zoning ordinances, “timeshares” are not specifically listed under any category, but nonetheless do fall within the types of

uses that are permissible. That is the case here: LUP Section A.2 (Recreation and Visitor-Serving Facilities), subsection (e) lists “overnight lodging” as a qualifying visitor-serving use in accord with related Coastal Act provisions. The timeshare component will be operated similar to a conventional hotel, and it is a type of “overnight lodging” that is consistent with the overnight lodging policies of the LUP’s Recreational & Visitor-Serving Facilities chapter. The argument is that timeshare implies ownership, not a temporary use of facilities – but as conditioned, the timeshare and hotel uses will both be temporary and virtually indistinguishable from each other except for the size of the accommodations.

LUP Section C.8, subsection (e) (Policies and Actions, Part 2 – Mapped Policy for the LUP) lists “hotel” as a permissible land use category, and designates overnight accommodations and attendant visitor-serving uses including dining and entertainment areas as uses that may occur attendant to a hotel. The timeshare would be limited in duration just like a hotel, and would provide overnight accommodations and be included in a structure that provides dining and ancillary services.

LUP Section C.8.e.7 incorporates by reference language from the Countywide general plan and Title 22 of the County Code. And, the Marina del Rey Specific Plan (Section 22.46.1030.A) states: “For matters on which this Specific Plan is silent, other applicable provisions of Title 22 shall control.” The Specific Plan does not specifically define overnight lodgings or hotel, but Title 22 defines a hotel as “Any building containing six or more guest rooms or suites of guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied on a temporary basis by guests.” The timeshare is consistent with this definition, and is therefore an allowable use on Parcel 9U.

Timeshares are consistent with and permitted by the LCP (see above); they will provide a high-priority visitor-serving use on public land, as opposed to the residential uses that occupy the areas surrounding the hotel. Marina Del Rey was built with a combination of federal, state, and County funds with the intent of creating a regional-serving public recreational resource.

Response to Comment R-ORG-2-9

Please see **Response to Comment R-ORG-2-8**, above.

Response to Comment R-ORG-2-10

Please see **Response to Comment R-ORG-2-8**, above.

Response to Comment R-ORG-2-11

Please see **Response to Comment R-ORG-2-8**, above.

Response to Comment R-ORG-2-12

The comment cites Wikipedia for a definition of a timeshare. The County does not find Wikipedia to be a credible source of information. Please see **Response to Comment R-ORG-2-8**, above.

Response to Comment R-ORG-2-13

The hotel/timeshare will provide 21 “self-park” public parking spaces reserved for park users. The County Code requires far fewer parking spaces for the public park (the Code requires but 3 automobile parking spaces for the proposed 1.46-acre park). Also, because of the passive nature and size of the public park (1.46 acres, including a 0.46-acre fully functioning restored tidal wetland), 21 parking spaces is more than sufficient parking to accommodate park users. The additional spaces provided for the public park that are above the County Code requirement could accommodate additional park users, if needed. In addition, the park will be readily accessible by water through the adjoining public boat slips, and by foot through the new waterfront promenade. It should be noted that visitors using the public/transient anchorage would arrive by boat instead of by private vehicle and therefore would not require automobile parking space. For the promenade, which will serve as a public amenity to the hotel, the County parking code does not require parking spaces for this type of project feature since it will not attract vehicles to the park.

The Draft EIR contains substantial evidence in the form of a detailed parking and traffic analysis prepared by Crain and Associates (Appendix 5.7) which concludes that the amount of parking being provided within the hotel structure will accommodate all proposed hotel uses. Thus, no spill-over parking impacts on adjacent streets or traffic problems due to queuing onto adjoining streets is anticipated. The parking analysis explains that, in the case of a mixed-use development, the County Code allows for an analysis to be made of the parking uses on a shared parking basis. Based on that analysis, the Draft EIR concludes that “no parking spillover onto area streets or into the nearby neighborhoods is anticipated, and no parking-related impacts are expected as a result of the proposed hotel/timeshare resort development on parcel 9U.”

Response to Comment R-ORG-2-14

This comment questions the adequacy of the information provided on the history of activities on Parcel 9U. CEQA does not require a historical background description of past circumstances surrounding a project location. However, the previous hotel construction project did not move forward beyond the initial site work. The best information available is that the prior hotel developer ultimately did not proceed with the hotel because of financial issues. It is known that, in November 1984, the prior Parcel 9U hotel developer obtained a \$365,000 irrevocable letter of credit listing American Youth Hostels, Inc., (AYH) as the beneficiary under the Coastal Development Permit (CDP), which required the funds for

acquisition and construction of an off-site superior grade youth hostel in Santa Monica, which has been in operation for a number of years. The developer gave notice to the Coastal Commission in September 1985 of its intent to renew the irrevocable letter of credit. Beyond that, no information is available.

The comment implies that the soils on site will not support the construction of the hotel. Section 5.1 of the Draft EIR addresses a range of geotechnical and soil issues, including the potential of unstable soils that could potentially result in subsidence or collapse. This section concluded that with implementation of the recommendations from the expert geotechnical report (see Mitigation Measure 5.1-13 of the Draft EIR), no significant geotechnical and soil impacts would result.

Response to Comment R-ORG-2-15

The limited area of wetland that currently exists on the site was created incidentally during excavation on the site that was left unfinished in the 1980s. The wetland area consists of a significant component of non-native vegetation, which is in turn surrounded by areas that consist almost entirely of non-native vegetation or existing development. As such, characterization of the area as “degraded” is not misleading but in fact an accurate and appropriate descriptor for the site. When compared with pristine or otherwise intact wetland systems, the artificially created wetland is degraded.

The Wetland Park Restoration Plan was prepared by Mr. Tony Bomkamp, a highly experienced expert in wetland restoration and delineation with the biological consulting firm Glenn Lukos Associates, Inc. Prior to developing this plan, County Staff met with Dr. John Dixon, the Coastal Commission’s Senior Ecologist, in order to discuss the project and solicit Dr. Dixon’s input regarding the proposed design of the wetland park. During these preliminary planning discussions for the park, Dr. Dixon requested that a tidal area with coastal salt marsh vegetation be considered for the park site, because such a program would provide for restoration of what was the major habitat associated with Marina prior to its development in the early 1960s. The wetland park development team ultimately determined that such restoration would be best accomplished by means of a short, piped connection between Marina Basin B and the wetland area that would provide for salt marsh habitat that would be subject to daily tidal flooding. Ecologically, such a tidal marsh would provide superior habitat with significantly more and higher wetland functions and values than the existing degraded seasonal freshwater wetland that occurs on the southerly portion of the subject parcel, which only exhibits wetland conditions in some years.

Response to Comment R-ORG-2-16

1. The project meets the requirements of the LUP’s Parking Policies by providing sufficient parking for residents, visitors, and guest. The hotel/timeshare will provide 21 “self-park” public parking spaces reserved for park users, or 18 spaces more than required by Code. Please see **Response to Comment R-ORG-2-13** above.

The detailed parking and traffic analysis prepared by Crain and Associates (Appendix 5.7) concludes that the amount of parking being provided within the hotel structure will accommodate all proposed hotel uses. Please see **Response to Comment R-ORG-2-13** above.

The apartment project on Parcel 10R will provide a total of 909 on-site parking spaces, 678 of which are allocated to residents, 100 of which are allocated to guests, and 131 of which are allocated to boat tenants of the private Parcel 10R anchorage. The apartment project on Parcel FF will provide 242 on-site parking spaces provided in the project, of which 210 are allocated to residents and 32 are allocated to guests. The parking for the apartment components meet the requirements of the County Code.

2. The grade level of Parcel 9U will not change as a result of the proposed project.
3. The Recirculated Draft EIR provided detailed analysis of cumulative impacts on noise, air quality, traffic and solid waste for both construction and operational phases. The soils excavated for the project will likely not be deposited in a landfill but will be used for daily cover. This would be the case for material taken to Puente Hills landfill because that facility has a need for clean daily cover materials. Additionally, Puente Hills landfill currently has reduced intake of refuse because of the economic downturn. The Puente Hills landfill could close in 2013, as mandated in their conditional use permit, with additional landfill capacity because of the recent reduction in materials deposited at the facility¹. Therefore, the project would not result in a cumulative impact to landfill capacity as a result of the amount of soil excavated and removed from the project site during construction.
4. The cumulative impact analysis included in the Draft EIR included all projects that were reasonably foreseeable at the time of the Notice of Preparation (NOP) in March 2007. The Draft EIR considers total of 41 related projects in unincorporated Los Angeles County, City of Los Angeles and Culver City, in addition to ambient growth. The Recirculated Draft EIR added the Venice Pumping Plant Dual Force Main project. The Recirculated Draft EIR provided detailed analysis of cumulative impacts on noise, air quality, traffic and solid waste for both construction and operational phases.

The construction timelines for the project are set forth in Section 3 of the Recirculated Draft EIR. The construction timelines of the Shores and Espirit II projects are unknown. Both projects have received all discretionary approvals but have been unable to proceed due to lack of financing. Construction of the Venice Pumping Plant Dual Force Main project is anticipated to begin in August 2010.² Construction of that portion of the Dual Force Main will take up to 29 weeks³. As construction of the proposed 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.

5. The existing marina adjacent to Parcel 9U would not be eliminated and is not part of this project.
6. A description of the proposed wetland park is included in the Draft EIR and is described in detail in the Conceptual Wetland Restoration Plan by Glenn Lukos Associates included in Appendix 5.5, Biota.

¹ Ziad El Jack, Sanitation Districts of Los Angeles County, personnel communication, January 25, 2010.

² <http://eng.lacity.org/projects/vpp/>, accessed January 23, 2010.

³ Venice Pumping Plant Dual Force Main project Final EIR, SCH 2003031001.

Response to Comment R-ORG-2-17

Contrary to the comment, Section 5.2 of the Recirculated Draft EIR considers construction noise impacts, vibration impacts, and operation noise impacts, including noise from point sources such as stationary equipment.

Response to Comment R-ORG-2-18

The Esprit II project was originally approved in 1999. It has not been able to proceed due to lack of available financing. Further, the developer, Doug Ring, passed away in November 2009. It is not known when construction of that project will commence, or whether it will occur at all. Nonetheless, **Section 2.0, Revisions to the Draft EIR**, of this Final EIR includes additional information regarding cumulative noise and vibration impacts. In addition, the complete Esprit project is considered as Related Project 19 in the list of cumulative projects of Section 4.0, Cumulative Projects, of the 2008 Draft EIR.

Response to Comment R-ORG-2-19

This comment maintains that the Recirculated Draft EIR understates noise impacts by failing to take into account the number of Marina residents who do not leave the areas during normal work hours. Contrary to the comment, the Recirculated Draft EIR considers noise impacts on sensitive receptors during the day. As construction is limited to normal work hours under County of Los Angeles Noise Control Ordinance, there would not be any impact at night. The Recirculated Draft EIR concludes that these impacts would be significant and unavoidable.

Response to Comment R-ORG-2-20

This comment includes a non-expert opinion, with no technical support, on a County of Los Angeles approved noise impact analysis methodology. This comment is noted and shall be forwarded to decision makers.

Response to Comment R-ORG-2-21

This comment states that Appendix 5.2, Noise Modeling, uses an “Assumed 24-Hour Traffic Distribution” and that the Recirculated Draft EIR 24-hour hotel operational noise impact analysis would not be adequate. Contrary to the comment, the Recirculated Draft EIR in Subsection 5.2.4.3.4.1 analyzes potential noise impacts from the operation of the hotel for both Point Source and Mobile Source Noise, consistent with standard impact assessment protocols.

Response to Comment R-ORG-2-22

This comment questions the adequacy of the cumulative noise analysis in the Recirculated Draft EIR. Subsections 5.2.5.1, Cumulative Noise Construction Impacts, and 5.2.5.2, Cumulative Noise from Construction Haul Routes, of the Recirculated Draft EIR provides a detailed analysis of the cumulative

impacts under the conservation assumption that all projects located along Via Marina would contribute to the overall noise impacts. **Section 2.0, Revisions to the Draft EIR**, of this Final EIR includes additional information regarding cumulative noise and vibration impacts, including for the haul route. The conclusion is that cumulative construction noise impacts would be significant and unavoidable but they would also be intermittent and temporary.

Response to Comment R-ORG-2-23

1. The haul route will likely extend south of Marquesas Way during the demolition of the existing apartment structures on Parcel 10R. In addition, construction trucks will access Parcel 9U from Via Marina south of Marquesas Way.
2. No additional truck trips will be needed for the installation of the new sewer line beyond those estimated in the Recirculated Draft EIR.
3. The traffic analysis does not include the type of vehicles that future residents may drive to and from the proposed apartments and hotel. It is assumed that there would be an assortment of passenger vehicles, sports utility vehicles and light trucks consistent with the style trend in the future.
4. To estimate automobile trips that would occur at each construction site, the first step was to estimate the number of workers who will be employed at each site. The standard Institute of Transportation Engineers (ITE) rates for trips at an industrial site per worker was then applied to these estimates. It should be noted, however, that these rates include not only workers, but visitors and other automobile trips as well as truck trips. As construction sites normally do not attract many visitors and most truck trips are accounted for separately, the application of these rates is conservative and may overstate actual trips. A detailed analysis of the construction traffic impacts can be found in Subsection 5.7.5.3.2 and Table 5.7-10, Peak Project Construction Trip Generation, of the Recirculated Draft EIR.

Response to Comment R-ORG-2-24

The comment maintains that additional CEQA review is required due to new conditions on the ground exist that could not have been known at the time that the LCP was certified. This EIR represents such additional analysis. Although the LCP is a functional equivalent of an EIR, to provide the fullest disclosure the County elected to prepare a full project EIR instead of a supplemental or subsequent EIR in this case. The EIR considered the designation of portions of parcel 9U as a wetland, and this degraded wetland will be restored as part of the project. Section 5.1 of the Draft EIR addresses potential impacts from liquefaction and identifies measures to reduce such impacts to less than significant. Contrary to the comment, there are no designated Environmentally Sensitive Habitat Areas (ESHA) in Marina del Rey. The Coastal Commission's comments and recommendations as part of the LCP Periodic Review do not amend the LCP and are not binding on the County.

As shown on the Exhibits to Section 5.6 of the Recirculated Draft EIR, only a portion of the wetland park would be shaded by the proposed hotel/timeshare building, and only in the late afternoon for part of the year. No significant impacts are anticipated.

While great egrets or great blue herons may occasionally forage on Parcel 9U, the wetland provides limited resources as the wetland maintains water only for a short period after the winter rainy season. In addition, there are other and better foraging locations such as Oxford Basin and the Ballona Wetlands for these species to forage. Neither species is considered a special-status species and it is only their nesting rookeries that California Department of Fish and Game designates as a sensitive biological resource. While a 19-story hotel such as that proposed on Parcel 9U would be a flight obstacle like any of the taller buildings in Marina del Rey, a 19-story building will in no way hinder the flight path of either the great egret or great blue heron.

Response to Comment R-ORG-2-25

The comment alleges that the traffic analysis is flawed in that it uses a much lower ambient growth factor (0.6 percent per annum) than the prior DKS Associates study (2 percent). The DKS study, prepared in 1991, assumed much more growth in the area than has actually occurred over the last 18 years. The traffic study's ambient growth factor is based on more recent data and is therefore more accurate.

Response to Comment R-ORG-2-26

The Recirculated Draft EIR includes a detailed analysis of potential temporary cumulative impacts from construction of the project and the related projects. The analysis conservatively assumes that these related projects will be constructed at the same time as all of the project components. In fact, it is likely that these related projects will be constructed at different times. It is also possible that at least some of the related projects will not be constructed at all or will be substantially delayed due to inability to obtain financing.

As stated in the Draft EIR, soils excavated from the Project sites would likely be used as daily cover for the Puente Hills landfill and would therefore not impact solid waste disposal capacity. This would be the case for material taken to Puente Hills landfill because that facility has a need for clean daily cover materials. It is anticipated that soils excavated from the related projects would be disposed of in a similar manner. In any event, Puente Hills has a remaining solid waste disposal capacity of 6.4 million tons, so there would be sufficient capacity to accommodate the excavated soils in the unlikely event that they are not used for daily cover. Puente Hills landfill currently has reduced intake of refuse because of the economic downturn. The Puente Hills landfill could close in 2013, as mandated in their conditional use permit, with additional landfill capacity because of the recent reduction in materials deposited at the facility. Cumulative impacts from hauling and soil disposal will be less than significant.

Response to Comment R-ORG-2-27

Please see **Responses to Comments R-ORG-2-1 through R-ORG-2-26.**

We ARE Marina del Rey

P.O. Box 9096, Marina del Rey, CA 90295

Page 1 of 4

July 27, 2009

Mr. Michael Tripp
 Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, CA 90012

**Re: Project R2006-03647 (Parcel 10R), Project R2006-03652 (Parcel FF),
 Project R2006-03643 (Parcel 9U South), Project TR067861 6 (Parcel 9U North)
 Project R2006-03644 (Basin Adjacent to Parcel 9U)
 “Woodfin/Neptune Project” Recirculated Draft EIR
 OPPOSE**

Dear Michael,

Please accept this letter as an addendum to the comments submitted by my co-director, David Barish, along with my thanks also for the grace period you offered us.

There are several pertinent facts that are nowhere to be found in this Draft EIR (DEIR) and the Recirculated Draft EIR (RDEIR) sections--which I will collectively call the EIR. Since the DEIR public hearing was never completed, we still have the right to comment on those sections, whether it is acknowledged or not. This missing information is crucial to arriving at objective planning decisions. I also offer extensive comments on the discussion and analysis of impacts to essential community services, including water resources and wastewater treatment, which includes a critique of this EIR, which unhappily ranks below the worst I have ever seen.

I. Omissions:**A. Section 3.1 Overview.**

- 1) The background/history on this parcel fails to disclose that the hotel project begun in 1981 was a failure because in the very early stages of construction, the foundation sank and the project was deemed unbuildable. I believe the project went bust but I do not have that fact (I am sure you can get it readily enough). That proposal was only a nine story structure spread over most of the lot. These are pertinent facts and material omissions from the analysis.
- 2) In the LCP Definitions section, development potential is clearly distinguished as potential only, with emphasis that it is NOT an entitlement to build to that potential. The applicant is not *entitled* to a project of this size. David sent you many well-documented reasons why less development should be considered and analyzed in addition to the ones here; it needs to be given serious planning consideration.
- 3) LCP §A.2.d. Recreational and Visitor-Serving Facilities - findings asserts that more demand for high end visitor-serving facilities, such as hotel rooms, has proven to be limited. Beverly Moore of the Visitor's Center (at a local hearing a couple years ago) said the overall occupancy rate of Mdr hotels was 70%, and had never been above 70-75%. It has not improved since. Including this project, there are nevertheless 636 additional hotel rooms—most on the high end as hotels go—proposed for the Marina. Where is the objective analysis of this historic lack of demand? of the disproportionate accommodations for high-ticket recreation throughout the Marina? of the dearth of free and low cost recreation as mandated by House Document 389? Of the economic and social implications of this kind of development in the current County demographic?

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- 4) Your project description forgets to mention that, in putting in the Woodfin visitor-serving docks on a “new” water parcel, it will be usurping space now occupied by other boats—and you need to disclose the number and size of the boats that will be displaced. 60’ and 40’ slips serve an elite segment of the visitor pool. Where is the balance???

B. **Section 4 Cumulative Projects:** The new mega-project being solicited for the Public Mast-Up Storage Lot, Public Launch Ramp, Visitor Center & Parking Lot and Dock 77 (Parcels 49S, 49R, 49M and 77, respectively) needs to be added to the cumulative projects list. It has been on the public record since May 12, 2009, allowing plenty of time to get it into this report. It will have an enormous impact on the cumulative water needs for the community and every other impact as well, as it will more than double the amount of proposed additional commercial/retail including restaurants in up to 135,000 square feet of building, up to 26,000 square feet of office, PLUS up to 255 additional residential units. Add in what you have in mind for the Cheesecake Factory Parcel and the remaining lots on Fiji while you’re at it. Anticipated development must be included—even if you don’t have an RFP for it yet. At some point, the County must own up to what it is doing to the Marina.

II. Section 5.8: Sewer

I found this section 5.9 to be particularly offensive. The entire Recirculated RDEIR is an inordinately difficult document to decipher, and for this reason alone it should be returned to Impact Sciences with explicit instructions to communicate all known findings, and present the changes in a clear, readable way. I have never seen such a jumble of mixed up plain, underline and strikeout text and numerals in the so-called “edits”. It does not serve the interests of either professional planners or the public to have information obscured in such a way. By way of example, below is Table 5.8-7, purportedly showing changes in wastewater generation.

I surmised that the “Net Project Total” refers to the Woodfin/Neptune Project (Project). The math on the new numbers is wrong. The subtotal for “related projects” is 553, 854; the total is 652,385. Only 10,000 gal/day off—could be a simple typo. The old math is also off: “related projects” subtotal is 534,538 (not even close!); the total is 665,238. Off by 11,892 gal/day. Not highly significant, on the face of it, but what if all 41 related projects shaved a similar amount from their totals?

**Table 5.8-7
Cumulative Wastewater Generation
Proposed Project and Related Projects**

Land Use	Net Units	Generation Factor ¹ (gal./day/unit)	Daily Generation (gal./day)
Related Projects			
Multi-Family ²	3,435 du	150/gal/unit	515,250
Commercial	32,098 sf	0.10800 gal/day/100	325,240 78
Restaurant ³	5946 sf	1.00 gal/day	5,946
Restaurant ⁴ Restaurant⁵	163-100 seats	50 gal/seat	8,515 000
Office	9,908 sf	0.20800 gal/day/100	17,982 926
Subtotal:			522,543,646 854
Net Project Total:			130,98,706 531
Total:			653,612,346 385

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But wait. Table 5.8-2 reports the projected Project wastewater of 139,696. Not 130,700. Off by another 8,996 gal/day. So the figure from Table 5.8-7 is now off by 20,888 gal/day. That's an additional 7,624,000 gallons flowing into the system each year, just from this one Project. If only half the other projects jump on the bandwagon to stay "competitive", you'll have over 150 Million gallons of extra crap from this area alone. The Venice DFM project may not have a problem with that amount of overage (it may have to run both mains simultaneously), but what if all of the new projects that will feed it shave their numbers to look a little nicer or to stay below thresholds for their water districts? HTP is not adding nor planning to add capacity, and when we do get the stormy years, any overflows there come right back in our "front door," the Marina main channel. If people who cannot do basic arithmetic go unchecked, Hyperion might actually be running out of capacity now, and we are unprepared with additional capacity, there or anywhere else, when it happens. What would chronic sewage spills do to tourism in Southern California? to property values along our coast? to County tax revenues from those homes? To health care costs? To the desirability of LA County to the middle class backbone of our economy? A little goes a long way. And that "little" bit of additional sewage can do a heap of damage to the County general fund over the long run. It needs to be corrected—not talked about or "revised".

I won't bother you with more details or additional tedious examples from this section; if you have given this report the close scrutiny you are supposed to have done, you are aware of them; if not, another example probably will not convince you to care, or to do anything about it.

III. Section 5.9: Water Service

It is disappointing to see cavalier, cut-and-paste palaver and a concluding brush-off of the impacts instead of a timely, serious discussion of the realities of the water situation in the entire Southwestern US. It is a topic of monumental concern in the LA metropolitan area. All MdR-adjacent communities' Planning & Land Use Committees are giving much closer scrutiny to development projects proposed for their neighborhoods, with good reason: they care about the long-term welfare of their neighbors, and they trying to carefully plan for their community's continued prosperity by not killing the golden goose. Marina del Rey needs that.

Of the many steps enumerated in this section as responses to an actual water shortage, our MWD promises that the "last action [taken] will be the curtailment of firm deliveries to the member agencies.

- We are in a serious actual shortage now, with mandatory 15% cutbacks in water use by all current lessees.
- Where is the water *actually* going to come from for all of these new projects, specifically this Project? This EIR fails to seriously analyze the implications of the current extended drought conditions and climate change predictions, taken together, for potential development in the Marina.
- The facts of the current actual water alert needs to be included in this report, and a more responsible plan needs to be included in an actual proposal here to address specific measures that will address the problem instead of trusting to luck for a rainy winter.
- As an example, community-wide graywater landscaping needs to be planned. It cannot be done one building at a time, and capturing rainwater is a ludicrous bandaid approach considering our typical annual rainfall

IV: Comments/Concerns:

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This EIR fails to objectively assess anything. It just points headlong toward a nineteen story hotel/timeshare, parking structure, four apartment buildings and two marinas that it hopes will house hundreds of people and their considerable personal investments, but it cannot substantiate unless wishing makes it so. Where is the discussion of the track record of some of the new redevelopment projects that have come on line in the last couple of years? What is the County's relative financial benefit including down-time, and how does that relate to where it might be if it chose instead to 'hardscape' a portion of the so-called "underutilized" parking lots and attract more use of the lots by providing something cheap and fun to for visitors to do - NOW? The County has "tagged" even very popular parking lots like Parcel IR with the "underutilized" slur; it is a bald-faced lie, but, like a gang-banger, it is a way putting a claim on someone else's turf. A similar claim regarding Parcel FF, which would be ideal for a park to serve the residential community of Marina del Rey and our many young children with a decent play area and a wetland that they could be involved with in the gentle, natural restoration process, watching it grow alongside themselves and learning so much in the process? And here's a thought: How about a school, so our young children won't have to be bused to wherever that "in lieu fee" will end up. Good communities have schools. Why did the County NOT do a new RFP proposal for this parcel after the first Hotel went down?

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The EIR fails to do a candid analysis of whether a hotel is an appropriate land use at this location, or any other new location in the Marina given the fact that much of the parcel is wetland or obligate wetland area. There needs to be an assessment of alternative proposals. How about a discussion of whether an eco-hotel and hostel (youth and/or senior) would be a better fit for this wetland area; it could be small and unobtrusive, respect the 100' upland buffer required by the Coastal Commission, help to balance the overabundance of high-priced accommodations, have a few sites for tents, fit nicely into the quiet residential neighborhood that the County insisted go here instead of campgrounds, soccer fields, build-it-yourself boatyards, maritime museums or dance pavilions we once dared to dream about.

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The EIR as a poor planning document. I have no tactful way to say it, the RDEIR looks as if an illiterate created it, and there are no mitigations for its lack of professionalism. Nevertheless, we have done our best to give you our candid assessment of its contents. (You owe me at least 2 Advil.)

Conclusion: This Project is the wrong project at the wrong locations at the wrong time. We respectfully We request that the Regional Planning Commissioners direct staff to reject this EIR as unacceptable and send it back for complete recirculation under State CEQA Guidelines Section 15088.5(a)4, "so fundamentally and basically inadequate and conclusory in nature that *meaningful* public review and comment were precluded."

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Thank you for your consideration.

Together,
We ARE Marina del Rey

Nancy Vernon Marino
Co-director

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Letter R-ORG-3: We ARE Marina del Rey (Marino, Nancy) July 27, 2009 (R-ORG-3)

Response to Comment R-ORG-3-1

These are general introductory comments critical of the Draft EIR and the Recirculated Draft EIR, but specific comments are not indicated. No further response is necessary.

Response to Comment R-ORG-3-2

Please see **Response to Comment R-ORG-2-14** above.

Response to Comment R-ORG-3-3

This comment is correct in that the approval of a coastal development permit is a discretionary action by the County. The term “Development potential” contained in the Local Coastal Plan (LCP) Definitions section is defined as “the specific types of land uses and the maximum intensity of development that may be permitted on a specific parcel or sub-parcel as established by text policy or shown by land use categories on policy maps. The actual development that may be granted on any given parcel is subject to constraints, limitations and conditions, applicable at the time of application, that may be imposed during a public hearing process culminating in the granting of a Coastal Development Permit. Development potential, by itself, does not establish any right or entitlement to a specific development project.” This comment does not address the adequacy or completeness of the Recirculated Draft EIR and no additional response is necessary

Response to Comment R-ORG-3-4

This comment on visitor-serving uses is not commenting on the adequacy or accuracy of the Draft EIR or Recirculated Draft EIR. No response is necessary. However, a Market Study and Cash Flow Analysis were prepared for the hotel project at its inception by HVS International, a global consulting organization focused on the hotel, restaurant, timeshare, and leisure industries. The Hardage Group relied on their specialized industry knowledge and expertise for advice on the hotel projects’ economic returns and future asset value. With 25 offices staffed by more than 300 industry professionals, HVS tracks the entire hotel development/ownership process, starting with the market feasibility and appraisal study, where a project is considered and justified. Since 1980, HVS has performed more than 15,000 assignments throughout the world for virtually every major industry participant. The HVS study indicates both the business and leisure markets in Marina del Rey are expected to grow at a compounded rate of 2 percent per year at project stabilization, and that as much as 10 percent of current market demand in these sectors has been unmet by current facilities under typical market conditions.

As noted, “Hotel” is identified as the principal permitted use for Parcel 9U in the certified LCP. The proposed hotel and timeshare resort project includes a number of important public benefits, including a

view corridor over 40 percent of the project site. In addition, an in-lieu fee for the previously approved Marina Plaza Hotel at the site was paid and utilized for the construction of an American Youth Hostels, Inc., (AYH) youth hostel in the City of Santa Monica, which has been in operation for a number of years. Also included in the projects' public benefits are construction of a 28-foot-wide public pedestrian promenade along the entire extent of the parcels' waterfronts, development of a public Wetland Park over the southerly portion of Parcel 9U, and construction of between 7 and 11 public boat slips (depending on the size of the boats that utilize the slips at a given time) along the Parcel 9U bulkhead. All of these public amenities are funded directly by the hotel project and the adjacent Legacy Neptune Apartments & Anchorage project, and will not happen unless these projects are approved.

