

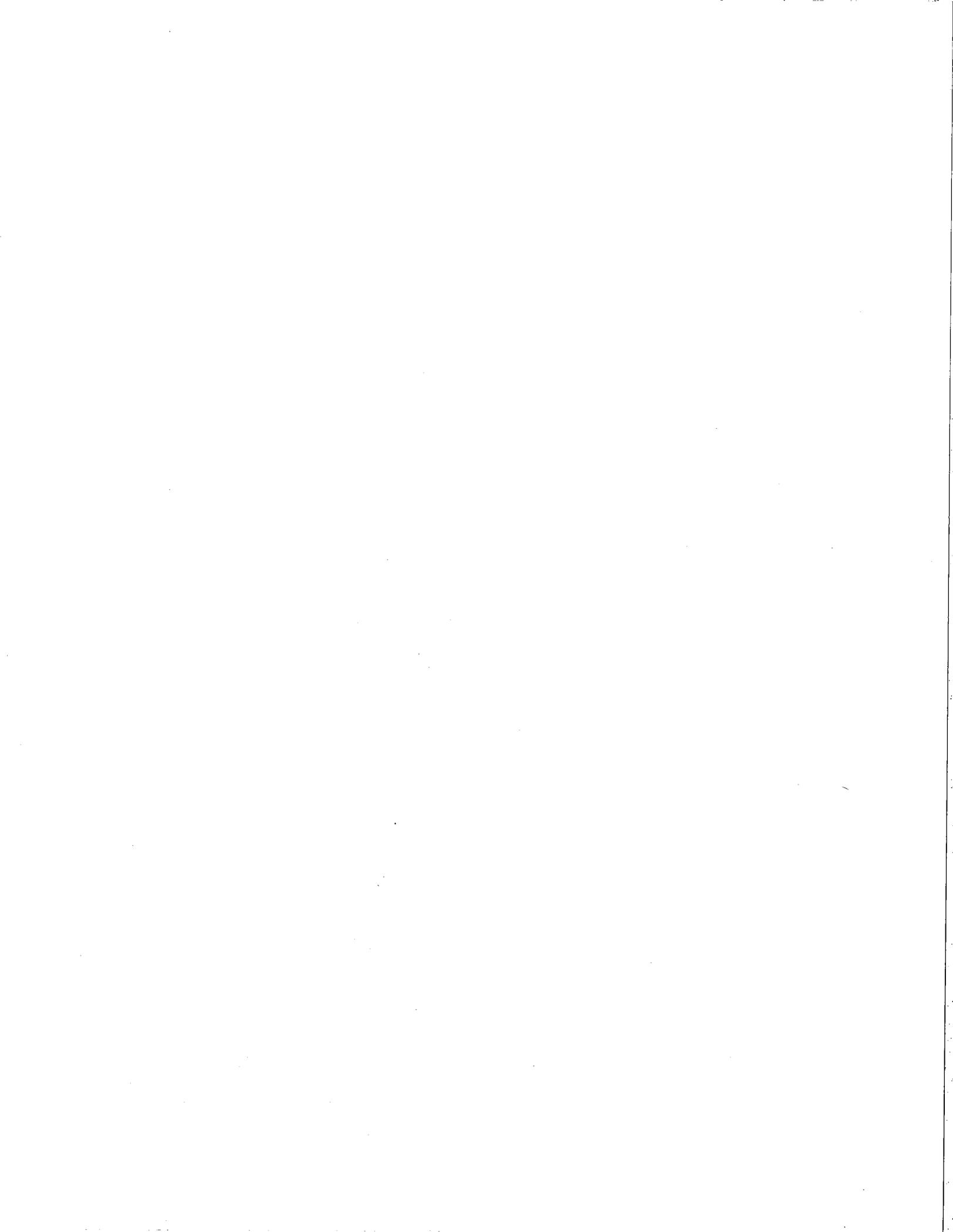
# Regional Planning Commission Transmittal Checklist

Hearing Date  
6/16/2010  
Agenda Item No.  
9

**Project Number:** R2005-00728-(4)  
Coastal Development Permit Case No. 200500004  
**Case(s):** Conditional Use Permit Case No. 200500061  
Parking Permit Case No. 200500008  
Environmental Assessment Case No. 200500083  
**Planner:** Maral Tashjian

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By:  \_\_\_\_\_





Los Angeles County Department of Regional Planning  
 320 West Temple Street, Los Angeles, California 90012  
 Telephone (213) 974-6433

**PROJECT NUMBER R2005-00728-(4)**  
**Coastal Development Permit No. 200500004**  
**Conditional Use Permit No. 200500061**  
**Parking Permit No. 200500008**  
**Environmental Assessment No. 200500083**

**PUBLIC HEARING DATE**  
 6/16/2010

**AGENDA ITEM**  
 9

**RPC CONSENT DATE**

**CONTINUE TO**

**APPLICANT**

Specialty Restaurants Corporation

**OWNER**

Los Angeles County

**REPRESENTATIVE**

Specialty Restaurants Corporation

**PROJECT DESCRIPTION**

The proposed project consists of the retroactive authorization 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.

**REQUIRED ENTITLEMENTS**

The applicant is requesting a retroactive approval for 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, and a Parking Permit to authorize off-site parking at an existing restaurant in the SP (Specific Plan) Zone in the Marina del Rey Local Coastal Program in the Playa del Rey Zoned District.

**LOCATION/ADDRESS**

13813 Fiji Way, Marina del Rey

**SITE DESCRIPTION**

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.

**ACCESS**

Fiji Way

**ZONED DISTRICT**

Playa del Rey

**ASSESSORS PARCEL NUMBER**

4224-011-901 (Lease Parcel No. 61)

**COMMUNITY**

Marina del Rey

**PARCEL SIZE**

Land: 47,300 Sq. Ft. (1.1 Acre); Water: 11,250 Sq. Ft. (0.3 Acre)

**COMMUNITY STANDARDS DISTRICT**

N/A

**EXISTING LAND USE**

**EXISTING ZONING**

**Project Site**

Restaurant

Specific Plan (VS/CC - Visitor-Serving/Convenience Commercial)

**North**

Retail, Restaurants, Parking Lot

Specific Plan (VS/CC)

**East**

Parking Lot, Ballona Wetlands Reserve

A-1-1 (Light Agriculture, one acre minimum lot size)

**South**

County Facilities, Coast Guard Headquarters, Sheriff Substation, Apartment Complex

Specific Plan (PF - Public Facilities; R V - Residential 5, 75 dwelling units per acre)

**West**

Main Channel

Specific Plan (W - Water)

