



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Jon Sanabria
Acting Director of Planning

October 1, 2009

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

FROM: Samuel Dea
Section Head
Special Projects Section

SUBJECT: **Woodfin Suites Hotel/Neptune Marina Apartments Project Nos. R2006-03643, R2006-03644, R2006-03647, R2006-03652, and TR067861 (Item Nos. 6, 7, 8, 9a and 9b)**

A public hearing on the above-mentioned projects was held before the Regional Planning Commission on August 12, 2009. At that hearing, your commission asked staff and the applicants to address some of the questions and statements that were posed by the public and the Commission. The following is a summary of the Commission's past actions on the projects and responses from Staff and the applicants:

October 29, 2008 Public Hearing

On October 29, 2008, your commission conducted a public hearing on the above-mentioned projects (Project). At that hearing, your commission heard the staff presentation and testimony from the project applicants and interested members of the public. Unfortunately, due to time constraints, public testimony was not heard on Project Nos. R2006-03643 and R2006-03644. Commissioners Bellamy, Rew, Valadez and Modugno were present at the hearing. Commissioner Helsley was absent.

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

Prior to the field trip and public hearing, the applicants and County Counsel determined that the Draft Environmental Impact Report (DEIR) needed to be recirculated to address previously unrecognized impacts. Specifically, potential impacts related to the proposed City of Los Angeles Dual Force Main alignment through Marina del Rey and the Los Angeles County Department of Public Works' Marina del Rey sewer upgrades associated with the Project needed to be addressed in the DEIR. The items were taken off calendar and a Recirculated

Draft Environmental Impact Report (RDEIR) was prepared that addressed these issues and provided some additional visual simulations and updated shade and shadow studies to assist in the analysis of the Project.

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

August 8, 2009 Field Trip

Prior to the hearing, the Regional Planning Commission scheduled a field trip to project sites on August 8, 2009. All Commissioners were in attendance for the field trip. Staff gave the Commission a tour of proposed project sites. A boat tour was also provided which afforded the Commission an opportunity to see the sites from the water.

August 12, 2009 Public Hearing

On August 12, 2009, a public hearing was held at Burton Chace Park in the community of Marina del Rey. All Commissioners were present at this hearing. During the hearing, your commission heard the staff presentation and testimony from the project applicants and interested members of the public. The Commission directed staff and the applicants to prepare independent responses to address various issues that were raised by the public and the Commission. The public hearing was continued to October 14, 2009 with the direction that Staff and the project proponents present a response to comments and the public would have an opportunity to comment on the reports.

Response to Public Comments

At the August 12, 2009 public hearing, the Commission directed Staff, County Counsel and the applicants to respond to issues and concerns raised by the Commission and members of the public. Staff and the applicants have prepared written responses addressing issues and concerns as directed by the Commission. **(Attachment Nos. 1, 2, 3 and 4)**

- **Attachment No.1 is the response from DRP Staff.**
- **Attachment No.2 is the response from Legacy Partners, the applicant for the Neptune Marina Apartments.**
- **Attachment No. 3 is the response from the Hardage Group, the applicant for the Woodfin Hotel and Timeshare Resort.**
- **Attachment No. 4 is the response from the Department of Beaches and Harbors, the applicant for the Wetland Park.**

Staff Evaluation**R2006-03643 and R2006-03644 (Wetland Park and Public Anchorage)**

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

Pursuant to Section 22.46.1660, Title 22 of the County Code (Zoning Ordinance) docks are a permitted use in the Water Land Use Category. Staff finds that the proposed docks are consistent with the Zoning Ordinance.

STAFF RECOMMENDATION**Approval**

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

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

SUGGESTED MOTIONS

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

Staff Evaluation**R2006-03647 (Neptune Marina Apartment on Parcel 10R)**

Pursuant to Sections 22.46.1230 and 22.46.1310, Title 22 of the County Code (Zoning Ordinance) an apartment complex is permissible in the Residential III and Residential V Land Use Categories of the Marina del Rey Specific Plan. A Coastal Development Permit is required to undertake any development in the Coastal Zone. Staff finds that the proposed apartment complex is consistent with the requirements for a Coastal Development Permit.

A Conditional Use Permit is required for an onsite grading project, a grading project that involves export in excess of 100,000 cubic yards of earth, and for parking for boater related uses in the Residential III and Residential V Land Use Categories of the Marina del Rey Specific Plan. The proposed project is expected to require the excavation and removal of approximately 112,000 cubic yards of earth. Staff finds that the proposed project is consistent with the requirements of Section 22.56.040 of the Los Angeles County Code.

The proposed project will be conditioned to comply with the County's Mello Act Policies. The applicant will be required to perform an income survey of all the current tenants residing in the existing Parcel 10R apartment complex.

The proposed project requires amendments to the Marina del Rey Land Use Plan and the Marina del Rey Specific Plan to authorize the transfer of 261 development units from the adjoining Development Zone #2 (Tahiti Development Zone) into the subject Development Zone #3 (Marquesas Development Zone) and to average the maximum height and residential densities of Parcel 10R's Marina del Rey LCP Residential III and Residential V Land Use Categories evenly over the entire parcel rather than maintain the Residential III's required maximum height of 45 feet and maximum density of 35 dwelling units per acre and the RV's maximum height of 225 feet and maximum density of 75 dwelling units per acre. The proposed project has a dwelling unit density of 54.6 dwelling units per acre. Although the applicant's proposal exceeds the Residential III portion, the total project density is still within the maximum permit density of the entire project site. It would be appropriate for the Commission to consider this request as this method of density calculation is typical in determining general plan consistency.

As proposed, the project would require a Variance from development standards to allow a reduction of the required setback from the 28 foot wide pedestrian promenade from 10 feet to 0 feet and to authorize the installation and maintenance of project signage that exceeds the maximum sign area and maximum number of signs permitted applicable residential zones. Due to the irregular shape and limited size of the project site, the applicant is unable to achieve the required setback from the pedestrian promenade, and a Variance is necessary to accommodate the development as proposed.

STAFF RECOMMENDATION

Approval

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

Staff recommends APPROVAL of Coastal Development Permit No. 200600008-(4), Conditional Use Permit No. 200600289-(4) and Variance No. 200600013-(4) subject to the attached conditions. Staff also recommends that the Regional Planning Commission prepare a resolution recommending approval of Plan Amendment No. 200600013-(4) to the Board of Supervisors.

SUGGESTED MOTIONS

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

Staff Evaluation**R2006-03652 (Neptune Marina Apartment on Parcel FF)**

Plan amendment to the Marina del Rey Local Coastal Program are required to: authorize the transfer of 14 development units from the abutting Development Zone #2 (Tahiti Development Zone) and 112 development units from the proximate Develop Zone #1 (Bora Bora Development Zone) into the subject Development Zone #3 (Marquesas Development Zone); to change Parcel FF's land use designation from "Open Space" to the "Residential III" and "Residential V" designations with a Water Overlay Zone; to provide Open Space replacement on the lower portion of Parcel 9U; to change Parcel FF's height category from Category 1 to Category 3; to allow the development of Parcel FF to commence prior to the replacement of the existing public parking spaces that will be displaced; and to average the maximum height and residential densities of Parcel FF's Marina del Rey LCP Residential III and Residential V Land Use Categories evenly over the entire parcel rather than maintain the Residential III's required maximum height of 45 feet and maximum density of 35 dwelling units per acre and the Residential V's maximum height of 225 feet and maximum density of 75 dwelling units per acre.

Staff is of the opinion that the shortage in West Los Angeles provides sufficient justification for plan amendments to convert an underutilized parking lot into a multifamily residential complex. Furthermore, the 1996 Marina del Rey Land Use Plan specifically contemplate the conversion of Parcel FF into a residential use.

Provided that the proposed plan amendments are approved and Parcel FF's Land Use Category is changed from, "Open Space," to "Residential III," and "Residential V," then pursuant to Sections 22.46.1230 and 22.46.1310, Title 22 of the County Code (Zoning Ordinance) an apartment complex is permissible in the Residential III and Residential V Land Use Categories of the Marina del Rey Specific Plan. A Coastal Development Permit is required to undertake any development in the Coastal Zone. Staff finds that the proposed apartment complex is consistent with the requirements for a Coastal Development Permit if the amendment is approved as proposed.

A Conditional Use Permit to authorize an onsite grading project, and the offsite export of earth. The proposed project is expected to require the excavation and removal of approximately 35,000 cubic yards of earth. Although this level of grading would not ordinarily require a Conditional Use Permit, the applicant is requesting one in the event that the grading for an adjacent project located on Parcel 10R is combined with the project under one grading permit. Staff finds that the proposed project is consistent with the requirements of Section 22.56.040 of the Los Angeles County Code.

As proposed, the project would require a Variance from development standards to allow a modification of the required setback from the 28 foot wide pedestrian promenade from 10 feet to 0 feet and to authorize the installation and maintenance of project signage that exceeds the maximum sign area and maximum number of signs permitted to applicable residential zones. Staff considers the relatively small overall size and width of Parcel FF to be justification for the Variance requested to eliminate the required 10' building setback from the pedestrian promenade.