The public-serving anchorage adjacent to Parcel 9U is designed to accommodate between 7 and 11 public and transient boats. The design considered the current use of the area in order to not conflict with those existing uses.

Response to Comment R-ORG-3-5

Please see Item 5. under **Response to Comment R-ORG-2-16** above.

Response to Comment R-ORG-3-6

The comment notes that a proposed "mega" project has been solicited for the public mast-up storage lot, and public launch. As noted, if approved, the project could increase the amount of proposed additional commercial and retail uses above existing conditions at that location. No development plan has been submitted for approval and therefore, the project would not be reasonably foreseeable. In addition, Section 15125 of The *California Environmental Quality Act (CEQA) Guidelines* requires an EIR to include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation (NOP) is published, from both a local and regional perspective. The baseline date for this EIR is March 22, 2007. Therefore, the County is not required to evaluate cumulative projects that were not past, present, and probable future projects at this time.

The Draft EIR considered possible cumulative impacts associated with the 41 related projects known to the County at the time that the NOP was issued. The analysis is conservative in that it assumes that all 41 projects will be approved and built at full density. In fact, some of the projects may never be approved or approved at a reduced density. Others may not be built due to lack of financing. In addition, the traffic analysis includes an ambient growth factor, in addition to the projected traffic from the related projects, to address projects that may be proposed after the commencement of the EIR process.

Response to Comment R-ORG-3-7

Changes to the text of the Draft EIR were presented in an underline and strikeout format so that the exact text that was edited could be seen by the public. The comment maintains that the Recirculated Draft EIR is difficult to decipher. The comment does not address the content of the Recirculated Draft EIR.

Response to Comment R-ORG-3-8

Table 5.8-7 of the Recirculated Draft EIR includes two minor errors that do not change the conclusion of both the original and Recirculated Draft EIR that cumulative wastewater impacts will not be significant. Table 5.8-7 of the Recirculated Draft EIR incorrectly showed the net project total as 98,531 gallons per day (gpd) rather than the correct total of 139,696 gpd. With the correct project-only total, the cumulative total wastewater generation from the project and the related projects is 683,550 gpd, or 41,165 gpd greater (6 percent) than the total amount indicated in the Recirculated Draft EIR.

The numbers on Table 5.8-7 have been revised in **Section 2.0, Revisions to the Draft EIR**, of this Final EIR to reflect the edit suggested by the comment. The comment also suggests that all 41 related projects shaved similar amounts from their totals. For the purposes of the EIR analysis, wastewater generation for the proposed project and related projects is based on net units and wastewater generation factors provided by the City of Los Angeles, Bureau of Sanitation and are therefore sufficiently conservative.

Response to Comment R-ORG-3-9

The text on Table 5.8-7 has been revised to be consistent with totals shown in Table 5.8-2, as suggested by the comment. At the request of the City of Los Angeles Bureau of Sanitation (BOS), the Recirculated Draft EIR recalculated the project's wastewater generation based on the generation rates provided by BOS. As set forth in Table 5.8-2 of the Recirculated Draft EIR, the total amount of wastewater generation by the project alone is 139,696 gpd, an increase of about 9,000 gpd (representing only approximately 0.01 percent of the total currently unused capacity at the Hyperion Treatment Plant [HTP]) from the amount included in the September 2008 Draft EIR. The BOS comment letter of July 10, 2009, accepted these calculations as correct, indicating that the existing sewer system will accommodate the total flows from the proposed project. The Recirculated Draft EIR used the same BOS generation rates to calculate the cumulative wastewater totals.

The total available unused capacity at HTP is 88 million gpd. The cumulative total of 683,550 gpd represents 0.78 percent of this capacity. Therefore, the conclusion that "capacity is available at the HTP" (page 5.8-22 of the Recirculated Draft EIR) remains the same. Moreover, the City of Los Angeles has adopted an Integrated Resources Plan that identifies improvements to expand capacity by an additional 100 million gpd to accommodate flows beyond current projections.

Response to Comment R-ORG-3-10

The Recirculated Draft EIR does not contain a water services section. Section 5.9, Water Services, in the 2008 Draft EIR describes the water supply reliability for State Water Project (SWP) and Colorado River water supplies. As stated on page 5.9-6, In comparison to the State Water Project Delivery Reliability Report, 2005, the total annual SWP deliveries are expected to decrease for normal, single-dry, and multiple-dry water years. With respect to Colorado River supplies, the Draft EIR notes that

while all significant issues in the QSA [Quantification Settlement Agreement] litigations have been resolved in favor of MWD [Metropolitan Water District] and the other QSA parties to date, including the entire All-American Canal case, it is impossible to predict with absolute certainty how the remaining litigation will be resolved. MWD is actively involved in the litigation and plans to defend the QSA fully to prevent any impacts to its Colorado River supplies.

Consistent with the Draft EIR, the water supply reliability within the Metropolitan Water District (MWD) remains in flux.

The MWD is taking aggressive actions to ensure water reliability. Since 1990, MWD has invested more than \$223 million in conservation incentives, saving 120,000 acre-feet annually. Metropolitan's investments in incentive-based programs increased new annual water savings by 7,400 acre-feet in fiscal year 2007/08 as a result of greater public awareness and increased purchases of water conservation devices. The Integrated Water Resources Plan, MWD's planning blueprint, calls for an annual water conservation goal of 1.1 million acre-feet by 2025. Towards that target, about 300,000 acre-feet will come from incentive based conservation (also referred to as active conservation) with the balance of approximately 800,000 acre-feet saved through the impacts of water rates and compliance with plumbing codes and other laws.⁴

MWD is also implementing programs to increase water recycling, groundwater recovery and storage. MWD's Local Resources Program (LRP) is a performance-based incentive program designed to expand water recycling and the recovery of degraded groundwater. The LRP has a target of 174,000 acre-feet per year from new recycled and recovered groundwater projects. Proposed projects identified for development help achieve regional water supply reliability. In fiscal year 2007/08, about 114,000 acre-feet of recycled water was developed for non-potable uses and about 48,000 acre-feet of groundwater was recovered for municipal use.⁵

MWD set a 2025 IRP target for seawater desalination at 150,000 acre-feet. As with recycled water and groundwater recovery supplies, MWD will provide incentives of up to \$250 per acre-foot for locally

⁴ MWD's Annual Report to the State Legislature , February 2009

⁵ MWD's Annual Report to the State Legislature , February 2009

produced seawater desalination that reduces the need for imported supplies. There are three signed and two pending contracts with member agencies that are anticipated to produce 142,000 acre-feet.⁶

MWD's dry-year conjunctive use programs involve storing surplus imported supplies within the service area to maintain reliability during dry, drought and emergency conditions. MWD has executed 10 agreements with member and retail agencies for groundwater storage. This provides MWD with about 422,000 acre-feet of additional storage, with a contractual yield of more than 115,000 acre-feet per year. To date, nearly \$45 million of state Proposition 13 funds and \$54.7 million of MWD's capital funds have been allocated to these programs. In response to dry conditions and cutbacks of State Water Project deliveries to protect Delta fisheries, MWD initiated use of these storage accounts in June 2007 to meet demands for imported water. MWD has requested agreement partners to use more than 70,000 acre-feet from storage in place of deliveries through mid-2009. As of October 2008, the current balance is 225,000 acre-feet, reflecting the utilization of 15,000 acre-feet of storage since June 2007.⁷

In addition to the conjunctive use program, MWD has cyclic storage agreements in two major groundwater basins in its service area, allowing for up to 240,000 acre-feet of imported water storage. These agreements provide for pre-delivery of surplus replenishment water, allowing for storage of surplus on short notice. The basins purchase the replenishment water over time as the replenishment is needed to offset groundwater pumping. In 2008, MWD had 63,000 acre-feet in storage in these accounts. Due to drought and imported supply restrictions to protect Delta fisheries, 50,000 acre-feet from these accounts have been used to support continued groundwater production.⁸

The following is an excerpt from **Section 5.9 Water Service** of the Draft EIR.

The WSA (Appendix 5.9) prepared for the County indicated that WWD No. 29's projected water supplies will meet the projected water demands associated with the proposed Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project, in addition to other planned uses within the WWD No. 29's service area. WWD No. 29 purchases water from the West Basin Municipal Water District, which purchases water from the MWD. Based on projected growth within the MWD service area, MWD expects that water demand in its service area will rise from a current demand of 3.6 million afy to 4.8 million afy by 2020. To accommodate this projected growth, MWD developed an Integrated Water Resources Plan (IRP) that is a 25-year comprehensive water resources plan for Southern California. As part of the IRP, West Basin MWD and MWD have taken steps to improve reliability of supplies through extended droughts or other potential threats to supply. Based on the reliability of water supplies for the WWD No. 29 for both normal and dry years, it will be able to adequately supply the project with the projected 91,000 gpd net increase. Please see Appendix 5.9 for the WSA.

⁶ MWD's Annual Report to the State Legislature , February 2009

⁷ MWD's Annual Report to the State Legislature , February 2009

⁸ MWD's Annual Report to the State Legislature , February 2009

Based on the reasons above, there is substantial evidence that water supply for the proposed project is reliable. In addition, the proposed project will implement mitigation measures that require water conservation for indoor and outdoor potable water use, in anticipation of constrained water supplies.

Response to Comment R-ORG-3-11

Please refer to **Response to Comment R-ORG-2-2** regarding the underutilization of the existing parking lot on Parcel FF. The project will construct a public park in a superior location to one that theoretically could be built on Parcel FF. Please see **Response to Comment R-ORG-2-5**.

The balance of this comment does not address the adequacy or completeness of the Recirculated Draft EIR and no response is necessary. This comment refers to alternative uses on the project site and elsewhere which are not part of the environmental analysis.

Response to Comment R-ORG-3-12

The consistency of the hotel use with the LCP is addressed in Section 5.17, Land Use, of the Draft EIR.

An environmental impact report is required to analysis the potential impacts from a proposed projected under consideration by a lead agency. As stated in Section 6.0, Alternatives, *“State CEQA Guidelines Section 15126.6 provides that the purpose of the alternatives section of an environmental impact report (EIR) is to assess a range of reasonable alternatives to the proposed project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.”* As such, alternatives for the proposed project such as an “eco-hotel or hostel,” would not provide any environmental advantages in that it would not reduce a significant wetland impact to a less than significant level. The alternatives analysis considered an adequate range of alternatives in accordance with the *State CEQA Guidelines*. Moreover, such an alternative would not meet the following project objective as fully as the proposed project:

- Develop a hotel/time share resort proximate to the water as additional high-value visitor-serving uses in the Coastal Zone in compliance with the Coastal Act.
- Generate additional revenues to the County in the form of increase ground rents, fees and tax revenues.

Contrary to the comment, there is no 100-foot buffer required adjacent to the proposed wetland park.

Response to Comment R-ORG-3-13

This comment does not address the adequacy or completeness of the Recirculated Draft EIR and no response is necessary. The commentator’s opinion about the inappropriateness of land use proposal has been forwarded to the decisions makers.

To: Michael Tripp

LA Dept. of Reg. Planning

Re: R2006-03647
R2006-03652

TR067861

R2006-03643

R2006-03644

FAX 213 626-0434

By FAX
To: The LA Dept. of
Reg. Planning
Michael Tripp

No one wants

These oversized

GREEDY DEVELOPER Projects!!

Please do NOT

capitulate to
egos & money.
Enough!!

Letter R-I-1: Unidentified Individual July 8, 2009 (R-I-1)

Response to Comment R-I-1-1

This comment does not address the adequacy or completeness of the Recirculated Draft EIR and no response is necessary.

Re: Proposal for building a 19 story hotel at the west end of B basin

My name is Rosalie Bostick. I am a certified American Sailing Association instructor, and have been a sailing trainer/instructor for the Fairwind Yacht Club in Marina del Rey for over ten years. I have instructed on boats with out motors from 14' in length to vessels with auxiliary power up to 38' in length. From a trainer's point of view, I am seriously concerned about a proposal to construct a 19 story hotel at the west end of B basin.

1

Much of the training experience for our members takes place within the Marina including in the side basins and on main channels. When tall buildings go up in a recreational marine environment, the impact on the safety and please of boating is significant. For example, the new Esprit apartments block the wind, casting wind blockage 'shadows' over the basins and channel that are far in excess of the those shadows cast before the Esprit apts. went up. This causes the wind to behave much more unpredictably and decreases the available sailing area as the shadows cast are much longer. This becomes a safety issue when the training boats do not have motors.

Other schools train on small boats as well and use the basins for training ground. These small boats require the ability to anticipate the movement and behavior of much larger boats moving in the marina, and a 19 story building at the west end of B basin would essentially destroy the sailing environment for small boats and make it less safe for large boats to maneuver and to dock.

2

The issue is not just the shift in wind direction by 15 degrees which would significantly impact boat docking procedures, but wind patterns would be shifting constantly in micro-bursts making maneuverability potentially unmanageable and potentially quite unsafe. Pleasure is most surely compromised.

As a trainer I now have to bring my trainees on smaller boats in closer contact to large boat traffic that is becoming more crowded due to longer wind blockage shadows and much more unpredictable wind behavior.

My trainees come to sailing for the tranquil, yet exhilarating experience that sailing a boat can bring; certainly not to be stressed out and concerned about whether they can sail safely, comfortably and enjoyably in the marina.

Sincerely,
Rosalie Bostick

REC'D
JUG 2 - 2009
REGIONAL PLANNING COMMISSION

Letter R-I-2: Bostick, Rosalie No Date (R-I-2)

Response to Comment R-I-2-1

This comment does not address the adequacy or completeness of the Recirculated Draft EIR and no response is necessary.

Response to Comment R-I-2-2

The commenter cites her opinion that a change in wind patterns in the Marina could occur as a consequence of the construction of tall buildings, including a 19-story hotel on Parcel 9U. The Recirculated Draft EIR included a discussion of the project affects on wind patterns in Section 5.4 Air Quality (see Subsection 5.4.3.3.2.3, Wind Impacts). The engineering firm of Rowan Williams Davies & Irwin Inc., performed a detailed wind study for the project (October 2005) using wind tunnel tests to simulate and measure before and post-development wind conditions in Basin B. The study concludes that there would be no significant effect on the general air circulation patterns in Basins A, B, and C in the Marina. The study reports there will be areas of altered wind speed and direction in Basin B adjacent to the proposed development, particularly when the winds are from the southwest, and also acknowledges there will be localized areas where changes in wind direction and speed occur at the west end of Basins B and C, in areas generally close to the proposed and future developments; however, due to the localized nature of these changes and the fact that the majority of sailors will be under power as they either dock at or leave berthing slips at the basins' terminuses, the report concludes the general air circulation pattern and the use of surface winds by birds within Basins A, B, and C of Marina del Rey will not be significantly affected by the proposed development.

Tripp, Michael

From: Daniel Henry Gottlieb [mailto:daniel.gottlieb@gmail.com]
 Sent: Monday, July 27, 2009 9:14 AM
 To: Tripp, Michael; zev@bos.lacounty.gov; molina@bos.lacounty.gov; ridley-thomas@bos.lacounty.gov; knabe@bos.lacounty.gov; antonovich@bos.lacounty.gov
 Cc: Leslie Dutton; FreeRichardFine@gmail.com
 Subject: Revised Comments to Neptune et al RDEIR

Dear Mike,

Please note that this email is addressed to the members of the L. A. County Board of Supervisors as well as to you, with copies to the media and the press. As today is the last day for public comment on the Revised Draft Environmental Impact Report of the Neptune Project in Marina del Rey, it is important that the public is made aware of the on going community concerns about the development process following the Law. It is for that reason that I have agreed to distribute this document to the following media before today's deadline. Copies of this email will be distributed to:

City News Service,
 So Cal News Service
 The Argonaut,
 Full Disclosure Network
 Los Angeles Times
 CityWatchla.com
 RonKayela.org,
 laobserved.com,
 L A Weekly
FreeRichardFine@aol.com

You haven't replied to my questions over the last few weeks about:
 How does the Final action name a new lessee, **North Point Venture**, for the Shores project without signing a new lease?
 Will the Neptune **avoid** applying for an off-site transport Conditional Use Permit like the Shores did?
 Where are the **original documents** on the Noise study 5.2 of the RDEIR which are implied by the cross through lines and the underlines which render the 'edited' document unreadable?

Mike, because of the fact that for the Shores Project, important letters failed to appear in the Final EIR, I would like to ask you to send me a **confirmation** that Impact Sciences has received this letter. Also I ask that you replace the old July 24, 2009 letter with the attached July 27, 2009 updated letter. If you can't, that's OK, the July 27 letter has only minor corrections made to it. The only substantial change I would make is to add a paragraph advancing an explanation of why the level of sophistry in the newer Neptune Project is so much higher and more obvious in the newer Neptune RDEIR than it is in the older Woodfin (= Neptune) DEIR and in the Shores EIR. I will put it in as a Post Script to this covering letter, since it involves a dramatic human interest story, which is the main grist for the media these days.

Thanks for your previous and anticipated help Mike,

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Dan

PS. The main reason for the leap in the level of sophistry in the Neptune's RDEIR over the earlier DEIR and over the Successful Shores EIR is that the Shores was successful. If the Shores could get out of applying for a permit, why couldn't the Neptune similarly avoid applying for the same permit? If the Shores can succeed by changing the parameters of their construction plan without analyzing the new impacts, why couldn't the Neptune? Etc. How did the Shores succeed. Because our brilliant inexpensive lawyer, Richard I. Fine, US Supreme Court litigator and Federal Prosecutor, was disbarred, and hounded into jail by the Shores and Neptune lawyers. Hence he was not available to prosecute the Marina Strand Colony II's case against the Shores. Indeed, the intimidated Board of Directors of MSCII declined to appeal the Board of Supervisors reinstatement of the Shores permits. If that's what happens to our lawyer, what will happen to us by fighting the developers? If the Shores were penalized for its sophistry, the level of future sophistry would decrease, instead of leaping higher to a new level.

=====

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Mr. Michael Tripp,
Department of Regional Planning

July 27, 2009

Please submit this email for the record for the RDEIR of the Neptune, Woodfin, et al.
Also please distribute this email to the Regional Planning Board.

5

I am opposed to this project as a NIMBY because it will cause enormous noise and vibrations from our front on Via Dolce and from our rear with contemporaneous construction noise from the Shores project which will be occurring at the same time. Clouds of dust borne by easterly winds will pollute our lungs and dirty our homes. When the long process of constructing the Shores, the sewer, the Woodfin skyscraper and the Neptune finally ends, our scenic highway Via Marina, will be bordered by ugly large buildings out of character with the present low rise residential areas. The peace of the residential neighborhood will be broken by a large hotel deep in its middle with traffic all night and garbage and service trucks all day.

I am opposed to the Neptune project as a CITIZEN, because I don't want this country to turn into a third world country. The already approved Shores project has the **same lawyers and consultants** as the Neptune Project.

The sophistry of the Shores which was unpunished, metastasized in this RDEIR of the Neptune project. One expects, that if it is rewarded, the next projects will even be more blatantly manipulated. The same type of sophistry which underlies our economic collapse permeates the MdR development process. When it becomes too blatant, our legal system will collapse or lose the confidence of the World.

6

Cross-Through Confusion

The worst example is the use of cross-through lines to confuse the reader. The Shores DEIR had a figure which showed the height above grade of the building. For the FEIR the grading and

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number of levels of subterranean garages changed, so one would expect the heights of the buildings would change. The Figure purporting to show the change had cross-through lines obscuring the old numbers and the new numbers. So there is no clear statement of the change of height above grade of the buildings. Also, there is **no statement** of the **absolute height** above sea level of the buildings.

7

The REIR of the Neptune project used a crossed through table to confuse the amount of off-site cubic yards transport. The Notice of Preparation of the Woodfin = the Neptune announced that the different components of the project would each ask for a Conditional Use Permit for offsite transport. When we saw this, we asked why the Shores did not say they would apply for a CUP. The answer came at the December 16, 2008 Board of Supervisors hearing on the Shores project. There the Shores lawyer implied under **oath** that 92,000 cubic yards of debris and 25,000 cubic yards of soil did not exceed 100,000 cubic yards of material.

8

Off Site Transported Out

When we saw the RDEIR of the Neptune, the first thing we looked for was the treatment of the CUP for offsite transport. We never saw any specific wording of their obligation to apply for one. We did find a paragraph summary of the amount of grading and exported debris and soil, but the description was contained in a paragraph which confused the total amount of exported dirt with exported dirt from the Anchorage. In addition the total was **not correct**, as Mr. Tripp pointed out.

9

Search For Shores Finds Haul Routs Altered

We decided to search the RDEIR for the word 'Shores' .

We found it in section 5. 2 Noise. That is a long section consisting of underlined and cross-through line sentences. It is hard to read. It supposedly represents an earlier document reedited. But there is no earlier document. The Shores EIR and Additional Environmental analysis was very careful not to mention other projects and avoided being mentioned in the sewer EIR. We defy the consultants to produce a document which even looks like an original unedited Noise document.

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If you search within the document for 'Shores', you will find what looks like a change in the haul route. The 'haul route **will be along** via Marina' is changed via underlining and crossing out to 'would **include** via Marina'.

That means they are opening up the possibility of trucks moving along **via Dolce** and only 25 feet from our condos instead of the 50 feet that appears in the EIR of the Shores. Worse, still on the same page, the Neptune and Sewer projects will use a haul route **similar** to the Shores. So without a clear statement, preparations are being laid to increase the noise on Marina Strand Colony II by a factor of 4, since none of these haul trucks were supposed to pass closer than 50 feet to residences.

In The Shadows

In the Shores project, the shadows were shown to be incorrect in its DEIR. The 'correction' was given in the Shores FEIR. It consisted of several smaller Figures representing shadows over the year. Some Figures depicted the buildings as not rectangular. An issue was whether the **3 hour shadow threshold** of the City was exceeded. It will be. So we decided to search the Neptune

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RDEIR for 'hour'. Sure enough on page 5.6-55 we found '3 hours' in a paragraph which had simultaneous underlines and crossouts. We also found that the County has a threshold of two hours according to the RDEIR. We won't bother to do any calculations here. The point is: How would you like this kind of behavior on your checking account statement from your bank? Similar behavior has reduced your investments to about 50% of their value, because no one in authority spoke up. You are in authority. What's it going to be?

Note that November and March are the months when daylight savings changes. They don't show March in their shadow study because it is too much like October. October they do the study on the "**October Solstice**". There is no such day, so we don't know what day they are talking about in October, furthermore we don't know whether the time is Standard or Daylight Savings for the corresponding day in March. Recall that daylight savings change is in March and the equinox is also in March, but not in October.

Note that Daylight Savings dates changed recently under Bush, but the winter and summer solstices changed by one day after 2000, under Clinton, and the RDEIR got the equinox wrong. So maybe the RDEIR is covering up long hours of shade. My boating friends tell me that a boat needs sunshine to dry out.

A suppressed point of view

The Design Control Board was originally charged with assessing visual impact. But the Staff Counsel never informed them of their duty, until the public found the law in the LIP. When the DCB began to think of upholding the law, the County staff found an 'inconsistency' with the law and removed their power to check for consistency with the LCP of any new project. But they had to give that power to the RPC.

Before the DCB was stripped of their power, the Shores Project had conducted an inadequate analysis in its DEIR stating that it was **unnecessary** because the DCB had **already approved** the scenic impacts. In their analysis they state: "Unfortunately, there **no definition of scenic** view in the LCP". The study the Shores presented of the scenic impact of the Shores Project consisted only of pictures of the del Rey Shores from across via Marina and via Marquesa.

So later when the Woodfin project had its scoping meeting, I asked for the impact of the 19 story building on the view from **Lighthouse Bridge** across Ballona Lagoon. This was contained in the Scoping meeting's minutes, in the appendices of the DEIR. This view was **not analyzed** in the DEIR or in the RDEIR. Furthermore the minutes of the Scoping meeting were **missing** from the DVDs of the Neptune Project sent to me and the Mdr library. I hope the RPC is shown this view point in their walk around Marina del Rey this August.

Sincerely,

D. H. Gottlieb
Professor Emeritus Mathematics
3516 Via Dolce
Marina del Rey
CA 90292
gottlieb@math.purdue.edu
(310) 301 4980

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12

Letter R-I-3a: Gottlieb, Daniel July 27, 2009 (R-I-3a)

Response to Comment R-I-3a-1

This comment does not address the adequacy or completeness of the Recirculated Draft EIR and no response is necessary.

Response to Comment R-I-3a-2

The comment about the “Shores project” is directed at County of Los Angeles Department of Regional Planning staff and does not pertain to the content or findings of the Recirculated Draft EIR.

The complete list of discretionary actions necessary for approval of the proposed project is included on page 3.0-72 of the Draft EIR. These discretionary actions are:

Neptune Marina Parcel 10R

Amendment to the Marina del Rey Land Use Plan
Coastal Development Permit (CDP)
Coastal “Approval in Concept” (for Parcel 10R anchorage component) for separate CDP from the Coastal Commission

Conditional Use Permit (CUP), including grading for off-site transport
Variance

Neptune Marina Parcel FF

Amendment to the Marina del Rey Land Use Plan
Coastal Development Permit
Conditional Use Permit
Variance

Woodfin Suite Hotel and Timeshare Resort

Coastal Development Permit
Conditional Use Permit
Parking Permit
Tentative Tract Map
Variance

Wetland Restoration

Coastal Development Permit

Public-Serving Anchorage

Coastal “Approval in Concept” for a separate CDP from the Coastal Commission

All technical appendices used for preparation of impact analysis in the Draft EIR and Recirculated Draft EIR are provided in the appendices of both documents.

Response to Comment R-I-3a-3

This comment does not address the adequacy or completeness of the Recirculated Draft EIR and no response is necessary.

Response to Comment R-I-3a-4

The comment about the “Shores project” is directed at County of Los Angeles Department of Regional Planning staff and do not pertain to the content or findings of the Recirculated Draft EIR.

Response to Comment R-I-3a-5

This comment includes general reasons why the commenter is opposed to the project. The comment was forwarded to the decision makers for their consideration. This comment does not directly address the adequacy or completeness of the Recirculated Draft EIR and therefore no further response is necessary.

Response to Comment R-I-3a-6

This comment includes general reasons why the commenter is opposed to the project. The comment was forwarded to the decision makers for their consideration. This comment does not directly address the adequacy or completeness of the Recirculated Draft EIR and therefore no further response is necessary.

Response to Comment R-I-3a-7

Please see **Response to Comment R-ORG-2-7** above for an explanation of the formatting used in the Recirculated Draft EIR. Please see **Response to Comment R-ORG-1-24** above for an explanation of existing and proposed building heights on the project site.

Response to Comment R-I-3a-8

The comment was forwarded to the decision makers for their consideration. This comment does not directly address the adequacy or completeness of the Recirculated Draft EIR and therefore no further response is necessary.

Response to Comment R-I-3a-9

Please see **Response to Comment R-I-3a-2** above for a list of the necessary discretionary actions being sought for approval of this proposed project. On page 3.0-9 of the Recirculated Draft EIR, the following text may be found “A Conditional Use Permit (for site grading, export of earth and parking for boater-related uses),” meaning that a CUP is required for off-site transport of soil.

The total amount of site grading would require the export of 240,121 tons (198,450 cubic yards [cy]) of earth material. This total stems from the export of 124,650 cy from Parcel 10R, 31,600 cy from Parcel FF and 42,200 cy from Parcel 9U.

The comment was forwarded to the decision makers for their consideration. This comment does not directly address the adequacy or completeness of the Recirculated Draft EIR and therefore no further response is necessary.

Response to Comment R-I-3a-10

The Recirculated Draft EIR uses strikethrough text to allow readers to understand which text was changed between the originally publicly distributed Draft EIR and the Recirculated Draft EIR.

The project would be required under existing County policy to obtain review and approval of a haul route by Department of Public Works, prior to issuance of building permits. The approved haul route would minimize the project construction traffic impacts. For example, the haul route would restrict times for activities, as well as the routing and layover areas of trucks. From the Draft EIR: "As depicted in Figure 5.2-6, Truck Haul Route, the haul route for trucks carrying the export materials extends north on Via Marina to Washington Boulevard, then east on Lincoln Boulevard and south on the Marina Freeway." Via Dolce is not designated as part of the proposed haul route. In addition, per existing County policy, Worksite Traffic Control (WTC) Plans will be developed for the project. The WTC Plans will ensure that resident and emergency access will not be significantly impeded, pedestrian safety will be maintained, and any short-term construction traffic impacts would be minimized. Moreover, the proposed haul route is specified in the Draft EIR project description depicted in Figure 5.2-6 of the noise section.

Response to Comment R-I-3a-11

The Recirculated Draft EIR contains a very detailed shade and shadow study. Given the limited extent and duration of the shadows, the project should not create substantial shadow effects. During the Winter Solstice, the hotel would cast shadows on portions of Via Marina in the morning only; small portions of the west portion of Basin B in the afternoon only; and no off-site sensitive receptors would be shaded. During the Summer Solstice, when the shadows are shortest, the hotel would cast shadows between 9 and 10:00 AM on a portion of the existing residential uses west of the project; no other sensitive receptors would be shaded; it would cast shadows on portions of Via Marina in the morning only and a small portion of Basin B in the afternoon only; and the northern portion of the proposed wetland park would receive some shading in the late afternoon.

