



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

June 16, 2010

Carolyn Ingram Seitz & Associates
P.O. Box 265
Altadena, CA 91003
Attn: Carolyn Ingram Seitz

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**REGARDING: PROJECT NUMBER R2005-00728-(4)
COASTAL DEVELOPMENT PERMIT NUMBER 200500004; CONDITIONAL USE PERMIT
NUMBER 200500061; PARKING PERMIT NUMBER 200500008
13813 FIJI WAY, MARINA DEL REY (APN NO. 4224-011-901, LEASE PARCEL NUMBER 61)**

Dear Applicant:

The Regional Planning Commission, by its action of June 16, 2010, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 2 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant and or other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on June 30, 2010.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Maral Tashjian of the Special Projects Section at (213) 974-1516 or e-mail at mtashjian@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director of Planning

Samuel Dea, Supervising Regional Planner
Special Projects Section

SD:mt

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)
c: BOS; DPW (Building and Safety); Zoning Enforcement, ABC, Sheriff

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

PROJECT NUMBER R2005-00728-(4)
COASTAL DEVELOPMENT PERMIT NUMBER 200500004
CONDITIONAL USE PERMIT NUMBER 200500061
PARKING PERMIT NUMBER 200500008
ENVIRONMENTAL ASSESSMENT NUMBER 200500083

REQUEST: The applicant, Specialty Restaurants Corporation, is requesting retroactive authorization for the construction of three (3) existing outdoor dining patios at an existing full-service restaurant, expansion of the sale of a full line of alcoholic beverages for on-site consumption to include the three outdoor dining patio areas, and off-site parking. No new development is proposed.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

June 16, 2010 Public Hearing

A duly noticed hearing was held on June 16, 2010 before the Regional Planning Commission. Commissioners Bellamy, Valadez, Helsley, and Rew were present. Commissioner Modugno was absent. The applicant's representatives, Francis Drelling, Carolyn Ingram Seitz, Forest Tsao, and Denise Burnside, were sworn in to testify. Francis Drelling and Carolyn Ingram Seitz testified in favor of the request.

The applicant's representatives requested changes to the Conditions of Approval including an extension of the expiration date for an additional ten (10) years, an expansion of the hours of operation, and removal of a requirement to obtain approval from the Department of Beaches and Harbors for special events.

The Commission requested clarification regarding the location of the parking facilities and the long-term availability of the parking facility on lease parcel 'XT.' Staff responded that Condition No. 18 (f) would address this concern by requiring a new parking permit if the off-site parking locations were no longer available to the applicant.

The commission granted the applicant's request to extend the expiration date to twenty years with two (2) five (5) year renewals, removed the requirement to obtain approval from the Department of Beaches and Harbors for special events, and expanded the hours of operation for the restaurant. The Commission concluded that the later operating hours would not likely pose a noise or parking-related nuisance since the majority of the surrounding uses are non-residential.

There being no further testimony, the Regional Planning Commission closed the public hearing and approved the permit with changes to the findings and conditions as agreed to by the applicant.

Findings

1. The subject property is located at 13813 Fiji Way, in the unincorporated community of Marina del Rey. The subject property is identified by Assessor Parcel Number 4224-

011-901 and Marina Lease Parcel Number 61. Access to the subject property is via Fiji Way.

2. The site plan depicts a 1.4 acre parcel with a landside area of 1.1 acres and a waterside area of 0.3 acres. The landside portion of the parcel is developed with an existing 11,745 square foot restaurant, Shanghai Red's, with 29 parking spaces on-site, 94 parking spaces on the adjacent parcel (lease parcel "W"), and 45 parking spaces in the overflow parking lot across the street from the restaurant (lease parcel "XT"), for a total of 168 parking spaces. The three existing outdoor patios (labeled "A," "B," and "C" on the site plan) have a combined area of 4,046 square feet. Patios "A" (2,486 sq. ft.) and "B" (760 sq. ft.) are located along the waterfront side of the property to the west. Patio "C" (800 sq. ft.) is located near the entrance of the restaurant on the street side of the restaurant to the east.
3. The project site is zoned SP (Specific Plan) with land use categories VS/CC (Visitor-Serving/Convenience Commercial) and W (Water). Surrounding properties are zoned as follows:

North: SP (Visitor-Serving/Convenience Commercial and Water)
South: SP (Public Facilities; Residential 5, 75 dwelling units per acre; and Water)
East: A-1-1 (Light Agriculture, one acre minimum lot size)
West: SP (Water)

4. The subject property is currently developed with an 11,745 square foot restaurant. Surrounding land uses are as follows:

North: Retail, Restaurants, Parking Lot
South: County Facilities, Coast Guard Headquarters, Sheriff Substation, Apartment Complex
East: Parking Lot, Ballona Wetlands Reserve
West: Main Channel

5. Zoning/case history includes the following:
There are no previous zoning cases on record that authorize the construction of the existing restaurant. According to a letter from the Department of Small Craft Harbors dated April 20, 1978, the restaurant (formerly known as "Pieces of Eight") was first constructed in 1962. The applicant was unable to locate original building permits.

- **Plot Plan No. 15243** to authorize expansion of the existing restaurant (area labeled "Dining Room #4" on the site plan) and the existing porte cochere was approved on April 14, 1966. A revision to **Plot Plan No. 15243** to authorize expansion of the existing restaurant (area labeled "Dining Room #3" on the site plan) was approved on August 16, 1966.
- **Conditional Use Permit No. 1144** to authorize the expansion of the existing restaurant with a 1,638 square foot addition and **Variance No. 558** to authorize less than required parking and off-site parking were approved on May 3, 1978. These entitlements expired due to non-use.

- **Parking Permit No. 86026** to authorize 94 off-site parking spaces on the adjacent public parking lot (lease parcel "W") was approved on May 16, 1986.
 - **Plot Plan No. 15243** to authorize the addition of a handicapped access way was approved on March 23, 1993.
 - **Plot Plan No. 35175** to authorize the existing monument sign along the Fiji Way street-frontage and expansion of the restaurant with storage room areas was approved on November 18, 1999.
6. The subject property is covered by the "Visitor-Serving/Convenience Commercial" and "Water" land use categories of the Marina del Rey Land Use Plan (LUP). The "Visitor-Serving/Convenience Commercial" land use designation is intended as a service-oriented category providing dining facilities, retail and personal services for visitors to the Marina and nearby beaches, as well as residents and employees of Marina del Rey. The "Water" category is intended for recreational uses, boat slips, docking and fueling of boats, flood control and light marine commercial. The landside portion of the property is currently developed with a restaurant, which is a permitted use in this land use category. The outdoor dining patios with on-site alcoholic beverage service incidental to food service are a common feature ancillary to this use and are therefore consistent with the allowed uses of the underlying land use category. The applicant's proposal complies with the following applicable Local Coastal Program Land Use Plan policies:
- *Public Access to Shoreline a Priority. Maximum public access to and along the shoreline within the LCP area shall be a priority goal of this Plan, balanced with the need for public safety, and protection of private property rights and sensitive habitat resources. This goal shall be achieved through the coordination and enhancement of the following component of a public access system: pedestrian access, public transit, water transit, parking, bikeways, circulation network, public views and directional signs and promotional information. (Chapter 1: Shoreline Access - Policy 1, page 1-7)*

The proposed project does not limit public access to or along the bulkheads facing the harbor within the subject property. The promenade along the west side of the subject property is approximately twelve (12) feet wide and is not obstructed by the existing restaurant, including the outdoor dining patios or any associated structures.

- *Existing public access to the shoreline or water front shall be protected and maintained. All developments shall be required to provide public shoreline access consistent with policy 1. (Chapter 1: Shoreline Access - Policy 2, page 1-7)*

The existing development, for which the applicant is seeking after the fact approval, does not obstruct the public's access to or along the shoreline or waterfront located within the subject property. However, a site visit on June 25, 2009 and maintenance report dated May 18, 2010 from the Los Angeles County Department of Beaches and Harbors confirmed that the promenade currently exhibits cracked concrete. In order to

bring the property in compliance with this policy, a condition is included in the Conditions of Approval to repair the promenade area within the property boundary.