**GENERAL PLAN/COMMUNITY PLAN**

Marina del Rey Local Coastal Plan

**LAND USE DESIGNATION**

Visitor-Serving/Convenience Commercial

**MAXIMUM DENSITY**

N/A

**ENVIRONMENTAL DETERMINATION**

Negative Declaration

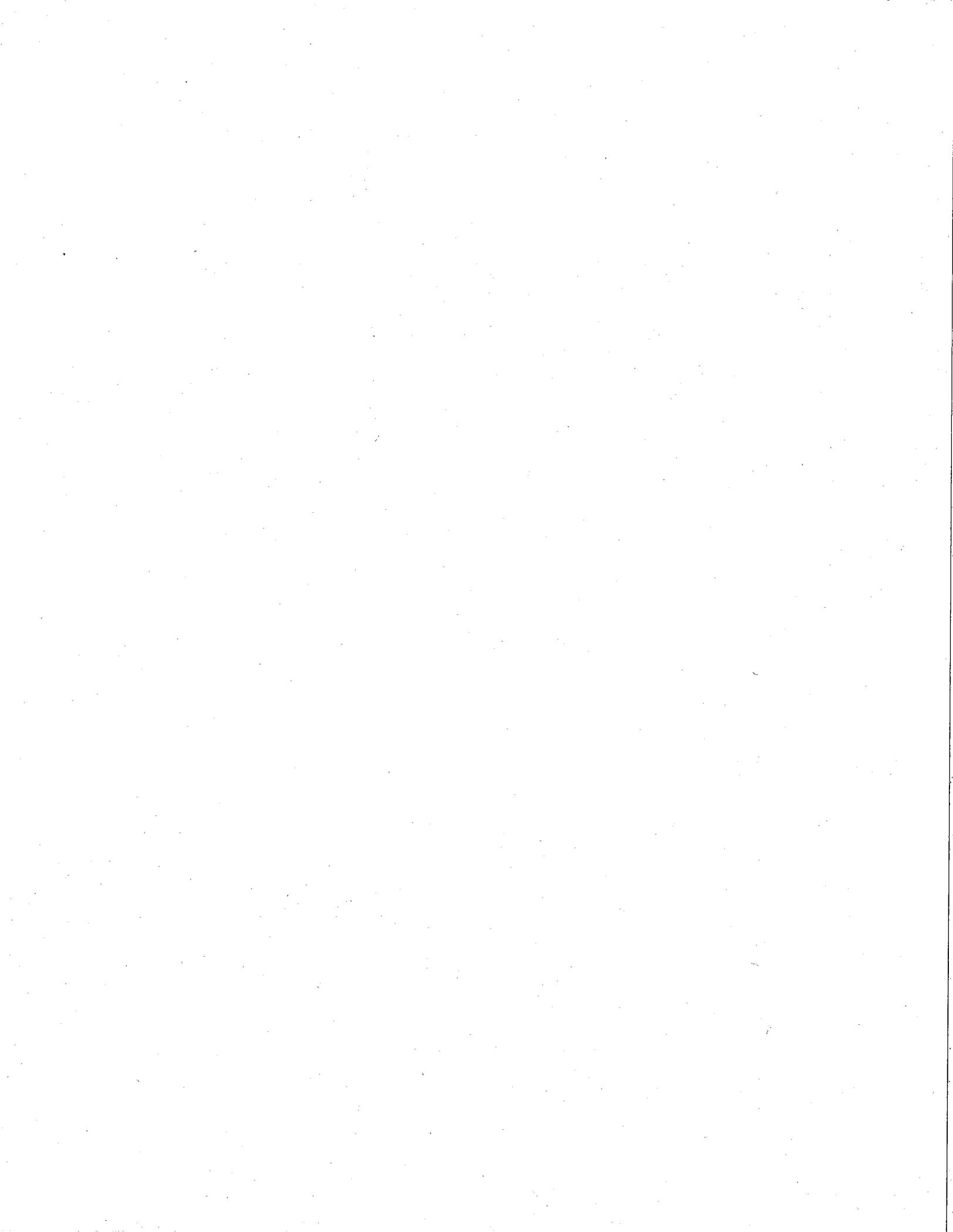
**RPC LAST MEETING ACTION SUMMARY**

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

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

<b>STAFF CONTACT PERSON:</b>		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
<b>STAFF RECOMMENDATION (PRIOR TO HEARING):</b>		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