Contrary to the comment, threshold of significance for shade and shadow impacts is whether the project is likely to create substantial sun shadow problems. There is no 2-hour threshold.

The shadow analysis depicts shadows throughout the year, including October 21. Figure 5.6-20B, Shade and Shadow Effects; Neptune Marina Project – October, inadvertently included the word “Solstice” in the title for the October simulation; the correct title is “Shade and Shadow Effects; Neptune Marina Project – October, 12:00 PM through 2:00 PM.”

Response to Comment R-I-3a-12

Please see **Response to Comment R-ORG-1-24**, above, in regards to proposed building heights and views. Per the commenter’s request, a simulation of the view of the project site from Lighthouse Bridge across the Ballona Lagoon is shown on **Figure 3.0-1**. The photographs used for the visual simulations did not have the distant San Gabriel Mountains removed; rather the horizon was hazy on the day the photos were taken.

Tripp, Michael

From: Daniel Henry Gottlieb [daniel.gottlieb@gmail.com]
Sent: Monday, August 17, 2009 11:39 PM
To: Tripp, Michael
Cc: Nancy Marino; David Barish - Bakpak Guide; David De Lange, PhD; Leslie Dutton; mardim2
Subject: reporting to RPC on correctness of testimony from August 12 RPC meeting

Mr. Michael Tripp,
 Los Angeles County
 Department of Regional Planning

August 18, 2008

Dear Mike,

Last Wednesday at the RPC meeting at Marina del Rey the commissioners asked the staff to carefully look at the video and transcripts and written comments of the meeting and see if the public assertions are correct.

David de Lange testified that the Agenda notice was misleading since it appeared that there would be several items to speak on and that we had to preserve our 4 minutes to speak on all of them.

That was correct in my case since I stopped speaking 3/4 of the way through and said I would reserve my time till later. There was no later. Here is what I would have said. It does not appear in my written comments since it is the very Agenda notice that I want to comment on.

In item 5c they say they will ask for a CUP for the offsite transport of earth in excess of 100,000 cubic yards. And in item they want a CUP for "... the export of earth from site." In fact the stuff being transported according to County Code 22.46.1320 A3 (for the Shores, but same wording for water front parcels) is " where more than 100,000 cubic yards of material are to be transported ...". So whoever wrote the Agenda replaced 'material' by 'earth'. Also the wording avoids the technical phrase: Off-Site Transport Grading Project. That and the use of searching on Shores which revealed the crossed out table with the incorrect sum of exported material leads me to the conclusion that this project as well as the Shores project will avoid applying for an Off-Site Transport Grading Project CUP.

Exercise 1

A specific exercise in ascertaining the truth of this conjecture is: Find out the name and position of the person who replaced 'material' by 'earth'. I predict he is involved with a law firm that has played a prominent role in the disbarment and jailing for contempt of the Lawyer Richard I. Fine.

I am attaching below my comments submitted to the RPC criticizing the Neptune RDEIR. I will mention a few exercises with well defined answer. The answers you find, or do not find, should shed light upon the correctness of the RDEIR.

Exercise 2 on Off Site Transported Out

Find the total amount of material (earth and debris) to be transported out of each component of the project in cubic yards.

Exercise 3 on Search For Shores Finds Haul Routs Altered

Find the original text referring to altering the haul route. If it doesn't exist, say so. If it exists, point out the inevitable grammatical errors and whether it is not in the implied Noise section of the RDEIR.

Exercise 4 on In The Shadows

Find the date of the October Solstice. Then give the RDEIR's answer to the poetical question:
 And what is so rare as a day in June?

Exercise 5 on A suppressed point of view

Find the western edge of Lighthouse Bridge and superimpose the 19 story Woodfin on the view to the East.

4

These specific questions will aid you in estimating the truth of Impact Science's RDEIR.

Dan Gottlieb

Mr. Michael Tripp,
Department of Regional Planning

July 27, 2009

Please submit this email for the record for the RDEIR of the Neptune, Woodfin, et al. Also please distribute this email to the Regional Planning Board.

5

I am opposed to this project as a NIMBY because it will cause enormous noise and vibrations from our front on via Dolce and from our rear with contemporaneous construction noise from the Shores project which will be occurring at the same time. Clouds of dust borne by easterly winds will pollute our lungs and dirty our homes. When the long process of constructing the Shores, the sewer, the Woodfin skyscraper and the Neptune finally ends, our scenic highway via Marina, will be bordered by ugly large buildings out of character with the present low rise residential areas. The peace of the residential neighborhood will be broken by a large hotel deep in its middle with traffic all night and garbage and service trucks all day.

I am opposed to the Neptune project as a CITIZEN, because I don't want this country to turn into a third world country. The already approved Shores project has the **same lawyers and consultants** as the Neptune Project. The sophistry of the Shores which was unpunished, metastasized in this RDEIR of the Neptune project. One expects, that if it is rewarded, the next projects will even be more blatantly manipulated. The same type of sophistry which underlies our economic collapse permeates the M&R development process. When it becomes too blatant, our legal system will collapse or lose the confidence of the World.

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Cross-Through Confusion

The worst example is the use of cross-through lines to confuse the reader. The Shores DEIR had a figure which showed the height above grade of the building. For the FEIR the grading and number of levels of subterranean garages changed, so one would expect the heights of the buildings would change. The Figure purporting to show the change had cross-through lines obscuring the old numbers and the new numbers. So there is no clear statement of the change of height above grade of the buildings. Also, there is **no statement** of the **absolute height** above sea level of the buildings.

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The REIR of the Neptune project used a crossed through table to confuse the amount of off-site cubic yards transport. The Notice of Preparation of the Woodfin = the Neptune announced that the different components of the project would each ask for a Conditional Use Permit for offsite transport. When we saw this, we asked why the Shores did not say they would apply for a CUP. The answer came at the December 16, 2008 Board of Supervisors hearing on the Shores project. There the Shores lawyer implied under oath that 92,000 cubic yards of debris and 25,000 cubic yards of soil did not exceed 100,000 cubic yards of material.

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Off Site Transported Out

When we saw the RDEIR of the Neptune, the first thing we looked for was the treatment of the CUP for offsite transport. We never saw any specific wording of their obligation to apply for one. We did find a paragraph summary of the amount of grading and exported debris and soil, but the description was contained in a paragraph which confused the total amount of exported dirt with exported dirt from the Anchorage. In addition the total was **not correct**, as Mr. Tripp pointed out.

9

Search For Shores Finds Haul Route Altered

We decided to search the RDEIR for the word 'Shores' . We found it in section 5. 2 Noise. That is a long section consisting of underlined and cross-through line sentences. It is hard to read. It supposedly represents an earlier document reedited. But there is no earlier document. The Shores EIR and Additional Environmental analysis was very careful not to mention other projects and avoided being mentioned in the sewer EIR. We defy the consultants to produce a document which even looks like an original unedited Noise document.

If you search within the document for 'Shores', you will find what looks like a change in the haul route. The 'haul route **will be along** via Marina' is changed via underlining and crossing out to 'would **include** via Marina'.

That means they are opening up the possibility of trucks moving along via **Dolce** and only 25 feet from our condos instead of the 50 feet that appears in the EIR of the Shores. Worse, still on the same page, the Neptune and Sewer projects will use a haul route **similar** to the Shores. So without a clear statement, preparations are being laid to increase the noise on Marina Strand Colony II by a factor of 4, since none of these haul trucks were supposed to pass closer than 50 feet to residences.

10

In The Shadows

In the Shores project, the shadows were shown to be incorrect in its DEIR. The 'correction' was given in the Shores FEIR. It consisted of several smaller Figures representing shadows over the year. Some Figures depicted the buildings as not rectangular. An issue was whether the **3 hour shadow threshold** of the City was exceeded. It will be. So we decided to search the Neptune RDEIR for 'hour'. Sure enough on page 5.6-55 we found '3 hours' in a paragraph which had simultaneous underlines and crossouts. We also found that the County has a threshold of two hours according to the RDEIR. We won't bother to do any calculations here. The point is: How would you like this kind of behavior on your checking account statement from your bank? Similar behavior has reduced your investments to

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about 50% of their value, because no one in authority spoke up. You are in authority. What's it going to be?

Note that November and March are the months when daylight savings changes. They don't show March in their shadow study because it is too much like October. October they do the study on the "October Solstice". There is no such day, so we don't know what day they are talking about in October, furthermore we don't know whether the time is Standard or Daylight Savings for the corresponding day in March. Recall that daylight savings change is in March and the equinox is also in March, but not in October.

Note that Daylight Savings dates changed recently under Bush, but the winter and summer solstices changed by one day after 2000, under Clinton, and the RDEIR got the equinox wrong. So maybe the RDEIR is covering up long hours of shade. My boating friends tell me that a boat needs sunshine to dry out.

A suppressed point of view

The Design Control Board was originally charged with assessing visual impact. But the Staff Counsel never informed them of their duty, until the public found the law in the LIP. When the DCB began to think of upholding the law, the County staff found an 'inconsistency' with the law and removed their power to check for consistency with the LCP of any new project. But they had to give that power to the RPC.

Before the DCB was stripped of their power, the Shores Project had conducted an inadequate analysis in its DEIR stating that it was unnecessary because the DCB had already approved the scenic impacts. In their analysis they state: "Unfortunately, there no definition of scenic view in the LCP". The study the Shores presented of the scenic impact of the Shores Project consisted only of pictures of the del Rey Shores from across via Marina and via Marquesa.

So later when the Woodfin project had its scoping meeting, I asked for the impact of the 19 story building on the view from Lighthouse Bridge across Ballona Lagoon. This was contained in the Scoping meeting's minutes, in the appendices of the DEIR. This view was not analyzed in the DEIR or in the RDEIR. Furthermore the minutes of the Scoping meeting were missing from the DVDs of the Neptune Project sent to me and the Mdr library. I hope the RPC is shown this view point in their walk around Marina del Rey this August.

Sincerely,

D. H. Gottlieb
Professor Emeritus Mathematics
3516 Via Dolce
Marina del Rey
CA 90292
gottlieb@math.purdue.edu
(310) 301 4880

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Letter R-I-3b: Gottlieb, Daniel August 17, 2009 (R-I-3b)

Response to Comment R-I-3b-1

This comment does not address the adequacy or completeness of the Recirculated Draft EIR and no response is necessary.

Response to Comment R-I-3b-2

A conditional use permit for grading of materials exceeding 100,000 cubic yards is part of the current application, as stated on Page 3.0-9 of the Recirculated Draft EIR. The proposed haul route will include the use of Via Marina to Washington Boulevard.

Response to Comment R-I-3b-3

This comment does not address the adequacy or completeness of the Recirculated Draft EIR and no response is necessary.

Response to Comment R-I-3b-4

See **Response to Comment R-I-3a-12** in regard to a visual simulation from the Lighthouse Bridge vantage point.

Response to Comment R-I-3b-5

See **Response to Comment I-3a-5**, above.

Response to Comment R-I-3b-6

See **Response to Comment I-3a-6**, above.

Response to Comment R-I-3b-7

See **Response to Comment I-3a-7**, above.

Response to Comment R-I-3b-8

See **Response to Comment I-3a-8**, above.

Response to Comment R-I-3b-9

See **Response to Comment I-3a-9**, above.

Response to Comment R-I-3b-10

See **Response to Comment I-3a-10**, above.

Response to Comment R-I-3b-11

See **Response to Comment I-3a-11**, above.

Response to Comment R-I-3b-12

See **Response to Comment I-3a-12**, above.

Tripp, Michael

From: Daniel Henry Gottlieb [daniel.gottlieb@gmail.com]
Sent: Wednesday, October 14, 2009 9:33 PM
To: Tripp, Michael
Cc: Nancy Marino; David De Lange, PhD; David B - We ARE Marina del Rey
Subject: Right Sizing Traffic Study

Mike,

It was nice seeing you today.

The three papers I gave you for the Commissioners prove that the current Right-Sizing Parking Study is omitting the Parcel A parking lot. This lot is very well used, it is cheap and has wonderful views of sealife, sail boats and rowing crews, snow covered mountains and nearby walks to the end of the Jetty and up Ballona Creek. It is frequently full.

The first page, the map, from the OT & Holiday Harbor, shows the location of Parcel A.

The second page, from the LCP, shows that #14, the parcel A lot, has 60 metered spaces and an address which is the same as #13, Parcel 3. Parcel 3 has 140 Parking spaces.

The third page is from the Mdr Right-Sizing and for the 'North Channel' activity area, shows that only Parcel 3 appears to be considered. The extra 60 spaces are not mentioned.

Assuming that this was not done deliberately, it shows the damage an incorrect address can do to subsequent studies.

Dan

1

Letter R-I-3c: Gottlieb, Daniel October 14, 2009 (R-I-3c)

Response to Comment R-I-3c-1

This comment references the Right-Sizing Parking Study for the Public Parking Lots in Marina del Rey prepared by Raju Associates, Inc., for the Department of Beaches & Harbors. The comment references parking lots that are not part of the current applications. Therefore, this comment does not address the adequacy or completeness of the Recirculated Draft EIR and no response is necessary.

From: Tony Medley [mailto:sweatypalm@gmail.com]
Sent: Sunday, October 11, 2009 10:07 AM
To: Tripp, Michael
Cc: info@wearemdr.com; Nancy Marino
Subject: Proposed development at Via Marina and Tahiti Way

To: Michael Tripp

Dear Mr. Tripp:

I have been a sub lessee in Marina del Rey since 1975. For the first decade, it represented government at its best. Starting almost from the condominiumization of the Marina City Club, and with the change of Supervisor for the 4th District, it has degenerated into government at its worst. The County ignores the people who live and work in Marina del Rey and what they wish to be done with their community. The County's only motive now is profit; how much money can be made. This is not the proper function of a representative government.

1

The proposed development at Via Marina and Tahiti Way is typical. In a joint meeting of the Venice Marina Rotary Club and the Westchester Rotary Club several years ago, before more than 100 people, I asked Stan Wisniewski about the property and said that I understood that a high rise building was proposed to be constructed there, which would be inappropriate. Mr. Wisniewski replied that he "promised" me that no high rise development would be allowed, although a low rise development would probably be allowed. Now you are proposing a 19-story building, which is totally inappropriate in an area of low rise apartments, and is contrary to Mr. Wisniewski's publicly-made promise. I urge you live up to Mr. Wisniewski's promise and not allow this type of development. It will increase traffic and be a blot on a community that was originally developed to be a small craft harbor surrounded by low rise apartments. Combined with the construction the County is requiring at the Bay Club, which is also on Tahiti Way, traffic, ingress and egress will be extremely difficult for those of us who are sub lessees on Tahiti Way.

2

I request that all development be submitted to a vote of all the people who are sub lessees in the community of Marina del Rey. We should have the power to decide how our community develops.

3

Tony Medley
13900 Tahiti Way #224
Marina del Rey, CA 90292
310.306.6200
med@sweatypalms.net

Letter R-I-4: Medley, Tony October 11, 2009 (R-I-4)

Response to Comment R-I-4-1

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary.

Response to Comment R-I-4-2

The potential for a hotel with up to 19 stories to be located on Parcel 9U has been a part of the land use component of the certified Local Coastal Plan (LCP) since 1996.

Response to Comment R-I-4-3

This comment does not address the adequacy or completeness of the Draft EIR and no response is necessary.

From: Gilberto Ruiz [mailto:gilbertoruiz.gr@gmail.com]
Sent: Tuesday, August 11, 2009 1:20 PM
To: Zoning LDCC
Subject: Neptune Apartment -Project R2006-03647

Please include the following comments as part of the public record for tomorrow's public hearing:

Transportation and Traffic

On page 5.7-2 of the DEIR, a total of 17 intersections were identified for analysis. Figure 5.7-1 indicates that the majority (i.e.,13) are located within the unincorporated portion of the County and only four appear to be located within the adjacent communities of Culver City and Los Angeles. The DEIR should have included additional intersections for analysis including Venice Boulevard, Abbot Kinney Boulevard, and Maxella Avenue.

The analysis does not appear to address alternative transportation (e.g., bicycles, etc.) including existing conditions, potential impacts, or mitigation measures.

1

Letter R-I-5: Ruiz, Gilberto August 11, 2009 (R-I-5)

Response to Comment R-I-5-1

This comment addresses the number of intersection analyzed in the traffic study. The study intersections were determined in consultation with the Los Angeles County Department of Public Works, Traffic and Lighting Division. The City of Los Angeles Department of Transportation found the intersection studied to be appropriate. Public transportation and other methods of transport was discussed in the Recirculated Draft EIR.

4.0 RESPONSES TO ORAL TESTIMONY

Topical responses to oral testimony received at the County of Los Angeles Regional Planning Commission hearings of October 29, 2008, August 12, 2009, and October 14, 2009, are provided below. Detailed responses to each comment are provided in this section.

4.1 TOPICAL RESPONSES TO ORAL TESTIMONY

- **Parcels FF, 10R and 9U: Responses to testifiers' comments alleging inadequacy of the traffic study prepared for the projects (i.e., alleging significant traffic impacts at the Tahiti Way/Via Marina intersection; alleging the traffic study does not adequately account for existing traffic on the west side of the marina; and alleging inadequacy of the haul route analysis for the projects in the traffic study):**

The testimony presented at the public hearings did not provide evidence to support the testifier's assertion that the traffic conclusion for the Tahiti Way/Via Marina intersection in the traffic study (Draft EIR Appendix 5.7) is flawed, but substantial evidence has been submitted in the traffic study refuting this claim. The comprehensive traffic report prepared for the projects by Crain & Associates of Southern California, a leading traffic engineering firm in the region, analyzed the projects' individual and combined affects on the Tahiti Way /Via Marina intersection, and concluded that there will be no significant traffic impact at this intersection caused by the proposed projects. County Department of Public Works' Traffic & Lighting Engineering Section reviewed the Crain traffic report and concurs with Crain's conclusion that the projects will not result in a significant traffic impact at the Tahiti Way/Via Marina intersection.

The traffic analysis performed for the projects is based on actual traffic counts taken in 2005, 2006, and 2007 during the AM and PM peak periods. The counts included existing traffic from the condominiums and homes located on the west side of the marina that were cited by the testifier. These counts were conducted at intersections in the Marina area including along Via Marina, Admiralty, Lincoln Boulevard, Washington Boulevard, and the SR-90 freeway. The count data reflect traffic to and from existing development on the west side of the Marina. To analyze future cumulative traffic conditions, the analysis considered traffic from 41 related projects and ambient growth as well as project traffic. Therefore, the analysis adequately considers traffic from development in the surrounding area including on the west side of the Marina.

The projects would be required under existing County policy to obtain review and approval of a haul route by Dept of Public Works, prior to issuance of building permits. The approved haul routes for the projects would minimize the project construction traffic impacts. For example, the projects' haul routes

would restrict times for activities, as well as the routing and layover areas of trucks. In response to one testifier's concern, Via Dolce is not designated as part of the proposed haul routes. From the Draft EIR: "As depicted in **Figure 5.2-6, Truck Haul Route**, the haul route for trucks carrying the export materials extends north on Via Marina to Washington Boulevard, then east on Lincoln Boulevard and south on the Marina Freeway." In addition, per existing County policy, Worksite Traffic Control (WTC) Plans will be required for the projects. The approved WTC Plans will ensure that resident and emergency access will not be significantly impeded, pedestrian safety will be maintained, and any short-term construction traffic impacts would be minimized. Moreover, the proposed haul routes for the projects are specified in the Draft EIR project description depicted in Figure 5.2-6 of the noise section.

With respect to the Parcel 9U hotel and timeshare resort project, the Draft EIR analyzed traffic impacts associated with the hotel/timeshare resort project and concluded that the "incremental project traffic would not cause the LOS at any intersection to degrade, which is considered a less than significant impact" (Page 5.7-72), and that the operational impacts of the hotel would be typical of a residential area and are comparable to the types of noise presently experienced from existing surrounding residential uses at the site and in the surrounding area, would be attenuated, and therefore would have less than significant impacts.

- **Parcels FF, 10R and 9U: Responses to testifiers' comments alleging that the County's processing approach for the projects constitutes piecemealing of environmental analysis; that the cumulative analyses in the joint EIR are inadequate; and that the County must suspend all development permit review in the Marina pending the Coastal Commission's review and approval of a comprehensive EIR covering all proposed development projects in Marina del Rey:**

Contrary to the comment of one testifier, the County is not piecemealing environmental analysis and is in fact analyzing five separate components proposed by different applicants in a single environmental document. In addition, the County is preparing a single aggregate Local Coastal Plan (LCP) map and text amendment for all pending projects in Marina del Rey that are seeking LCP amendments, as well as a cumulative impact assessment of all pending development in the Marina.

Testifiers asserted there may be as many as 17 projects currently under consideration for development in the Marina. The cumulative impact analysis contained in the joint EIR for subject Woodfin Suite Hotel & Timeshare Resort and Legacy Neptune Marina Apartments & Anchorage projects includes all projects that were reasonably foreseeable at the time of the Notice of Preparation (NOP) in March 2007. The Draft EIR considers total of 41 related projects in unincorporated Los Angeles County, City of Los Angeles, and Culver City, in addition to ambient growth. The Recirculated Draft EIR added the Venice Pumping Plant Dual Force Main project. As the testifier has not identified the 17 to 20 projects he asserts are underway, it is not possible to know whether any of these projects were not included in the Draft EIR.

The cumulative analysis contained in the joint EIR is quite conservative in that it assumes that all of the related projects will be approved and built out at the maximum proposed density and without any mitigation. It is likely that some projects would be approved at a lower density and/or with mitigation and that others will never be built due to poor economic conditions or other reasons.

The Draft EIR analyzed cumulative impacts of the project and the related projects with respect to schools, parks, traffic, as well as sewer, water, solid waste, education, police, fire, and library services impacts. In addition, the County is preparing a single aggregate LCP map and text amendment for all pending projects in Marina del Rey that are seeking LCP amendments, as well as a cumulative impact assessment of all pending development in the Marina. Contrary to testifier allegations, the California Environmental Quality Act (CEQA) does not require the County to suspend permit processing of Marina del Rey projects pending its approval of a comprehensive EIR for all Marina development projects or a comprehensive LCP update, just as it does not, by comparison, require the City of Los Angeles to suspend processing projects in Venice and elsewhere pending the planned Community Plan updates.

- **Parcels FF, 10R and 9U: Responses to testifier's comments regarding climate change and sea level rise:**

Pacific Institute, in their May 2009 paper *The Impacts of Sea-Level Rise on the California Coast*, created maps to identify areas that might be affected by sea level rise. They postulate that sea level will rise on the California coast by 1.4 m (55 inches) by 2100. The maps do not show sea level rise impacts to Parcels FF, 10R, or 9U. The useful life of the proposed buildings, roughly 75 years, will precede the maximum sea level rise in 2100. In any event, there is adequate "freeboard" at the bulkhead, which protects the sites from an adverse impact from sea level change.

- **Parcels FF, 10R and 9U: Responses to testifiers' comments alleging inadequacy of the EIR's analysis of projects' solid waste impacts:**

The Draft EIR states in Subsection 5.10.3.3 Existing Solid Waste Disposal, that Los Angeles County landfills have adequate capacity to service the existing population and planned growth until 2017, but it also explains that capacity will likely extend well beyond 2017. Also, the County has recently concluded agreements with nearby municipalities to divert solid waste from County landfills. In addition, the County is implementing programs to reduce solid waste generation. The Draft EIR therefore concludes

it is reasonable to assume that solid waste disposal facilities and other options will be available in the future beyond 2017. However, mitigation is required to reduce impacts to less than significant levels, including (a) compliance with a Waste Management Plan to recycle at a minimum 50 percent of the construction and demolition Debris and (b) a solid waste management plan to identify methods to promote recycling and re-use of materials, safe disposal, and the use of recycling bins. The projects and cumulative projects could contribute to decline in landfill

capacity; resulting in a significant impact unless additional landfill space or other disposal alternatives are approved.

The 2007 Annual Report for Los Angeles County Countywide Integrated Waste Management Plan of May 2009 states that “It should be noted that projecting future conditions is an estimate at best. It is a very difficult undertaking due to the dynamic nature of the solid waste management system in the County.” This report further states that “Los Angeles County would need to pursue additional strategies to meet the needs of residents and businesses through the 15-year planning period.” These additional strategies will include the expansion of existing landfills, develop conversion technologies (trash to energy), expand transfer and processing infrastructure, maximize waste reduction and recycling, and develop waste-by rail systems. The report then concludes that with the implementation of these strategies that “the County would be able to accommodate the Daily Disposal Demand through the 15-year planning period (2022).” This is a requirement of the State Integrated Waste Management Act of 1989.

- **Parcels FF, 10R and 9U: Responses to testifier’s comments alleging inadequacy of wastewater treatment capacity analysis in EIR:**

At the request of the City of Los Angeles Bureau of Sanitation (BOS), the Recirculated Draft EIR recalculated the projects’ wastewater generation based on the generation rates provided by BOS. As set forth in Table 5.8-2 of the Recirculated Draft EIR, the total amount of wastewater generation by the projects alone is 139,696 gallons per day (gpd), an increase of about 9,000 gpd (representing only approximately 0.01 percent of the total currently unused capacity at the Hyperion Treatment Plant) from the amount included in the September 2008 Draft EIR. The BOS comment letter of July 10, 2009 accepted these calculations as correct, indicating that the existing sewer system will accommodate the total flows from the proposed project. The Recirculated Draft EIR used the same BOS generation rates to calculate the cumulative wastewater totals.

Table 5.8-7 of the Recirculated Draft EIR includes an error that does not change the conclusion of both the original and Recirculated Draft EIR that cumulative wastewater impacts will not be significant. Table 5.8-7 of the Recirculated Draft EIR incorrectly showed the net project total as 98,531 gpd rather than the correct total of 139,696 gpd. With the correct project-only total, the cumulative total wastewater generation from the projects and the related projects is 683,550 gpd, or 41,165 gpd greater (6 percent) than the total amount indicated in the Recirculated Draft EIR. See Section 2.0 of This Final EIR.

The total available unused capacity at the Hyperion Treatment Plant (HTP) is 88 million gallons per day. The cumulative total of 683,550 gpd represents 0.78 percent of this capacity. Therefore, the conclusion that “capacity is available at the HTP” (Page 5.8-22 of the Recirculated Draft EIR) remains the same. Moreover, the City of Los Angeles has adopted an Integrated Resources Plan that identifies

improvements to expand capacity by an additional 100 million gallons per day to accommodate flows beyond current projections.

- **Parcels 10R and FF: Responses to testifiers' comments regarding projects' alleged inconsistency with LCP view corridor and building height requirements and LCP requirements regarding protection of distant mountain views:**

The Parcel 10R and FF apartment projects will provide LCP-required view corridors over the parcels, consistent with the LCP as indicated in the table below. At Parcel 10R, a 76-ft-wide view corridor (21 percent of the parcel's Via Marina frontage) is being provided along Via Marina, opposite the subject condominium complex, whereas the LCP requires a smaller, 71-ft-wide view corridor along this frontage. The 60-foot height of the proposed apartment building fronting Via Marina on Parcel 10R is also far shorter than the LCP's maximum permissible building height on this "non-mole" portion of Parcel 10R: The LCP allows a 140-ft-tall building on the non-mole/Via Marina fronting portion of Parcel 10R with provision of a 20 percent view corridor on this parcel frontage, and up to a maximum 225-ft-tall building with provision of a 40 percent view corridor along the parcel's Via Marina frontage.

The "mole" (Marquesas Way) portion of Parcel 10R has a height limit of 45 feet with the inclusion of a 20 percent view corridor. The maximum permitted height on the mole portion of the parcel is 75 feet, with the provision of a 40 percent view corridor. Based on the proposed 55-ft. building height on the mole (Marquesas Way) portion of Parcel 10R, the required view corridor for the mole portion of the parcel is 27 percent consistent with this requirement, a view corridor comprising approximately 29 percent of the Parcel 10R mole waterfront is being provided. These height standards will apply equally to Parcel FF. Thus, the proposed 55-foot height building on Parcel FF will require a 27 percent view corridor along the parcel's water frontage; consistent with this requirement, a 30 percent view corridor is being provided along the Parcel FF waterfront.

The 60-foot height of the proposed apartment building fronting Via Marina on Parcel 10R is far shorter than the LCP's maximum permissible building height on this "non-mole" portion of Parcel 10R: The LCP allows a 140-ft-tall building on the non-mole/Via Marina fronting portion of Parcel 10R with provision of a 20 percent view corridor on this parcel frontage, and up to a maximum 225-ft-tall building with provision of a 40 percent view corridor along the parcel's Via Marina frontage. Moreover, the 55-foot building heights on the "mole portion" portion of Parcel 10R and on Parcel FF are consistent with the LCP's existing (for Parcel 10R) and the County's proposed (for Parcel FF) building height designations for these parcels, which would allow up to 75-ft-tall buildings with provision of a 40 percent view corridor along the parcels' street frontages. Based on the proposed 55-ft building heights of the apartment buildings on the mole (Marquesas Way) portions of Parcel 10R and on Parcel FF, view corridors comprising at least 27 percent of the respective parcel frontages are required by the LCP; the developer is

providing a 29 percent view corridor along the Marquesas Way fronting portion of Parcel 10R and a 30 percent view corridor along Parcel FF's Marquesas Way frontage, which both exceed the applicable LCP view corridor requirement for these parcels.