STAFF RECOMMENDATION

Approval

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

Staff recommends APPROVAL of Coastal Development Permit No. 200600009-(4), Conditional Use Permit No. 200600290-(4) and Variance No. 200600014-(4) for the promenade setback, subject to the attached conditions. Staff also recommends that the Regional Planning Commission prepare a resolution recommending approval of Plan Amendment No. 200600014-(4) to the Board of Supervisors.

SUGGESTED MOTIONS

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

Staff Evaluation

TR067861 (Woodfin Hotel and Timeshare Resort on Parcel 9U)

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

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

As proposed, the project would require a Variance from development standards to allow a reduction of the required setback from the 28 foot wide pedestrian promenade from 10 feet to 0 feet. Staff is of the opinion that the proposed view corridor, which is equal to 40% of the project site's waterfront area and the 1.46 acre upland and wetland park occupy a significant portion of the usable area of Parcel 9U. Given the limited amount of space available on Parcel 9U, a Variance in this case seems justified.

STAFF RECOMMENDATION

Approval

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

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

SUGGESTED MOTIONS

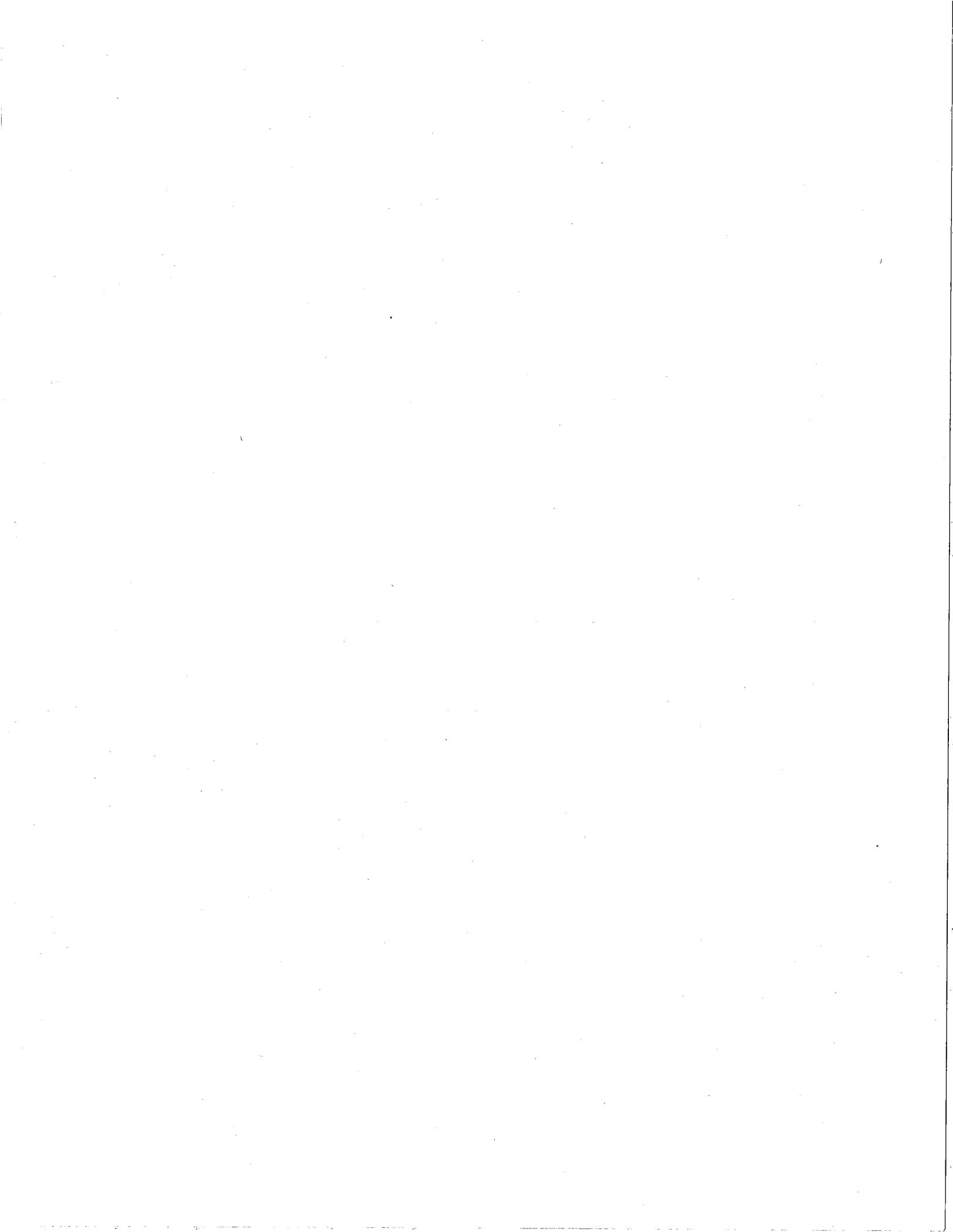
I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare findings and conditions of approval for Coastal Development Permit No. 200600007-(4), Conditional Use Permit No. 200600288-(4),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

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

SZD:mrt

Attachments:

1. Response by DRP Staff
2. Response by proponents for Legacy Apartments
3. Response by proponents for Woodfin Hotel and Timeshare Resort
4. Response by Beaches and Harbors regarding wetland park





Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



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Acting Director of Planning

ATTACHMENT 1

Department of Regional Planning Response to Issues Raised
during the August 12, 2009 Public Hearing

The following questions and statements were made by the public and members of the Commission during the August 12, 2009 public hearing regarding the Woodfin Hotel, Neptune Marina Apartments, Wetland Park and Public Anchorage projects in Marina del Rey. This is not a complete list of what was said at the hearing, but represents the major issues that were raised.

1. Is the Fire Department access that leads to the proposed pedestrian promenade for the Parcel FF project also the entrance to the underground parking garage?

Staff Response: Yes, the pedestrian promenade access that is located on the eastern portion of Parcel FF is also one of the proposed entrances to the parking garage.

2. Provide more details on the wetland park. Is a fence proposed around the park? How large will the pipe be? How do you keep kids out of the pipe?

Staff Response: A fence is not proposed around the wetland area. The dashed line on the site plan which was interpreted to be a fence marks the extent of the 25' buffer area. The final construction details, such as the size of pipe and the possibility of having two pipes in the wetland park, have not yet been determined. The applicant is open to suggestions to improve the park.

3. Marina del Rey is publicly owned land and should be subject to rent control. All of the rental units should be affordable units. These projects are forcing people out of the Marina and making it a place only for the rich.

There is no requirement that apartments units in Marina del Rey be governed by rent control. The Board of Supervisors ended rent control in the unincorporated County on December 31, 1985. The Regional Planning Commission is a Land Use reviews land use and may not be the appropriate lead to address rent control regulations. Consequently, regulations pertaining to rent control in unincorporated areas such as Marina del Rey require action by the Board of Supervisors.

4. The Recirculated DEIR does not recognize the existence of the Marina Strand Colony (neighboring condominiums to the west in L.A. City). The proposed projects will block the Marina and mountain views that these condominiums currently enjoy.

Staff Response: The Recirculated Draft EIR described the Woodfin Suite Hotel & Timeshare Resort project as being out of character with existing

development in the vicinity of Parcel 9U. It also stated that the visual impacts associated with the Woodfin Suite Hotel & Timeshare Resort are significant and analyzed the project's visual impact on adjacent areas.

5. The traffic study states that at Via Marina and Tahiti Way there will be virtually no traffic impact. The DEIR does not address cumulative impacts of proposed projects in the area.

Staff Response: A traffic study was conducted by Crain and Associates. The study concluded that the proposed project will have a negligible impact on the intersection of Via Marina and Tahiti. Appropriate measures were included in the DEIR to address the projects' traffic impacts to intersections in the Marina del Rey area. The study predicts that both the A.M. and P.M. Level of Service will remain at the, "A" level. Cumulative traffic impacts, which include related projects in the area, have been analyzed in the DEIR.

6. The heights of the proposed structures are out of character with current neighboring Marina residential development. The height of the buildings will impact sailing in the basin.

Staff Response: The Woodfin Suite Hotel & Timeshare Resort is proposed to be 19 stories and 225 feet tall (exclusive of screened rooftop mechanical equipment, helipad and elevator machine room). This is significantly taller than the other structures in the immediate vicinity, and the DEIR found the building to be out of character with neighboring development. The Neptune Marina apartments will not exceed 60' in height. While this is taller than the two and three story building in the vicinity, it is not inconsistent with other buildings in the Marina or with the approved Esprit II apartment complex which is planned for the parcel directly north of Parcel FF. In the DEIR, a wind study conducted by the engineering firm Rowen Williams Davies and Irwin Inc. (RWDI) concluded that the proposed structures will have an impact on wind speeds and directions in Basin B. The study determined that these changes would not have significant impacts on boaters attempting to navigate the basin.