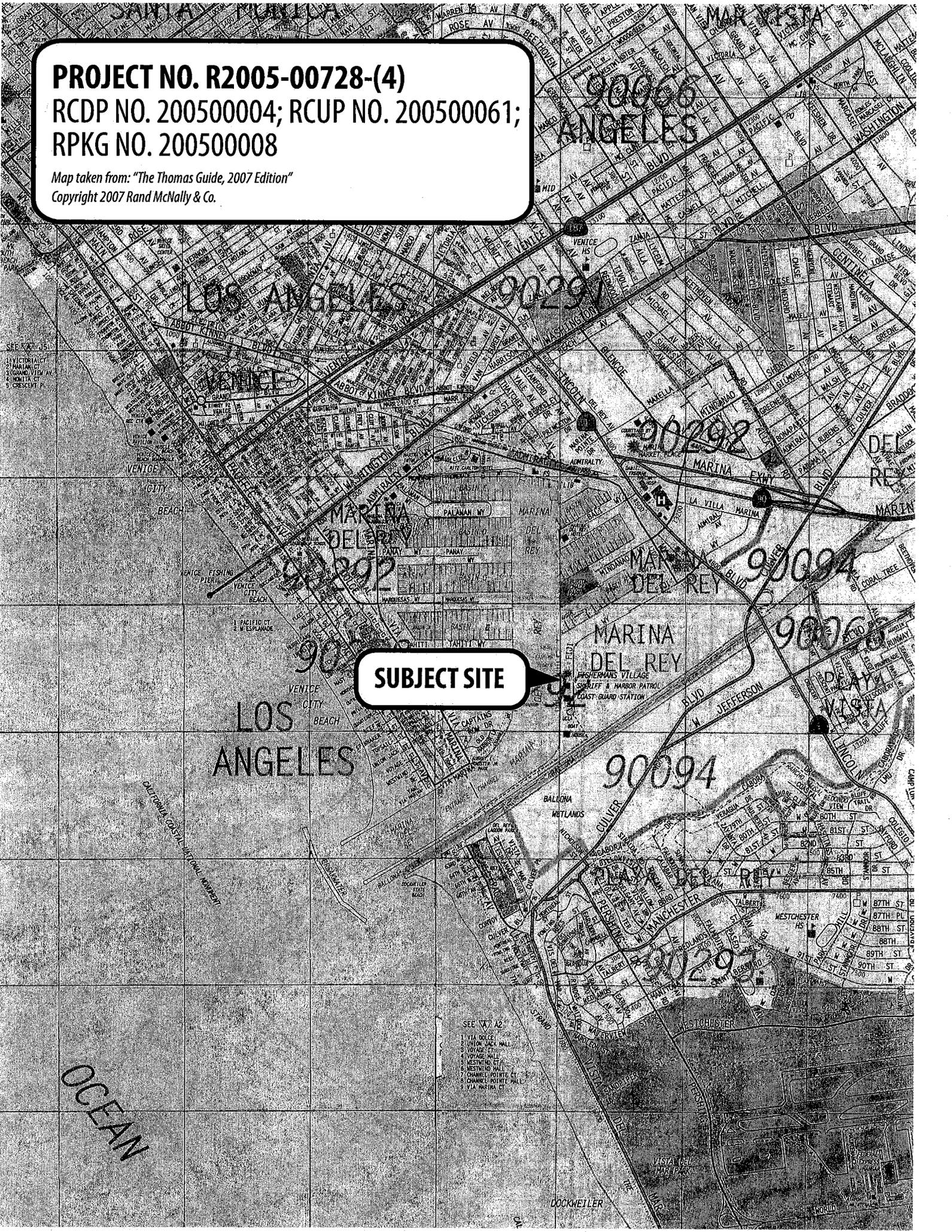
(O) = Opponents (F) = In Favor



**PROJECT NO. R2005-00728-(4)**  
RCDP NO. 200500004; RCUP NO. 200500061;  
RPKG NO. 200500008

Map taken from: "The Thomas Guide, 2007 Edition"  
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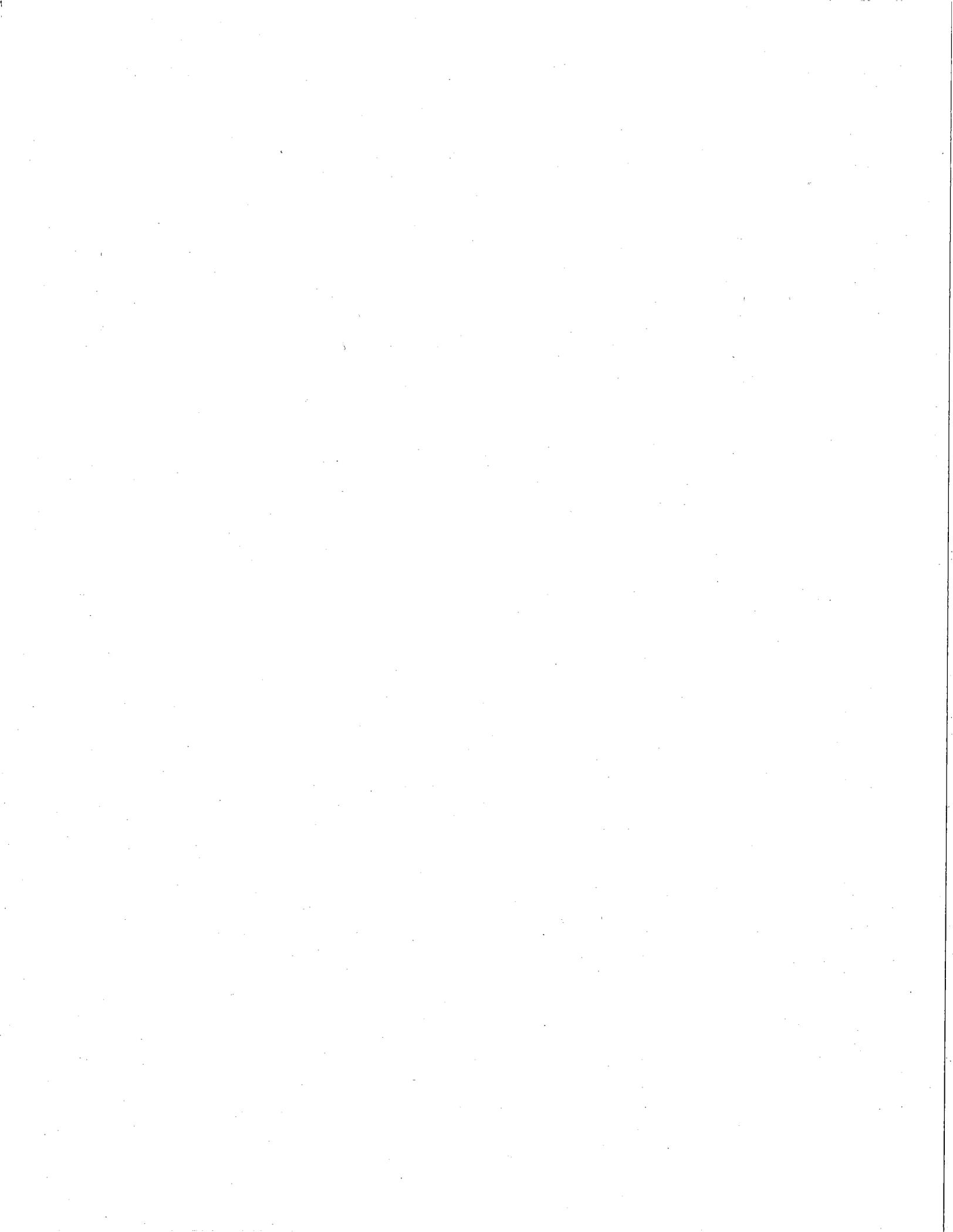
**SUBJECT SITE**



SEE  $\nabla$  15  
1 VICTORIA CT  
2 PALM CT  
3 GRANDVIEW AV  
4 MONTE CT  
5 CRESSITT PL

SEE  $\nabla$  A2  
1 VIA OLIVE  
2 VINE WALK  
3 VOYAGE CT  
4 VESTING CT  
5 VESTING HALL  
6 CHANNEL POINTE CT  
7 CHANNEL POINTE HALL  
8 VIA MARINA CT

OCEAN



## **STAFF ANALYSIS**

PROJECT NUMBER R2005-00728-(4)

COASTAL DEVELOPMENT PERMIT NUMBER 200500004

CONDITIONAL USE PERMIT NUMBER 200500061

PARKING PERMIT NUMBER 200500008

ENVIRONMENTAL ASSESSMENT NUMBER 200500083

## **PROJECT DESCRIPTION**

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.

## **ENTITLEMENT REQUESTED**

The applicant has requested retroactive approval for 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, and a Parking Permit to authorize off-site parking at an existing restaurant in the SP (Specific Plan) Zone in the Marina del Rey Local Coastal Program in the Playa del Rey Zoned District.

## **LOCATION**

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.

## **SITE PLAN DESCRIPTION**

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.

## **Project Services Availabilities**

The subject property is within an urbanized area with available public services.

## **EXISTING ZONING**

### **Subject Property**

Zoning on the subject property is SP (Specific Plan) with land use categories VS/CC (Visitor-Serving/Convenience Commercial) and W (Water).

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### **Surrounding Properties**

Surrounding zoning consists of:

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)

### **EXISTING LAND USES**

#### **Subject Property**

The subject property is developed with an 11,745 square foot restaurant.

### **Surrounding Properties**

Surrounding land uses consist of:

North: Retail, Restaurants, Parking Lot

South: County Facilities, Coast Guard Headquarters, Sheriff Substation, Apartment Complex

East: Parking Lot, Ballona Wetlands Reserve

West: Main Channel

### **ENVIRONMENTAL DOCUMENTATION**

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.

### **LEGAL NOTIFICATION/COMMUNITY OUTREACH**

Pursuant to the provisions of Section 22.60.174 of the County Code, the Notice of Public Hearing was advertised in The Argonaut on May 13, 2010. A total of 390 public hearing notices regarding the subject application were mailed out to the owners of properties located within a 500-foot radius of the subject property on May 6, 2010. This number also includes notices sent to the local community groups and residents on the Playa del Rey Zoned District courtesy list. A total of 23 public hearing notices were emailed to members of the courtesy list who prefer correspondence digitally.

Case information materials including the Notice of Public Hearing, Factual Sheet, and Site Plans were forwarded to the Lloyd Taber Marina del Rey County Library at 4533 Admiralty Way on May 6, 2010. The same materials were also posted on the Department of Regional Planning's website.

Pursuant to Section 22.60.175 of the County Code, the applicant shall post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received the Certificate of Posting stating that the Notice of Public Hearing was posted on May 11, 2010, along with photos of the posting provided by the applicant.

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### PREVIOUS CASES/ZONING HISTORY

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.

### STAFF EVALUATION

#### **Marina Del Rey Local Coastal Program (LCP) Consistency**

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 following policies of the Local Coastal Program are applicable to the proposed project:

- *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)*

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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 (**Attachment A**).

- *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.

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- *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.

### **Zoning Ordinance and Development Standards Compliance**

#### Marina del Rey Specific Plan (Section 22.44.127)

Pursuant to Section 22.46.1250 of the County Code, establishments in the "Visitor-Serving/Convenience Commercial" Land Use Category are subject to the following development standards:

- Building height is limited to a maximum of 45 feet;
- Front, rear and side yard setbacks shall be a minimum of 10 feet in addition to the required highway setback. View corridors, public open space areas and/or accessways or emergency accessways required in this Specific Plan may be designed and integrated with the required front, side and rear yard setbacks or located elsewhere on the property if such design will enhance visual and physical access to the shoreline;
- Visitor-Serving/Convenience Commercial uses shall not reduce the amount of land area devoted to existing visitor-serving, boating or coastal-dependent marine commercial uses.

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.

#### Parking (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

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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.

#### **Neighborhood Impact/Land Use Compatibility**

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.

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 Staff is of the opinion that the proposed use will not likely contribute to or generate potential criminal activity at the site and that public convenience outweighs the undue concentration.

It is staff's opinion that the proposed use is compatible with the surrounding neighborhood, with appropriate conditions.

#### **Burden of Proof**

The applicant is required 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. The Coastal Development Permit, Conditional Use Permit, Alcoholic Beverage Sales, and Parking Permit Burdens of Proof with applicant's responses are attached (**Attachment B**). Staff is of the opinion that the applicant has met the burdens of proof.

#### **Field Investigation**

During the site visit on June 25, 2009, staff confirmed that the existing structures on the property 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.

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**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

Staff received correspondence 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 (**Attachment C**).

Staff received correspondence from the Los Angeles County Sheriff Department Marina del Rey Station dated June 10, 2009 (**Attachment D**). 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.

Staff received correspondence from the Los Angeles County Department of Public Works, dated May 3, 2010, recommending approval of the project with conditions (**Attachment E**).