	<i>Parcel 10R</i>		<i>Parcel FF</i>	
	"Mole" (Marquesas Way Frontage)	"Non-mole" (Via Marina Frontage)		"Mole" (Marquesas Way Frontage)
<i>LCP maximum Permitted</i>	Up to 75 ft. height w/ 40% view corridor	Up to 225 ft. height w/ 40% view corridor	<i>LCP Permitted</i> (per proposed LCP height category for Parcel FF)	Up to 75 ft. height w/ 40% view corridor
<i>LCP minimum VC* allowed</i>	45 ft. height w/ 20% view corridor	140 ft. height w/ 20% view corridor	<i>LCP minimum VC* allowed</i>	45 ft. height w/ 20% view corridor
<i>Required VC for proposed building height</i>	55 foot proposed height requires minimum 27% view corridor	60 foot proposed height requires minimum 20% view corridor	<i>Required VC for proposed building height</i>	55 foot proposed height requires minimum 27% view corridor
<i>Proposed Project</i>	55 foot height w/ a 29% view corridor being provided	60 foot height w/ a 21% view corridor being provided	<i>Proposed Project</i>	55 foot height w/ a 30% view corridor being provided

*VC = View Corridor

Contrary to commenter testimony, there are no existing view corridor "views to the water" along Parcel 10R's Via Marina frontage, so the provision of a new 76-ft-wide view corridor along this frontage will significantly improve views to the water from this street frontage, when compared to the existing condition. Moreover, the proposed project's "primary" view corridor on Parcel 10R, between Building Nos. 2 and 3 along the parcel's Marquesas Way frontage (totaling 230 feet), represents a significantly improved view to the water from Marquesas Way over existing conditions, as shown on the view corridor simulation and photos of the existing condition at this portion of Parcel 10R that were submitted to the Planning Commission.

With respect to protection of distant mountain views, while Land Use Plan (LUP) Coastal Visual Resources Policy No. 11 limits building heights on specified Marina del Rey parcels in order to preserve views of the Santa Monica and San Gabriel Mountains from the Main Channel (this policy limits building heights on portions of Parcels 125, 129, 130, 131, 132, RR and SS to 40 feet), no such height restriction exists in the LCP regarding the subject Parcels FF and 10R.

- **Parcels FF and 10R: Responses to testifier's comments alleging inadequacy of projects' pedestrian accessways (sidewalks) along the Parcel FF and Parcel 10R Marquesas Way street frontage:**

The testifier is correct that the Marquesas Way frontage of Parcel 10R currently does not contain a sidewalk; however, the applicant will construct a sidewalk along the entire Parcel 10R and FF frontage along Marquesas Way to correct this deficiency. The plans that the testifier references clearly show these sidewalks.

- **Parcels FF and 10R: Responses to testifiers' comments alleging projects will result in adverse wind impacts on sailing vessels:**

The wind study cited by one testifier (Mr. Nahhas) at the August 12, 2009 public hearing pertains to another project on the other, easterly side of the Marina (the Villa Venetia apartments project) and is therefore not relevant to assess this project's potential wind impacts.

With respect to the proposed apartment buildings on Parcels FF and 10R, the licensed engineering firm of Rowan Williams Davies & Irwin Inc., (RWDI) performed two detailed wind studies for the projects using wind tunnel tests to simulate and measure before and post-development wind conditions sailing Basins B and C. The studies conclude that the overall wind conditions are unaffected at the majority of the areas around the development by addition of the buildings proposed to be built on Parcels 10R and FF. Notable changes in wind speed and direction were recorded only in the immediate vicinity of the proposed developments in the most westerly ends of Basins B and C, during period of westerly winds. RWDI concluded that, due to the localized nature of these changes coupled with the fact that a majority of sailing vessels will be under power at these locations as they either dock or leave a slip, the changes in wind speed and direction resulting from the proposed buildings is not assumed to be significant.

- **Parcels FF and 10R: Responses to testifier comments alleging projects' inconsistency with State liquefaction maps:**

The state liquefaction maps are general and specifically state that they are not a substitute for a site-specific geotechnical investigation. Detailed, site-specific geotechnical investigations were made for the proposed apartment buildings for Parcels 10R and FF by the Group Delta geotechnical engineering firm. Group Delta submitted a preliminary geotechnical investigation report, dated September 29, 2005, and a technical addendum dated April 11, 2007. These documents were reviewed by the Department of Public Works' Geotechnical and Materials Engineering Division as part of that Department's review of the Draft EIR and development application. The reports fully analyze site conditions, including potential geologic hazards and liquefaction, and the Draft EIR includes mitigation measures that require conformance with all recommendations of the reports. The subject reports were approved by the County Public Works' Geotechnical & Materials Engineering Division.

- **Parcels FF and 10R: Responses to testifiers' comments regarding affordable housing:**

Contrary to the comment of one testifier that all residential units in the Marina del Rey are supposed to be affordable, there is no policy or regulation that requires that all of the residential units in Marina del Rey to be affordable. Rather, the LCP states that affordable and senior citizen housing projects shall be encouraged as part of Phase II development. The State Mello Act and the County's Mello Act Policy for Marina del Rey require the replacement of demolished affordable units. In addition, all new residential development must include affordable units, where feasible. Consistent with state law and County policy, the Parcel FF and 10R projects will include a total of 81 replacement and inclusionary affordable housing units. The County will require the applicant to record a covenant to assure the affordability of these units for the term of the extended leases for both Parcels FF and 10R.

- **Parcel FF: Responses to testifiers' comments alleging the proposed conversion of the public parking lot located on Parcel FF to residential use is impermissible per the certified LCP:**

Section A.2 of the LUP (page 2-5), under the "Potential Conversion of Public Parking Lots" subsection, expressly acknowledges that Parcel FF is underutilized by the public and is thus being contemplated for conversion to residential use. Neither the County nor the applicant (or any other developer) has any plans to develop Parcel FF for park use. Parcel FF has for many years been developed with an underutilized surface parking lot.

Parcel FF is analyzed in the Marina del Rey Right-Sizing Parking Study, as follows: "Parking lot 12 on Parcel FF, adjacent to Mother's Beach activity area, is also a public parking lot, per the Local Coastal Plan (LCP). There are 201 spaces in this lot. However, in the past few years, this overflow lot has not been used much by the general public for recreational purposes but has been used mostly for construction staging and by construction vehicles during construction. No public demand has been noticed in this lot. Therefore, no further analysis of this parking lot 12 is conducted in this study. This lot is planned to be removed from the list of public parking lots in the future pending a Plan Amendment is approved by the California Coastal Commission."

A July 2009 parking utilization study of Parcel FF, prepared by Crain & Associates of Southern California, has been submitted to the Regional Planning Commission as part of the record for this case. That study found the public's use of the existing parking at Parcel FF to be minimal. The July 2009 study analyzed recent counts conducted at the lot this year on Memorial Day and for a non-holiday weekend in June 2009. The new count results are consistent with the findings from the previous Parking Utilization Study which Crain conducted for Parcel FF back in August 2004. In summary, in its July 2009 study, Crain found that Lot 12 was not heavily utilized, with an average peak parking demand of 27 vehicles for the three count days. Additionally, a majority of the vehicles accessing the parking lot was associated with

residential parking needs for the adjacent apartment uses. These findings comport with those in DBH's comprehensive March 2009 Right-Sizing Study of Parking Lots in Marina del Rey, which also concludes the public's use of Lot 12 is minimal. The County's study was based on field observations in 2005 and 2007. The CCC's April 2009 Revised Findings in support of the Periodic LCP Review also found that the lot is underutilized, because it is not located in the vicinity of any visitor-serving or recreational uses. Half of the spaces displaced (101) will be replaced by the County in a new structure conveniently located at a recreational attraction in the Marina, such as Burton Chase Park, at a location that much better serves the recreating public. Therefore, no parking shortage will occur. This is consistent with the Draft EIR and the County's Right-Sizing Parking Study, which concluded that the existing parking lot on Parcel FF is underutilized.

- **Parcel FF: Responses to testifier's comment that the approved conversion of Parcel FF from its current public parking use to residential use will result in adverse impacts to public shoreline access:**

Contrary to this testifier's allegations, and consistent with Shoreline Access Policy #1 of the LUP (Public Access to Shoreline a Priority), the Parcel FF project provides public pedestrian access and ensures passive recreational use to and along all portions of the Parcel FF bulkhead, in conformance with Sections 30210-30212 of the California Coastal Act and Chapter 1 (Shoreline Access) of the Marina del Rey Land Use Plan. The project implements this key Public Shoreline Access policy through provision of 28-foot-wide public pedestrian promenade along the parcel bulkhead; through provision of public views to the water from the public street fronting the project (Marquesas Way), consistent with LCP view corridor requirements; through provision of directional signage regarding the project's public waterfront promenade and nearby public wetland park (to be located on southerly portion of adjoining Parcel 9U); through development of a public boat anchorage adjoining the Parcel 9U bulkhead; through contributing 50 percent of the cost of developing a public wetland park on the southerly portion of Parcel 9U; and through provision of a Marina del Rey visitor-serving activities promotional kiosk to be located in the apartment building's lobby. In furtherance of these important shoreline access policies, the applicant has been conditioned to provide signage at the project's entrances and at each bulkhead entrance of each public lateral access way identifying these as public access ways. The applicant has also been conditioned to provide signage at conspicuous locations along the length of the bulkhead public access ways (public promenade) identifying the access ways as public.

The County deems development of a public wetland park on the southerly 1.46-acres of Parcel 9U to be a superior alternative to the development of a public park on Parcel FF, notwithstanding the fact that there is no evidence of any current or forthcoming proposal—public or private—to develop a public park at Parcel FF. 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. Development of a public park on Parcel 9U would therefore offer superior Coastal waterfront access to a greater number of people than a park that could potentially be built, at an as yet unspecified future date, at the Parcel FF mole road location.

In approving the Parcel FF development application, the Regional Planning Commission has found that no public parking shortage will occur as a result of the proposed conversion of Parcel FF from its current parking use to the applicant's proposed residential use, because it has been well documented that the public's use of the surface parking spaces located on Parcel FF has historically been, and continues to be, minimal. As such, the Commission found that deferring the construction of the 101 replacement parking spaces will not result in a shortage of public parking in the project vicinity. The Commission further found that the County's proposal to relocate 50 percent (101 spaces) of the 202 public parking spaces that will be displaced at Parcel FF as a result of the project to the Burton Chace Park complex, or other more visitor-serving Marina del Rey location of the County's choosing, will serve to enhance the public's access to the shoreline by providing the public parking at a more desirable location in direct proximity to visitor-serving or recreational attractions.

- **Parcel FF: Responses to testifier's comments alleging that a "public park" alternative for Parcel FF was not analyzed in the Recirculated Draft EIR or the Draft EIR, and that the Draft EIR is insufficient in its analysis of alternative feasible mitigation measures for Parcel FF:**

CEQA requires that an EIR contain a reasonable range of alternatives that would feasibly attain most of the basic objective and would avoid or substantially lessen the significant effects of the project (*State CEQA Guidelines* Section 15126.6(a), (b)). An EIR need not consider every conceivable alternative to a project (*State CEQA Guidelines*, Section 15126.6, subd. (a)); "Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." (*State CEQA Guidelines*, Section 15126.6, subd. (a))

In this case, the Draft EIR includes 9 different alternatives. In addition, the Draft EIR considered but rejected as infeasible three other alternatives, including one involving development of 9U as a public park. This represents a reasonable range of alternatives, consistent with CEQA requirements.

In any event, a public park alternative involving development of 9U would not meet the project objectives to:

- provide for additional needed affordable housing in or near the Coastal Zone, in compliance with the Mello Act;

- provide increased coastal residential opportunities with designs that emphasize coastal views, consistent with the residential buildout framework for Marina del Rey specified in the certified LCP;
- replace an underutilized parking lot with high-quality residential development and facilitate the future relocation of public parking in another area of the Marina that will better serve the public; or
- 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.

Therefore, such an alternative would not be meet the requirements of *State CEQA Guidelines* Section 15126.6(a), (b).

- **Parcel 10R: Response to testifier's comments alleging the Parcel 10R private boat anchorage will be non-compliant with Americans with Disabilities Act (ADA) standards:**

The existing marina has no ADA compliance; i.e., no ADA gangway and no ADA-sized slips. Federal law requires 5 slips in the new anchorage to be ADA-compliant. The proposed anchorage provides these required 5 ADA slips, as well as 6 additional ADA-compliant slips, for a total of 11 ADA-compliant slips. The developer is able to obtain the 6 additional ADA-compliant slips due to the fact that some additional slips are adjacent to required widened end-tie fingers and head-walks, thus meeting the 5-foot dock width rule that allows docks to be ADA-compliant.

- **Parcel 9U Hotel & Timeshare Resort: Responses to testifiers' comments regarding alleged project inconsistency with LCP view corridor and building height standards applicable to Parcel 9U.**

The proposed hotel/timeshare project is consistent with LUP Policy 8b, which permits a maximum height of 225 feet when a 40 percent view corridor is provided. The project incorporates the 40 percent view corridor (154 feet wide), which preserves substantial views of Basin B from Via Marina through the Parcel 9U public park/wetland.

The proposed hotel/timeshare project is consistent with LUP Policy 8b, which permits a maximum height of 225 feet when a 40 percent view corridor is provided. The project incorporates the 40 percent view corridor (154 feet wide), which preserves substantial views of Basin B from Via Marina through the Parcel 9U public park/wetland.

The LCP permits a hotel height of 225 feet on Parcel 9U with a 40 percent view corridor. Hotels within the updated Marina LCP located on the Marina's "non-mole" roads (such as Via Marina) are permitted a height limit of 225. (LUP page 8-11.) Height design flexibility also is provided for seaward parcels along Via Marina, including Parcel 9U, allowing a maximum height of 225 feet when a 40 percent view corridor is provided (LUP Policy 8b). Consistent with the certified LCP's "Modified Bowl" concept, the hotel/timeshare project provides a 40 percent view corridor over Parcel 9U as the trade-off for developing

a taller building with a significantly smaller building footprint. The proposed hotel design offers a significantly wider water view corridor than the previous hotel (Marina Plaza Hotel) that was approved for development on the site by the County and Coastal Commission in the 1980s. That prior-approved hotel spanned the entire parcel, offering only a scant view to the waster, and also included a 9-story hotel tower.

As part of its proposal to comprehensively amend the Marina del Rey LCP in 1995, the County had petitioned the Coastal Commission to change the land use designation for Parcel 9U from “hotel” to a residential designation. The Coastal Commission rejected that proposal, finding “that in order to reserve land for recreational development, Parcel 9 must be maintained for a visitor-serving use, in this instance a hotel.” Moreover, the Coastal Commission approved a modified building height program in the Marina that allows taller buildings as a trade-off for expanded view corridors, including at the inland end of basins along Via Marina, and specifically Parcel 9U, a maximum height of 225 with a 40 percent view corridor, and the Commission found that “greater heights do not detract from the quality of the Marina as a recreation area as long as larger view corridors are provided.”

- **Parcel 9U Hotel & Timeshare Resort: Responses to testifier’s comments alleging that other “taller” building in the project vicinity (Archstone Apartments and Azura, Cove and Regatta condominiums) are each significantly shorter in height than the proposed hotel tower:**

The buildings referred to by this commenter are actually of comparable height to the proposed hotel structure. The height description provided by the commenter is inaccurate. The Archstone on Via Dolce to the northwest is 15 stories, and the City of LA condos are 18-story (Cove condominiums), 19-story (Azura condominiums), and 20-story (Regatta condominiums).

- **Parcel 9U Hotel & Timeshare Resort: Responses to testifiers’ comments alleging project inconsistency with LCP requirements protecting distant mountain views:**

While LUP Coastal Visual Resources Policy No. 11 limits building heights on specified Marina del Rey parcels in order to preserve views of the Santa Monica and San Gabriel Mountains from the Main Channel (this policy limits building heights on portions of Parcels 125, 129, 130, 131, 132, RR and SS to 40 feet), no such height restriction applies to the subject Parcel 9U. Nonetheless, to the extent there are views of the Santa Monica Mountains over Parcel 9U, they will be protected by virtue of the view corridor along Via Marina and also across the Wetland Park to the San Gabriel Mountains.

- **Parcel 9U Hotel & Timeshare Resort: Responses to testifiers' comments alleging shade-shadow impacts from project's proposed Hotel & Timeshare Resort tower and impermissible blockage of Marina water views:**

The Recirculated Draft EIR contains a very detailed shade and shadow study for the projects, which concludes that, given the limited extent and duration of the shadows, the projects would not create substantial shadow effects. During the Winter Solstice, the Parcel 9U hotel would cast shadows on portions of Via Marina in the morning only; small portions of the west portion of Basin B in the afternoon only; and no off-site sensitive receptors would be shaded. During the Summer Solstice, when the shadows are shortest, the Parcel 9U hotel would cast shadows between 9:00 and 10:00 AM on a portion of the existing residential uses west of the project; no other sensitive receptors would be shaded; it would cast shadows on portions of Via Marina in the morning only and a small portion of Basin B in the afternoon only; and the northern portion of the proposed wetland park would receive some shading in the late afternoon.

As to protection of marina views, the certified LCP requires expanded view corridors as trade-off for additional building height on waterfront parcels. As noted, the proposed hotel/timeshare project is consistent with LUP Policy 8b, which permits a maximum height of 225 feet when a 40 percent view corridor is provided. The project incorporates the 40 percent view corridor (154 feet wide), which preserves substantial public views of Basin B from Via Marina through the Parcel 9U public park/wetland, and does necessarily preserve and enhance some private views of the wetland park and Basin B from the condominiums on the west side of Via Marina, where one testifier resides.

- **Parcel 9U Hotel & Timeshare Resort: Responses to testifiers' comments alleging project will result in adverse wind impacts on sailing vessels:**

With respect to the proposed Hotel & Timeshare Resort project on Parcel 9U, RWDI performed a detailed wind study for the project (October 2005) using wind tunnel tests to simulate and measure before and post-development wind conditions in Basin B. The study concludes that there would be no significant effect on the general air circulation patterns in Basins A, B and C in the Marina. The study reports there will be areas of altered wind speed and direction in Basin B adjacent to the proposed development, particularly when the winds are from the southwest, and also acknowledges there will be localized areas where changes in wind direction and speed occur at the west end of Basins B and C, in areas generally close to the proposed and future developments; however, due to the localized nature of these changes and the fact that the majority of sailors will be under power as they either dock at or leave berthing slips at the basins' terminuses, the report concludes the general air circulation pattern and the use of surface winds by birds within Basins A, B and C of Marina del Rey will not be significantly affected by the proposed development.

- **Parcel 9U Hotel & Timeshare Resort: Responses to testifier comments alleging project's inconsistency with State liquefaction maps:**

The state liquefaction maps are general and specifically state that they are not a substitute for a site-specific geotechnical investigation. Two site-specific geotechnical reports have been prepared by Van Beverin & Butelo, Inc., in 2006 and 2008, which reports were reviewed by the Department of Public Works Geotechnical and Materials Engineering Division as part of that Department's review of the tentative tract map. The reports fully analyze site conditions, including potential geologic hazards and liquefaction, and the Draft EIR includes mitigation measures that require conformance with all recommendations of the reports. The tentative map went through the County's extensive subdivision process and received sign-off from County Public Works' Geotechnical & Materials Engineering Division.

- **Parcel 9U Hotel & Timeshare Resort: Responses to testifier's comments alleging Parcel 9U has insufficient land area to accommodate the proposed hotel/timeshare resort and public park:**

The EIR fully describes the proposed Hotel & Timeshare Resort project and, as proposed and consistent with the LCP, the proposed Hotel & Timeshare Resort and public upland and wetland park uses fit completely within the area available for development on Parcel 9U.

- **Parcel 9U Hotel & Timeshare Resort: Responses to testifier's comments objecting to development of the hotel/timeshare resort project on the westerly, "residential" side of Marina del Rey:**

The certified LCP specifically designates Parcel 9U for development of a hotel with a maximum building height of 225 feet, as proposed. The LCP further designates the subject Parcel 9U with the "Hotel" land use designation and identifies hotel use as the "Principal Permitted Use" of the parcel.

- **Parcel 9U Hotel & Timeshare Resort: Responses to testifier's comments questioning whether regulations are in place to ensure the timely construction and completion of the hotel and timeshare resort development:**

The hotel developer must comply with the terms of the Lease Agreement that will be entered into between the developer and the County. That agreement will include provisions requiring assurances of ability to complete the development, and for payment and performance bonds, and for a time schedule for commencement and completion of the development.

- **Parcel 9U Hotel & Timeshare Resort: Responses to testifier's comments questioning the assurances the public has that the hotel developer will service its construction loan:**

The Lease Agreement outlined above will contain provisions requiring that financial covenants be met. The applicant is a successful, long-standing hotelier and development company, and was selected through the County's RFP process on the basis of its qualifications to build and operate the

hotel/timeshare resort, when completed. The applicant currently owns and operates 17 hotels. The County's Lease Agreement will include provisions that enable the County to strictly enforce the terms of the lease and the construction and completion of the hotel/timeshare resort development.

- **Parcel 9U Hotel & Timeshare Resort: Responses to testifier's comments alleging that an independent economic study should be prepared to determine if there is sufficient market demand for the proposed hotel/timeshare resort:**

Parcel 9U is designated in the certified LCP for the uses proposed thereon. The issue of market demand is not relevant to the County's coastal development permit hearing process, or the CEQA analysis. Nonetheless, an independent economic study, addressing both the market potential and the projected cash flows, has been prepared for the developer by HVS International, one of the leading independent hotel economic analysts. The HVS study indicates both the business and leisure markets in Marina del Rey are expected to grow at a compounded rate of 2 percent per year at project stabilization, and that as much as 10 percent of current market demand in these sectors has been unmet by current facilities under typical market conditions. An updated study will be undertaken as part of the project financing process.

- **Parcel 9U Hotel & Timeshare Resort: Responses to testifiers' comments alleging the project's timeshare component is inconsistent with LCP provisions:**

The Draft EIR contains an analysis that explains that the timeshare element of the hotel/timeshare project is an allowable use on Parcel 9U and is consistent with the certified LCP.

The Hotel & Timeshare Resort's timeshare use has been conditioned in the project Coastal Development Permit so as to be carefully controlled in conformance with recent Coastal Commission decisions respecting such use. These conditions are designed to ensure that 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.

As to the specific provisions of the LCP, as with many municipal land use and zoning ordinances, "timeshares" are not specifically listed under any category, but nonetheless do fall within the types of uses that are permissible. That is the case here: LUP Section A.2 (Recreation and Visitor-Serving Facilities), subsection (e) lists "overnight lodging" as a qualifying visitor-serving use in accord with related Coastal Act provisions. The timeshare component will be operated similar to a conventional hotel, and it is a type of "overnight lodging" that is consistent with the overnight lodging policies of the LUP's Recreational & Visitor-Serving Facilities chapter. Testifiers have argued that timeshare implies ownership, not a temporary use of facilities; however, as conditioned in the project Coastal Development Permit, the approved timeshare and hotel uses will both be temporary and virtually indistinguishable from each other except for the size of the accommodations.

LUP Section C.8, subsection (e) (Policies and Actions, Part 2 – Mapped Policy for the LUP) lists “hotel” as a permissible land use category, and designates overnight accommodations and attendant visitor-serving uses including dining and entertainment areas as uses that may occur attendant to a hotel. The timeshare would be limited in duration just like a hotel, and would provide overnight accommodations and be included in a structure that provides dining and ancillary services.

LUP Section C.8.e.7 incorporates by reference language from the Countywide general plan and Title 22 of the County Code. And, the Marina del Rey Specific Plan (Section 22.46.1030.A) states: “For matters on which this Specific Plan is silent, other applicable provisions of Title 22 shall control.” The Specific Plan does not specifically define overnight lodgings or hotel, but Title 22 defines a hotel as “Any building containing six or more guest rooms or suites of guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied on a temporary basis by guests.” The timeshare is consistent with this definition, and is therefore an allowable use on Parcel 9U.

One testifier quoted one sentence in the Coastal Commission’s Periodic Review Recommendation 23 out of context. Periodic Review 23 recommends excluding private “fractional” ownership on land designated for visitor or public uses. “Fractional” ownership, however, does not include timeshare, and in fact Recommendation 23 specifically distinguishes between timeshare, fractional and condominium hotel ownership forms.

For areas not designated for visitor use - and that is the case here, because the Parcel 9U is designated as Waterfront Overlay - the Periodic Review requires the very type of conditions the Coastal Commission has recently and consistently imposed on similar hotel projects with an equity-interest component, and which County Staff is recommending. Those conditions are intended by the Coastal Commission to ensure that timeshare owners and hotel users are treated as “guests” in the same manner. The Periodic Review states: “[F]or areas not designated for visitor use, in any hotel, motel or similar project that include timeshare, or fractional, or condominium ownership components, the County shall address, among other factors, peak use demands in the summer, availability of units to the general public and operational provisions to require hotel/motel management of a facility. LCP Standards should ensure that such projects maximize public access in operation of the hotel/motel, including restrictions on the percentage of units privately owned and length of stay.” The conditions of approval do exactly that.

Timeshares are consistent with and permitted by the LCP (see above), and in combination with the hotel and subject to the numerous conditions of approval that have been imposed on the project, they will provide a high-priority visitor-serving use on public land, as opposed to the residential uses that occupy the areas surrounding the hotel. Contrary to one testifier’s statement, Marina Del Rey was built with a combination of Federal, State, and County funds with the intent of creating a regional-serving public

recreational resource, but not residential uses such as private apartments and exclusive condominiums, which are considered a non-priority use under the Coastal Act and the certified LCP.

There is no requirement in the LCP that the County must provide an “in-depth” analysis of the demand and supply for timeshares.

- **Parcel 9U Hotel & Timeshare Resort: Response to testifier’s comments alleging that the Hotel & Timeshare Resort project’s Fire Department-required rooftop helistop will result in adverse noise impacts on the surrounding residences:**

The referenced feature on the hotel roof is a Fire Code-required “helistop” landing area for Fire Department or “Life Flight” emergency equipment, not a “heliport,” as one commenter incorrectly maintained. The helistop would only be used for temporary emergency life-safety purposes.

- **Parcel 9U Public Park and Hotel & Timeshare Resort: Responses to testifiers’ comments alleging inadequacy of proposed public parking supply for Parcel 9U public upland and wetland park and inadequacy of on-site parking supply for the Hotel & Timeshare Resort:**

The Hotel & Timeshare Resort will provide 21 “self-park” public parking spaces reserved for park users. The County Code requires far fewer parking spaces for the public park (County Code requires 3 automobile parking spaces for the proposed 1.46-acre park). Also, because of the passive nature and size of the public park (1.46 acres, including a 0.46-acre fully functioning restored tidal wetland), 21 parking spaces is more than sufficient parking to accommodate park users. The additional spaces provided for the public park that are above the County Code requirement could accommodate additional park users, if needed. In addition, the park will be readily accessible by water through the adjoining public boat slips, and by foot through the new waterfront promenade. It should be noted that visitors using the public-serving/transient anchorage would arrive by boat instead of by private vehicle and therefore would not require automobile parking space. For the promenade, the County parking code does not require parking spaces for this type of project feature since it will not attract vehicles to the park.

- **Parcel 9U Wetland Park: Responses to testifiers’ comments alleging that the definition of environmentally sensitive habitat areas (ESHA) in the Coastal Act applies to wetlands due to the rarity and ecological sensitivity of wetlands in the coastal zone, and the “Bolsa Chica” court decision states it does not matter if [the wetland] is degraded.**

California Coastal Act Section 30233 does not specify any particular type of wetland. During staff’s preliminary planning meetings regarding the wetland park’s design, which were held with the Coastal Commission’s senior staff ecologist, it was determined that a saltwater marsh would serve more wildlife and would greatly increase the habitat value of the Parcel 9U wetland. Although more expensive, it was agreed that this saltwater marsh – reminiscent of the time before Marina del Rey was built – would be an

appropriate restoration approach. Because restoration is one of the approved activities in wetlands meeting the definition of Section 30233, restoration to maximize habitat values is appropriate. Therefore, the County's approach with respect to this resource is based on CEQA predominately, although complete recognition of the essential principles of Section 30233 has driven the restoration design.

- **Parcel 9U Wetland Park: Responses to testifiers' comments alleging that the entirety of Parcel 9U is a wetland ecosystem:**

The wetland delineation reported in the project Draft EIR covers the criteria of all agencies that regulate wetlands, even though these agencies' criteria for delineating wetlands differ. The aggregation of all responsible agencies' criteria for delineating wetlands was assembled to show the maximum area of the Parcel 9U wetland. For example, the jurisdictional delineation for the site identified 0.23 acre of wetland area that meets the wetland definition pursuant to Section 404 of the Clean Water Act as regulated by the Corps of Engineers (i.e., three-parameter wetland). The area of Corps jurisdiction was clearly depicted on Exhibit 3 of the second revision to the Jurisdictional Delineation Report prepared by Glenn Lukos Associates, dated March 27, 2008. The same jurisdictional delineation report also identified an additional 0.20 acre of one-parameter wetlands that would be subject to the California Coastal Commission, for a total area of wetland meeting the Coastal Act's wetland definition covering 0.43 acre. The 0.43-acre area is also depicted on Exhibit 3 of the second revision to the Jurisdictional Delineation Report prepared by Glenn Lukos Associates, dated March 27, 2008, which was appended to the Draft EIR. Under no circumstances, using any combination of responsible agency criteria for delineating wetlands, does the existing wetland cover the entirety of the subject Parcel 9U, as alleged by the opponents of the proposed project.