- *Existing and proposed recreation and visitor-serving uses in the Marina, as shown on Map 5, Existing/Proposed Visitor-Serving Facilities, shall be protected. (Chapter 2: Recreation and Visitor-Serving Facilities - Policy 3, page 2-7)*

Shanghai Red's restaurant is included on Map 5 as an existing visitor-serving facility. The establishment of the outdoor dining patios and expansion of the sale of alcoholic beverages incidental to food service to these areas are common ancillary features to the current use and are therefore consistent with this policy.

- *Public parking lots shall not be assigned to, nor allocated for use by private leasehold uses for the purposes of satisfying parking requirements for such private uses. All private uses shall satisfy their parking requirements on site. Parking agreements that predate the California Coastal Act, or which have been incorporated into a coastal development permit vested prior to LCP certification shall be exempt from this requirement. (Chapter 2: Recreation and Visitor-Serving Facilities - Policy 9, page 2-8)*

In addition to its 29 on-site valet parking spaces and 45 off-site parking spaces at the overflow lot (Lot "XT"), Shanghai Red's is also entitled to use 94 off-site parking spaces from the adjacent public parking lot (Lot "W") to satisfy its parking requirement. The restaurant has utilized a portion of this public parking lot (designated "W-1") since it was first established in 1962, prior to the adoption of the Coastal Act and the Marina del Rey LCP, and is therefore consistent with this policy. An official parking arrangement was established via lease agreement with the Department of Beaches and Harbors on October 24, 1972. The monthly lease was discontinued and replaced with a parking validation program in 1989 through a private parking lot management company.

- *Design Control Board. The Design Control Board, appointed by the Board of Supervisors, shall review all new development proposals, including renovations, for consistency with the Manual for Specifications and Minimum Standards of Architectural Treatment and Construction and the certified LCP, including the identity and accessibility of the Marina as a public boating and recreational facility, and shall recommend such modifications to the design as they deem appropriate. Such review shall be completed prior to any application for development being submitted to the Department of Regional Planning for case processing. (Chapter 8: Land Use Plan - Policy 6, page 8-8)*

The project received conceptual design approval with conditions from the Marina del Rey Design Control Board (DCB) on July 15, 2004. The project approved by the DCB consisted of a new porte cochere, signage, landscaping, and promenade improvements. The applicant eventually modified the project, no longer proposing any new development. Thus, the conditions of the DCB approval no longer apply since

they address project elements that the applicant eliminated from the current project proposal. The Design Control Board recommendation is attached.

- *Views of the Harbor a Priority. Maintaining and enhancing views of the Marina shall be a priority goal of this Plan. Enhancing the ability of the public to experience and view the Marina waters shall be a prime consideration in the design of all new, modified or expanded development. This goal shall be achieved by placing conditions on permits for new development to enhance public viewing, to allow for greater public access, and to create new view corridors of the waterfront. (Chapter 9: Coastal Visual Resources - Policy 1, pg. 9-4)*

As currently designed, the restaurant is oriented to provide views of the harbor for its patrons from most of its dining areas. Two of the outdoor dining patios have direct, unobstructed views of the harbor. Pedestrians and cyclists travelling along the promenade adjacent to the restaurant and patios also have viewing opportunities of the main channel.

- *Pedestrian Promenades. All projects located on shoreline parcels shall provide public pedestrian promenades adjacent to bulkheads no less than 20 foot wide that also provide benches, trash containers, shade structures and other pedestrian amenities along the seaward edge of the bulkhead.(Chapter 12: Public Works - Policy 9, pg.12-5)*

The approximately 12-foot wide promenade adjacent to the restaurant is not consistent with this policy. However, the restaurant and subsequent additions encroaching into the required 20-foot promenade setback were approved prior to the adoption of the Marina del Rey LCP. The outdoor dining patios do not encroach any further into the required promenade setback than the existing building footprint as constructed in 1966.

7. The proposed project is in compliance with applicable zoning codes. The existing landside structure does not exceed 24'8" in height, which is in compliance with the 45' maximum height limit of the "Visitor-Serving/Convenience Commercial" Land Use Category. No new development is proposed, therefore the proposed project will not alter the existing density, setbacks, view corridors, or area devoted to existing visitor-serving, boating, or coastal-dependent marine commercial uses.
8. The proposed project is in compliance with applicable parking standards (Section 22.52, Part 11). The restaurant floor plan indicates an occupant load of 492 persons and therefore requires 164 parking spaces. There are currently 29 parking spaces on-site, which the applicant manages with a valet service. The applicant has parking arrangements for two off-site parking lots: 94 parking spaces on the adjacent parking lot (lease parcel "W") which is shared with the neighboring commercial complex, "Fisherman's Village," and 45 off-site parking spaces at an overflow parking lot across the street (lease parcel "XT"). The latter is not open to the public and is intended for

employee parking only. The project meets the parking requirement with a total of 168 parking spaces.