Staff received a maintenance report 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 (**Attachment F**).

**OTHER AGENCY COMMENTS AND RECOMMENDATIONS**

Staff received a report 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 (**Attachment G**). 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.

**PUBLIC COMMENTS**

Staff has not received any comments at this time.

**FEES/DEPOSITS**

If approved as recommended by staff, the following fees will apply unless modified by the Hearing Officer:

**Zoning Enforcement:**

An inspection fee of \$2,000.00 to cover the cost of ten (10) recommended zoning enforcement inspections.

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A Fish and Game fee of \$2,085.25 (\$2,010.25 plus \$75.00 processing fee).

**STAFF RECOMMENDATION**

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 Project Number R2005-00728-(4), Coastal Development Permit Number 200500004, Conditional Use Permit Number 20050006, and Parking Permit Number 200500008 subject to the attached conditions.

**SUGGESTED APPROVAL MOTIONS**

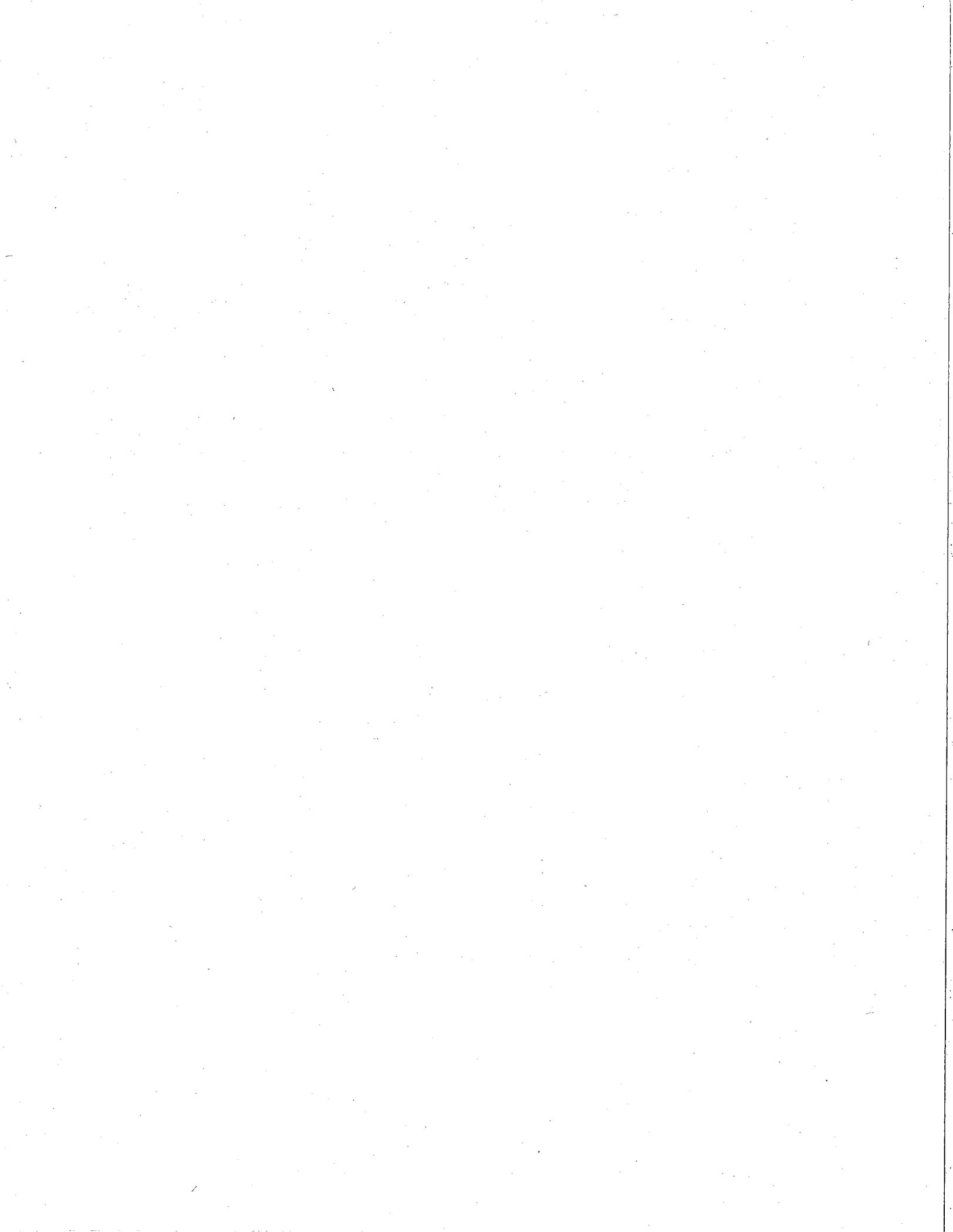
**I MOVE THAT THE PUBLIC HEARING BE CLOSED AND THAT THE REGIONAL PLANNING COMMISSION APPROVE COASTAL DEVELOPMENT PERMIT NUMBER 200500004, CONDITIONAL USE PERMIT NUMBER 20050006, AND PARKING PERMIT NUMBER 200500008 WITH FINDINGS AND CONDITIONS, AND ADOPT THE ASSOCIATED ENVIRONMENTAL DOCUMENT.**

Prepared by Maral Tashjian, Regional Planning Assistant II  
Reviewed by Samuel Dea, Supervising Regional Planner, Special Projects

Attachments:

Draft Conditions of Approval  
Design Control Board Recommendation, July 15, 2004  
Applicant's Burden of Proof statements  
Department of Beaches and Harbors Letter, March 18, 2009  
LA County Sheriff and Department of Alcoholic Beverage Control Correspondence  
Department of Public Works Letter, May 3, 2010  
Department of Beaches and Harbors Maintenance Report, May 18, 2010  
Land Use Map, Site Plan, Site Photographs and Renderings  
Aerial Photograph

SD:MMT:mmt



**DRAFT 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

*To be inserted to reflect hearing proceedings.*

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

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PARKING PERMIT NUMBER 200500008**

**DRAFT FINDINGS  
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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 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**