- **Parcel 9U Wetland Park: Responses to testifiers' comments alleging that the Parcel 9U wetland should be restored to a fresh water seasonal pond and not a salt marsh, and alleging that one cannot destroy the existing freshwater and alkali wetlands to make way for the proposed saltwater wetland:**

Historically, the subject site consisted of tidally influenced Coastal Salt Marsh habitat, as depicted on Exhibit 5 of the second revision to the Jurisdictional Delineation Report prepared by Glenn Lukos Associates, dated March 27, 2008, which is an Aerial Photograph from. Given that the site was tidally influenced Coastal Salt Marsh habitat prior to legal filling and development, it is most appropriate to restore the area as coastal salt marsh.

- **Parcel 9U Wetland Park: Responses to testifiers' comments alleging that the existing Parcel 9U wetland is a willow forest and an alkali wetland also exists on Parcel 9U, yet the Draft EIR does not acknowledge them:**

The Biological Technical Report prepared for the project by Glenn Lukos Associates, dated January 2006 (appended to the Draft EIR) identified 0.22 acre of willow scrub that occurs on a berm that is adjacent to the delineated wetland area. The consulting wetland biologist evaluated this area during his wetland delineation for the parcel (see, for example, data sheet 3 in the Jurisdictional Delineation Report prepared by Glenn Lukos Associates, dated March 27, 2008) and found the area to be lacking a predominance of hydrophytic vegetation due to the presence of upland plants in the understory of the willows while also lacking wetland soils and hydrology. The consulting wetland biologist thus concluded that the willow scrub that occurs on Parcel 9U is not wetland. The consulting wetland biological firm for the wetland park concedes that the conditions within the wetland area include historic tidal flat soils that underlie the existing ground surface, and that the soils on the site exhibit varying degrees of salinity. The consulting wetland biologist concedes that much of the vegetation that occurs in the existing Parcel 9U wetland consists of halophytes (salt tolerant plants) such as non-native sickle grass (*Parapholis incurva*), five-hook bassia (*Bassia hyssopifolia*) and native halophytes, including pickleweed (*Salicornia virginica*) and saltgrass (*Distichlis spicata*). The consulting wetland biologist has appropriately characterized the site as "ruderal" (a ruderal species is a plant species that is first to colonize disturbed lands) wetland, because, at the time the Biological Technical Report was prepared, a significant component of the vegetation within the wetland consisted of non-native species and the characterization of the habitat as ruderal was most accurate.

- **Parcel 9U Wetland Park: Responses to testifiers' comments alleging that the consulting wetland biologist's wetland delineation for Parcel 9U understates the extent of the wetland when one acknowledges alkali wetlands on the site, which cover where the hotel structure is proposed:**

The hotel and timeshare resort structure being proposed for development on the northerly approximately 2.2 acres of the subject parcel is located north of the proposed wetland park, well above the elevation of the existing wetland.

- **Parcel 9U Wetland Park: Responses to testifiers' comments alleging that the presence of "alkali wetland" is indicated on other portions of the site based upon the presence of seaside heliotrope (*Heliotropium curassavicum*).**

The consulting wetland biologist carefully evaluated the entirety of Parcel 9U in the field during his wetland delineation for the parcel. The consulting wetland biologist's findings regarding the occurrence of seaside heliotrope on the parcel are fully addressed and documented in Appendix C of the Jurisdictional Delineation Report prepared by Glenn Lukos Associates, dated March 27, 2008 (appended

to the Draft EIR). The consulting wetland biologist has thus appropriately documented his findings as to why seaside heliotrope is not a wetland indicator in this case.

- **Parcel 9U Wetland Park: Responses to testifiers' comments alleging that the existing Parcel 9U wetland should not be considered "degraded," asserting this is a misleading term often used by developers and their scientists:**

The limited area of wetland that currently exists on the subject parcel was created incidentally during excavation on the site that was left unfinished in the 1980s as part of an abandoned hotel project. The wetland area consists of a significant component of non-native vegetation, which is, in turn, surrounded by areas that consist almost entirely of non-native vegetation or existing development. As such, the consulting wetland biologist's characterization of the area as "degraded" is not misleading, but is an accurate and appropriate descriptor for the site.

- **Parcel 9U Wetland Park: Responses to testifiers' comments alleging that Parcel 9U is a whole wetland ecosystem that needs to be looked at in the context of the nearby Ballona Wetlands:**

The consulting wetland biologist had documented his findings as to why the 3.66-acre Parcel 9U presently consists of approximately 3.23 acres of ruderal habitat that consists almost entirely (i.e., greater than 90-percent) of non-native grasses and forbs. The subject parcel is surrounded by multi-family residential and recreational boating uses. The consulting wetland biologist has also documented his findings as to why the existing Parcel 9U wetland does not currently support meaningful ecological functions, and why there is no connection between the current degraded site and the Ballona Wetlands, which are located relatively distant from the subject property, easterly of the opposite side of Marina del Rey. The County accepts the expert opinion of the consulting wetland biologist that creation of the wetland park with the proposed salt marsh, which would be subject to tidal inundation, would provide native habitat that would exhibit at least limited ecological functions, compared with the excavated pit that currently occupies the southern portion of the site.

APPENDIX A

**Parking Utilization Study for Parcel FF (Lot 12) in Marina del Rey,
Crain and Associates, July 16, 2009**



FEDERAL EXPRESS

July 16, 2009

Mr. Michael Tripp, PRPA
Special Projects Section
LACO Department of Regional Planning
320 W. Temple Street, Room 1362
Los Angeles, California 90012

RE: Parking Utilization Study for Parcel FF (Lot 12) in Marina del Rey

Dear Mr. Tripp,

Our firm was retained by Legacy Partners Residential, Inc. to evaluate the current parking utilization for public Parking Lot 12 on Parcel FF in Marina del Rey. This parking utilization study was prepared to determine 1) the current maximum parking demand associated with Lot 12 during a typical (non-holiday) weekend and on Memorial Day; and 2) the types of activities associated with vehicles accessing the parking lot. This study also compares the current parking utilization conditions with the findings from a previous parking utilization study we conducted of this lot dated August 20, 2004 (a copy of that prior 2004 study is included as Attachment 7 to this study).

Analysis Methodology and Data Collection

Public Parking Lot 12 is located on Parcel FF, at the northeast corner of Via Marina and Marquesas Way in Marina del Rey (See Attachment 1). Based on a recent field survey, Lot 12 currently provides a total of 201 striped parking spaces. There are also five additional spaces in front of the five planters located in the lot. However, these five spaces have a horizontal stripe across the pavement and were not counted as legitimate spaces. Access to the parking lot is provided via a single driveway on Marquesas Way. Driveway access is controlled by an automated gate arm that was up at all times during the survey periods. Visitors who park in Lot 12 are required to purchase a ticket at the ticket dispenser located in the parking facility for a flat fee of \$5.00 per vehicle per 24-hour period. A schematic layout of Parking Lot 12 is shown in Attachment 2.

2007 Sawtelle Blvd., Suite #4
Los Angeles, CA 90025
310 473 6508 (main)
310 444 9771 (fax)

www.crainandassociates.com

The data used to identify the parking utilization and activity at the lot was collected using two complimentary methods. First, a manual count of all vehicles entering and exiting the parking lot was conducted primarily during the daytime hours when the lot is most active. A physical count of the number of vehicles parked in the lot at the beginning of each manual count period was also observed. The number of vehicles parked in the lot throughout the manual count period was determined by adding the number of entering vehicles and subtracting the number of exiting vehicles to the number of parked vehicles for each 15-minute increment. Additionally, as vehicles entered the lot during these times, the general destinations of the occupants were noted, in order to provide basic information regarding whether the vehicles were parking for Marina-related activities, or if they were in conjunction with the adjacent apartment uses. In order to minimize disruption, drivers and other occupants of the vehicles were not interviewed to report their destinations or purpose for the visit; the data collected was observational in nature, and exact destinations could not be determined for all lot patrons. However, if persons were not observed directly accessing the nearby apartments, the destination was conservatively assumed to be "Marina related." It is important to note that some vehicles were observed to enter the lot, but the occupant(s) either stayed in their vehicle or exited their vehicle but did not leave the parking lot premise. These vehicles were observed to exit the lot immediately or shortly after the time they entered the lot. These trips were included in the count of vehicles entering and exiting the lot. However, these trips were not included in the vehicle occupant destination observation data because the vehicle occupant(s) were observed to stay in the parking lot premise and did not have another destination (i.e. adjacent apartments or marina/beach).

Secondly, automated traffic count tubes were placed across the Lot 12 driveway lanes to record the number of vehicles entering and exiting the lot. Automated counters were used to supplement the manual counts in order to develop a 24-hour profile of vehicular activity at the lot. It should be noted that the number of inbound and outbound vehicles counted in the manual counts was compared to the automated counts for the same period. The resulting ratio was applied to the automated counts to adjust for any tendency to over or under count vehicles crossing the count tubes. Separate factors were developed for the inbound and outbound approaches. The manual and automatic traffic count data, together, were used to determine the total number of vehicles accessing the lot throughout the survey periods; identification of peak activity periods throughout the survey periods; and a calculation of the "accumulation" of vehicles parked in the lot at any time during the survey periods.

Data was collected this year during a typical (non-holiday) weekend as well as on a holiday. Automated "tube" counts were conducted on Monday, May 25th (the Memorial Day holiday) and on Saturday and Sunday, June 27th and 28th (a non-holiday weekend). Manual counts and

vehicle occupant destination observations were performed from 8:30 AM to 4:30 PM on June 27th and 28th. This information collection procedure was consistent with the August 20, 2004 parking utilization study. The manual counts and vehicle observations performed on Memorial Day were conducted slightly later in the day to the period from 10:00 AM to 6:00 PM in order to capture visitors who may stay later in the Marina on a holiday. It should be noted that weather conditions on each of the three survey days consisted of pleasant seasonal temperatures with predominantly sunny, clear skies.

Analysis Results

The data collected on the three count days are summarized in Attachments 3 through 5. Attachment 3 includes a count summary of the vehicles entering and exiting the parking lot and the vehicle accumulations based on these counts; Attachment 4 shows a log of the vehicle occupant destination observations; Attachment 5 contains several graphics showing the parking lot utilizations for the three days, as well as graphs detailing the cumulative entry/exit and parking utilization of the lot. The vehicle parking occupancy graphs (single line graphs) indicates the total number of vehicles parked on the lot during each hour of the surveyed periods. The cumulative vehicle trip activity graphs (two-line graphs) show the entering versus exiting traffic at the lot. The parking lot occupancy can be determined by the vertical distance between the upper and lower lines. These graphs are consistent with the parking accumulation graphs, but are in a format that identifies the total traffic generated by the parking activity.

As shown in Table 1 below, Lot 12 was not heavily utilized on the count days. **On Memorial Day, a total of 78 vehicles entered the lot. The peak parking occupancy was 29 vehicles, which is only about 14 percent of the 201 spaces available in the lot.** Peak parking demand occurred in the late afternoon at 4:00 PM and again at 4:45 PM.

Table 1
Vehicular Activity and Parking Occupancy in Lot 12

DAY	TOTAL DAILY NUMBER OF VEHICLES ENTERING LOT	PEAK PARKING OCCUPANCY		
		PEAK NUMBER OF VEHICLES	TIME PERIOD	PERCENTAGE OF SPACES OCCUPIED
Monday, May 25, 2009 (Memorial Day)	78	29	4:00 PM and 4:45 PM	14%
<u>Typical Weekend</u>				
Saturday, June 27, 2009	75	28	3:00 PM and 4:45 PM	14%
Sunday, June 28, 2009	<u>64</u>	<u>24</u>	2:45 PM and 3:45 PM	<u>12%</u>
Average	70	26		13%
3-Day Average	72	27		13%

On June 27th and 28th, which is a typical (non-holiday) weekend, the total number of vehicles entering the lot was slightly lower. **On June 27th, 75 vehicles entered the lot whereas on June 28th, 64 vehicles entered the lot. The peak parking occupancy was 28 vehicles on June 27th and 24 vehicles on June 28th, which is only about 12 to 14 percent of the 201-space parking supply.** Peak parking demand on these two days occurred in the mid to late afternoon.

In addition, **the vehicle occupant destination observation data for the three days showed that an average of 56 percent of the vehicles parked in the lot were in conjunction with the nearby apartments**, as shown in Table 2.

Table 2
Vehicle Occupant Destination Observation in Lot 12

DAY	NUMBER OF VEHICLES OBSERVED			PERCENT OF VEHICLES (APARTMENT RELATED)
	APARTMENT RELATED	MARINA/BEACH RELATED	TOTAL	
Monday, May 25, 2009 (Memorial Day)	17	25	42	40%
Saturday, June 27, 2009	23	5	28	82%
Sunday, June 28, 2009	14	11	25	56%
Average of the Survey	18	14	32	56%

Parking Utilization Comparison

The results from the August 20, 2004 parking utilization study are consistent with the findings from the current parking utilization analysis. The 2004 study showed that on a typical weekend the peak parking demand was only 31 vehicles in Lot 12, or about 15 percent of the parking supply. The current parking utilization data shows the peak parking demand for Lot 12 on a typical weekend is about 26 vehicles, which is about 13 percent of the supply. The 2004 results also show that an average of 63 vehicles per day entered the lot. The current parking data show similar results, with an average of 72 vehicles per day entering the lot. Lastly, both the 2004 study and the current data indicated that a majority of the vehicles accessing the parking lot were associated with the residential parking needs of the adjacent apartments.

Letter to Mr. Michael Tripp
July 16, 2009
Page Five

Conclusions

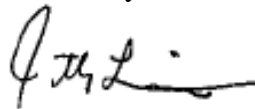
Based on the count data and observations collected in May and June 2009, it can be concluded that Lot 12 is heavily underutilized by the public.

The peak parking demand at the lot ranged from 24 to 29 vehicles, or 12 to 14 percent of the parking capacity. Vehicular activity at Lot 12 is also nominal. The results show an average of only 72 vehicles entered the lot per day during the study periods. In addition, the vehicle occupant destination observation indicates that a majority (56 percent) of the vehicles accessing the parking lot were associated with residential parking needs for the adjacent apartments.

In summary, Lot 12 is not well-utilized as a public parking facility. Its original purpose of serving as "overflow" parking for the Pierview Café (referenced in the Local Coastal Program, Figure 3, County Owned Public Parking Lots [See Attachment 6]) is no longer needed as that establishment has been out of business for many years. In addition, Lot 12 is not directly adjacent to any public beach within the Marina or the Pacific Ocean beaches, and our observations show little recreational parking use, as a result. Furthermore, as noted, our observations reveal that the majority (56%) of what relatively little parking use does occur at the lot is related to use by visitors or residents of the adjacent apartment complexes. As stated in our 2004 report, as the Lot 12-adjacent Parcels 10R and 15 are redeveloped with new apartment and anchorage facilities, the parking facilities for these adjacent complexes will be significantly upgraded and the amount of on-site parking increased to be consistent with current County Code parking requirements. The additional on-site parking supplies for these development will, in turn, further reduce the parking usage at Lot 12, as persons who currently utilize this lot as overflow parking for the currently inadequate parking supplies at the adjacent residential developments will relocate to the free guest parking facilities provided in these new apartment and marina projects.

Please contact me if you have any questions.

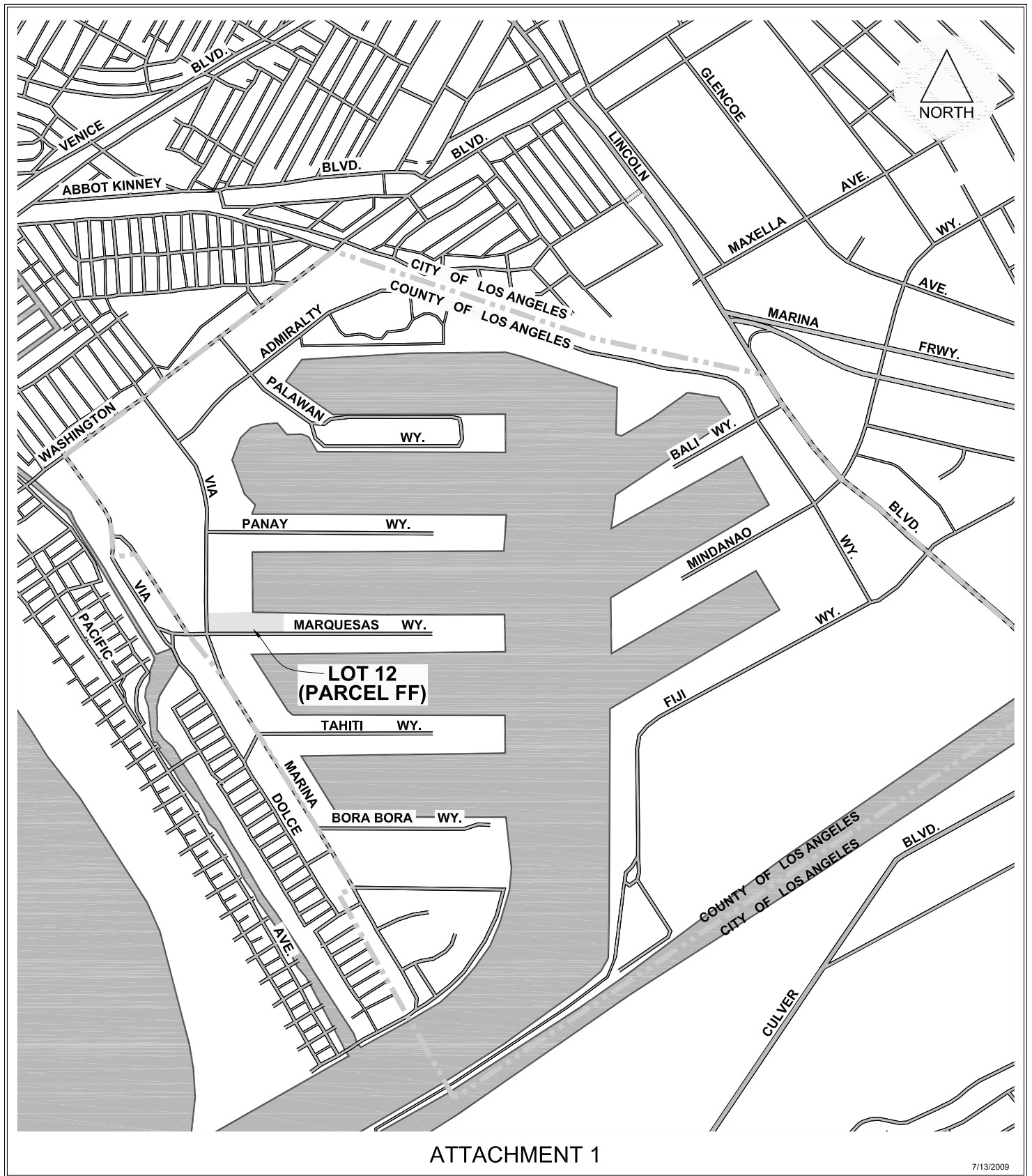
Sincerely,



Jonathan Louie
Senior Transportation Planner

JL:gr
C19600A
Attachments

cc: Mr. Santos Kreimann, Director of Los Angeles County Beaches & Harbors
Mr. Timothy O'Brien, Southern California Partner, Legacy Partners Residential, Inc.



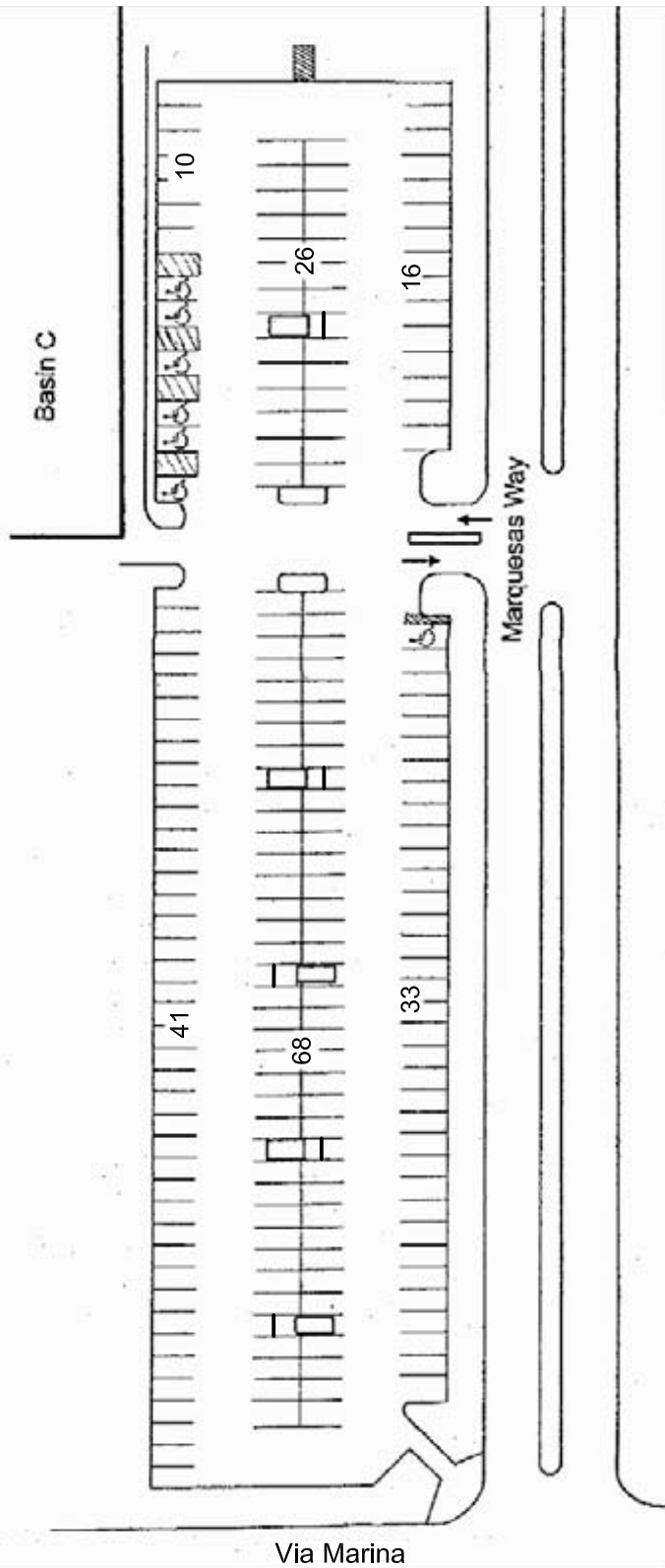
FN: MARINA DEL REY LEGACY2009-7/SITE-VICINITY

LOT 12 (PARCEL FF) LOCATION

CA CRAIN
 &
ASSOCIATES

Transportation Planning
 Traffic Engineering
 2007 Sawtelle Boulevard
 Los Angeles California 90025
 PH (310) 473 6508 F (310) 444 9771
www.crainandassociates.com

PARKING LOT #12 (Parcel FF) (Based on Field Observation in May 2009)



Note: Five spaces have a horizontal stripe across the pavement and were not considered legitimate spaces.



REGULAR SPACES	194
DISABLED	7
TOTAL	201

L.A. COUNTY DEPARTMENT OF BEACHES AND HARBORS Revised 8 / 2002 by CLS

ATTACHMENT 2

7/13/2009

FN: MARINA DEL REY LEGACY\2009-7\PARKING LOT 12 FIELD OBSERVE

SITE LAYOUT



Transportation Planning
Traffic Engineering
2007 Sawtelle Boulevard
Los Angeles California 90025
PH (310) 473 6508 F (310) 444 9771
www.crainandassociates.com

ATTACHMENT 3(a)
Parcel FF Parking Lot Driveway Count Data
and Calculated Parking Lot Occupancies

Crain & Associates
 July 14, 2009

Monday, May 25, 2009

Morning				Afternoon			
<u>Time</u>			<u>Parking</u>	<u>Time</u>			<u>Parking</u>
<u>Beginning</u>	<u>In</u>	<u>Out</u>	<u>Occupancy</u>	<u>Beginning</u>	<u>In</u>	<u>Out</u>	<u>Occupancy</u>
12:00 AM	0	0	8	12:00 PM	1	3	3
12:15 AM	1	1	8	12:15 PM	0	0	3
12:30 AM	0	0	8	12:30 PM	2	1	4
12:45 AM	0	0	8	12:45 PM	2	0	6
1:00 AM	0	0	8	1:00 PM	2	1	7
1:15 AM	0	0	8	1:15 PM	2	0	9
1:30 AM	0	0	8	1:30 PM	3	1	11
1:45 AM	0	0	8	1:45 PM	1	2	10
2:00 AM	0	0	8	2:00 PM	2	0	12
2:15 AM	0	0	8	2:15 PM	3	1	14
2:30 AM	0	0	8	2:30 PM	7	2	19
2:45 AM	0	0	8	2:45 PM	0	0	19
3:00 AM	0	0	8	3:00 PM	6	3	22
3:15 AM	0	0	8	3:15 PM	6	1	27
3:30 AM	0	0	8	3:30 PM	1	1	27
3:45 AM	0	0	8	3:45 PM	3	2	28
4:00 AM	0	0	8	4:00 PM	2	1	29
4:15 AM	0	0	8	4:15 PM	1	5	25
4:30 AM	1	1	8	4:30 PM	2	1	26
4:45 AM	0	0	8	4:45 PM	4	1	29
5:00 AM	0	0	8	5:00 PM	2	4	27
5:15 AM	1	2	7	5:15 PM	0	2	25
5:30 AM	0	0	7	5:30 PM	0	0	25
5:45 AM	0	0	7	5:45 PM	1	4	22
6:00 AM	0	0	7	6:00 PM	1	4	19
6:15 AM	0	0	7	6:15 PM	0	2	17
6:30 AM	0	0	7	6:30 PM	0	3	14
6:45 AM	1	2	6	6:45 PM	0	1	13
7:00 AM	0	0	6	7:00 PM	1	2	12
7:15 AM	0	0	6	7:15 PM	1	3	10
7:30 AM	0	0	6	7:30 PM	0	2	8
7:45 AM	0	1	5	7:45 PM	1	0	9
8:00 AM	2	0	7	8:00 PM	2	2	9
8:15 AM	0	1	6	8:15 PM	0	0	9
8:30 AM	1	2	5	8:30 PM	1	2	8
8:45 AM	0	0	5	8:45 PM	0	0	8
9:00 AM	1	1	5	9:00 PM	0	0	8
9:15 AM	0	0	5	9:15 PM	0	1	7
9:30 AM	1	0	6	9:30 PM	0	0	7
9:45 AM	0	0	6	9:45 PM	0	0	7
10:00 AM	1	1	6	10:00 PM	0	1	6
10:15 AM	0	1	5	10:15 PM	1	1	6
10:30 AM	0	0	5	10:30 PM	0	0	6
10:45 AM	1	1	5	10:45 PM	0	0	6
11:00 AM	1	0	6	11:00 PM	0	0	6
11:15 AM	1	2	5	11:15 PM	0	0	6
11:30 AM	2	1	6	11:30 PM	0	0	6
11:45 AM	0	1	5	11:45 PM	2	0	8
				Total	78	78	

ATTACHMENT 3(b)
Parcel FF Parking Lot Driveway Count Data
and Calculated Parking Lot Occupancies