7. The format of the Recirculated DEIR is difficult to read. (Table 5.8-7) (The table is wrong and underestimates wastewater generation by 7 million gallons)

Staff Response: The RDEIR is written in the commonly used, "strike-out," technique. While this can be difficult to read, it is a critical feature needed in a recirculated document because it informs the public and decision makers as to exactly what changes were made to the document.

8. The Coastal Act does not allow the proposed projects to be built.

Staff Response: Some of the projects require amendments to the Marina del Rey Local Coastal Program (LCP). Approval from the Coastal Commission is required before any amendments to the LCP can be made. The Coastal Commission will not grant the amendments if they find them to be inconsistent with the Coastal Act.

9. The LCP prohibits projects that would significantly impede wind to boats in the Marina.

Staff Response: The LCP requires that all new development must fully mitigate significant adverse wind impacts to marina boating. The wind study conducted by RWDI concluded that while there will be changes in wind speed and direction for Basin B, the changes will not have a significant impact on boaters attempting to navigate the Marina.

10. The proposed project violates the conditions of the property bond that was used to finance the original construction of the Marina

Staff Response: County Counsel will address this statement at the public hearing.

11. Timeshare units are not permitted in the LCP and are not permitted on publicly owned land.

Staff Response: The Local Coastal Program is silent on the topic of timeshare units. The LCP is a land use document to guide development in the coastal zone. Timeshare units are not classified in the Los Angeles County Planning and Zoning Code, but are subject to the provisions of Title 21 as such a proposal is considered a subdivision. In the past, condominium subdivisions have been granted in Marina del Rey. Staff is of the opinion that timeshare units, as proposed for operation in the Woodfin Suite Hotel & Timeshare Resort, are not significantly different than hotel units and their use is consistent with the LCP.

12. The area where the Woodfin Hotel is proposed restricts buildings to be a maximum height of 65' tall.

Staff Response: The parcel where the Woodfin Hotel is proposed allows buildings to be 140' tall. The Local Coastal Program allows some waterfront parcels to have height flexibility if a view corridor is provided. In the case of the Parcel 9U project, a 40% view corridor is proposed. Pursuant to the LCP, provision of a 40% view corridor on this parcel allows buildings on the parcel to be a maximum of 225' tall.

13. What regulations are in place to ensure the timely construction and completion of the hotel?

Staff Response: If approved, the Coastal Development Permits will have a set time period by which time the permits must have been used.

14. The California Coastal Commission stated that a cumulative impact assessment must be done on the 17 projects that are proposed for the Marina del Rey area.

Staff Response: Recommendation 18A of the Periodic Review stated that in preparation for amending its LCP, the County should undertake a comprehensive LCP update of anticipated developments. The County is currently preparing a major amendment to the LCP that will include a Cumulative Impact Assessment of all proposed projects.

15. The DEIR should be recirculated because it does not address issues that were unknown at the time the LCP was adopted. A) The area where the hotel is

proposed is now considered a liquefaction area and B) New information on global warming was not addressed.

Staff Response: A. The DEIR states that proposed project is in area with high liquefaction potential. In addition, a geologic study has been reviewed and approved by the Department of Public Works. B. The Draft EIR (DEIR) has a section on Global Climate Change.

16. The wetland is currently a seasonal fresh water pond and it is not permissible under the Coastal Act to turn it in to a tidal marsh.

Staff Response: The applicant's biologist will address this question at the continued public hearing.

17. The hearing violates the Brown act because the County has a new policy that allows the Commission to stipulate that speakers can be given a set amount of time to speak on all agenda items rather than on subsequent agenda items for a set amount of time.

Staff Response: County Counsel will address this statement at the continued hearing.

18. Piecemealing the development of the Marina is in violation of State law including the California Coastal Act and the California Environmental Quality Act (CEQA).

Staff Response: The environmental document prepared for this project and any project in Marina del Rey is consistent with CEQA. Any aspect of a project that is not in conformance with the LCP must contain a plan amendment approved by the Coastal Commission and must be consistent with the Coastal Act.

19. The movement of development units between Development Zones is not permitted in the LCP.

Staff Response: The California Coastal Commission (CCC) has previously approved an LCP amendment that involved the transfer of development units from one Development Zone to another in Marina del Rey.

20. Parcel FF may only be converted to a public park.

Staff Response: An LCP amendment is proposed that would allow Parcel FF to be converted from a public parking lot with an Open Space land use category to an apartment complex with an RIII/RV land use category. As mitigation for the loss of potential park space, a wetland park is proposed for Parcel 9U and a public dock is proposed for the basin adjacent to Parcel 9U.

21. The public hearing was improperly noticed and is in violation of CEQA because, there is a statement in the Recirculated DEIR (Page 1.0-4) that states that commenters should limit their comments to only the revised sections provided in the document. The impression was that this included not only written comments to the RDEIR, but also oral comments at the hearing. If a person interpreted it this way, they would think that they would never get to orally comment on the

wetlands, because there was not enough time to comment on the wetlands at the previous hearing.

Staff Response: A Recirculated DEIR is not a public hearing notice. The hearing notice for this project was published in the Argonaut and La Opinion and mailed to interested parties including the person who made the statement shown above. The hearing notice did not insinuate in any way that speakers would be limited on which topics they could speak on during the hearing. The nature of the hearing was entirely appropriate under the law. Attached is a copy of the notice for the August 12, 2009 hearing.

22. Wetlands cannot be relocated and the entire site should be considered an Environmentally Sensitive Habitat Area. The area where the hotel is proposed is an alkali wetland.

Staff Response: The applicant's biologist will address this statement at the continued public hearing.

23. The Coastal Commission recommendations from the Periodic Review said that LUP and LIP definitions of hotels should exclude fractional ownership on publicly owned land designated for visitor or public uses.

Staff Response: Recommendation 23 of the Coastal Commission's Periodic Review suggested that the County should amend the LCP to define, "Hotel," and should evaluate opportunities to protect the availability of, and encourage additional short-term overnight accommodations in the Marina. The Coastal Commission also stated that the LIP and LUP definitions of, "Hotel," should exclude fractional ownership of publicly owned land designated for visitor or public uses. On parcels that were not designated as visitor or public use, the Coastal Commission suggested that for any hotel or motel that provides timeshare or fractional ownership, the County should address peak use demands in the summer, availability of units to the general public and operational provisions to require hotel/motel management of a facility. Lastly, the CCC stated that LCP standards should ensure that such projects maximize public access by including restrictions on the percentage of units privately owned and the length of stay.

Parcel 9U is designated with the, "Hotel," Land Use category, not, "Visitor Serving/Convenience Commercial." Draft conditions for the Woodfin project limit the maximum length of stay permitted and the maximum number of units that are permitted as timeshares.

24. The Deputy Director of the Coastal Commission stated that local governments must provide an analysis of the supply and demand for timeshare projects.

Staff Response: Please see the answer listed above.

25. Development in Marina del Rey should be guided by a master plan.

Staff Response: The Marina del Rey Land Use Plan is the "master plan" to guide development in Marina del Rey. In conjunction with the Marina del Rey Specific Plan, it ensures that such development is appropriately

implemented through the application of specific development standards and guidelines.

26. Marina land is meant for public recreation, not a hotel.

Staff Response: While it is true that Marina del Rey is owned by Los Angeles County, a public agency, the LCP contains various land use categories that allow the potential development of different uses regardless of ownership. Parcel 9U is clearly contemplated by the Coastal Commission and the County, through the adoption process of the LCP, to be used as a hotel. Consequently, the Marina del Rey Local Coastal Program contains a specific land use category for hotels and Parcel 9U has this land use category.



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Jon Sanabria

Acting Director of Planning

**NOTICE OF PUBLIC HEARING
AND AVAILABILITY OF RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT FOR
STATE CLEARINGHOUSE NUMBER # 2007031114**

PROJECT NOS.: R2006-03647 (400-unit Neptune Marina Apartment complex proposed on Marina del Rey Parcel 10R);
R2006-03652 (126-unit Neptune Marina Apartment complex proposed on Marina del Rey Parcel FF);
TR067861 (288-room hotel and timeshare resort, with 152 hotel suites and 136 timeshare units, proposed on the northern portion of Parcel 9U);
R2006-03643 (Wetland and upland park proposed on the southern portion of Parcel 9U);
R2006-03644 (Public anchorage proposed in the basin adjacent to Parcel 9U).

Notice is hereby given that the Regional Planning Commission will conduct a public hearing concerning these land use proposals on Wednesday, August 12, 2009 at 6:00 p.m. at the **Burton W. Chace Park** community room, located at 13650 Mindanao Way, Marina del Rey, California 90292. Interested persons will be given an opportunity to testify. (The Regional Planning Commission conducted its initial public hearing on these land use proposals on October 29, 2008 at the Commission's downtown Los Angeles hearing chambers located at 320 W. Temple Street, Los Angeles. At the conclusion of this public hearing, after receiving a staff report, presentations from the project applicants and public testimony both for and against the proposals, the Commission indicated its intent to conduct a field trip to the subject properties and to subsequently conduct a public hearing regarding the land use proposals at a location within in the Marina del Rey community.)