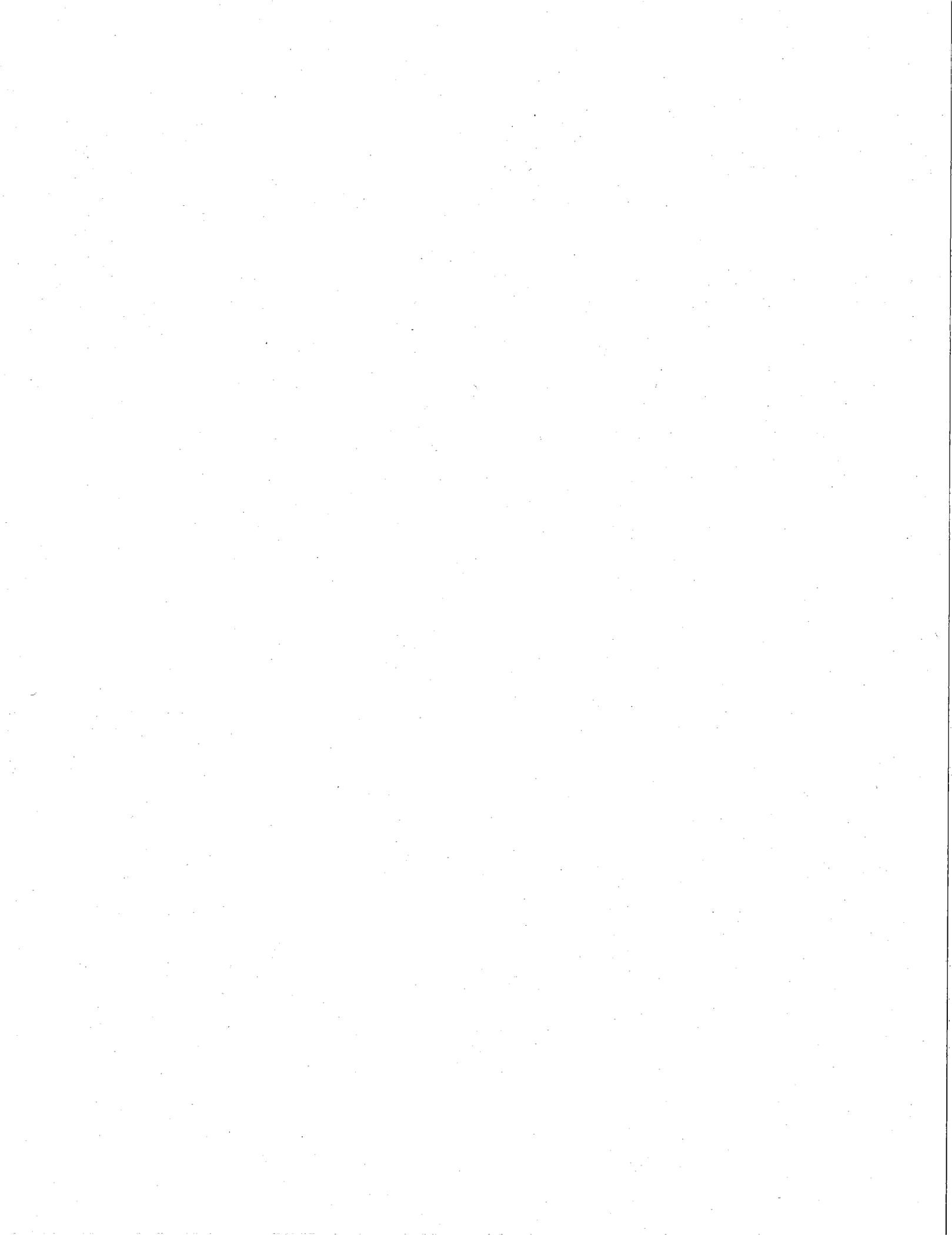
Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:



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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. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the Los Angeles County Recorder. In addition, 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 will terminate on June 16, 2020.** 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 two (2) years from the date of final approval by the County. The date of final approval is the date of the approval action plus any applicable appeal period. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
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 **\$2,000.00**. 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 **ten (10) 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 change 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, all required parking must be provided except as otherwise authorized by a new parking permit;
- g. The sale of alcoholic beverages shall be permitted during the following hours of operation: Monday through Thursday between 11 a.m. and 10 p.m., Friday between 11 a.m. to 11 p.m., Saturday between 10 a.m. and 11 p.m., and Sunday between 9 a.m. and 10 p.m. Food service shall be continuously provided during operating hours;
- h. Alcoholic beverages shall be sold to customers who purchase and consume food in the restaurant 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 maintain the property in a neat and orderly fashion and maintain free of litter all areas on the premises under which the permittee has control;
- r. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment on site;
- s. No dancing or dance floor is permitted;
- t. There shall be no cover charge or prepayment fee for food and/or beverage service required for admission to the restaurant;
- u. All servers of alcoholic beverages must be at least 18 years old;
- v. 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;
- w. The permittee shall develop and implement a Designated Driver program (i.e. free soft 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;
- x. A valid copy of an encroachment permit for the outdoor dining area, granted to the restaurant by the Los Angeles County Department of Public Works, shall be made available to zoning enforcement staff upon request;

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PARKING PERMIT NUMBER 200500008**

**DRAFT CONDITIONS  
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- y. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times; and
  - z. 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 property 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 May 3, 2010.

Attachments:

Department of Public Works letter dated May 3, 2010

SD:MMT:mmt  
6/12/10



# ATTACHMENT A

*To enrich lives through effective and caring service*



**Stan Wisniewski**  
Director

**Kerry Gottlieb**  
Chief Deputy

## Design Control Board Review DCB #04-008

**PARCEL NAME:** Shanghai Red's

**PARCEL NUMBER:** 61

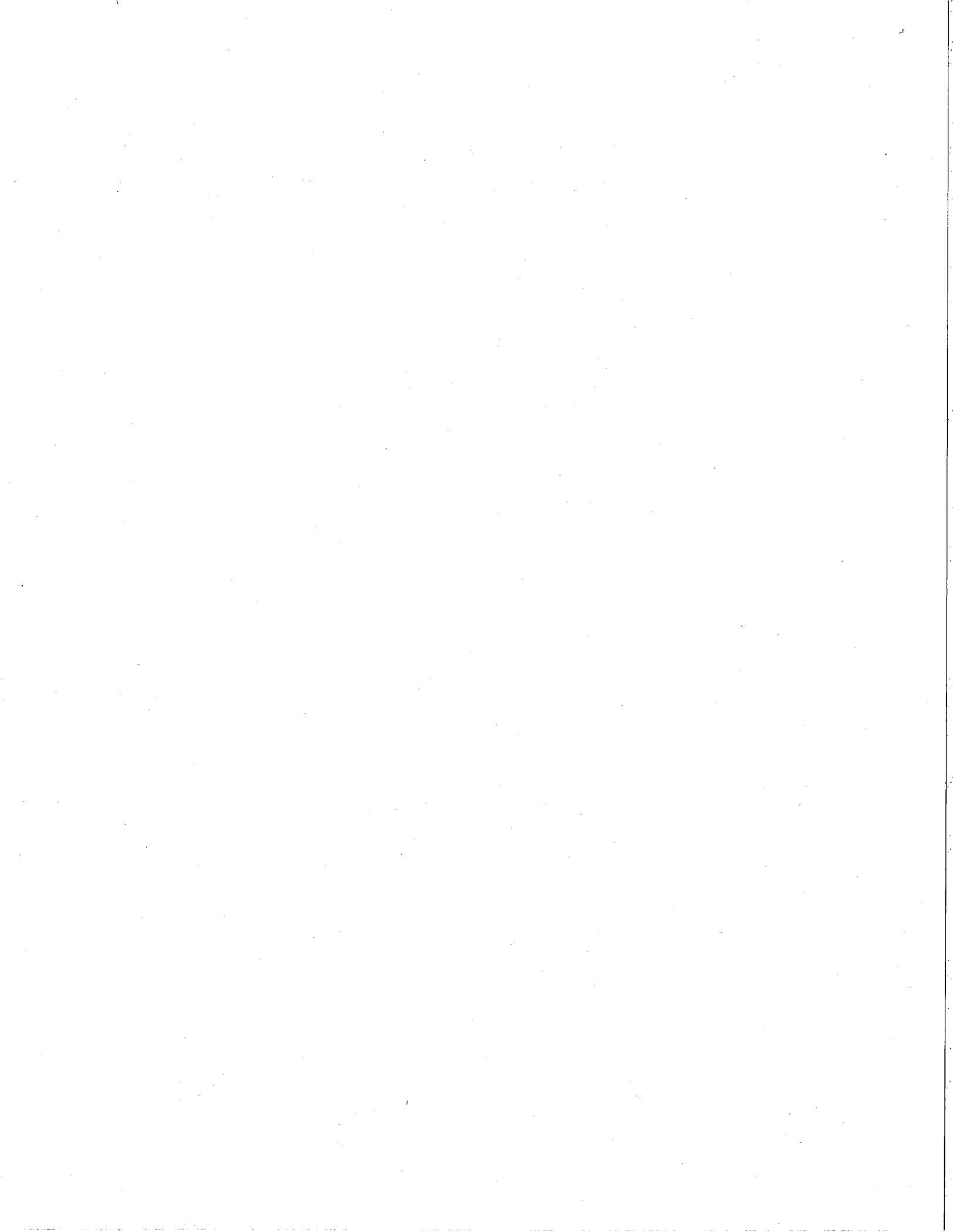
**REQUEST:** New porte cochere, signage, landscaping and promenade improvements

**ACTION:** Approved with conditions

**CONDITIONS:** Approval of new porte cochere, signage, landscaping and promenade improvements with the following modifications:

1. Delete hanging sign
2. Planting needs to be done within 120 days after the permit is received
3. Prior to the issuance of the permit, a demolition plan must be submitted to the department, showing each tree that will be removed as well as any large masses of shrubs or hedges.