Crain & Associates
 July 14, 2009

Saturday, June 27, 2009

Morning				Afternoon			
<u>Time</u>			<u>Parking</u>	<u>Time</u>			<u>Parking</u>
<u>Beginning</u>	<u>In</u>	<u>Out</u>	<u>Occupancy</u>	<u>Beginning</u>	<u>In</u>	<u>Out</u>	<u>Occupancy</u>
12:00 AM	0	0	0	12:00 PM	1	1	11
12:15 AM	0	0	0	12:15 PM	3	1	13
12:30 AM	0	0	0	12:30 PM	1	0	14
12:45 AM	0	0	0	12:45 PM	2	0	16
1:00 AM	0	0	0	1:00 PM	2	0	18
1:15 AM	0	0	0	1:15 PM	1	3	16
1:30 AM	0	0	0	1:30 PM	1	1	16
1:45 AM	0	0	0	1:45 PM	2	0	18
2:00 AM	0	0	0	2:00 PM	2	1	19
2:15 AM	0	0	0	2:15 PM	0	1	18
2:30 AM	0	0	0	2:30 PM	2	0	20
2:45 AM	0	0	0	2:45 PM	0	0	20
3:00 AM	0	0	0	3:00 PM	8	0	28
3:15 AM	0	0	0	3:15 PM	1	2	27
3:30 AM	0	0	0	3:30 PM	0	3	24
3:45 AM	0	0	0	3:45 PM	3	1	26
4:00 AM	0	0	0	4:00 PM	1	1	26
4:15 AM	0	0	0	4:15 PM	0	0	26
4:30 AM	0	0	0	4:30 PM	0	1	25
4:45 AM	0	0	0	4:45 PM	3	0	28
5:00 AM	0	0	0	5:00 PM	1	3	26
5:15 AM	0	0	0	5:15 PM	1	7	20
5:30 AM	0	0	0	5:30 PM	4	9	15
5:45 AM	0	0	0	5:45 PM	2	2	15
6:00 AM	0	0	0	6:00 PM	0	3	12
6:15 AM	0	0	0	6:15 PM	0	1	11
6:30 AM	0	0	0	6:30 PM	3	1	13
6:45 AM	0	0	0	6:45 PM	0	1	12
7:00 AM	0	0	0	7:00 PM	0	0	12
7:15 AM	2	0	2	7:15 PM	1	6	7
7:30 AM	2	0	4	7:30 PM	0	0	7
7:45 AM	1	0	5	7:45 PM	3	2	8
8:00 AM	3	0	8	8:00 PM	3	2	9
8:15 AM	2	1	9	8:15 PM	2	2	9
8:30 AM	0	0	9	8:30 PM	0	0	9
8:45 AM	0	0	9	8:45 PM	0	0	9
9:00 AM	0	0	9	9:00 PM	0	2	7
9:15 AM	1	1	9	9:15 PM	0	0	7
9:30 AM	0	0	9	9:30 PM	1	0	8
9:45 AM	0	0	9	9:45 PM	0	0	8
10:00 AM	0	0	9	10:00 PM	1	1	8
10:15 AM	1	1	9	10:15 PM	0	0	8
10:30 AM	1	0	10	10:30 PM	1	0	9
10:45 AM	1	1	10	10:45 PM	0	2	7
11:00 AM	0	0	10	11:00 PM	0	0	7
11:15 AM	0	0	10	11:15 PM	1	2	6
11:30 AM	3	1	12	11:30 PM	1	1	6
11:45 AM	0	1	11	11:45 PM	0	2	4
				Total	75	71	

ATTACHMENT 3(c)
Parcel FF Parking Lot Driveway Count Data
and Calculated Parking Lot Occupancies

Crain & Associates
July 14, 2009

Sunday, June 28, 2009

Morning				Afternoon			
<u>Time</u>			<u>Parking</u>	<u>Time</u>			<u>Parking</u>
<u>Beginning</u>	<u>In</u>	<u>Out</u>	<u>Occupancy</u>	<u>Beginning</u>	<u>In</u>	<u>Out</u>	<u>Occupancy</u>
12:00 AM	0	0	4	12:00 PM	0	0	13
12:15 AM	0	0	4	12:15 PM	3	3	13
12:30 AM	0	0	4	12:30 PM	4	1	16
12:45 AM	0	0	4	12:45 PM	2	1	17
1:00 AM	0	0	4	1:00 PM	1	0	18
1:15 AM	0	0	4	1:15 PM	1	0	19
1:30 AM	0	0	4	1:30 PM	2	0	21
1:45 AM	0	0	4	1:45 PM	0	0	21
2:00 AM	0	1	3	2:00 PM	2	2	21
2:15 AM	0	0	3	2:15 PM	3	2	22
2:30 AM	0	0	3	2:30 PM	0	0	22
2:45 AM	0	0	3	2:45 PM	3	1	24
3:00 AM	0	0	3	3:00 PM	1	3	22
3:15 AM	1	0	4	3:15 PM	0	0	22
3:30 AM	0	0	4	3:30 PM	2	1	23
3:45 AM	0	0	4	3:45 PM	1	0	24
4:00 AM	0	0	4	4:00 PM	0	1	23
4:15 AM	0	0	4	4:15 PM	0	1	22
4:30 AM	0	0	4	4:30 PM	1	2	21
4:45 AM	0	0	4	4:45 PM	0	3	18
5:00 AM	0	0	4	5:00 PM	3	2	19
5:15 AM	0	0	4	5:15 PM	0	1	18
5:30 AM	2	1	5	5:30 PM	0	3	15
5:45 AM	0	0	5	5:45 PM	0	3	12
6:00 AM	0	1	4	6:00 PM	1	3	10
6:15 AM	0	0	4	6:15 PM	1	3	8
6:30 AM	0	0	4	6:30 PM	4	5	7
6:45 AM	0	0	4	6:45 PM	1	1	7
7:00 AM	1	0	5	7:00 PM	0	0	7
7:15 AM	0	0	5	7:15 PM	0	1	6
7:30 AM	0	0	5	7:30 PM	0	0	6
7:45 AM	1	0	6	7:45 PM	0	0	6
8:00 AM	6	2	10	8:00 PM	2	0	8
8:15 AM	5	0	15	8:15 PM	1	2	7
8:30 AM	0	1	14	8:30 PM	0	0	7
8:45 AM	0	1	13	8:45 PM	0	0	7
9:00 AM	1	0	14	9:00 PM	0	2	5
9:15 AM	1	0	15	9:15 PM	1	0	6
9:30 AM	1	0	16	9:30 PM	1	1	6
9:45 AM	0	0	16	9:45 PM	0	0	6
10:00 AM	0	0	16	10:00 PM	0	0	6
10:15 AM	1	1	16	10:15 PM	0	0	6
10:30 AM	0	1	15	10:30 PM	0	0	6
10:45 AM	2	2	15	10:45 PM	0	0	6
11:00 AM	0	0	15	11:00 PM	0	0	6
11:15 AM	1	0	16	11:15 PM	0	0	6
11:30 AM	0	2	14	11:30 PM	0	0	6
11:45 AM	0	1	13	11:45 PM	0	0	6
				Total	64	62	

ATTACHMENT 4(a)
Parcel FF Parking Lot 12 Count Data
Observed Residential vs. Marina-Related Parking Activity

Monday May 25, 2009

<u>Arrival Time</u>	<u>Observed Vehicle Occupant Destination</u>
11:11 AM	Marina (destination unknown)
12:42 PM	Marina (destination unknown)
12:53 PM	Apartments, west side of Via Marina
12:57 PM	Apartments, south side of Marquesas Way
1:04 PM	Apartments, south side of Marquesas Way
1:17 PM	Marina (walk dogs)
1:21 PM	Apartments, west side of Via Marina
1:31 PM	Apartments, south side of Marquesas Way
1:36 PM	Apartments, south side of Marquesas Way
1:58 PM	Apartments, west of Via Marina
2:08 PM	Apartments, south side of Marquesas Way
2:09 AM	Marina (destination unknown)
2:29 PM	Marina (destination unknown)
2:30 PM	Apartments, south side of Marquesas Way
2:30 PM	Marina/Beach
2:37 PM	Marina/Beach
2:39 PM	Marina/Beach
2:40 PM	Marina/Beach
2:43 PM	Marina/Beach
2:44 PM	Apartments, south side of Marquesas Way
3:03 PM	Marina/Beach
3:03 PM	Marina/Beach
3:05 PM	Marina (destination unknown)
3:10 PM	Marina (destination unknown)
3:12 PM	Marina/Beach
3:13 PM	Marina/Beach
3:18 PM	Marina (destination unknown)
3:18 PM	Marina/Beach
3:18 PM	Marina (destination unknown)
3:18 PM	Marina (destination unknown)
3:26 PM	Marina (destination unknown)
3:28 PM	Marina/Beach
3:50 PM	Apartments, south side of Marquesas Way
3:56 PM	Apartments, south side of Marquesas Way
3:56 PM	Apartments, south side of Marquesas Way
4:12 PM	Apartments, south side of Marquesas Way
4:35 PM	Apartments, west side of Via Marina
4:39 PM	Apartments, south side of Marquesas Way
4:49 PM	Marina (destination unknown)
4:59 PM	Apartments, north side of Marquesas Way
5:09 PM	Marina (destination unknown)
5:10 PM	Marina (destination unknown)

Totals:

Apartment/Resident Activity:	17	40% Apartment/Residential Use
Marina/Beach Activity:	25	60% Marina/Beach Use
Total:	42	

ATTACHMENT 4(b)
Parcel FF Parking Lot 12 Count Data
Observed Residential vs. Marina-Related Parking Activity

Saturday June 27, 2009

<u>Arrival Time</u>	<u>Observed Vehicle Occupant Destination</u>
10:46 AM	Apartments, south side of Marquesas Way
11:35 AM	Apartments, north on Via Marina
12:21 PM	Apartments, east on Marquesas Way
12:22 PM	Marina (destination unknown)
12:40 PM	Apartments, east on Marquesas Way
12:45 PM	Apartments, south side of Marquesas Way
12:58 PM	Apartments, south side of Marquesas Way
1:00 PM	Apartments, south side of Marquesas Way
1:01 PM	Apartments, south side of Marquesas Way
1:18 PM	Apartments, west side of Via Marina
1:48 PM	Apartments, south side of Marquesas Way
1:59 PM	Apartments, south side of Marquesas Way
2:06 PM	Apartments, south side of Marquesas Way
2:30 PM	Apartments, north on Via Marina
2:35 PM	Apartments, south side of Marquesas Way
3:02 PM	Apartments, south side of Marquesas Way
3:05 PM	Marina/Beach
3:06 PM	Marina/Beach
3:07 PM	Marina/Beach
3:09 PM	Apartments, west side of Via Marina
3:09 PM	Apartments, west side of Via Marina
3:11 PM	Apartments, west side of Via Marina
3:11 PM	Apartments, west side of Via Marina
3:23 PM	Apartments, south side of Marquesas Way
3:48 PM	Apartments, west side of Via Marina
3:56 PM	Apartments, west side of Via Marina
3:59 PM	Apartments, south side of Marquesas Way
4:12 PM	Marina/Beach

Totals:

Apartment/Resident Activity:	23
Marina/Beach Activity:	5
Total:	28

82% Apartment/Residential Use
18% Marina/Beach Use

ATTACHMENT 4(c)
Parcel FF Parking Lot 12 Count Data
Observed Residential vs. Marina-Related Parking Activity

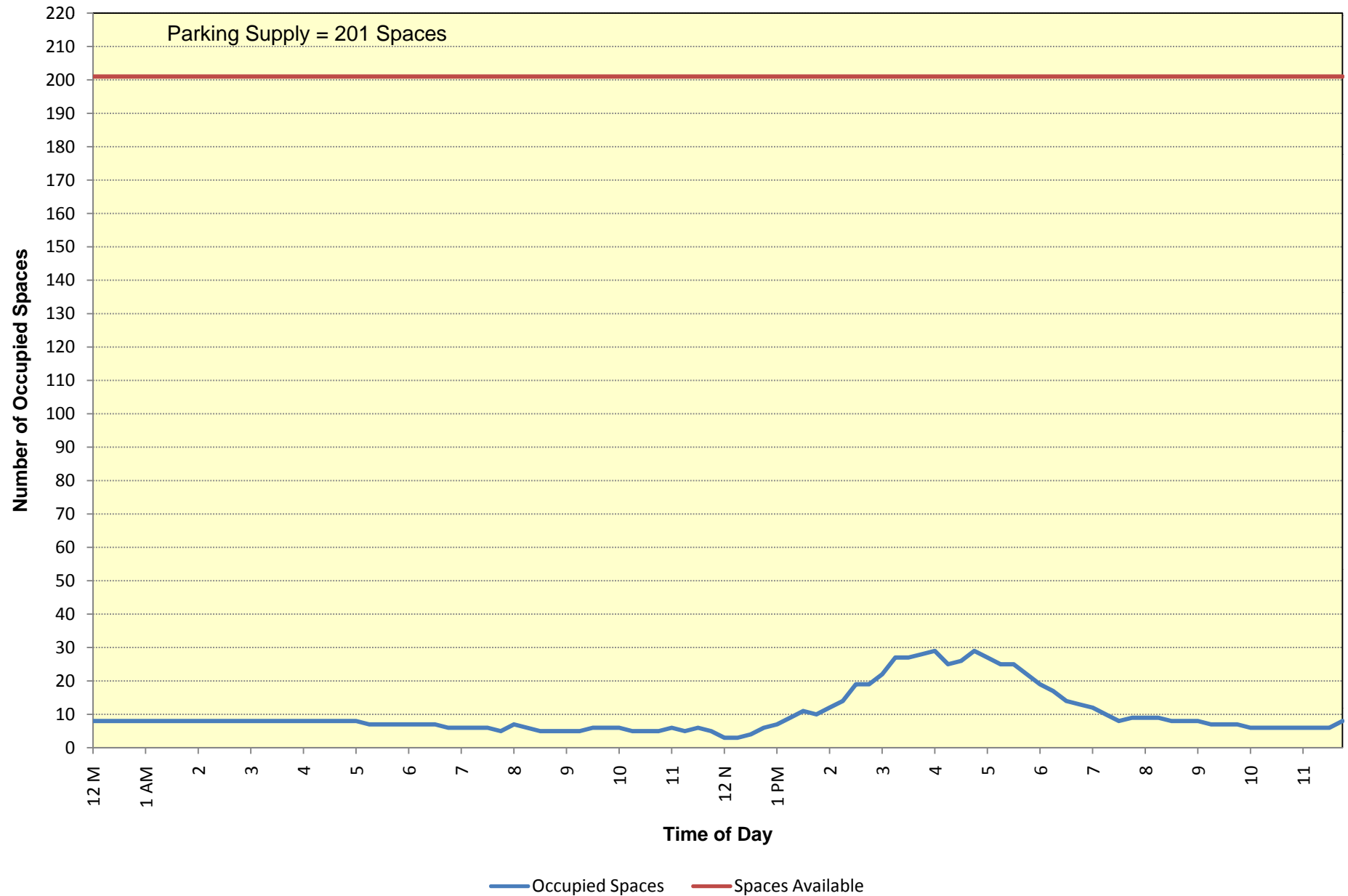
Sunday June 28, 2009

<u>Arrival Time</u>	<u>Observed Vehicle Occupant Destination</u>
9:05 AM	Apartments, south side of Marquesas Way
9:43 AM	Marina (destination unknown)
10:28 AM	Marina/Beach
10:59 AM	Apartments, south side of Marquesas Way
11:26 AM	Marina/Beach
12:15 PM	Apartments, south side of Marquesas Way
12:21 PM	Apartments, east on Marquesas Way
12:32 PM	Apartments, south side of Marquesas Way
12:42 PM	Marina/Beach
12:43 PM	Apartments, east on Marquesas Way
12:50 PM	Marina/Beach
12:59 PM	Apartments, south side of Marquesas Way
1:05 PM	Apartments, south side of Marquesas Way
1:16 PM	Apartments, west side of Via Marina
1:37 PM	Apartments, south side of Marquesas Way
1:37 PM	Apartments, south side of Marquesas Way
2:06 PM	Apartments, west side of Via Marina
2:12 PM	Marina (destination unknown)
2:20 PM	Marina/Beach
2:25 PM	Marina (destination unknown)
2:48 PM	Marina (destination unknown)
2:55 PM	Apartments, east on Marquesas Way
3:31 PM	Marina (destination unknown)
3:43 PM	Marina (destination unknown)
3:55 PM	Apartments, south side of Marquesas Way

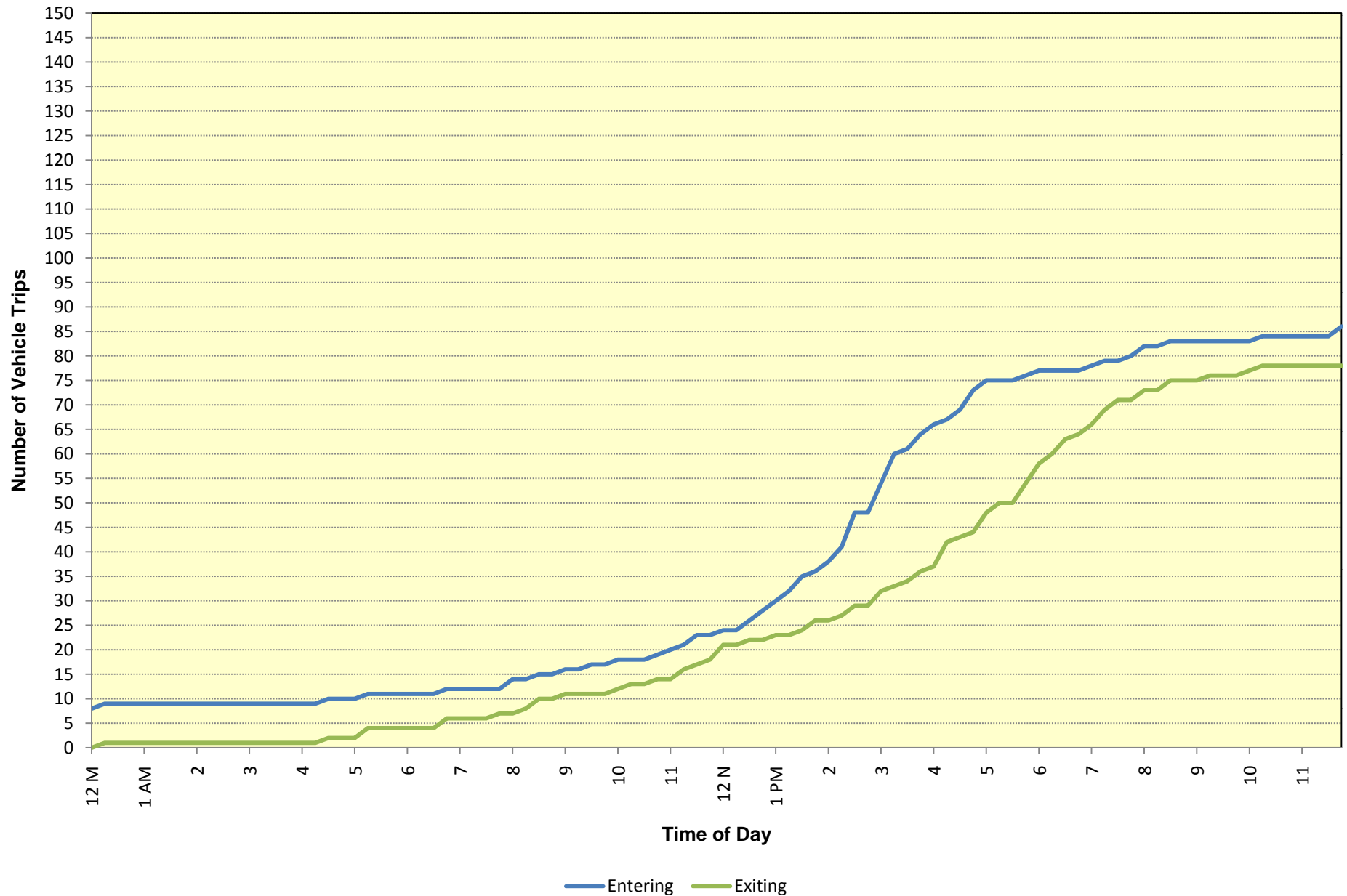
Totals:

Apartments/Resident Activity:	14	56% Apartment/Residential Use
Marina/Beach Activity:	11	44% Marina/Beach Use
Total:	25	

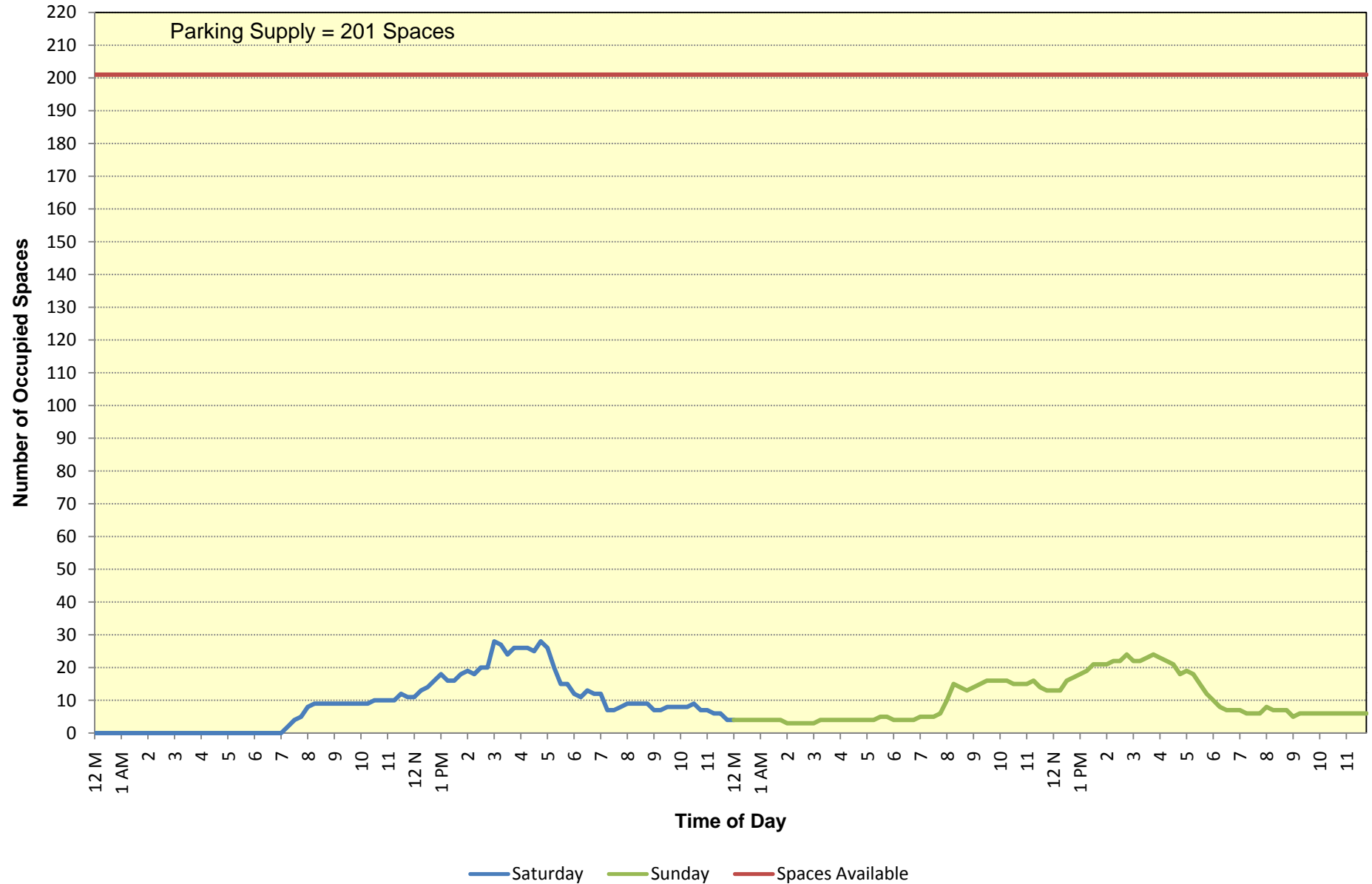
ATTACHMENT 5(a)
PARCEL FF VEHICLE PARKING OCCUPANCY
Monday, May 25, 2009



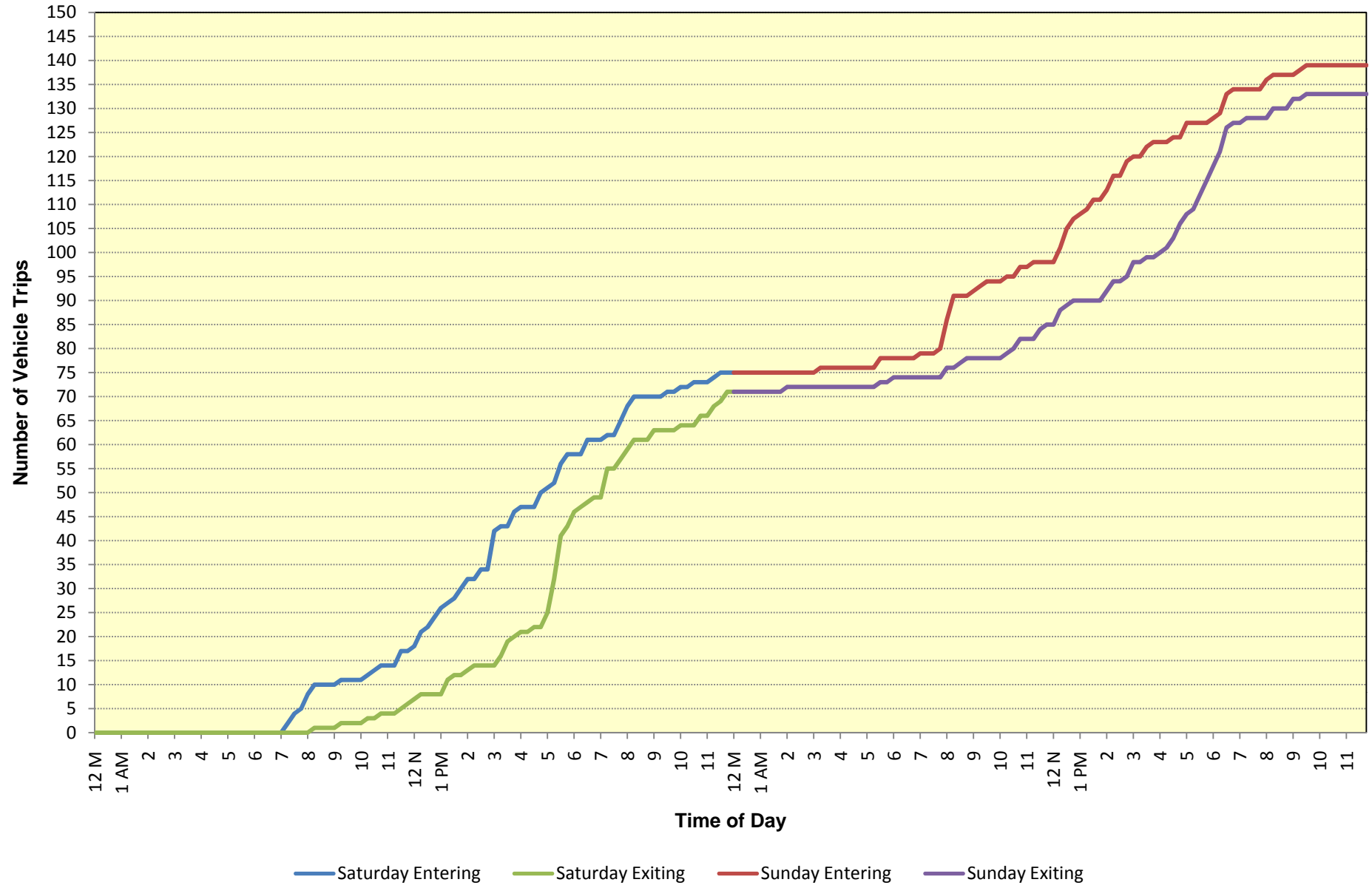
ATTACHMENT 5(b)
PARCEL FF VEHICLE TRIP ACCUMULATIONS
Monday, May 25, 2009



ATTACHMENT 5(c)
PARCEL FF VEHICLE PARKING OCCUPANCY
Saturday and Sunday
(June 27 and 28, 2009)



ATTACHMENT 5(d)
PARCEL FF VEHICLE TRIP ACCUMULATIONS
Saturday and Sunday
(June 27 and 28, 2009)



ATTACHMENT 6
COUNTY OWNED PUBLIC PARKING LOTS

FIGURE 3
COUNTY OWNED PUBLIC PARKING LOTS¹

Lot	Parcel	Address	Capacity	Remarks
1	W	13737 Fiji Way	483 ²	Fisherman's Village
2	49R	13477 Fiji Way	466 ³	Public Parking/Launch Ramp
4	49M	13500 Mindanao Way	124	Overflow -- Chace Park Marina Shopping Center
5	UR	4545 Admiralty Way	240	Overflow MdR Hotel, Other
6	SS	4500 Admiralty Way	115	Admiralty Park -- Turf
7	Q	4350 Admiralty Way	118	Admiralty Park -- Paved
8	OT	4220 Admiralty Way	186	Overflow -- Beach, Int'l. Hotel, Other
9	N	14101 Palawan Way	191	Beach, Overflow
10	IR	4101 Admiralty	216	Beach
11	GR	14101 Panay Way	264	Beach, Overflow
12	FF	14151 Marquesas Way	207	Overflow - Pierview Cafe
13	3	4601 Via Marina	140	Channel Vista, Overflow
14	A	4601 Via Marina	60 ⁴	Channel Vista
15	LLS	4001 Via Marina	10	
16	EE	13650 Mindanao	60 ⁵	Chace Park
17	83	13399 Fiji Way	13 ⁶	
	52	13051 Fiji Way	245	Temporary Parking
TOTAL			3,138	

Source: Los Angeles County Department of Beaches and Harbors, *County Owned Public Parking Lots*, April 3, 1990.

User Fees

¹ Parking fees range from \$1.00 to \$5.00 per 24 hour period except Lot 7 which is \$.50.

² Special AMPCO validation system.

³ Fee of \$4.00 charge for car and trailer, includes parking. Capacity is 233 with combination boat and trailer.

⁴ Metered, 25 cents each hour.

⁵ Metered, 25 cents per hour.

⁶ No charge. Permittee pays in lieu fee.