LAND USE ENTITLEMENTS: The Regional Planning Commission will consider the above-mentioned projects, their associated entitlements and the entire Draft Environmental Impact Report that has been prepared for the projects.

LOCATION OF SUBJECT PROPERTIES: The subject properties are located on the westerly side of Marina del Rey at the northeast corner of Via Marina and Marquesas Way (Parcel FF), the southeast corner of Via Marina and Marquesas Way (Parcel 10R) and the northeast corner of Via Marina and Tahiti Way (Parcel 9U) in the Playa Del Rey Zoned District.

These cases do not affect the zoning of the surrounding properties. If you are unable to attend the public hearing but wish to send written comments, please write to the Regional Planning Commission, 320 West Temple Street, Los Angeles, California 90012. If the final decision on this proposal is challenged in court, testimony may be limited to issues raised at the public hearing or by written correspondence delivered to the Regional Planning Commission at or prior to, the public hearing.

The County of Los Angeles Department of Regional Planning, acting in the capacity of a Lead Agency under the County Environmental Document Reporting Procedures and Guidelines, Chapter III, Section 304, has filed a Notice of Completion of a Recirculated Draft Environmental Impact Report for the project. This document has been prepared in accordance with, and pursuant to, the California Environmental Quality Act (CEQA), as amended; Public Resources Code, Sections 21000-21178; and the Guidelines for California Environmental Quality Act Guidelines (State CEQA Guidelines), California Code of Regulation, Title 14, Chapter 3, Sections 15000-15387, especially Section 15088.5. The EIR addresses selected environmental factors having a potential for significant impacts under the regulations and guidelines cited above. The Recirculated Draft EIR concludes that the project design and implementation including suggested mitigation measures will result in significant residual impacts in short-term construction noise and vibration impacts, short-term cumulative construction noise and vibration impacts, short-term construction air quality impacts, cumulative construction air quality impacts, visual resource impacts, cumulative traffic impacts, project-specific and cumulative solid waste impacts, and cumulative population and housing impacts that cannot be fully mitigated.

The formal public review period for the Recirculated Draft EIR will be for a period of 45 days, from **June 11, 2009 to July 27, 2009**. Written comments received on the Recirculated Draft EIR prior to the close of the public hearing on the project will be considered in the Final EIR. Written comments should be submitted to Mr. Michael Tripp, Department of Regional Planning, Room 1362, 320 West Temple Street, Los Angeles, California 90012. The Recirculated Draft Environmental Impact Report and the original Draft EIR of September 2008 (on CD-ROM) will be available for review at the following libraries: **Lloyd Taber-Marina del Rey Library, 4533 Admiralty Way, Marina del Rey, CA 90292; Venice-Abbot Kinney Memorial Library (City of Los Angeles), 501 S. Venice Boulevard, Venice, CA 90291; and Culver City Julian Dixon Library, 4975 Overland Avenue, Culver City, CA 90230**

Case materials are available for review between 7:30 a.m. and 6:00 p.m., Monday through Thursday (our offices are closed on Fridays) in the offices of the Department of Regional Planning, Hall of Records, Room 1362, 320 West Temple Street, Los Angeles, California 90012. Selected materials are also on the Regional Planning website at <http://planning.lacounty.gov> and at the following locations:

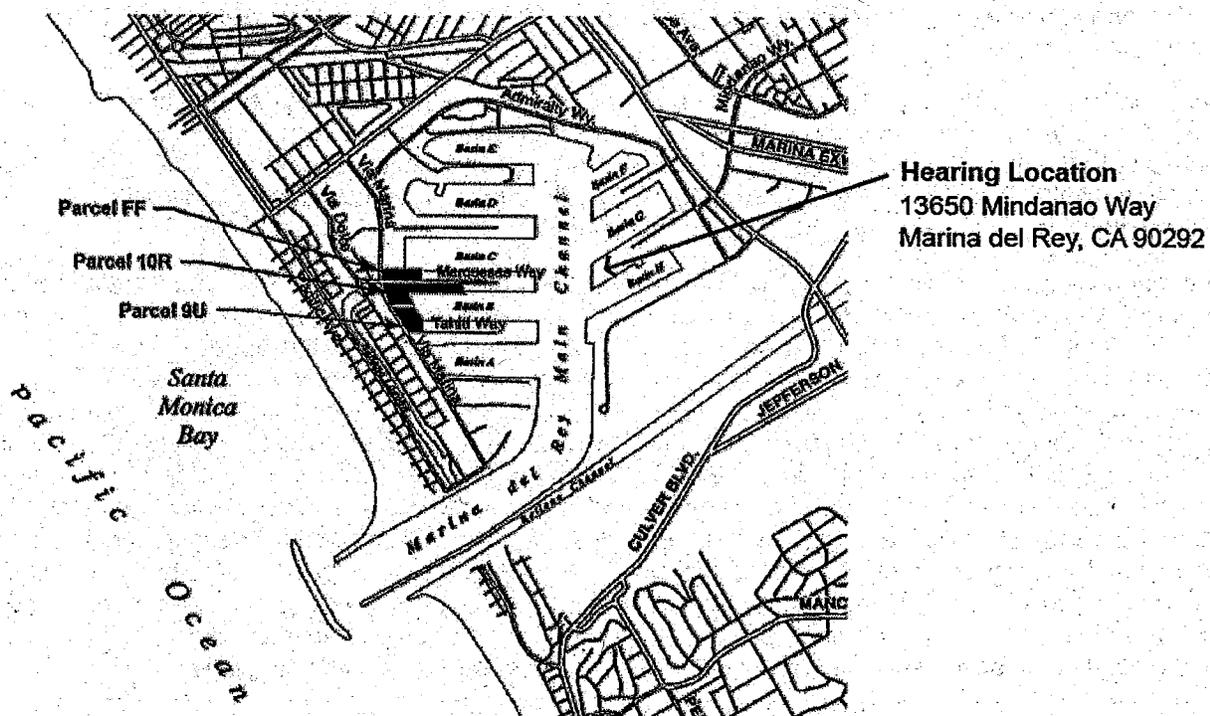
Lloyd Taber-Marina del Rey Library, 4533 Admiralty Way, Marina del Rey, CA 90292; Venice-Abbot Kinney Memorial Library (City of Los Angeles), 501 S. Venice Boulevard, Venice, CA 90291; and Culver City Julian Dixon Library, 4975 Overland Avenue, Culver City, CA 90230.

Additional information concerning this case may be obtained by telephoning Mr. Michael Tripp at (213) 974-4813 between 7:30 a.m. and 6:00 p.m., Monday through Thursday. Our offices are closed on Fridays. Callers from North County areas may dial (805) 272-0964 (Antelope Valley) or (805) 253-0111 (Santa Clarita) and then ask to be connected to 213-974-4813.

"Este es un aviso de una audiencia pública de acuerdo al Decreto de la Protección del Medio Ambiente de California. La audiencia pública considerará los proyectos mencionados arriba, los títulos y el reporte preeliminar de impacto ambiental asociados a esos proyectos y tendrá lugar el día 12 de agosto de 2009. Si necesita mas información, o si quiere este aviso en Español, favor llamar al Departamento de Planificación al (213) 974-1522."

"ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aids and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD), with at least three business days notice".

Project Sites



ATTACHMENT 2

LEGACY NEPTUNE MARINA & APARTMENTS

MARINA DEL REY PARCELS 10R & FF

Aug 12, 2009 Regional Planning Commission Hearing

Public Comment Summary and Applicant Responses:

(Note that responses to public comments regarding the wetland at Parcel 9U will be provided under separate cover by County staff)

Building Height & Views

Testifier Richard Miller: (on behalf of the Coalition to Save the Marina, Inc. and the Marina Strand Colony 1 Homeowner's Association): *The existing views/view corridor to the water from east-facing condominium units at Marina Strand Colony 1 will be destroyed when these building are erected.*

As expressed in the table below, and consistent with the LCP, the Parcel 10R and FF apartment projects will provide LCP-required view corridors over the parcels. At Parcel 10R, a 76-ft-wide view corridor (21% 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 none-mole/Via Marina fronting portion of Parcel 10R with provision of a 20% view corridor on this parcel frontage, and up to a maximum 225-ft-tall building with provision of a 40% 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% view corridor. The maximum permitted height on the mole portion of the parcel is 75 feet, with the provision of a 40% 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%; consistent with this requirement, a view corridor comprising 29% 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% view corridor along the parcel's water frontage; consistent with this requirement, a 30% view corridor is being provided along the Parcel FF waterfront.

Under established California law, there is no protected right to private views. Moreover, private view impacts are not considered to be significant under CEQA.