**MEETING DATE:** July 15, 2004





Los Angeles County  
Department of Regional Planning

Planning for the Challenges Ahead



# COASTAL DEVELOPMENT PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.2320, the applicant shall substantiate the following:

*(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)*

<b>A. That the proposed development is in conformity with the certified local coastal program.</b>
See Attached
<b>B. That any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.</b>
See Attached

### APPLICANT'S AFFIDAVIT

I (We) being duly sworn, depose and say that the foregoing answers and statements herein contained and the information submitted are in all respects true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

Signed \_\_\_\_\_

## **COSTAL DEVELOPMENT PERMIT BURDEN OF PROOF**

**Project: Shanghai Red's Restaurant 13837 Fiji Way, Marina Del Ray**

**A. The proposed areas are exiting and are in conformity with the certified local coastal program.**

Our proposal is to re-open existing areas—two (2) existing small patios—that are a part of and located within the existing restaurant. We will not be adding, altering or modifying the existing structure, landscape or surrounding of the area. Shanghai Red's has been an established part of the marina community for almost 50 years and has always been in conformity with the certified local coastal program. We are not asking to change this in any way.

**B. The development in question is in full conformity with the public access and public recreation policies of chapter 3 of division 20 of the public resources code.**

The establishment has been in its current location as it is situated for many years. Our proposal does not involve altering, adding or modifying the property in any manner. Therefore, we will continue to conform with all pertinent sections of the public resources code as we have done for our many years of service to the marina community.



Los Angeles County  
Department of Regional Planning

Planning for the Challenges Ahead



# CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

*(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)*

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

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

See Attached

**B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.**

See Attached

**C. That the proposed site is adequately served:**

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

see attached

## Conditional Use Permit Burden of Proof

Project: Shanghai Red's 13837 Fiji Way, Marina Del Rey

**A.1. The requested use at the location will not adversely affect the health, peace, or welfare of persons residing or working in the surrounding area.**

Shanghai Red's Restaurant is merely requesting permission to serve guests on two pre-existing patios. We are not seeking to change our pre-existing operations in any manner whatsoever. As a result, we see no adverse impact.

Shanghai Red's Restaurant, a fine dining establishment, has been a vibrant member of the Marina del Rey community for almost 50 years. During these 50 years, Shanghai Red's has peacefully provided employment opportunities, fine dining and elegant banquet experiences to the general public and the local community. Members of the public routinely enjoy spending their special occasions, such as Mother's Day, 4<sup>th</sup> of July, birthdays, anniversaries and etc. at our beautiful waterfront location. Over the years, thousands of people have visited, enjoyed, recommended and returned to our restaurant time and time again. Furthermore, we give back to our community by, on an annual basis, routinely donating to a variety of local organizations (see Exhibit "A" attached hereto for examples). Thus, there can be little doubt that Shanghai Red's positively enhances the health, peace, comfort and welfare of the people who reside or work in the surrounding area. At this time, we are merely requesting we be allowed to re-open the two small pre-existing patios, for use by the public, so as to further enhance the use and public's enjoyment of the waterfront area.

Presently, there are two (2) small patios, containing a combined occupancy load of 72 persons, where we desire to serve food and beverages to our guests. One is located on the Fiji Way side of our restaurant and the other faces the waterfront. The people who visit our restaurant, and who would like to be served on these patios, are currently informed that we cannot seat these patios and that they are invited to sit either in our main patio or elsewhere inside our restaurant. This routinely results in our guests' experiencing a longer than necessary waiting period. Accordingly, if we are able to more rapidly seat these guests, then we will be able to give them a better dining experience while reducing their wait time. Hence, we foresee only a positive impact from the opening of these small, pre-existing, patios.

**A.2. The requested use at the location will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site.**

As indicated immediately above, Shanghai Red's use of its leasehold is a positive factor for the local community. The request to commence serving the community on these patios is fully consistent with the manner in which the leasehold is presently being used. In other words, we are simply seeking permission to allow us to serve patrons on already existing patios. This

use shall be consistent with, and identical to, the use for which the leasehold interest is already being used. Thus, the current status quo will remain unchanged.

The use of these patios will provide an opportunity for the public, and other persons located in the vicinity, to use and enjoy the waterfront area. The more vibrant the use which is made of the restaurant's leasehold, the more Shanghai Red's is permitted to enhance the use, enjoyment and valuation of adjacent properties. After all, the waterfront is an asset to the public and the use of these patios will assist the public in obtaining better use of that waterfront. Furthermore, to the extent that the local community is better able to access this area of the waterfront, the more likelihood that they will visit the adjacent shops and thus enhance their economic viability and the valuation of their property. Accordingly, permitting these existing patios to be used by the public would be a positive factor which can only enhance the use, enjoyment and valuation of nearby properties.

**A.3. The requested use at the existing location will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.**

As we indicated herein above, we are a pre-existing restaurant which is merely seeking permission to provide food and beverage services on two (2) small pre-existing patios. We are not seeking to change, in any manner whatsoever, the nature of our business.

Permitting people to use and enjoy the patio areas of the restaurant will actually enhance the health, safety and general welfare of the public. These patios are a gathering place where the public can enjoy the natural beauty of the waterfront, rest and relax as they watch the sunset, chat with friends and family, talk business and just enjoy having a relaxing, fun, safe, secure, well lit and healthy environment. Furthermore, the patios are properly designed so as to avoid injury or harm to guests and to provide a safe gathering place for people. As a result, their use (relaxation and consuming food/beverage) is a positively wonderful use for the local community and public.

**B. The site, which is already in existence, is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.**

The use of the patios in question does not require the restaurant to make modifications to any yards, walls, fences, parking facilities, loading facilities or other development facilities prescribed in Title 22. Nor are any modifications needed in order to integrate the patio uses (relaxation, enjoyment of the waterfront community, consumption of food/beverages) into our present operations or the nearby uses. In fact, the patio use is merely a small continuation of the current use now taking place at the restaurant. Accordingly, no changes are necessary in order for us to make these patios available to the public. Thus, as the restaurant facility is already fully integrated into the local community and surrounding areas, no modifications or other changes are necessary in order to integrate the patios.

**C.1&2 Shanghai Red's Restaurant is adequately served by highways and streets of Sufficient width, and by other public/private service facilities.**

Initially, it is to be observed that Shanghai Red's is a pre-existing restaurant and that we are merely seeking to serve food and beverages on two (2) small, pre-existing, patios. Secondly, the primary people to be using these patios are those who would, currently, otherwise be seated inside our restaurant due to a present lack of more desirable seating during the summer months. Hence, the opening of these patios will result in our being able to offer our current guests more outside seating availability. This is particularly important during the warm summer months when people routinely prefer to seat outside instead of inside.

Regional access to Shanghai Red's Restaurant is provided through a complex network of freeways and major and secondary highways joining the community to the larger region. Local access is provided by local streets, driveways, bike paths and walking routes. The street immediately adjacent to the restaurant, Fiji Way, contains 2 northerly and 2 southerly lanes. Access is available via foot (local streets, drives & walkways), automobile (via 90 and 405 freeways, local streets and drives), bus (local bus routes being a part of a larger network—Culver City bus stop adjacent to restaurant & Playa del Rey shuttle) and taxi. Otherwise, no additional public or private service facilities are required.