ATTACHMENT 7

LOT 12 PARKING UTILIZATION STUDY, AUGUST 20, 2004

Crain & Associates

Of Southern California

FEDERAL EXPRESS

August 20, 2004

Mr. John Santry
Development Manager
Legacy Partners
30 Executive Park, Suite 100
Irvine, California 92614

2007 Sawtelle Boulevard, Suite 4
Los Angeles, California 90025
Telephone (310) 473-6508
Facsimile (310) 444-9771

RE: Parking Utilization Study – Parcel FF (Lot 12) in Marina del Rey

Dear John,

We have completed our review and analysis of the typical (non-holiday) weekend parking utilizations for public parking Lot 12 on Parcel FF in Marina del Rey. A detailed description of the analysis methodologies and findings is provided below, but to summarize the results of our study, the parking lot is not heavily utilized during typical weekends, with an average of between 60 and 70 vehicles accessing the parking facilities during any of the 24-hour periods examined. These vehicles do not arrive all at once, but are spread out throughout the day, and as a result, only about 25 to 30 vehicles are actually parked at the lot during the maximum utilizations observed. This equates to a maximum of 15 percent of the approximately 206 spaces provided.

However, this data alone does not reflect the entire story. Observations of the activity at the lot indicated that, during the daytime hours (8:30 AM to 4:30 PM), a majority of the vehicles accessing the parking lot were associated with residential parking needs for the adjacent apartments. These vehicles, some of which were observed to stay in the lot for extended periods (such as throughout the weekend or longer), are used by residents or visitors to the apartment developments located adjacent to or near by this parking lot. Therefore, of the 30 or so vehicles using the lot during the peak utilization periods, our observations indicate that over one-half of the parking lot visitors use the lot as residential overflow parking for the nearby developments.

Analysis Methodology and Data Collection

Public Parking Lot 12 is located on Parcel FF, at the northeast corner of Via Marina and Marquesas Way in Marina del Rey. The lot is accessed via a single driveway located near the eastern end of the lot, and provides a total of 206 parking spaces. Access to the parking lot is controlled by an automated gate arm, and there is a flat fee of \$5.00 per entry at all times of the day. A schematic layout of Parking Lot 12 is attached for reference.

Data used to identify the activity and utilization of the lot was collected using two separate methods. First, automated pneumatic traffic count tubes were placed across the Lot 12 entry and exit driveway lanes, to record the number of vehicles entering and exiting the lot on a 24-hour basis. The data provided by these counters was used to produce a 24-hour profile of vehicular activity at the lot, including total vehicles accessing the lot; identification of peak activity periods throughout the weekend; and a calculation of the "accumulation" of vehicles parked in the lot at any time during the weekends surveyed.

Secondly, manual parking lot utilization counts ("sweeps") were conducted during the daytime hours when the lot is most active. These counts occurred on an hourly basis between 8:30 AM and 4:30 PM, and involved physically counting the number of vehicles parked in the lot during each hour. Additionally, as vehicles entered the lot during these times, the general destinations of the occupants was noted, in order to provide basic information regarding whether the vehicle was parking for Marina-related activities, or if it was in conjunction with the adjacent apartment uses. Drivers and other occupants of the vehicles were not interviewed as to their destinations or purpose for the visit; the data collected was observational in nature, and exact destinations could not be determined for all activities. In general, if persons were not observed directly accessing the nearby apartments, the destination was conservatively assumed to be "Marina related".

Data was collected over a period of three non-holiday weekends in late June and mid-July, 2004. Automated "tube" counts were conducted on both Saturday and Sunday on June 26th and 27th, on July 10th and 11th, and again on July 17th and 18th. Manual parking sweeps and vehicle occupant destination observations were performed on Saturday, July 10th and again on Saturday and Sunday, July 17th and 18th. These days represent typical non-holiday summer weekends. Weather conditions were also typical, with some early morning fog or cloudiness, clearing in the late morning. Temperatures were in the upper 70's and low 80's on all of the survey days.

Analysis Results and Conclusions

A review of the preliminary data indicated that the 24-hour counts performed on June 26th and 27th were corrupted. The tubes became dislodged during late Saturday, and did not accurately tally the entry or exit volumes for the site. No daytime manual parking sweeps were scheduled for this weekend, and as such, no correlating data was available with which to correct the tube count inaccuracies. Therefore, the data from this weekend was not utilized in our analyses. However, periodic "spot" observations of the site during the day indicated that there were approximately nine vehicles parked in the lot at 11:30 AM, 13 vehicles on site at 3:15 PM, and 22 vehicles using the parking lot at 8:15 PM. While not included in our assessment of the Lot 12 utilizations, these observations are consistent with the data collected during the later weekends.

The 24-hour vehicle counts conducted on July 17th and 18th, and again of the 24th and 25th were, however, supplemented by manual parking sweeps and vehicle occupant destination observations, with the exception of Sunday July 11th. The data collected during these periods is summarized in the attachments to this letter. These attachments include the 24-hour automated count summary sheets; a summary of the calculated "vehicle accumulations" based on these counts, including the manual parking sweep correlation data; and a log of the vehicle occupant destination observations. Also provided are several graphics showing the parking lot utilizations for each of the four days, as well as graphs detailing the cumulative entry/exit and parking activity on the lot. The vehicle occupancy graph (single line graph) indicates the total number of vehicles parked on the lot during each hour of the surveyed weekends. The cumulative parking activity graph (two-line graph) show the entering versus exiting traffic at the lot throughout each weekend. The parking lot occupancy can be determined by the vertical distance between the upper and lower lines. These graphs present the same data as the parking accumulation graphs, but in a format that identifies the total traffic generated by the parking activity.

As shown in these attachments, the parking activity at Lot 12 was not heavy during either of the two weekends surveyed. On Saturday July 10th, a total of 66 vehicles entered the lot, and maximum parking occupancy was about 28 vehicles at 3:00 PM. On this day, of 16 vehicles observed between 8:30 AM and 4:30 PM, 13 vehicles (81 percent) had destinations related to the adjacent apartment developments. Activity on Sunday July 11th was slightly less, with a total of 59 vehicles entering the site. However, peak parking use was slightly higher, with a total of 31 vehicles parked in the lot at about 3:45 PM. No destination observations were taken on this day.

The following weekend, on Saturday July 17th, a total of 71 vehicles entered the lot, and maximum parking utilization occurred between about 4:30 and 5:30 PM, when 27 vehicles were present. Of the 31 vehicles observed during that day, occupants of 20 of those vehicles (65 percent) were destined for the nearby apartment uses. Finally, on Sunday July 18th, 56 vehicles accessed the parking lot. The peak parking use for this day was 27 vehicles, which occurred at 2:30 PM and again at 3:45 PM. The majority of the nominal parking activity observed on this day (20 of the 28 observed vehicles) appeared to be related to uses other than the adjacent apartment developments.

In total, the activity at Parking Lot 12 was nominal. Over the four weekend days observed, a total of only 252 vehicles entered the lot, or an average of 63 vehicles per day. Peak parking utilization of the 206-space lot was only 31 vehicles (15 percent), and typical midday parking lot occupancies were approximately 20 or so vehicles during all of the days surveyed. Additionally, the average data showed that over half of the vehicles parked in the lot at any time were in conjunction with the nearby apartments. The average of the three days observed showed that approximately 55 percent of the parking activity was due to resident or visitor parking for the adjacent or nearby apartment developments.

Letter to Mr. John Santry
August 20, 2004
Page Four

Based on our data, observations, and analyses, it is our conclusion that Parking Lot 12 does not well serve the public parking function for which it was initially intended. The lack of public parking use of Lot 12 is perhaps best explained by the LCP's reference to Lot 12 as "overflow" parking for the Pierview Café (see attached Figure 3, "County Owned Public Parking Lots" from the Marina del Rey Land Use Plan). Once a popular restaurant located across Marquesas Way from Lot 12 on parcel 10R, the Pierview Café went out of business some years ago and the restaurant structure was converted to storage use related to the existing Neptune Marina apartments on Parcel 10R. Thus, patron "overflow" parking for that establishment is no longer needed at Lot 12.

Our observations and analyses indicate that the Lot 12 location within the Marina is not conducive to its use as a public parking facility. The lot is not directly adjacent to any public beach within the Marina and it is located quite far from the Pacific Ocean beaches. Moreover, the western side of Marina del Rey, particularly south of Panay Way, is primarily a residential community, and there is little public-related or visitor-serving activity that occurs in this area. This lack of marine or visitor-related parking use on Lot 12 is contrasted by the primary use of the lot by residents and visitors of the nearby and adjacent apartment developments. Most of the vehicles currently using the Lot 12 facilities are overflow parking from these developments, either due to convenience or lack of adequate on site parking for the individual developments. However, this amount of parking is not significant, and overall, Lot 12 is inadequately utilized, with a maximum parking occupancy of 15 percent during the two weekends surveyed. (It should be noted that as the Lot 12-adjacent Parcels 10R, 12, and 15 are redeveloped with new apartment and anchorage facilities, the parking facilities for these projects will be significantly upgraded and the amount of on site parking increased to be consistent with current County Code parking requirements. The additional on site parking supplies for these developments will further reduce the parking usage of Lot 12, as persons who currently utilize this lot as overflow parking for the currently inadequate parking supplies at the adjacent residential developments will relocate to the free guest parking facilities provided in these new apartment and marina projects.)

Please review the data and conclusions discussed above and summarized in the attachments, and feel free to call me if you have any questions.

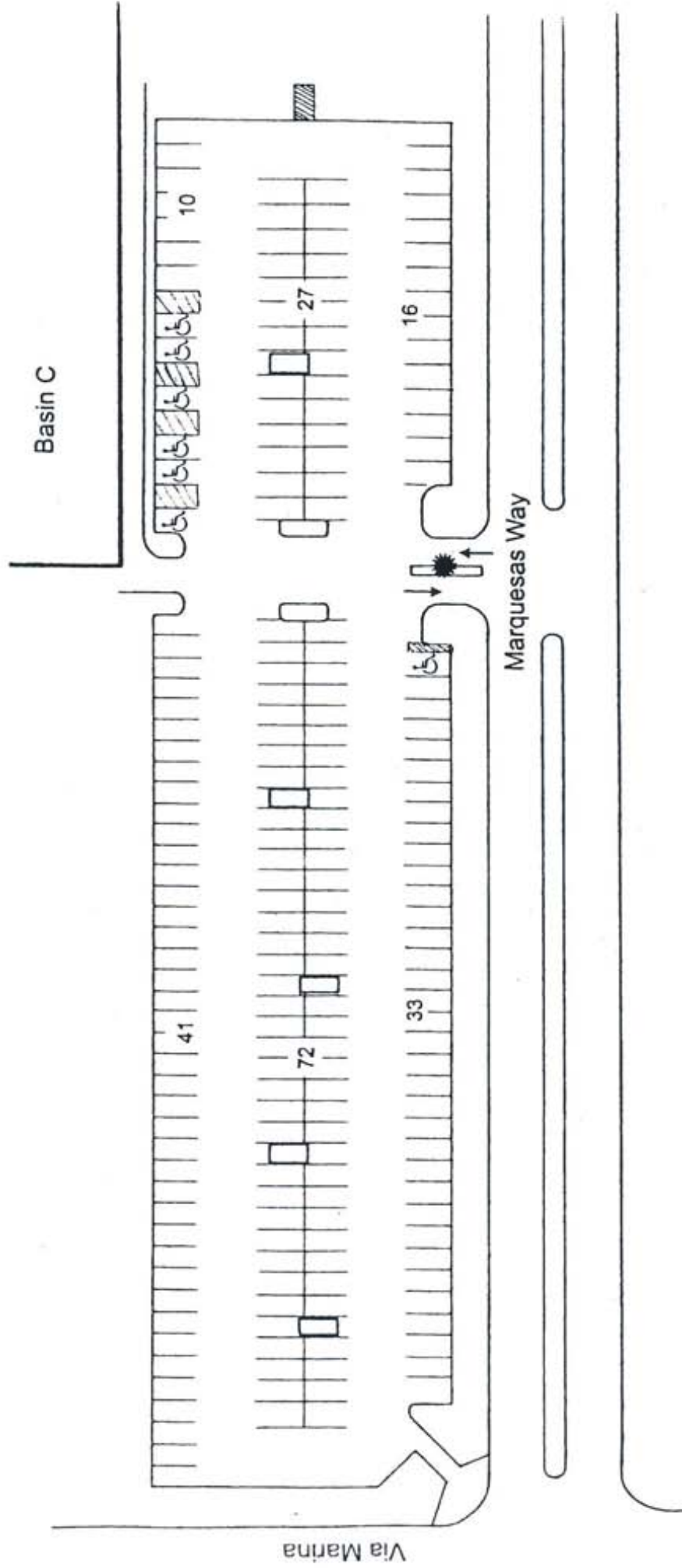
Sincerely,



Ron Hirsch
Senior Transportation Planner

RH
C15032
attachments
cc: Aaron Clark

PARKING LOT #12 (Parcel FF)



 Pay and Display Machine

REGULAR SPACES	199
DISABLED	7
TOTAL	206

THE TRAFFIC SOLUTION - ADT WORKSHEET

CLIENT: CRAIN & ASSOCIATES
 PROJECT: PARCEL FF - MARINA DEL REY
 LOCATION: ACCESS DRIVEWAY
 DATE: SATURDAY, JULY 10, 2004
 FILE NO: A-1

DIRECTION:		ENTRANCE			
TIME	00-15	15-30	30-45	45-60	HOUR TOTALS
00:00	0	0	1	0	1
01:00	0	0	0	0	0
02:00	0	0	0	0	0
03:00	0	0	0	0	0
04:00	0	0	0	0	0
05:00	0	0	0	0	0
06:00	0	2	0	0	2
07:00	0	2	0	0	2
08:00	8	0	1	0	9
09:00	0	4	0	0	4
10:00	0	0	0	0	0
11:00	0	1	0	0	1
12:00	0	0	0	7	7
13:00	0	6	0	0	6
14:00	0	0	3	4	7
15:00	2	2	0	3	7
16:00	3	2	1	0	6
17:00	0	0	0	0	0
18:00	2	3	2	0	7
19:00	0	0	2	0	2
20:00	2	0	0	0	2
21:00	0	0	0	2	2
22:00	0	0	0	0	0
23:00	1	0	0	0	1
				TOTAL	66
AM PEAK HOUR			07:15-08:15		
VOLUME			10		
PM PEAK HOUR			12:30-13:30		
VOLUME			13		

DIRECTION:		EXIT			
TIME	00-15	15-30	30-45	45-60	HOUR TOTALS
00:00	0	0	0	0	0
01:00	0	0	0	0	0
02:00	0	0	0	0	0
03:00	0	0	0	0	0
04:00	0	0	0	0	0
05:00	0	0	0	0	0
06:00	0	0	0	0	0
07:00	1	1	0	0	2
08:00	0	1	2	0	3
09:00	0	0	1	0	1
10:00	0	0	1	0	1
11:00	0	2	0	0	2
12:00	0	0	0	0	0
13:00	0	0	0	0	0
14:00	0	4	0	0	4
15:00	0	6	4	2	12
16:00	1	0	2	0	3
17:00	1	3	0	2	6
18:00	2	0	0	0	2
19:00	0	2	5	2	9
20:00	0	1	0	3	4
21:00	0	2	1	1	4
22:00	0	0	0	3	3
23:00	0	0	2	1	3
				TOTAL	59
AM PEAK HOUR			07:45-08:45		
VOLUME			3		
PM PEAK HOUR			15:15-16:15		
VOLUME			13		

TOTAL BI-DIRECTIONAL VOLUME	125
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THE TRAFFIC SOLUTION - ADT WORKSHEET

CLIENT: CRAIN & ASSOCIATES
 PROJECT: PARCEL FF - MARINA DEL REY
 LOCATION: ACCESS DRIVEWAY
 DATE: SUNDAY, JULY 11, 2004
 FILE NO: A-2

DIRECTION:		ENTRANCE			
TIME	00-15	15-30	30-45	45-60	HOUR TOTALS
00:00	0	0	0	0	0
01:00	0	0	0	0	0
02:00	0	0	0	0	0
03:00	0	0	0	0	0
04:00	0	0	0	0	0
05:00	0	0	0	0	0
06:00	0	0	0	0	0
07:00	0	4	2	0	6
08:00	0	0	1	0	1
09:00	0	0	2	0	2
10:00	1	2	0	0	3
11:00	1	2	2	5	10
12:00	0	1	0	3	4
13:00	0	1	1	0	2
14:00	3	0	0	0	3
15:00	2	5	5	1	13
16:00	0	4	0	0	4
17:00	0	0	2	0	2
18:00	0	0	2	0	2
19:00	0	0	0	0	0
20:00	2	0	0	0	2
21:00	0	5	0	0	5
22:00	0	0	0	0	0
23:00	0	0	0	0	0
				TOTAL	59
AM PEAK HOUR			11:00-12:00		
VOLUME			10		
PM PEAK HOUR			15:00-16:00		
VOLUME			8		

DIRECTION:		EXIT			
TIME	00-15	15-30	30-45	45-60	HOUR TOTALS
00:00	0	0	0	2	2
01:00	0	2	0	0	2
02:00	0	0	0	0	0
03:00	0	0	1	0	1
04:00	0	0	0	0	0
05:00	0	0	0	0	0
06:00	0	0	0	1	1
07:00	0	1	0	0	1
08:00	0	0	0	1	1
09:00	0	0	2	0	2
10:00	0	0	0	0	0
11:00	1	0	4	0	5
12:00	0	3	1	0	4
13:00	0	0	0	0	0
14:00	1	0	0	0	1
15:00	0	0	0	0	0
16:00	2	3	1	0	6
17:00	5	0	1	3	9
18:00	1	0	0	1	2
19:00	1	2	0	0	3
20:00	2	1	5	0	8
21:00	0	0	0	0	0
22:00	0	0	0	1	1
23:00	2	0	0	0	2
				TOTAL	51
AM PEAK HOUR			10:45-11:45		
VOLUME			5		
PM PEAK HOUR			17:00-18:00		
VOLUME			9		

TOTAL BI-DIRECTIONAL VOLUME	110
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Parcel FF Parking Lot Driveway Counts
and Calculated Parking Lot Occupancies

Saturday July 10, 2004

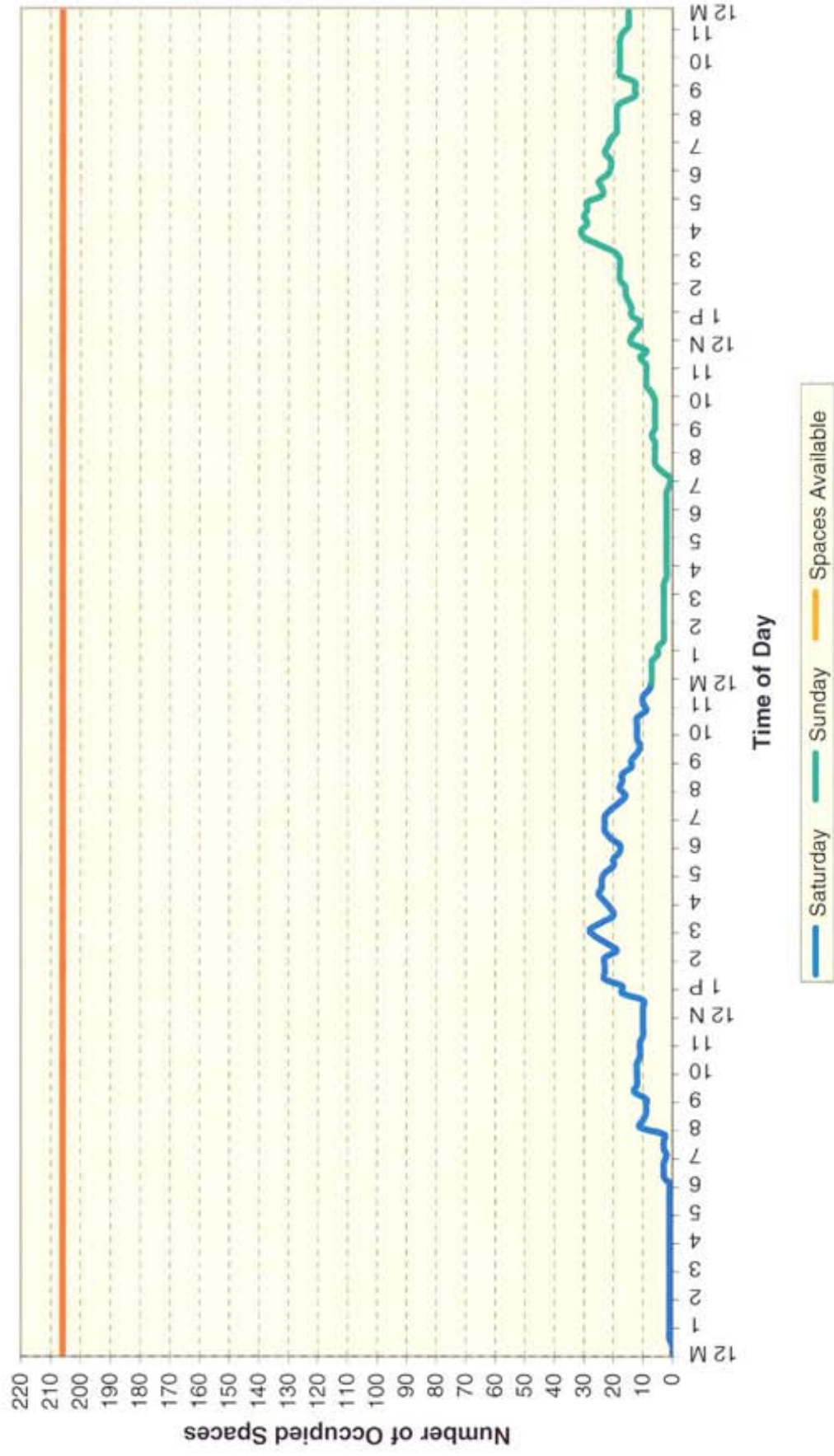
Morning					Afternoon				
Time	In	Out	Calculated	Observed	Time	In	Out	Calculated	Observed
Beginning			Accumulation	Occupancy	Beginning			Accumulation	Occupancy
	"Seed Value"		0						
12:00 AM	0	0	0		12:00 PM	0	0	10	
12:15 AM	0	0	0		12:15 PM	0	0	10	
12:30 AM	1	0	1		12:30 PM	0	0	10	12
12:45 AM	0	0	1		12:45 PM	7	0	17	
1:00 AM	0	0	1		1:00 PM	0	0	17	
1:15 AM	0	0	1		1:15 PM	6	0	23	
1:30 AM	0	0	1		1:30 PM	0	0	23	18
1:45 AM	0	0	1		1:45 PM	0	0	23	
2:00 AM	0	0	1		2:00 PM	0	0	23	
2:15 AM	0	0	1		2:15 PM	0	4	19	
2:30 AM	0	0	1		2:30 PM	3	0	22	17
2:45 AM	0	0	1		2:45 PM	4	0	26	
3:00 AM	0	0	1		3:00 PM	2	0	28	
3:15 AM	0	0	1		3:15 PM	2	6	24	
3:30 AM	0	0	1		3:30 PM	0	4	20	19
3:45 AM	0	0	1		3:45 PM	3	2	21	
4:00 AM	0	0	1		4:00 PM	3	1	23	
4:15 AM	0	0	1		4:15 PM	2	0	25	
4:30 AM	0	0	1		4:30 PM	1	2	24	20
4:45 AM	0	0	1		4:45 PM	0	0	24	
5:00 AM	0	0	1		5:00 PM	0	1	23	
5:15 AM	0	0	1		5:15 PM	0	3	20	
5:30 AM	0	0	1		5:30 PM	0	0	20	
5:45 AM	0	0	1		5:45 PM	0	2	18	
6:00 AM	0	0	1		6:00 PM	2	2	18	
6:15 AM	2	0	3		6:15 PM	3	0	21	
6:30 AM	0	0	3		6:30 PM	2	0	23	
6:45 AM	0	0	3		6:45 PM	0	0	23	
7:00 AM	0	1	2		7:00 PM	0	0	23	
7:15 AM	2	1	3		7:15 PM	0	2	21	
7:30 AM	0	0	3		7:30 PM	2	5	18	
7:45 AM	0	0	3		7:45 PM	0	2	16	
8:00 AM	8	0	11		8:00 PM	2	0	18	
8:15 AM	0	1	10		8:15 PM	0	1	17	
8:30 AM	1	2	9	9	8:30 PM	0	0	17	
8:45 AM	0	0	9		8:45 PM	0	3	14	
9:00 AM	0	0	9		9:00 PM	0	0	14	
9:15 AM	4	0	13		9:15 PM	0	2	12	
9:30 AM	0	1	12	12	9:30 PM	0	1	11	
9:45 AM	0	0	12		9:45 PM	2	1	12	
10:00 AM	0	0	12		10:00 PM	0	0	12	
10:15 AM	0	0	12		10:15 PM	0	0	12	
10:30 AM	0	1	11	12	10:30 PM	0	0	12	
10:45 AM	0	0	11		10:45 PM	0	3	9	
11:00 AM	0	0	11		11:00 PM	1	0	10	
11:15 AM	1	2	10		11:15 PM	0	0	10	
11:30 AM	0	0	10	12	11:30 PM	0	2	8	
11:45 AM	0	0	10		11:45 PM	0	1	7	

Parcel FF Parking Lot Driveway Counts
and Calculated Parking Lot Occupancies

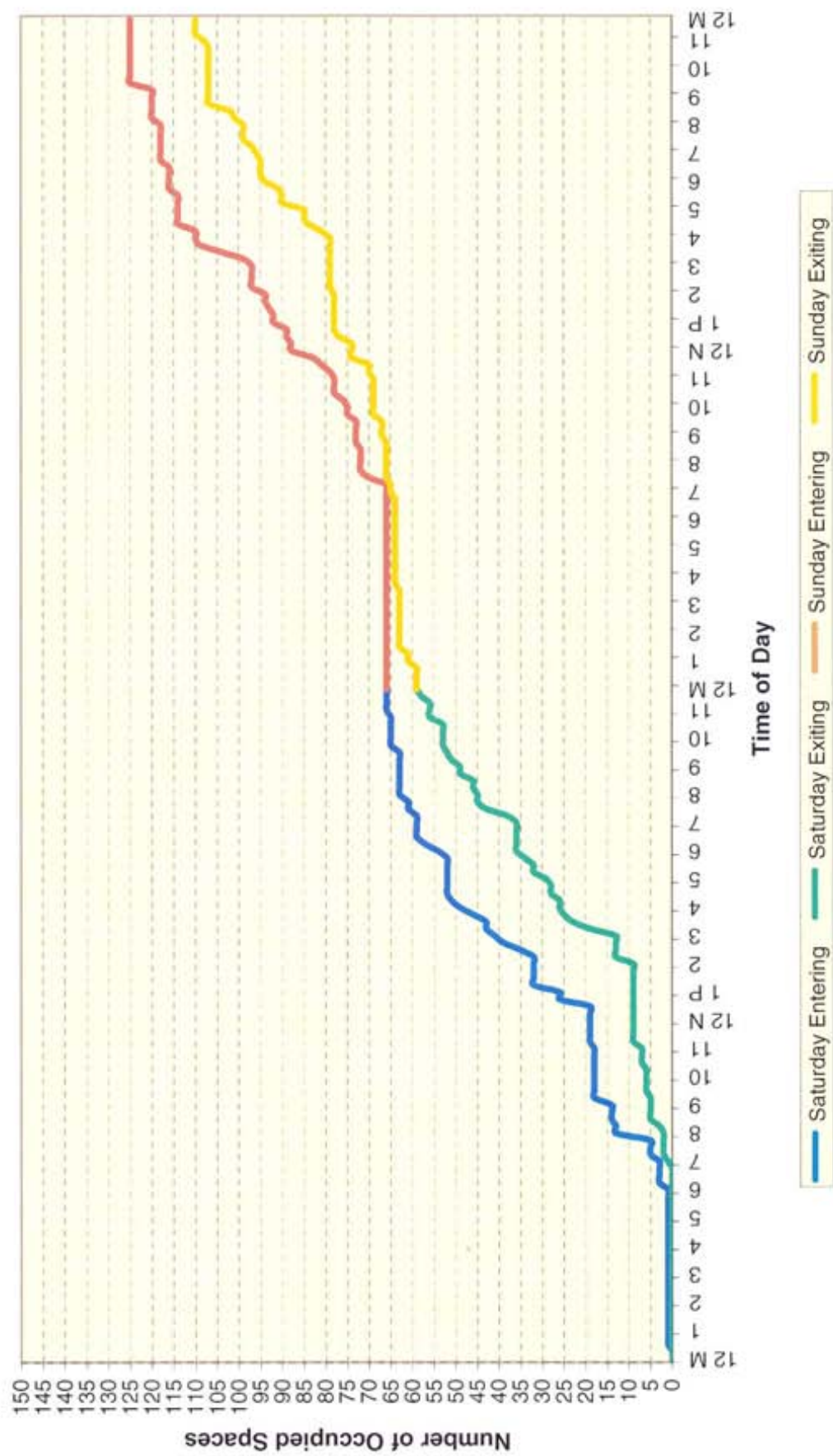
Sunday July 11, 2004

Morning					Afternoon				
Time Beginning	In	Out	Calculated Accumulation	Observed Occupancy	Time Beginning	In	Out	Calculated Accumulation	Observed Occupancy
12:00 AM	0	0	7		12:00 PM	0	0	14	
12:15 AM	0	0	7		12:15 PM	1	3	12	
12:30 AM	0	0	7		12:30 PM	0	1	11	
12:45 AM	0	2	5		12:45 PM	3	0	14	
1:00 AM	0	0	5		1:00 PM	0	0	14	
1:15 AM	0	2	3		1:15 PM	1	0	15	
1:30 AM	0	0	3		1:30 PM	1	0	16	
1:45 AM	0	0	3		1:45 PM	0	0	16	
2:00 AM	0	0	3		2:00 PM	3	1	18	
2:15 AM	0	0	3		2:15 PM	0	0	18	
2:30 AM	0	0	3		2:30 PM	0	0	18	
2:45 AM	0	0	3		2:45 PM	0	0	18	
3:00 AM	0	0	3		3:00 PM	2	0	20	
3:15 AM	0	0	3		3:15 PM	5	0	25	
3:30 AM	0	1	2		3:30 PM	5	0	30	
3:45 AM	0	0	2		3:45 PM	1	0	31	
4:00 AM	0	0	2		4:00 PM	0	2	29	
4:15 AM	0	0	2		4:15 PM	4	3	30	
4:30 AM	0	0	2		4:30 PM	0	1	29	
4:45 AM	0	0	2		4:45 PM	0	0	29	
5:00 AM	0	0	2		5:00 PM	0	5	24	
5:15 AM	0	0	2		5:15 PM	0	0	24	
5:30 AM	0	0	2		5:30 PM	2	1	25	
5:45 AM	0	0	2		5:45 PM	0	3	22	
6:00 AM	0	0	2		6:00 PM	0	1	21	
6:15 AM	0	0	2		6:15 PM	0	0	21	
6:30 AM	0	0	2		6:30 PM	2	0	23	
6:45 AM	0	1	1		6:45 PM	0	1	22	
7:00 AM	0	0	1		7:00 PM	0	1	21	
7:15 AM	4	1	4		7:15 PM	0	2	19	
7:30 AM	2	0	6		7:30 PM	0	0	19	
7:45 AM	0	0	6		7:45 PM	0	0	19	
8:00 AM	0	0	6		8:00 PM	2	2	19	
8:15 AM	0	0	6		8:15 PM	0	1	18	
8:30 AM	1	0	7		8:30 PM	0	5	13	
8:45 AM	0	1	6		8:45 PM	0	0	13	
9:00 AM	0	0	6		9:00 PM	0	0	13	
9:15 AM	0	0	6		9:15 PM	5	0	18	
9:30 AM	2	2	6		9:30 PM	0	0	18	
9:45 AM	0	0	6		9:45 PM	0	0	18	
10:00 AM	1	0	7		10:00 PM	0	0	18	
10:15 AM	2	0	9		10:15 PM	0	0	18	
10:30 AM	0	0	9		10:30 PM	0	0	18	
10:45 AM	0	0	9		10:45 PM	0	1	17	
11:00 AM	1	1	9		11:00 PM	0	2	15	
11:15 AM	2	0	11		11:15 PM	0	0	15	
11:30 AM	2	4	9		11:30 PM	0	0	15	
11:45 AM	5	0	14		11:45 PM	0	0	15	