Parcel 10R

Parcel FF

	"Mole" (Marquesas Way Frontage)	"Non-mole" (Via Marina Frontage)		"Mole" (Marquesas Way Frontage)
LCP maximum Permitted	Up to 75 ft. height w/ 40% view corridor	Up to 225 ft. height w/ 40% view corridor	LCP Permitted (per proposed LCP height category for Parcel FF)	Up to 75 ft. height w/ 40% view corridor
LCP minimum VC* allowed	45 ft. height w/ 20% view corridor	140 ft. height w/ 20% view corridor	LCP minimum VC* allowed	45 ft. height w/ 20% view corridor
Required VC for proposed building height	55' proposed height requires minimum 27% view corridor	60' proposed height requires minimum 20% view corridor	Required VC for proposed building height	55' proposed height requires minimum 27% view corridor
Proposed Project	55' height w/ a 29% view corridor being provided	60' height w/ a 21% view corridor being provided	Proposed Project	55' height w/ a 30% view corridor being provided

*VC = View Corridor

Testifier Lloyd Lewins: *New buildings are substantially taller than existing and will block the view of the mountains.*

The view corridor proposed on Parcel 10R is nothing like the view corridor we currently have. The view corridor isn't visible from the major street, Via Marina; existing view corridor from Via Marina will be substantially removed.

While LUP Coastal Visual Resources Policy No. 11 limits building heights on specified MDR 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.

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 none-mole/Via Marina fronting portion of Parcel 10R with provision of a 20% view corridor on this parcel frontage, and up to a maximum 225-ft-tall building with provision of a 40% 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% 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% of the respective parcel frontages are required by the LCP; the developer is providing a 29% view corridor along the Marquesas Way fronting portion of Parcel 10R and a 30% view corridor along Parcel FF's Marquesas Way frontage, which both exceed the applicable LCP view corridor requirement for these parcels.

Contrary to the commenter's 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 Marqueses 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.

Pedestrian Access

Testifier Lloyd Lewins: *[The developer's plans] show lines [sidewalks] going up Marquesas Way. If you go up Marquesas Way, there's no sidewalks there. This is not pedestrian access. I have two kids. I know that you need to keep pedestrians safe on the street, and that's not it.*

The testifier is correct that the Marquesas Way frontage of Parcel 10R currently does not contain a sidewalk. However, the project 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.

Wind Impacts on Sailboats

Testifier John Nahhas: (LAMariner.com and the Boating Coalition): *The project wind study shows that the buildings will impede wind patterns in Basin B and therefore the projects must be denied, based upon the language of the certified LCP prohibiting development that would significantly adversely impact sailing conditions in the marina basins.*

Testifier Lloyd Lewins: *The new, taller buildings will adversely affect sailing wind patterns in Basin B.*

Testifier Sarah Davis: *The hotel will adversely impact wind in Basin B and views generally.*

Testifier Larry Silver: *The buildings will reduce the sailing wind pattern inside the harbor [Basin B], which will be a disaster for the sailing community.*

Testifier Stuart Meisner: *The hotel structure will interfere with sailing winds in Basin B.*

It should be noted that the wind study cited by Mr. Nahhas at the 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 building on Parcels 10R and FF, RWDI performed two detailed wind studies for the County 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.

Parcel 10R Anchorage

Testifier Hans Etter: *How many existing slips in the Parcel 10R anchorage are ADA-compliant today and how many does the ADA require to be ADA-compliant?*

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-ft dock width rule that allows docks to be ADA-compliant.

Liquefaction

Testifier Marcia Hanscom: (Co-Director of the Ballona Institute, Chair of the Sierra Club Ballona Wetlands Restoration Committee, and Director of the Wetlands Defense Fund): *The EIR should be re-circulated to address a new issue, high-risk liquefaction, as reflected on new State maps showing liquefaction prone areas.*

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 DEIR and development application. The reports fully analyze site conditions, including potential geologic hazards and liquefaction, and the DEIR 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.

Traffic Impacts

Testifier Richard Miller: *The traffic study is flawed in concluding there will be virtually no impact at Tahiti Way/ Via Marina intersection.*

This commentator has presented no evidence to support his assertion, but substantial evidence has been submitted refuting this claim. The comprehensive traffic report prepared for the project 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. County Department of Public Works' Traffic & Lighting Engineering Section reviewed the Crain traffic report and concurs with Crain's conclusion that the project will not result in a significant traffic impact at the Tahiti Way/Via Marina intersection.

Testifier Lynne Shapiro: *You have not taken into account in the DEIR the [traffic on the] west side of the marina, which includes 469 condominiums and 700 Silver Strand homes that use Via Marina to exit Admiralty, Venice Boulevard, Lincoln Boulevard, and the 90 Freeway.*

The traffic analysis 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 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.

Testifier Daniel Gottlieb: *Project construction haulers will use Via Dolce, which will result in adverse impacts to residences on Via Dolce.*

The project 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 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. In response to the testifier's concern, Via Dolce is not designated as part of the proposed haul route. From the DEIR: "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 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 DEIR project description depicted in Figure 5.2-6 of the noise section.

EIR Alternatives

Testifier David Barish: (Co-Director of "We Are Marina del Rey"): *There's been no RFP for a public park on Parcel FF. The public park alternative for Parcel FF has not been analyzed in the RDEIR or the DEIR, and I think that the DEIR is insufficient in its analysis of alternative feasible mitigation measures on this parcel.*

CEQA requires that an EIR contains a reasonable range of alternatives which would feasibly attain most of the basic objective and would avoid or substantially lessen the significant effects of the project. CEQA Guidelines § 15126.6(a), (b). An EIR need not consider every conceivable alternative to a project." (Guidelines, § 15126.6, subd. (a); "Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation." (Guidelines, § 15126.6, subd. (a).)

In this case, the DEIR includes 9 different alternatives. In addition, the DEIR 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's requirements.

In any event, an 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 build-out 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 which 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 CEQA Guidelines § 15126.6(a), (b).

Parking

Testifier David Barish: *The developer says Parcel FF is “contemplated” for conversion to residential use in the LCP. That is incorrect; the LCP contemplates Parcel FF as open space. The LCP dictates to public parking lots may only be converted to parks or public parking lots.*

There has been no RFP for a public park on Parcel FF. They say there are no funds to support [development of a public park on Parcel FF], but the Coastal Improvement Fund is specifically supposed to be used to fund public parks in the marina. Why isn't this being used to fund a public park?

The Right-Sizing Parking Study prepared by Department of Beaches & Harbors does not analyze Parcel FF.

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 MDR, 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. One-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.

Affordability

Testifier John Rizzo (President of the Marina Tenants' Association): *All of the residential units in Marina del Rey are supposed to be affordable.*

Testifier Lloyd Lewins: *I'm sure there will be some units that will be made at a more affordable rate, but the existing properties have, I think, substantially lower average rental rates than the new properties will have. And this will not be an improvement for the people who are living there. The people who are living there will have to leave.*

Testifier Hans Etter: *The County has engaged in economic apartheid by consistently pushing out low-income families, the poor people, and the minorities out of this marina, including non-profit organizations.*

Testifier Lynne Shapiro: *What was affordable for a diverse middle-class community and accessible to visitors from all over Los Angeles will become a playground for super wealthy residents and travelers.*

Contrary to the comment, there is not policy or regulation that requires that all of the residential units in Marina del Rey 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 the State law and County policy, the Parcel FF and 9U 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.

Global Warming/Sea Rise

Testifier Marcia Hanscom: *The EIR should be re-circulated to address new reports on sea level rise due to global warming.*

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 10R or FF. The useful life of the proposed apartment 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 site from an adverse impact from sea level change.

Cumulative Impact Assessment & Piecemealing

Testifier Richard Miller: *The revised EIR does not really give due consideration to the cumulative impact of the 17 to 20 projects that are underway in Marina del Rey—especially the traffic impacts, the noise, and other pollution elements that are going to be coming out of these projects. There has been no mitigation whatsoever presented for the residents of Marina Strand Colony 1, the owners of the 145 condominium units across the way, and I would respectfully request the commission give the County, Beaches & Harbors and the Coastal Commission the time to realize the cumulative impact of the 17 projects in the marina, and not allow the piecemeal construction of these project one-by-one.*

The cumulative impact analysis included in the DEIR included all projects that were reasonably foreseeable at the time of the Notice of Preparation (NOP) in March 2007. The DEIR considers total of 41 related projects in unincorporated Los Angeles County, City of Los Angeles and Culver City, in addition to ambient growth. The Re-circulated

DEIR 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 DEIR.

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.

Testifier David Barish: *The County is piecemealing CEQA. Because this is public land and because the co-applicant on every project in the marina is the County Dept of Beaches & Harbors, they are required to follow CEQA. Piecemealing the redevelopment of Marina del Rey is in violation of state law, including the Coastal Act and CEQA. We feel that a single EIR should be prepared for the whole of the marina redevelopment so the County can determine the overall environmental impacts of all the projects...These projects are inconsistent with the LCP and they are piecemealing the LCP.*

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 projects are not inconsistent with the LCP when processed in conjunction with the proposed LCP amendments.

Testifier Mark Salzburg, Venice Neighborhood Council: *The VNC wants to be sure the impacts on Los Angeles schools, parks and traffic are modeled and mitigated based on a comprehensive cumulative impact assessment for the entire Marina. VNC thus requests that the county suspend the issuance of development permits and entitlements for any and all land projects located within Marina del Rey until a comprehensive EIR complying in full with CEQA is prepared by the County Dept of Regional Planning, covering all such proposed and 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 redevelopment project be prepared and submitted to the California Coastal Commission for consideration and approval.*

The DEIR 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 the comment, CEQA does not require the County to suspend processing projects pending a comprehensive LCP update, just as it does not require the City of Los Angeles to suspend processing project in Venice and elsewhere pending the planned Community Plan updates.