**LIST OF CONTRIBUTIONS FROM SHANGHAI REDS**

Date:	Organization:
3/18/2010	Kentwood Education Fund, Los Angeles
3/18/2010	Roosevelt Elementary School, Santa Monica
3/18/2010	AIDS project of Los Angeles
3/18/2010	Boy Scouts of America, Westchester
3/18/2010	Association of Corporate Counsel
2/15/2010	LA County
2/10/2010	Temple Aliyah
2/10/2010	Southbay Bright Future
2/10/2010	Teen Challenge
1/18/2010	Kaiser Permanente
1/11/2010	Sickle Cell Disease Foundation of California
1/10/2010	Friends of Animals Foundation
1/5/2010	Young Men of Mobile
1/5/2010	Apex Cardiology
12/19/2009	1st Missionary
12/19/2009	JMBC Church
12/18/2009	Church of Jesus Christ
12/17/2009	City of LA
12/17/2009	LA World Airport
12/10/2009	LA County Fire Department
12/9/2009	Holman Methodist
12/8/2009	LAUSD
12/5/2009	Marina Del Rey Hospital
12/4/2009	Sisters in the Lord
12/4/2009	Valle & Associates
11/28/2009	LA Police Department
11/28/2009	Venice Arts
11/28/2009	Japanese American Museum
11/28/2009	Sheriff's Department
10/29/2009	Lotus Project of LA
10/17/2009	LAUSD
10/15/2009	Westchester Little League
10/15/2009	Saint Gerard Majella School, Inglewood
10/13/2009	Womens Zionist Organization of America, Hadassah
10/12/2009	Isis Ancient Cultures and Religion Society
10/11/2009	Culver City Rotary Club
10/11/2009	Shackelford Miracle Temple



Los Angeles County  
Department of Regional Planning

Planning for the Challenges Ahead



# ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:

*(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)*

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

See Attached

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

See Attached

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

See Attached

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

See Attached

E. That 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 said neighborhood.

See Attached

## ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Project: Shanghai Red's Restaurant 13837 Fiji Way, Marina Del Ray

- A. The requested use of the 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.

Currently Shanghai Red's is serving alcoholic beverages throughout the entirety of the restaurant including the main patio and has been doing so with a valid permit throughout its history at this location. We are merely asking to extend the limits of our license to our two existing small patio areas. There are no places of religious worship, schools, parks, playgrounds or any other similar facilities within a 600-foot radius of the restaurant or its two existing patios that will be affected in any way by allowing us to serve alcoholic beverages in these two existing fenced patios.

- B. The proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity and will not adversely affect said area.

The entire restaurant is sufficiently buffered by adjacent streets, a parking lot and the marina. The two existing patios which are part of the existing restaurant also share these buffering aspects. The patios are located within the restaurant's premises which is sufficiently buffered from any residential areas as mentioned above.

- C. An undue concentration of similar premises will not be the result of allowing alcoholic beverages to be sold in the existing two patio areas.

This is an existing establishment that has been selling alcohol on these premises responsibly for many years. We are only asking to allow for the sale and consumption of alcohol to be extended to our two small existing patios within our restaurant area. This will not promote the increase of similar establishments because alcohol sales and consumption has been established at this location for almost 50 years.

- D. The requested use at the proposed location will in no way adversely affect the economic welfare of the surrounding areas.

In fact, allowing the sale and consumption of alcohol on these two small existing patios may enhance the economic welfare of the surrounding areas by allowing us to serve more of our clientele more quickly allowing them to patron the neighboring establishments. Many of our patrons are regulars who had previously been accustomed to being served in these two areas but are now required to wait to be served elsewhere in the restaurant. Re-opening these two areas to our guests will allow them to enjoy the rest of the marina environment instead of keeping them waiting to be served within the different areas of this permitted restaurant.

**E. The exterior appearance of the structure will not be inconsistent with the exterior appearance of any existing or under construction sites immediately neighboring on site. Nor will the requested use result in causing blight, deterioration, or substantially diminish or impair property values within said neighborhood.**

There will be no alteration, addition, modification or manipulation of the site in anyway. This has been an existing establishment for almost 50 years and has become a vibrant part of the marina community. We will not be changing or altering this in any way. We simply want to re-open our two small existing patios to serve our patrons and have them enjoy the environment and beauty of the marina.

## Parking Permit Burden of Proof

Project: Shanghai Red's 13837 Fiji Way, Marina Del Rey

A. There will be no need for the number of parking spaces projected by Part 11 of Chapter 22.52

Shanghai Red's has been a vibrant member of the Marina del Rey ("Marina") community for almost 50 years. During these 50 years, we have provided employment opportunities, fine dining and banquet experiences for the residents of, and visitors to, our local community. The proposed use of these two small, pre-existing, patios will increase our occupancy load by a total of 72 occupants. This equates with the requirement that we provide an additional 24 parking spaces pursuant to Zoning Code Section 22.52.1110 (Entertainment, Assembly and Dining), which translates to an increase from 143 to 167 parking spaces.

Presently, we have 29 parking spaces on site and the additional right to park vehicles in the lot W-1, adjacent to our restaurant. The parking in lot W-1 provides us with access to at least 94 spaces. Combining the 29 spaces on site and the 94 spaces in lot W-1, we have no less than 123 parking spaces. Additionally, the Los Angeles County Department of Beaches and Harbors has authorized Shanghai Red's to park 45 employee vehicles on Parcel XT (Exhibit "A" attached hereto). Accordingly, we have a combined total of 169 parking spaces available for our usage.

In addition to the foregoing, it is to be noted that we had previously understood we were authorized to serve guests on these very patios, and actually did serve guests on them for some time. When we were informed that we should refrain from doing such, we discontinued service on these patios. Guests have, since that day, continuously parked their vehicles, successfully, and come into our restaurant requesting to use these very same patios. As we had always proceeded on projects with the awareness and authorization of county and local agencies, when it came to our construction activities, and due to the passage of so many years and physical moves from location to location (both by our management company and local agencies), none of us are now able to locate permits, if any were even required at the time, or other authorizing documents which support the construction and use of these two patios. Nevertheless, the core point is that we were able to previously serve guests on these patios without any parking difficulties whatsoever. Based upon the actual use of these patios, we know that they can be, factually, used without the 167 spaces projected by Zoning Code Section 22.52.1110 (Entertainment, Assembly and Dining). Thus, since we have factual, and practical, experience in having used these patios without difficulty, we can now knowledgeably state that our restaurant is able to run these patios with the current level of parking. Accordingly, we do not need the number of parking spaces projected by Part 11 Chapter 22.52.

Further evidence that we do not need the projected additional 24 parking spaces can be found in the very nature of our clientele. During the warm weather, our guests love to sit outside on the patio in the warm summer air so that they can fully enjoy the beautiful Marina atmosphere. Conversely, during the off season, when we typically experience cold, or rainy, weather, our guests sit indoors while watching the Marina from their warm, dry, inside tables. As a result, during the warmer months, people prefer to sit outside and leave interior tables vacant, while in the cold/rainy seasons, they sit inside and leave the outside areas vacant. As such, we routinely have seating areas which are not being fully utilized. The particular area remaining vacant simply depends upon whether we are in the warm or the cold/rainy season. Thus, there is really no need to require an additional 24 parking spaces given the manner in which the community uses our restaurant facility.

A third reason as to why we do not need the projected parking spaces is based upon our history in the Marina. As you know, Shanghai Red's is a long standing member of the Marina del Rey community. During our many years here, we have never encountered any parking problems of a significant nature. We have always been responsive, in all respects, to law enforcement and local authorities, and have cooperated with every request at all times. This history, when combined with the information provided herein, is yet further evidence that we are able to successfully move forward without any need for the additional parking spaces. Accordingly, we believe that our request, to re-open these patios to serve the local residents and visitors to Marina del Rey, should be granted.

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

As explained herein above, we have no need for any additional parking in order to begin serving food and beverages on these pre-existing patios. Since we actually need no additional parking, and since we are experiencing no conflicts from our present parking arrangements, we believe that we have met the showing that there will be no issues arising from the available parking arrangements. More particularly, and as indicated herein above, we have no less than 29 parking spaces on site, 94 parking spaces in lot W-1 and are authorized to use 45 spaces on Parcel XT for a total of 169 spaces.