9. The subject property is located along the Marina del Rey waterfront amongst similar visitor-serving/commercial uses to the north and public facilities to the south. Sensitive uses within a 600-foot radius of the property include multi-family residences to the south. However, these residences are buffered from the project site by multiple public facility buildings, including a sheriff substation, to the south of the property.
10. The applicant has provided the required Burdens of Proof to substantiate all facts identified by Sections 22.56.2320, 22.56.040, 22.56.195, and 22.56.1020 of the Los Angeles County Code.
11. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting, and DRP website posting.
12. A site visit on June 25, 2009, confirmed that the existing structures were accurately depicted, as indicated on the site plan. The property had no open zoning enforcement cases and appeared to be well maintained overall. However, the concrete along the promenade adjacent to the outdoor dining patios on the westerly side of the property is cracked and in disrepair.
13. Neighborhood Impact/Land Use Compatibility

Currently there are seven (7) establishments within 500 feet of the subject property that sell alcoholic beverages. All seven establishments sell alcoholic beverages for on-site consumption. According to the Department of Alcoholic Beverage Control, there is an undue concentration of alcohol serving establishments within the census tract that the subject property is located within. The restaurant has been serving alcoholic beverages for on-site consumption since it was first established in 1962, therefore expansion of alcoholic beverages to the outdoor dining patios incidental to food service would not be a significant change from the current use. According to the Department of Alcoholic Beverage Control, the restaurant has been operating without violation. The subject property is also located within a high crime reporting district, however the Sheriff's Department indicated support for the alcohol conditional use permit. Therefore the proposed use will not contribute to or generate potential criminal activity at the site and that public convenience outweighs the undue concentration.

14. County Departments and Outside Agency Comments and Recommendations:

- A. Correspondence was received from the Los Angeles County Department of Beaches and Harbors, dated March 18, 2009, stating the applicant currently has the privilege to use approximately 94 parking spaces on the adjacent public parking lot (lease parcel "W") for additional customer parking.

- B. Correspondence was received from the Los Angeles County Sheriff Department Marina del Rey Station dated June 10, 2009. According to the letter, the Sheriff's Department has no objection to the issuance of a conditional use permit for alcohol beverage sales. The letter also disclosed that 41 calls for service have occurred on the property in the past five years, resulting in two crimes reported.
 - C. Correspondence was received from the Los Angeles County Department of Public Works, dated May 3, 2010, recommending approval of the project with conditions.
 - D. A report was received from the Department of Alcoholic Beverage Control, Los Angeles/Metro District Office, on April 21, 2010, which includes crime reporting district- and census tract-based statistics on reported criminal activity and existing alcohol licenses. According to the report, the subject property is located in crime reporting district number 2761 where 205 offenses occurred in 2009. The average number of offenses in this district is 185, therefore district 2761 is deemed a high crime reporting district. The subject property is located in census tract number 7029.01 where seven (7) alcohol licenses are allowed, and 28 exist. Therefore there is an undue concentration of alcohol permits in census tract number 7029.01.
 - E. A maintenance report was received from the Los Angeles County Department of Beaches and Harbors, dated May 18, 2010, which indicates that the bulkhead walkway (also referred to as the "promenade") has "insufficient concrete repair" and needs replacement.
15. The proposed project is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.
 16. The project is located within the California Coastal Commission appealable area and is required to be reviewed by the Hearing Officer or Regional Planning Commission.
 17. The Department of Regional Planning has determined that a Negative Declaration is the appropriate environmental documentation under the California Environmental Quality Act (CEQA) and the Los Angeles County environmental guidelines. The Initial Study concluded that there is no evidence that the project may have a significant effect on the environment.
 18. The location of documents and other materials constituting the record of proceedings upon which the Regional Planning Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FORGOING, THE REGIONAL PLANNING COMMISSION
CONCLUDES:**

WITH RESPECT TO THE COASTAL DEVELOPMENT PERMIT:

- A. The proposed development is in conformity with the certified local coastal program;
and
- B. That the proposed development is located between the nearest public road and the sea or shoreline of a body of water located within the coastal zone, and is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Coastal Development Permit as set forth in Section 22.56.2410 of the Los Angeles County Code (Zoning Ordinance).