Solid Waste Impacts

Testifier Nancy Vernon-Marino (We are Marina del Rey): *Solid waste is adequate only until 2017. The projects will last longer than 2017. What happens when capacity is no longer available?*

Testifier Lynne Shapiro: *Landfill capacity is available only until 2017, without any known mitigation.*

The DEIR does state in **Section 5.10.3.3 Existing Solid Waste Disposal** that LA 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 DEIR 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% 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 project and cumulative projects could contribute to decline in landfill capacity; resulting in a significant impact unless addition 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.

Wastewater

Testifier Nancy Vernon-Marino: *Table 5.8-7 of the DEIR is erroneous. The table's math is wrong, and the result is over 7.6 gallons per year of wastewater that they have underreported, which will be going into the wastewater system each year that is not accounted for. And this is just one project out of 41 in this area. What if everybody else is off a little bit? We're going to have a real bad problem because when it overflows at Hyperion, it goes into the ocean and back in our front door of the main channel...What is going to happen when the system's wastewater capacity runs out, I believe in 2030? This has not been addressed in the EIR.*

At the request of the City of Los Angeles Bureau of Sanitation (BOS), the Recirculated DEIR 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 DEIR, the total amount of wastewater generation by the project alone is 139,696 gallons per day (gpd), an increase of about 9,000 gpd (representing only approximately 0.01% of the total currently unused capacity at the Hyperion Treatment Plant) from the amount included in the September 2008 DEIR. 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 DEIR used the same BOS generation rates to calculate the cumulative wastewater totals.

Table 5.8-7 of the Recirculated DEIR includes a minor error that does not change the conclusion of both the original and Recirculated DEIR that cumulative wastewater impacts will not be significant. Table 5.8-7 of the Recirculated DEIR 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 project and the related projects is 683,550 gpd, or 41,165 gpd greater (6%) than the total amount indicated in the Recirculated DEIR. This will be corrected in the Final EIR.

The total available unused capacity at Hyperion is 88 million gallons per day. The cumulative total of 683,550 gpd represents 0.78% of this capacity. Therefore, the conclusion that "capacity is available at the HTP" (Page 5.8-22 of the Recirculated DEIR) 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.

General comments re: MDR Development

Testifier John Rizzo: *The marina land is public land; it's supposed to be under price control, and it's not being administered properly, and therefore the public can't use it...The county is forcing out the public.*

Nancy Vernon-Marino: *There are inexpensive alternative proposals that will bring more visitors and increase the use of the parking lots. The parking lots are not underutilized.*

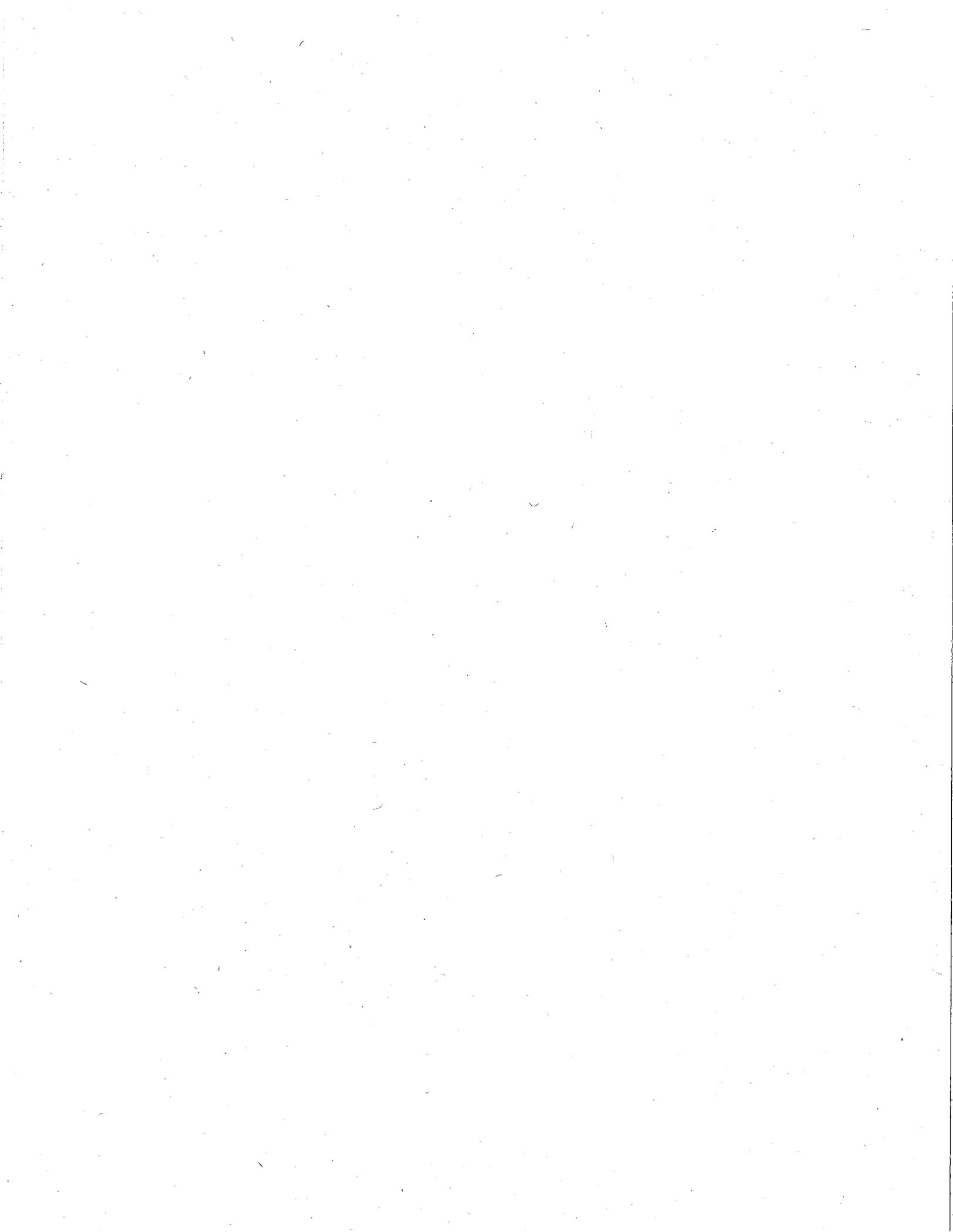
They are underserved by recreational opportunities. If you create the recreational opportunities, the parking lots will be used.

Testifier Dorothy Franklin: *The marina was built originally by the people, for the people, as a small-craft harbor for recreation. An somehow, those entrusted with the management of Marina del Rey promote development much more than recreation. I would love to see much more recreation here.*

Testifier Stuart Meisner: *This is public land, intended for public recreation, not to give public land to private development. Marina development should bring in people of ordinary means to the marina...We don't need more projects that are only for outsiders who are very wealthy.*

The Draft EIR and the County's Right-Sizing Parking Study conclude that the existing parking lot on Parcel FF is underutilized.

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.



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

Land Use	Net Units	Generation Factor (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:		139,696
	Total:		683,550

Deleted: 98,531
Deleted: 642,385

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.

**Table 5.8-7
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ATTACHMENT 3

THE HARDAGE GROUP

MARINA DEL REY PARCEL 9U HOTEL & TIMESHARE RESORT

Aug 12, 2009 Regional Planning Commission Hearing

Public Comment Summary and Applicant Responses:

(Note that responses to public comments regarding the wetland at Parcel 9U will be provided under separate cover by County staff)

Building Height

Testifier Dorothy Franklin: *I believe that the height of a development [per the LCP] is determined by the proximity to the water. The further away from the water, the higher it could be. And 65 feet, I believe, for the area they are planning on proposing would be the maximum height [for the hotel].*

Testifier Lynne Shapiro: *The [DEIR] states the 225-foot hotel is out of character with the established and forthcoming development pattern on the west side of the marina. To mitigate this statement, Archstone, Marina City Club, Ritz Carlton, Cove, Azura and Regatta are cited as high-rise precedents. No! Archstone has a setback on all sides and interrupts no views. The others are on major commercial thoroughfares rather than on an exclusively residential-designated scenic highway like Via Marina.*

The LCP permits a hotel height of 225' on Parcel 9U with a 40% 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% 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 1980's. That prior-approved hotel spanned the entire parcel, offering only a scant view to the waster, and also included a 9-story hotel tower.

Testifier Dorothy Franklin: *The Archstone Towers are 16 stories, as well as the Marina Point condos, which are just outside of the marina on Lincoln Boulevard. The Azura, the Cove, and the Regatta, they're also 16 stories.*

The tall buildings referred to by this commenter are actually of comparable height. 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).