Parcel FF Parking Accumulations Saturday and Sunday (July 10 and 11, 2004)



Parcel FF Parking Accumulations Saturday and Sunday (July 10 and 11, 2004)



THE TRAFFIC SOLUTION - ADT WORKSHEET

CLIENT: CRAIN & ASSOCIATES
 PROJECT: PARCEL FF - MARINA DEL REY
 LOCATION: ACCESS DRIVEWAY
 DATE: SATURDAY, JULY 17, 2004
 FILE NO: A-1

DIRECTION:		ENTRANCE			
TIME	00-15	15-30	30-45	45-60	HOUR TOTALS
00:00	0	0	0	0	0
01:00	0	0	0	0	0
02:00	0	0	0	0	0
03:00	0	0	0	0	0
04:00	0	0	0	0	0
05:00	0	0	0	0	0
06:00	0	2	0	0	2
07:00	0	0	1	0	1
08:00	0	2	0	0	2
09:00	0	0	0	0	0
10:00	0	2	0	3	5
11:00	3	2	5	2	12
12:00	0	1	0	2	3
13:00	2	1	0	0	3
14:00	3	0	2	1	6
15:00	0	3	1	2	6
16:00	3	1	4	2	10
17:00	1	2	0	1	4
18:00	3	0	1	0	4
19:00	1	0	0	0	1
20:00	1	2	0	0	3
21:00	2	0	0	0	2
22:00	1	0	1	1	3
23:00	1	3	0	0	4
				TOTAL	71
AM PEAK HOUR			10:45-11:45		
VOLUME			13		
PM PEAK HOUR			15:45-14:45		
VOLUME			10		

DIRECTION:		EXIT			
TIME	00-15	15-30	30-45	45-60	HOUR TOTALS
00:00	0	0	0	0	0
01:00	0	2	0	0	2
02:00	0	0	0	0	0
03:00	0	0	0	0	0
04:00	0	0	0	0	0
05:00	0	0	0	0	0
06:00	0	0	0	0	0
07:00	0	0	1	1	2
08:00	0	0	0	1	1
09:00	0	0	0	0	0
10:00	0	2	0	0	2
11:00	0	2	2	0	4
12:00	0	0	0	0	0
13:00	0	0	0	1	1
14:00	1	0	1	2	4
15:00	0	0	0	4	4
16:00	1	1	2	2	6
17:00	2	1	1	5	9
18:00	0	1	0	6	7
19:00	2	0	0	2	4
20:00	1	2	0	5	8
21:00	4	3	0	0	7
22:00	0	1	1	0	2
23:00	0	0	1	0	1
				TOTAL	64
AM PEAK HOUR			10:45-11:45		
VOLUME			4		
PM PEAK HOUR			20:30-21:30		
VOLUME			12		

TOTAL BI-DIRECTIONAL VOLUME	135
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THE TRAFFIC SOLUTION - ADT WORKSHEET

CLIENT: CRAIN & ASSOCIATES
 PROJECT: PARCEL FF - MARINA DEL REY
 LOCATION: ACCESS DRIVEWAY
 DATE: SUNDAY, JULY 18, 2004
 FILE NO: A-2

DIRECTION:		ENTRANCE			
TIME	00-15	15-30	30-45	45-60	HOUR TOTALS
00:00	0	1	2	0	3
01:00	0	0	0	0	0
02:00	0	0	0	0	0
03:00	2	0	0	0	2
04:00	0	0	0	0	0
05:00	0	0	0	0	0
06:00	0	0	0	0	0
07:00	1	0	1	0	2
08:00	2	0	0	0	2
09:00	0	0	0	0	0
10:00	1	0	2	1	4
11:00	2	0	0	0	2
12:00	5	3	0	2	10
13:00	0	0	4	2	6
14:00	2	2	1	0	5
15:00	1	3	1	2	7
16:00	1	2	0	0	3
17:00	2	0	3	0	5
18:00	0	0	1	0	1
19:00	0	0	0	0	0
20:00	0	2	0	0	2
21:00	0	0	0	0	0
22:00	0	2	0	0	2
23:00	0	0	0	0	0
				TOTAL	56
AM PEAK HOUR			10:15-11:15		
VOLUME			5		
PM PEAK HOUR			12:00-13:00		
VOLUME			10		

DIRECTION:		EXIT			
TIME	00-15	15-30	30-45	45-60	HOUR TOTALS
00:00	0	0	0	0	0
01:00	0	1	1	0	2
02:00	0	0	0	0	0
03:00	0	1	0	0	1
04:00	0	0	0	0	0
05:00	0	0	0	0	0
06:00	0	0	0	0	0
07:00	0	1	0	0	1
08:00	0	0	0	0	0
09:00	1	0	1	0	2
10:00	2	0	0	0	2
11:00	0	1	1	2	4
12:00	3	0	0	0	3
13:00	0	1	3	0	4
14:00	0	0	0	4	4
15:00	2	0	1	0	3
16:00	2	2	1	2	7
17:00	1	4	0	2	7
18:00	1	1	0	2	4
19:00	0	1	1	0	2
20:00	2	0	1	0	3
21:00	1	1	0	0	2
22:00	0	1	0	0	1
23:00	0	0	0	0	0
				TOTAL	52
AM PEAK HOUR		11:00-12:00			
VOLUME		4			
PM PEAK HOUR		16:30-17:30			
VOLUME		8			

TOTAL BI-DIRECTIONAL VOLUME	108
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Parcel FF Parking Lot Driveway Counts
and Calculated Parking Lot Occupancies

Saturday July 17, 2004

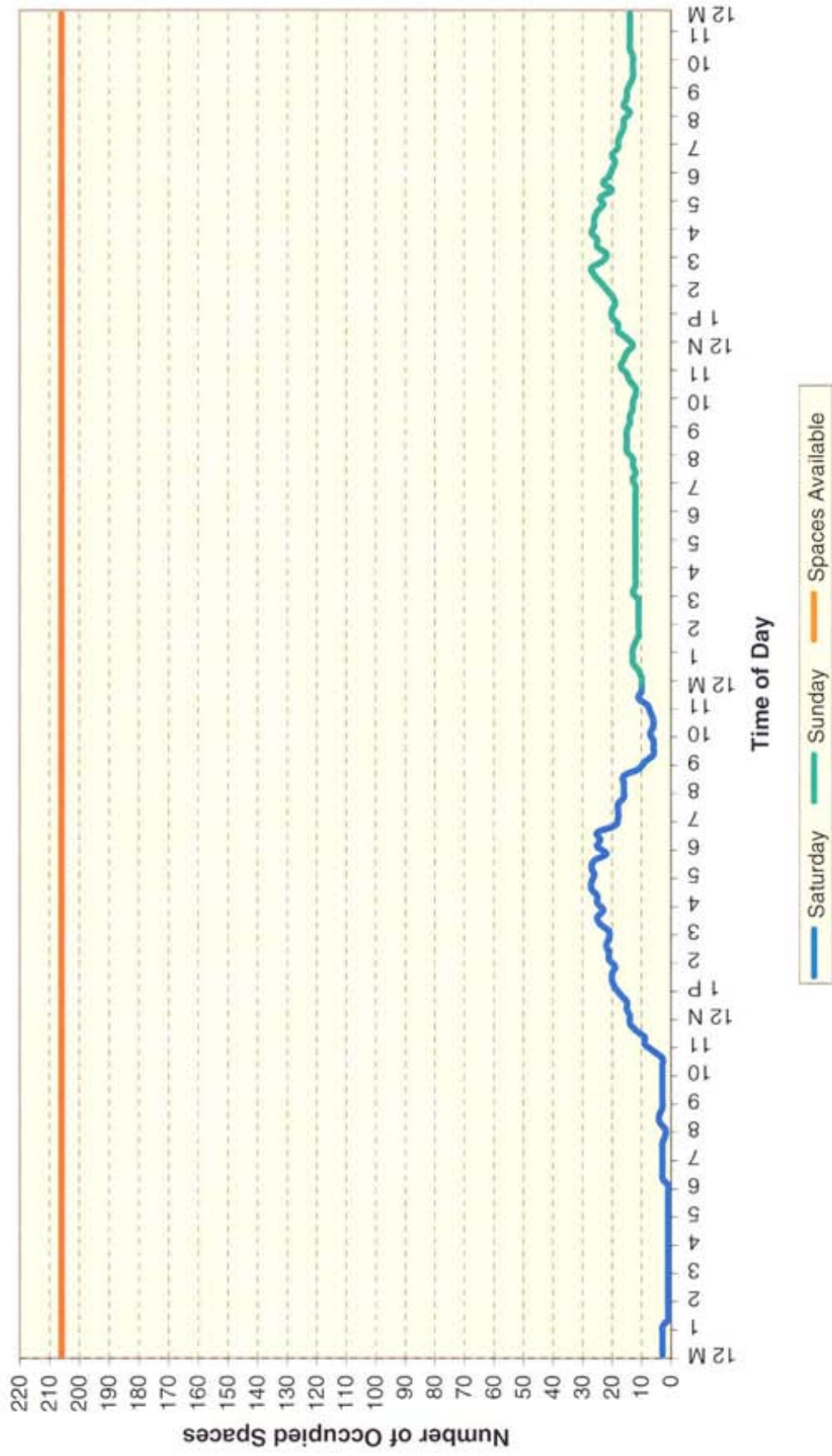
Morning					Afternoon				
Time Beginning	In	Out	Calculated Accumulation	Observed Occupancy	Time Beginning	In	Out	Calculated Accumulation	Observed Occupancy
	"Seed Value"		3						
12:00 AM	0	0	3		12:00 PM	0	0	14	
12:15 AM	0	0	3		12:15 PM	1	0	15	
12:30 AM	0	0	3		12:30 PM	0	0	15	14
12:45 AM	0	0	3		12:45 PM	2	0	17	
1:00 AM	0	0	3		1:00 PM	2	0	19	
1:15 AM	0	2	1		1:15 PM	1	0	20	
1:30 AM	0	0	1		1:30 PM	0	0	20	16
1:45 AM	0	0	1		1:45 PM	0	1	19	
2:00 AM	0	0	1		2:00 PM	3	1	21	
2:15 AM	0	0	1		2:15 PM	0	0	21	
2:30 AM	0	0	1		2:30 PM	2	1	22	19
2:45 AM	0	0	1		2:45 PM	1	2	21	
3:00 AM	0	0	1		3:00 PM	0	0	21	
3:15 AM	0	0	1		3:15 PM	3	0	24	
3:30 AM	0	0	1		3:30 PM	1	0	25	25
3:45 AM	0	0	1		3:45 PM	2	4	23	
4:00 AM	0	0	1		4:00 PM	3	1	25	
4:15 AM	0	0	1		4:15 PM	1	1	25	
4:30 AM	0	0	1		4:30 PM	4	2	27	27
4:45 AM	0	0	1		4:45 PM	2	2	27	
5:00 AM	0	0	1		5:00 PM	1	2	26	
5:15 AM	0	0	1		5:15 PM	2	1	27	
5:30 AM	0	0	1		5:30 PM	0	1	26	
5:45 AM	0	0	1		5:45 PM	1	5	22	
6:00 AM	0	0	1		6:00 PM	3	0	25	
6:15 AM	2	0	3		6:15 PM	0	1	24	
6:30 AM	0	0	3		6:30 PM	1	0	25	
6:45 AM	0	0	3		6:45 PM	0	6	19	
7:00 AM	0	0	3		7:00 PM	1	2	18	
7:15 AM	0	0	3		7:15 PM	0	0	18	
7:30 AM	1	1	3		7:30 PM	0	0	18	
7:45 AM	0	1	2		7:45 PM	0	2	16	
8:00 AM	0	0	2		8:00 PM	1	1	16	
8:15 AM	2	0	4		8:15 PM	2	2	16	
8:30 AM	0	0	4	5	8:30 PM	0	0	16	
8:45 AM	0	1	3		8:45 PM	0	5	11	
9:00 AM	0	0	3		9:00 PM	2	4	9	
9:15 AM	0	0	3		9:15 PM	0	3	6	
9:30 AM	0	0	3	5	9:30 PM	0	0	6	
9:45 AM	0	0	3		9:45 PM	0	0	6	
10:00 AM	0	0	3		10:00 PM	1	0	7	
10:15 AM	2	2	3		10:15 PM	0	1	6	
10:30 AM	0	0	3	7	10:30 PM	1	1	6	
10:45 AM	3	0	6		10:45 PM	1	0	7	
11:00 AM	3	0	9		11:00 PM	1	0	8	
11:15 AM	2	2	9		11:15 PM	3	0	11	
11:30 AM	5	2	12	11	11:30 PM	0	1	10	
11:45 AM	2	0	14		11:45 PM	0	0	10	

Parcel FF Parking Lot Driveway Counts
and Calculated Parking Lot Occupancies

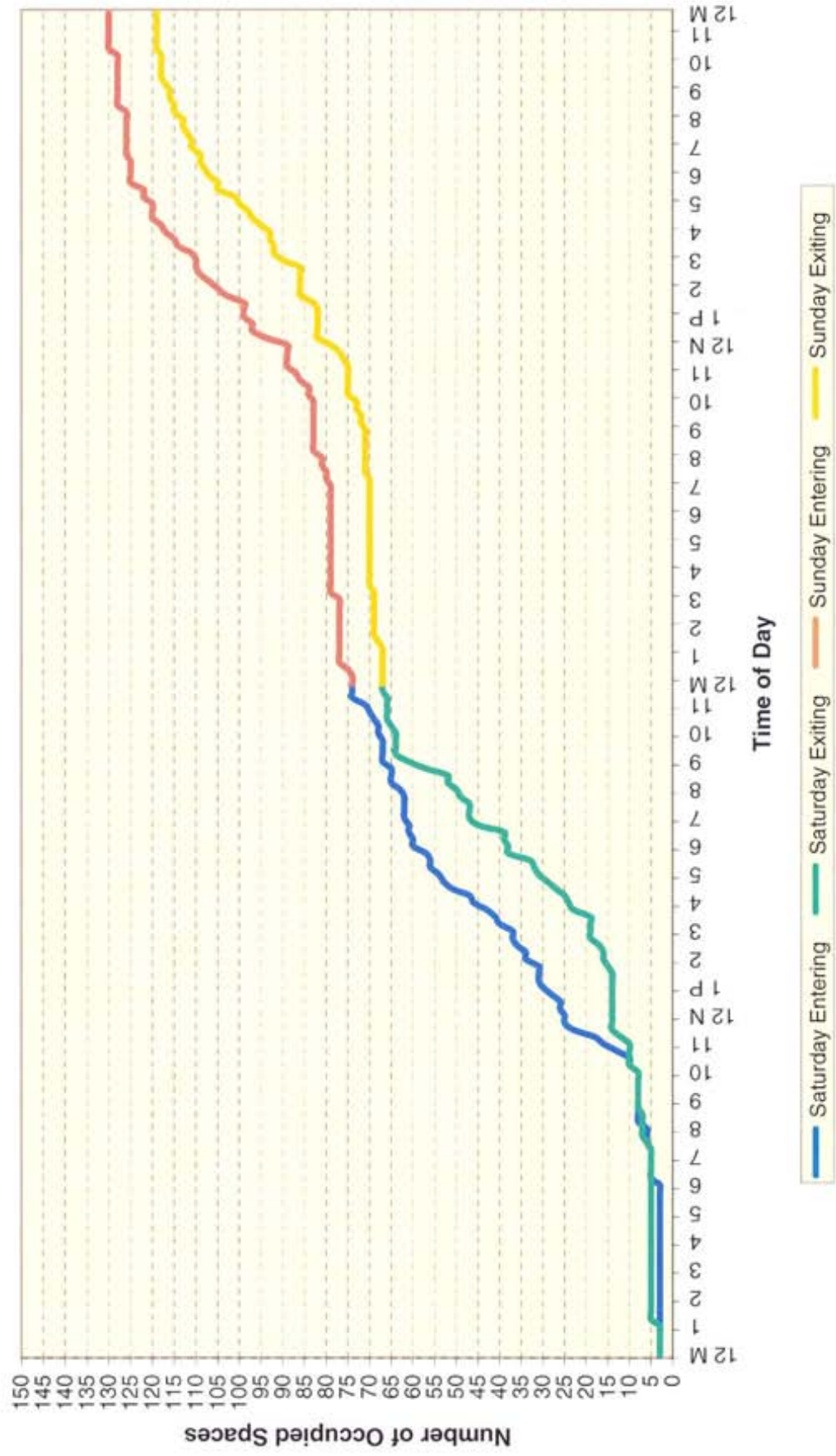
Sunday, July 18, 2004

Morning					Afternoon				
Time Beginning	In	Out	Calculated Accumulation	Observed Occupancy	Time Beginning	In	Out	Calculated Accumulation	Observed Occupancy
12:00 AM	0	0	10		12:00 PM	5	3	15	
12:15 AM	1	0	11		12:15 PM	3	0	18	
12:30 AM	2	0	13		12:30 PM	0	0	18	13
12:45 AM	0	0	13		12:45 PM	2	0	20	
1:00 AM	0	0	13		1:00 PM	0	0	20	
1:15 AM	0	1	12		1:15 PM	0	1	19	
1:30 AM	0	1	11		1:30 PM	4	3	20	17
1:45 AM	0	0	11		1:45 PM	2	0	22	
2:00 AM	0	0	11		2:00 PM	2	0	24	
2:15 AM	0	0	11		2:15 PM	2	0	26	
2:30 AM	0	0	11		2:30 PM	1	0	27	22
2:45 AM	0	0	11		2:45 PM	0	4	23	
3:00 AM	2	0	13		3:00 PM	1	2	22	
3:15 AM	0	1	12		3:15 PM	3	0	25	
3:30 AM	0	0	12		3:30 PM	1	1	25	22
3:45 AM	0	0	12		3:45 PM	2	0	27	
4:00 AM	0	0	12		4:00 PM	1	2	26	
4:15 AM	0	0	12		4:15 PM	2	2	26	
4:30 AM	0	0	12		4:30 PM	0	1	25	24
4:45 AM	0	0	12		4:45 PM	0	2	23	
5:00 AM	0	0	12		5:00 PM	2	1	24	
5:15 AM	0	0	12		5:15 PM	0	4	20	
5:30 AM	0	0	12		5:30 PM	3	0	23	
5:45 AM	0	0	12		5:45 PM	0	2	21	
6:00 AM	0	0	12		6:00 PM	0	1	20	
6:15 AM	0	0	12		6:15 PM	0	1	19	
6:30 AM	0	0	12		6:30 PM	1	0	20	
6:45 AM	0	0	12		6:45 PM	0	2	18	
7:00 AM	1	0	13		7:00 PM	0	0	18	
7:15 AM	0	1	12		7:15 PM	0	1	17	
7:30 AM	1	0	13		7:30 PM	0	1	16	
7:45 AM	0	0	13		7:45 PM	0	0	16	
8:00 AM	2	0	15		8:00 PM	0	2	14	
8:15 AM	0	0	15		8:15 PM	2	0	16	
8:30 AM	0	0	15	11	8:30 PM	0	1	15	
8:45 AM	0	0	15		8:45 PM	0	0	15	
9:00 AM	0	1	14		9:00 PM	0	1	14	
9:15 AM	0	0	14		9:15 PM	0	1	13	
9:30 AM	0	1	13	11	9:30 PM	0	0	13	
9:45 AM	0	0	13		9:45 PM	0	0	13	
10:00 AM	1	2	12		10:00 PM	0	0	13	
10:15 AM	0	0	12		10:15 PM	2	1	14	
10:30 AM	2	0	14	10	10:30 PM	0	0	14	
10:45 AM	1	0	15		10:45 PM	0	0	14	
11:00 AM	2	0	17		11:00 PM	0	0	14	
11:15 AM	0	1	16		11:15 PM	0	0	14	
11:30 AM	0	1	15	11	11:30 PM	0	0	14	
11:45 AM	0	2	13		11:45 PM	0	0	14	

Parcel FF Parking Accumulations Saturday and Sunday (July 17 and 18, 2004)



Parcel FF Parking Accumulations Saturday and Sunday (July 17 and 18, 2004)



Parcel FF Parking Lot 12 Driveway Counts
Observed Residential vs. Marina-Related Parking Activity

Saturday, July 10, 2004

<u>Arrival Time</u>	<u>Observed Vehicle Occupant Destination</u>
9:15 AM	Apartments, south side Marquesas Way
9:17 AM	Apartments, south side Marquesas Way
9:30 AM	Apartments, south side Marquesas Way
9:30 AM	Marina boat slips
1:00 PM	Bicycles from car west toward beach
1:24 PM	Apartments, south side Marquesas Way
1:26 PM	Apartments, south side Marquesas Way
2:43 PM	Apartments, west of Via Marina
2:49 PM	Marina boat slips
2:51 PM	Apartments, south side Marquesas Way
3:26 PM	Apartments, west of Via Marina
3:49 PM	Apartments, south side Marquesas Way
3:51 PM	Apartments, south side Marquesas Way
4:03 PM	Apartments, south side Marquesas Way
4:26 PM	Apartments, south side Marquesas Way
4:30 PM	Apartments, south side Marquesas Way

Totals:

Apartment/Resident Activity:	13	} 81% Apartment/Residential Use
Marina/Beach Activity:	3	

**Parcel FF Parking Lot 12 Driveway Counts
Observed Residential vs. Marina-Related Parking Activity**

Saturday July 17, 2004

<u>Arrival Time</u>	<u>Observed Vehicle Occupant Destination</u>
9:53 AM	Apartments, south side Marquesas Way
10:27 AM	Apartments, south side Marquesas Way
10:52 AM	Marina boat slips
10:58 AM	Apartments, south side Marquesas Way
11:02 AM	Marina (destination unknown)
11:15 AM	Marina (destination unknown)
11:17 AM	Apartments, south side Marquesas Way
11:32 AM	Apartments, south side Marquesas Way
11:34 AM	Marina (destination unknown)
11:40 AM	Marina (destination unknown)
11:55 AM	Apartments, south side Marquesas Way
12:20 PM	Apartments, south side Marquesas Way
1:02 PM	Marina (destination unknown)
1:09 PM	Marina boat slips
1:31 PM	Apartments, south side Marquesas Way
1:40 PM	Apartments, west of Via Marina
2:05 PM	Apartments, west of Via Marina
2:12 PM	Apartments, south side Marquesas Way
2:32 PM	Marina (destination unknown)
2:48 PM	Apartments, west of Via Marina
3:18 PM	Apartments, south side Marquesas Way
3:18 PM	Apartments, south side Marquesas Way
3:22 PM	Apartments, south side Marquesas Way
3:23 PM	Apartments, south side Marquesas Way
3:27 PM	Apartments, south side Marquesas Way
3:36 PM	Marina (destination unknown)
3:50 PM	Apartments, south side Marquesas Way
4:00 PM	Marina boat slips
4:05 PM	Apartments, south side Marquesas Way
4:06 PM	Apartments, south side Marquesas Way
4:24 PM	Marina (destination unknown)

Totals:

Apartment/Resident Activity:	20	— 65% Apartment/Residential Use
Marina/Beach Activity:	11	

**Parcel FF Parking Lot 12 Driveway Counts
Observed Residential vs. Marina-Related Parking Activity**

Sunday July 18, 2004

<u>Arrival Time</u>	<u>Observed Vehicle Occupant Destination</u>
10:41 AM	Marina/Beach
11:57 AM	Marina boat slips
12:08 PM	Marina boat slips
12:11 PM	Marina boat slips
12:15 PM	Marina (destination unknown)
12:16 PM	Marina (destination unknown)
12:23 PM	Marina (destination unknown)
12:32 PM	Marina (destination unknown)
12:49 PM	Marina (destination unknown)
12:58 PM	Marina (destination unknown)
1:14 PM	Marina boat slips
1:40 PM	Marina boat slips
1:41 PM	Apartments, south side Marquesas Way
1:41 PM	Apartments, south side Marquesas Way
1:58 PM	Marina (destination unknown)
2:14 PM	Apartments, south side Marquesas Way
2:22 PM	Marina (destination unknown)
2:44 PM	Marina (destination unknown)
3:07 PM	Apartments, south side Marquesas Way
3:24 PM	Apartments, south side Marquesas Way
3:31 PM	Marina (destination unknown)
3:38 PM	Apartments, south side Marquesas Way
3:47 PM	Marina boat slips
3:48 PM	Marina boat slips
3:49 PM	Marina (destination unknown)
4:00 PM	Marina boat slips
4:07 PM	Apartments, south side Marquesas Way
4:18 PM	Apartments, west of Via Marina

Totals:

Apartment/Resident Activity:	<u>8</u>	— 29% Apartment/Residential Use
Marina/Beach Activity:	<u>20</u>	

Grand Totals:

Apartment/Resident Activity:	<u>41</u>	— 55% Apartment/Residential Use
Marina/Beach Activity:	<u>34</u>	

FIGURE 3
COUNTY OWNED PUBLIC PARKING LOTS¹

Lot	Parcel	Address	Capacity	Remarks
1	W	13737 Fiji Way	483 ²	Fisherman's Village
2	49R	13477 Fiji Way	466 ³	Public Parking/Launch Ramp
4	49M	13500 Mindanao Way	124	Overflow -- Chace Park Marina Shopping Center
5	UR	4545 Admiralty Way	240	Overflow MdR Hotel, Other
6	SS	4500 Admiralty Way	115	Admiralty Park -- Turf
7	Q	4350 Admiralty Way	118	Admiralty Park -- Paved
8	OT	4220 Admiralty Way	186	Overflow -- Beach, Int'l. Hotel, Other
9	N	14101 Palawan Way	191	Beach, Overflow
10	IR	4101 Admiralty	216	Beach
11	GR	14101 Panay Way	264	Beach, Overflow
12	FF	14151 Marquesas Way	207	Overflow - Pierview Cafe
13	3	4601 Via Marina	140	Channel Vista, Overflow
14	A	4601 Via Marina	60 ⁴	Channel Vista
15	LLS	4001 Via Marina	10	
16	EE	13650 Mindanao	60 ⁵	Chace Park
17	83	13399 Fiji Way	13 ⁶	
	52	13051 Fiji Way	245	Temporary Parking
TOTAL			3,138	

Source: Los Angeles County Department of Beaches and Harbors, *County Owned Public Parking Lots*, April 3, 1990.

User Fees

¹ Parking fees range from \$1.00 to \$5.00 per 24 hour period except Lot 7 which is \$.50.

² Special AMPCO validation system.

³ Fee of \$4.00 charge for car and trailer, includes parking. Capacity is 233 with combination boat and trailer.

⁴ Metered, 25 cents each hour.

⁵ Metered, 25 cents per hour.

⁶ No charge. Permittee pays in lieu fee.