WITH RESPECT TO THE CONDITIONAL USE PERMIT:

- A. That the proposed use will be consistent with the adopted general plan for the area;
and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius; and
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;
and

- G. The requested use at the proposed location will not result in an undue concentration of similar premises; and
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.090 and 22.56.195, Title 22, of the Los Angeles County Code (Zoning Ordinance).

WITH RESPECT TO THE PARKING PERMIT:

- A. That there will be no conflicts arising from special parking arrangements allowing shared facilities because the uses sharing parking facilities operate at different times of the day or days of the week; and
- B. That off-site facilities will provide the required parking for the proposed use because such off-site facilities are controlled through ownership, leasing or other arrangement by the owner of the use for which the site serves and are conveniently accessible to the main use; and
- C. That the requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property; and
- D. That off-site facilities with leases of less than 20 years will provide the required parking for uses with leases that are written in such a way as to prevent multiple leasing of the same spaces or cancellation without providing alternate spaces and shall contain other guarantees assuring continued availability of the spaces; and
- E. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in Title 22 of the County Code.

AND, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings for a Parking Permit as set forth in Section 22.56.1020 of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission has considered the Negative Declaration

together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have a significant effect of the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Regional Planning Commission, and adopts the Negative Declaration.

2. In view of the findings of facts presented above, Coastal Development Permit Number 200500004, Conditional Use Permit Number 200500061, and Parking Permit Number 200500008 are **APPROVED**, subject to the attached conditions.

Attachments: Conditions
Affidavit

c: Each Commissioner, Zoning Enforcement, Building and Safety

VOTE: 4:0:0:1

Concurring: 4 (Commissioners Bellamy, Valadez, Helsley, and Rew)

Dissenting: 0

Abstaining: 0

Absent: 1 (Commissioner Modugno)

Action Date: June 16, 2010

This grant includes a Coastal Development Permit to authorize three (3) existing outdoor dining patios, a Conditional Use Permit to authorize expansion of the sale of a full line of alcoholic beverages for on-site consumption to include the outdoor dining patio areas, and a Parking Permit to authorize offsite parking at an existing restaurant as depicted on the approved Exhibit "A", subject to the following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 3, 4 and 8 shall be effective immediately upon final approval of this grant by the County.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten (10) days of the filing pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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

5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. Upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. **This grant is for a term of twenty (20) years, which will expire on June 16, 2030.** A report to the Director is required within ten (10) years, and fifteen (15) years from the approval date of this grant to ensure that all Conditions of Approval are being followed. The permittee shall submit a written report accompanied by all applicable fees no less than six (6) months prior to **June 16, 2020** and (6) months prior to **June 16, 2025**. The Director shall review the report and determine if the use is found to be in substantial compliance with the conditions of approval, has been conducted in compliance with all applicable laws and regulations, and the permittee has exercised the utmost diligence in resolving any Notice of Violation issued throughout the term of the permit.

Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, new Conditional Use Permit and Parking Permit applications shall be filed with Regional Planning. The applications shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.

8. This grant shall expire unless used within ninety (90) days from the date of final approval by the county. A single thirty (30) day time extension may be requested in writing and with payment of the applicable fee. For the purposes of this provision, continued operation of the restaurant and satisfaction of Condition Nos. 2, 9 and 10 shall be considered use of this grant.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$4,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **twenty (20) annual** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance

with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost, whichever is greater.