Views from Private Property

Testifier Richard Miller (on behalf of the Coalition to Save the Marina, Inc. and the Marina Strand Colony 1 Homeowner's Association): *Although there is a mention in the EIR of some minimal view corridor impact, right now, the east facing units of Marina Strand Colony 1 have a clear view of the marina. Obviously, when this hotel and parking structure and related structures go up, their view corridor is going to be destroyed when it comes to the marina.*

Under established California law, there is no protected right to a private view corridor.

Consistent with the LCP, the hotel project will provide the required 40% view corridor on Parcel 9U. By contrast, the previously approved hotel, the Marina Plaza Hotel, was approved to extend across the entirety of 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.

Testifier Lloyd Lewins: *New buildings are substantially taller than existing building and will block the view of the mountains.*

While LUP Coastal Visual Resources Policy No. 11 limits building heights on specified MDR 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.

Testifier Stan Polsky: *I can just imagine that 19-story building in front of me taking away my morning sun. My balcony is out that way...I have a view. The view is going to be gone [if the hotel gets built]...I'm going to have a shadow until noon until the sun is right above me, every day.*

The DEIR 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 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. 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 Mr. Polsky resides.

Shade and Shadows

Testifier Lloyd Lewins: *The hotel is going to cast a huge shadow over this area.*

The DEIR 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 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.

Wind Impacts on Sailboats

Testifier John Nahhas (LAmariner.com and the Boating Coalition): *The project wind study shows that the buildings will impede wind patterns in Basin B and therefore the projects must be denied, based upon the language of the certified LCP prohibiting development that would significantly adversely impact sailing conditions in the marina basins.*

Testifier Lloyd Lewins: *The buildings will affect wind in Basin B.*

Testifier Sarah Davis: *The hotel will adversely impact wind in Basin B and views generally.*

Testifier Stuart Meizner: *The hotel structure will interfere with sailing winds in Basin B.*

WIND: It should be noted that the wind study cited by Mr. Nahhas at the 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.

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.

IEWS: 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.

Hotel Site

Testifier Hans Etter: *The hotel site is too small to accommodate the project.*

The EIR fully describes the proposed hotel/timeshare project and, as proposed and consistent with the LCP, the project fits completely within the area available for development on Parcel 9U.

Testifier Dorothy Franklin: *I object to placing a hotel in and on the residential [westerly] side of the marina.*

The 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.

Liquefaction

Testifier Marcia Hanscom (Co-Director of the Ballona Institute, Chair of the Sierra Club Ballona Wetlands Restoration Committee, and Director of the Wetlands Defense Fund): *[T]his area is a high-risk liquefaction area; since the new LCP was put out by the Coastal Commission, the State of California put new maps out about liquefaction. This has not been studied related to the new LCP, and it certainly hasn't been studied to the degree it needs to be in this EIR, [so the DEIR should be re-circulated in its entirety].*

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 DEIR 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.

Traffic Impacts

Testifier Richard Miller: *The traffic study is flawed in concluding there will be no impact at Tahiti and Via Marina.*

This commentator has presented no evidence to support his assertion, but substantial evidence has been submitted refuting this claim. The comprehensive traffic report prepared for the Hardage and Legacy 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. County Department of Public Works' Traffic & Lighting Engineering Section reviewed the Crain traffic report and concurs with Crain's conclusion that the project will not result in a significant traffic impact at the Tahiti Way/Via Marina intersection.

Testifier Daniel Gottlieb: *Project construction haulers will use Via Dolce, which will result in adverse impacts to residences on Via Dolce.*

The project 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 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. In response to the testifier's concern, Via Dolce is not designated as part of the proposed haul route. From the DEIR: "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 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 DEIR project description depicted in Figure 5.2-6 of the noise section.

Testifier Lynne Shapiro: *You have not taken into account in the DEIR the [traffic on the] west side of the marina, which includes 469 condominiums and 700 Silver Strand homes that use Via Marina to exit Admiralty, Venice Boulevard, Lincoln Boulevard, and the 90 Freeway.*

The traffic analysis 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 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.

Testifier Sharie Green: *The hotel project will only bring more disturbances, traffic and noise to the area.*

The DEIR analyzed traffic impacts associated with the hotel 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.

Parking

Testifier David Barish (Co-Director of "We Are MDR"): *21 spaces for the public park are not enough.... The parking study for Parcel 9U does not include an analysis of public visitor use for the parcel, so how does it follow that 21 public parking spaces at 9U is sufficient?.....EIR does not analyze public parking requirements for public anchorage, wetland park or promenade.*

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, 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.

Testifier Larry Silver: *The parking reduction for the hotel will create traffic problems.*

The DEIR 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 DEIR 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."*

Helistop

Testifier Larry Silver: *The "heliport" will cause noise and safety 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 alleges. It would only be used for temporary emergency life-safety purposes.

Timeshares

Testifier Dorothy Franklin: *Timeshare is not permitted on public lands in Marina Del Rey.*

Testifier David Barish: *Timeshare is inconsistent with the LCP.*

The DEIR contains an analysis which 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 County Counsel has also confirmed that hotels with a timeshare component are a permitted use under the 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 MDR 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.

Testifier David DeLange (Executive Director of Coalition to Save the Marina, Inc. and President of the Los Angeles Audubon Society): *Timeshare is inconsistent with the periodic review* (Statement made while reading a selected portion of the Recommendation #23.)

Mr. DeLange quoted one sentence in 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.

Testifier Lynn Shapiro: *Timeshares are inconsistent with the LCP and will cater to out-of-towners instead of the local population the marina was originally intended to serve.*

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 which occupy the areas surrounding the hotel. Contrary to Ms. Shapiro'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, 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.

Testifier Rachel Torres (Unite Here Local 11): *Timeshares are inconsistent with the Coastal Act and LCP, and the LCP is silent about timeshares and so they are prohibited and an LCPA is needed for timeshare use. Coastal Commission staff says that the County must provide an in-depth analysis of the demand and supply for timeshares, and no such analysis has been provided.*

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.

Global Warming/Sea Rise

Testifier Marcia Hanscom: *The EIR should be recirculated to address new reports on sea level rise due to global warming.*

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 the hotel site. The useful life of the

hotel, projected by Coastal Commission to be 75 years, will precede the maximum sea level rise in 2100. In any event, there is adequate "freeboard" at the bulkhead which protects the site from an adverse impact from sea level change.

Sponsor Performance

Testifier Joan Wong: *What regulations are in place to ensure the timely construction and completion of the hotel?*

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

Testifier Joan Wong: *What assurance does the public have that the hotel developer will service its construction loan?*

The Lease Agreement outlined above will contain provisions requiring financial covenants be met. The Hardage Group is a successful, long-standing hotelier and development company, and was selected through the RFP process on the basis of its qualifications to build and operate the hotel when complete. Hardage 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 development.

Testifier Joan Wong: *An independent economic study should be prepared to determine if there is sufficient market demand for the proposed hotel.*

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.

Solid Waste Impacts

Testifier Nancy Vernon-Marino (We are Marina del Rey): *Solid waste is adequate only until 2017. The projects will last longer than 2017. What happens when capacity is no longer available?*

Testifier Lynn Shapiro: *Landfill capacity is available only until 2017, without any known mitigation.*

The DEIR does state in **Section 5.10.3.3 Existing Solid Waste Disposal** that LA County landfills have adequate capacity to service the existing population and planned growth until at least 2017, but it also explains that capacity will likely extend well beyond 2017 because many of the landfills in the area are permitted beyond 2017, including 2025, 2033 and 2054. 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 DEIR 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% 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 project and cumulative projects could contribute to decline in landfill capacity; resulting in a significant impact unless addition 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.

Wastewater

Testifier Nancy Vernon-Marino: *Table 5.8-7 of the DEIR is erroneous. The table's math is wrong, and the result is over 7.6 gallons per year of wastewater that they have underreported, which will be going into the wastewater system each year that is not accounted for. And this is just one project out of 41 in this area. What if everybody else is off a little bit? We're going to have a real bad problem because when it overflows at Hyperion, it goes into the ocean and back in our front door of the main channel...What is going to happen when the system's wastewater capacity runs out, I believe in 2030? This has not been addressed in the EIR.*

At the request of the City of Los Angeles Bureau of Sanitation (BOS), the Recirculated DEIR 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 DEIR, the total amount of wastewater generation by the project alone is 139,696 gallons per day (gpd), an increase of about 9,000 gpd (representing only approximately 0.01% of the total

currently unused capacity at the Hyperion Treatment Plant) from the amount included in the September 2008 DEIR. 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 DEIR used the same BOS generation rates to calculate the cumulative wastewater totals.

Table 5.8-7 of the Recirculated DEIR includes a minor error that does not change the conclusion of both the original and Recirculated DEIR that cumulative wastewater impacts will not be significant. Table 5.8-7 of the Recirculated DEIR 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 project and the related projects is 683,550 gpd, or 41,165 gpd greater (6%) than the total amount indicated in the Recirculated DEIR. This will be corrected in the Final EIR.

The total available unused capacity at Hyperion is 88 million gallons per day. The cumulative total of 683,550 gpd represents 0.78% of this capacity. Therefore, the conclusion that "capacity is available at the HTP" (Page 5.8-22 of the Recirculated DEIR) 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.

Cumulative Impact Assessment & Piecemealing

Testifier Richard Miller: *The revised EIR does not really give due consideration to the cumulative impact of the 17 to 20 projects that are underway in Marina del Rey—especially the traffic impacts, the noise, and other pollution elements that are going to be coming out of these projects. There has been no mitigation whatsoever presented for the residents of Marina Strand Colony 1, the owners of the 145 condominium units across the way, and I would respectfully request the commission give the County, Beaches & Harbors and the Coastal Commission the time to realize the cumulative impact of the 17 projects in the marina, and not allow the piecemeal construction of these project one-by-one.*

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.

Among other things, 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% 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, and the projects that currently are going forward are projects that, for the most part, have been in the pipeline for many years and were to be implemented under the requirements of the 1996 LCP. Commenter’s have pointed out that there may be as many as 17 projects currently under consideration in the Marina. Those projects, including the hotel, have the right to be processed under the certified LCP as it currently reads, and the Coastal Commission and County anticipated that they would be implemented under the CEQA functional-equivalent certified LCP. Even so, however, the cumulative impact analysis contained in the joint EIR for subject Woodin 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 DEIR considers total of 41 related projects in unincorporated Los Angeles County, City of Los Angeles and Culver City, in addition to ambient growth. The Re-circulated DEIR 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 DEIR.

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.

Testifier David Barish: *The County is piecemealing CEQA. Because this is public land and because the co-applicant on every project in the marina is the County Dept of Beaches & Harbors, they are required to follow CEQA. Piecemealing the redevelopment of Marina del Rey is in violation of state law, including the Coastal Act and CEQA. We feel that a single EIR should be prepared for the whole of the marina redevelopment so the County can determine the overall environmental impacts of all the projects...These projects are inconsistent with the LCP and they are piecemealing the LCP.*

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 Woodfin Suite Hotel & Timeshare resort project is wholly consistent with the certified LCP.

Testifier Mark Salzburg, Venice Neighborhood Council: *The VNC wants to be sure the impacts on Los Angeles schools, parks and traffic are modeled and mitigated based on a comprehensive cumulative impact assessment for the entire Marina. VNC thus requests that the county suspend the issuance of development permits and entitlements for any and all land projects located within Marina del Rey until a comprehensive EIR complying in full with CEQA is prepared by the County Dept of Regional Planning, covering all such proposed and 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 redevelopment project be prepared and submitted to the California Coastal Commission for consideration and approval.*

The DEIR 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 the comment, CEQA does not require the County to suspend processing projects pending a comprehensive LCP update, just as it does not require the City of Los Angeles to suspend processing project in Venice and elsewhere pending the planned Community Plan updates.

Hotel Market Demand

Testifier Hans Etter: *The hotel project will be an economic disaster because there is no market demand for new hotels in MDR.*

Testifier Nancy Vernon-Marino: *The hotel is not necessary and no mitigation is offered.*

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% per year at project stabilization, and that as much as 10% 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% 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.

Testifier Nancy Vernon-Marino: *There is no discussion [in the DEIR] as to why the 1981 hotel failed.*

More accurately stated, 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 AYH as the beneficiary under the 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. Nonetheless, why the project stopped construction over 25 years ago is irrelevant and beyond the scope of the current EIR for the current project.

Testifier David Barish: *Address the fact that the concrete piling installed to support the building foundation sank. No analysis of weight and height of hotel.*

Nothing supports the suggestion that construction was started and stopped because of geologic instability. The nature of the Parcel 9U hotel construction remnants—a few concrete piles—does not support this conclusion. Rather, these remnants support the conclusion that the developer tried to vest the permit by performing minimal site work. More relevant is that two site-specific geotechnical reports have been prepared by Van Beverin & Butelo, Inc., in 2006 and 2008, which reports were reviewed by the Dept. of Public Works Geotechnical and Materials Engineering Division as part of that Department's review of the tentative tract map for this project. The reports fully analyze site geologic conditions, including potential geologic hazards and liquefaction, and the DEIR includes mitigation measures that require conformance with all recommendations of the reports. The tentative tract map went through the County's

extensive subdivision process and received sign-off from County Public Works' Geotechnical & Materials Engineering Division.



ATTACHMENT 4

To enrich lives through effective and caring service



Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

October 1, 2009

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

Dear Mr. Tripp:

MARINA DEL REY – PARCEL 9U – WETLAND PARK RESPONSE TO PUBLIC COMMENTS OF AUGUST 12, 2009

Here are the responses to the wetland park-related questions raised by the public at the Regional Planning Commission hearing on August 12, 2009 for the Neptune Marina Apartments & Anchorage and Woodfin Suite Hotel & Timeshare Resort projects.

Testifier David Warren: *[Citing Coastal Act Section 30233 and the "Bolsa Chica" case] - The definition of ESHA in the Coastal Act applies to wetlands due to the rarity and ecological sensitivity of wetlands in the coastal zones, and the Bolsa Chica legal court decision states it does not matter if [the wetland] is degraded.*

Coastal Act Section 30233 does not specify any particular type of wetland. At one time, all of the wetlands in this area were saltwater marshes. This wetland restoration was originally proposed as a freshwater marsh. In reviewing and coordinating with the Coastal Commission staff, it was suggested that a saltwater marsh would serve more wildlife and would greatly increase the habitat value. 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. Since restoration is one of the approved activities in wetlands meeting the definition of Section 30233, restoration to maximize habitat values is appropriate. It is also important to note that in carrying out the policies of the certified LCP, Section 30233 is not incorporated into the LCP at all. 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.

Testifier Marcia Hanscom: *Entire 4-acre site is a wetland ecosystem (P9U)—one can't take little part delineated by Army Corps w/out including remainder of parcel.*

First, the delineation reported in the EIR covers the criteria of all agencies who regulate wetlands, even though their criteria differ. Then, the aggregation of ALL criteria was assembled to show the maximum area of wetland.

For example, 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 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 0.21 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 0.47 acre. The 0.47-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 DEIR.

Under no circumstances using any combination of criteria is the wetland 4 acres.

Testifier Marcia Hanscom: *The wetland should be restored to fresh water seasonal pond and not a salt marsh.*

Testifier Robert Van de Hoek: *One can't destroy the existing freshwater and alkali wetlands to make way for the proposed saltwater wetland.*

Please see above responses. Historically, the 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 1928. 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.

Testifier Robert Van de Hoek: *Existing P9U freshwater wetland is a willow forest; Alkali wetland also exists on Parcel 9U, yet the DEIR doesn't acknowledge them.*

The Biological Technical Report prepared for the project by Glenn Lukos Associates, dated January 2006 (appended to the DEIR) identified 0.22 acre of willow scrub that occurs on a berm that is adjacent to the delineated wetland area. This area was evaluated during the wetland delineation (see for example data sheet 3 in the

Jurisdictional Delineation Report prepared by Glenn Lukos Associates, dated March 27, 2008) and was found 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. There is no willow forest on Parcel 9U.

Glenn Lukos Associates acknowledges 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. Much of the vegetation that occurs in the 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 site was characterized as "ruderal" (NOTE: 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.

Testifier Robert Van de Hoek: *Bomkamp's delineation understates the extent of the wetland, when one acknowledges alkali wetlands on the site, which cover where the hotel structure is proposed.*

The hotel structure is located north of the proposed wetland park well above the elevation of the existing wetland. The testifier asserts the presence of "alkali wetlands" on other portions of the site based on the presence of seaside heliotrope (*Heliotropium curassavicum*). These areas were carefully evaluated in the field with some of the evaluation performed in the company of the testifier on May 18, 2006. The findings regarding the seaside heliotrope are fully addressed and documented in Appendix C of the Jurisdictional Delineation Report prepared by Glenn Lukos Associates, dated March 27, 2008. Summarized, seaside heliotrope is not a wetland indicator in this case. [cite]

Testifier Robert Van de Hoek: *Wetland should not be considered "degraded," which is a misleading term often used by developers and their scientists.*

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.

Mr. Tripp
October 1, 2009
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Testifier Robert Van de Hoek: *Parcel 9U is a whole wetland ecosystem that needs to be looked at in the context of the nearby Ballona Wetlands.*

Parcel 9U covers approximately 3.8 acres of which 3.23 acres consist of ruderal habitat that consists almost entirely (i.e., > 90-percent) of non-native grasses and forbs. The site is entirely surrounded by residential and recreational development. Meaningful ecological functions are not present. There is no connection between the current degraded site and the Ballona Wetlands. Creation of the wetland park with the proposed salt marsh that is subject to tidal inundation, would provide for some native habitat that would exhibit at least limited ecological function compared with the excavated pit that currently occupies the southern portion of the site.

Should you have any questions, please call me at (310) 305-9533. Thank you.

SANTOS H. KREIMANN, DIRECTOR



Charlotte Miyamoto, Chief
Planning Division

SHK:CM:cm

c: Andi Culbertson
Aaron Clark
Tom Faughnan, Principal County Counsel