10. Within three (3) days of the approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code, the following applicable fee is required, **\$2,085.25** (\$2,010.25 for a Negative Declaration or Mitigated Negative Declaration plus \$75.00 processing fee) or **\$2,867.25** (\$2,792.25 for an Environmental Impact Report plus \$75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
12. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of Los Angeles County to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department. Limited access devices shall be installed to the satisfaction of said Department.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
14. All structures shall conform with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
16. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

17. The subject property shall be maintained in substantial conformance with the plans marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
18. All facilities shall be maintained as depicted on the approved Exhibit "A", subject to all of the following conditions of approval:
- a. The total occupancy of the restaurant and bar shall not exceed 492 persons;
 - b. The "Food Storage Area Buffet Bar" Room (as labeled on the Exhibit "A") shall not be used for seated dining;
 - c. The permittee shall make available no less than 29 off-street valet parking spaces on the subject property;
 - d. No less than 94 off-site parking spaces shall be provided on the adjacent public parking lot (lease parcel 'W') and 45 off-site parking spaces shall be provided for employee parking on an overflow parking lot across from the restaurant (lease parcel 'XT');
 - e. The permittee shall make available not less than 164 parking spaces for the restaurant;
 - f. If the restaurant substantially changes its mode or character of operation so as to require more parking, or if the current or any subsequent owner changes the use or occupancy on the subject property, or if the permittee can no longer provide the required number of parking spaces at the off-site locations, an application for a new parking permit shall be submitted within 90 days of such occurrence;
 - g. The sale of alcoholic beverages shall be permitted during the following hours of operation: Monday through Thursday between 11:00 a.m. and 12:00 a.m., Friday between 11:00 a.m. to 1:00 a.m., Saturday between 10:00 a.m. and 1:00 a.m., and Sunday between 9:00 a.m. and 1:00 a.m. Food service shall be continuously provided during operating hours. The restaurant may extend their operating hours from 8:00 a.m. to 2:00 a.m. on special occasions such as New Year's Eve, banquets, and corporate meetings;
 - h. Alcoholic beverages shall be sold to customers who purchase and consume food in the restaurant and/or outdoor dining patios only, except at the designated bar areas as identified on the approved Exhibit "A";
 - i. The sale of alcoholic beverages for consumption off the premises is prohibited. There shall be no alcoholic beverages consumed in open areas adjacent to the subject restaurant under the control of the permittee except where outdoor dining is allowed;

- j. There shall be no loitering permitted on the premises under the control of the permittee;
- k. The permittee shall instruct all employees in the regulations regarding prevention of loitering and consumption of alcoholic beverages outside the subject restaurant. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
- l. No self-illuminating advertising for alcoholic beverages shall be located on the building or windows;
- m. Temporary signs, banners, streamers and flags shall not be displayed on the exterior walls or facade of the building;
- n. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's areas within the bar and service area of the restaurant;
- o. The permittee shall maintain the property in a neat and orderly fashion, free of litter in all areas on the premises under which the permittee has control;
- p. The permittee shall provide adequate lighting above the entrance of the premises. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises;
- q. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment on site;
- r. No dancing or dance floor is permitted, except for scheduled special events. The permittee shall maintain a schedule of all special events which shall be available upon request;
- s. There shall be no cover charge or prepayment fee for food and/or beverage service required for admission to the restaurant, except for scheduled special events;
- t. All servers of alcoholic beverages must be at least 18 years old;
- u. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request;
- v. The permittee shall develop and implement a Designated Driver program (i.e. free soft

PROJECT NUMBER R2005-00728-(4)
COASTAL DEVELOPMENT PERMIT NUMBER 200500004
CONDITIONAL USE PERMIT NUMBER 200500061
PARKING PERMIT NUMBER 200500008

CONDITIONS
Page 6 of 6

drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit "A". Signs shall be posted in the entry area and the bar area announcing the designated driver program and shall be visible to the public;

- w. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times; and
- x. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any County Sheriff or ABC investigator. The restaurant manager and all employees of the restaurant shall be knowledgeable of the conditions herein.

- 19. The permittee shall resurface the promenade area within the lease parcel boundary to the satisfaction of the Los Angeles County Department of Beaches and Harbors.
- 20. The permittee shall provide four (4) revised site plans upon approval indicating correct parking space numbers.
- 21. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Department of Public Works memorandum dated June 16, 2010.
- 22. The permittee shall comply with all conditions set forth in the attached Los Angeles County Fire Department memorandum dated October 24, 2006.

Attachments:

Department of Public Works letter dated June 16, 2010
Los Angeles County Fire Department letter dated October 24, 2006

SD:MMT:mmt
6/12/10