Given the nature of our guests and the use to which we are putting the patios, there will not be any conflicts relative to parking availability. In fact, we are already having guests sit indoors when they request to sit on these patios and these very guests will, in the future, simply be permitted to sit on the patios in question if our request is granted. These guests have continuously been able to find parking spaces before entering our restaurant and no conflicts have arisen as to their parking. Thus, we believe that we satisfy this requirement.

**C. That offsite facilities, leases of less than 20 years, rear lot, transitional parking lots and uncovered residential parking lots will provide the required parking for uses.**

As explained in Subsection A of this Parking Permit Burden of Proof, the parking being utilized by the facility is located both on site at the restaurant, in the adjacent lot labeled as Lot W and now on Parcel XT as well. In this case, the Shanghai Red's lease is a 60 year lease dating back to 1961. Given the foregoing, and as we are not building any new structures, and the public will merely be using pre-existing patios, we believe this requirement has been satisfied.

**D. That the requested parking permit at the location purposed will not result in traffic Congestion, excessive off-site parking, or unauthorized use of parking facilities Developed to serve surrounding properties.**

As discussed in Section A of this Parking Permit Burden of Proof, we do not need any additional parking in order to conduct the requested use. Rather, the parking for these patios will be satisfied from the parking arrangements we already have in place. Furthermore, people frequently request to use the patios which are now closed. While we cannot seat these guests on the subject patios, and while they have to then wait to sit on the patio which is open, or inside the restaurant, they have already had to park their vehicle. This has been taking place without any difficulty or disputes over parking. What we expect to take place is that we will simply be able to more promptly seat guests on the patios where they would have otherwise been required to wait for a seat elsewhere. It is also to be noted that our restaurant is accessible by foot, public walkways, bicycle and the Marina del Rey shuttle. Accordingly, we do not foresee any additional traffic congestion, excessive off-site parking or unauthorized use of parking facilities developed for other properties.

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

We are not going to be making any modifications whatsoever in order to utilize the two patios now in issue. Thus, the proposed site is more than adequate for the use purposed.

Cindy



LOS ANGELES COUNTY DEPARTMENT OF BEACHES AND HARBORS  
13837 Fiji Way, Marina del Rey, California 90292

**PERMIT NO. 10-001**

Effective Date: **04/01/2010**      Expiration Date: **month-to-month**

**BEACH/FACILITY (Premises):** Parcel XT (Fisherman's Village Overflow Lot, as shown in Exhibit A attached hereto and made a part hereof.

**PERMITTEE:**  
Dey Rey Restaurant Corporation  
Specialty Restaurants Corp.  
Shanghai Red's Restaurant  
8191 E. Kaiser Blvd, Anaheim, CA 92808-2214

**CONTACT:** *Parviz Gerami*  
~~Francisco Perez~~, General Manager  
Phone #: 310-823-4522  
Emergency #: 714-240-2584

**PURPOSE OF PERMIT:** Parking for employees of Shanghai Red's Restaurant, MdR

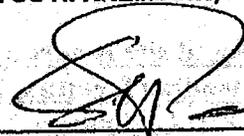
**EQUIPMENT TO BE USED:** N/A

**STAGING AREA:** N/A

**APPLICATION DATE:** 2/3/2010

**ISSUE DATE:** 4-5-2010

**SANTOS H. KREIMANN, DIRECTOR**

By: 

**Paul Wong, Chief Property Manager  
Asset Management Division**

**PROCESSING FEE:** (WAIVED)

**DEPOSIT:** (WAIVED)

**MONTHLY RENT:** \$150.00 / \$250.00 (see Terms and Conditions #3)

**TOTAL DUE:** \$2200.00 for calendar year 2010.

**RECEIPT NO.** 028068 C (4/5/2010)



PERMIT NO. 10-001

THIS PERMIT IS SUBJECT TO THE TERMS AND CONDITIONS LISTED BELOW  
AND TO THE PROVISIONS LISTED UNDER THE "GENERAL PROVISIONS" SECTION HEREIN

1. The term of this Permit is one (1) month and shall continue on a month-to-month basis until the Permit is terminated as outlined under General Provisions A through O.
2. Permittee understands and acknowledges that parking privileges herein are nonexclusive.
3. The monthly rental rates shall be \$150.00 per month October 1st through May 31st and \$250.00 per month June 1st through September 31<sup>st</sup>, payable in advance on annual basis on January 1<sup>st</sup> of each year the Permit is in effect. The rental rates are subject to change as directed by the County of Los Angeles Board of Supervisors. County shall notify Permittee no less than thirty (30) days prior to any increase. If Permittee disagrees with a rent adjustment, Permittee shall have the option to terminate this Permit as provided herein. Permittee's continued occupancy of the Premises on and after the effective date of the rental adjustment shall constitute the Permittee's agreement to remain in possession of the Premises subject to the new rental rate specified in the notice.
4. This Permit is issued solely to provide parking for the employees of Shanghai Red's Restaurant, located on Parcel 61, Marina del Rey, during an employee's work shift. Employees may access the Premises by using the key card and parking pass issued to that employee. Only the Permittee's management may apply directly to PCI, the County's parking contractor, for key cards and parking passes. A total of no more than forty-five (45) key cards and parking passes will be made available to the Permittee. Each application for a key card and parking pass must be in a form and manner as prescribed by PCI and must be accompanied by a \$50 deposit, which shall be refunded to the Permittee when the key card and parking pass are returned to PCI. Each parking pass must be clearly displayed on the rear view mirror of each vehicle, unless otherwise instructed. Photocopies of parking passes are not acceptable. Vehicles displaying a photocopy of the parking pass or parked without a valid parking pass are subject to a parking citation. This Permit shall be subject to revocation if key cards and parking passes are used to access the Premises for non-work-related reasons.
5. Employee's use of the Premises is limited to their working hours. If the employee's vehicle becomes disabled and the vehicle must remain on the lot for more than 24 hours, the Department should be notified at (310) 305-9534 to avoid a parking citation. Vehicles stored for longer than 24 hours and not called in will be cited and will be subject to towing at the owner's expense.
6. No storage containers or equipment are allowed on the Premises.
7. Permittee is responsible for ensuring that any person or vehicles entering the Premises under this Permit refrain from littering the Premises.
8. This Permit does not grant any special parking privileges to Permittee. Permittee must obey all posted parking lot rules and regulations. For any County parking lot other than the Premises, Permittee must pay the posted parking lot entry fee for each vehicle upon entry.
9. Permittee agrees to keep and perform all provisions contained in any permit issued or to be issued to Permittee by any governmental agency or commission. Failure to comply with this condition shall constitute a material breach of contract upon which the County may immediately terminate or suspend this Permit.
10. Permittee agrees to keep all advertising signs and marketing material off the Premises.
11. Permittee agrees to conduct the permitted activities in a courteous and non-profane manner, to operate without interfering with the use of the Premises by the County or the public, except as herein permitted, and to remove any agent, servant or employee who fails to conduct permitted activities in the manner heretofore described.

PERMIT NO. 10-001

12. Permittee acknowledges that this Permit is issued by County of Los Angeles to Permittee for the intended activities and is not intended, and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association, as between County and Permittee. It is expressly understood by Permittee that in permitting the right to use the Premises, no estate or interest in real property is being conveyed to Permittee, and that the right to use is only a nonexclusive, revocable and unassignable permission to occupy the Premises in accordance with the terms and conditions of the Permit for the purpose of conducting the permitted activities.
13. Permittee shall accommodate the Public's need for parking by freeing up as many parking spaces as possible on, but not limited to, the following days: Memorial Day, Independence Day, Labor Day and on the day the Christmas Boat Parade is held.

14. GENERAL PROVISIONS

- A. Permittee has examined the Premises and knows the conditions thereof. Permittee accepts the Premises in the present state and condition and waives any and all demand upon County for alteration, repair, or improvement thereof. Permittee shall make no alteration or improvements to the Premises without prior written approval from the County. County will allow no credit for the cost of any expenditure for any work performed by Permittee, or for any work ordered done by Permittee.
- B. Permittee may terminate this Permit at anytime by giving County no less than thirty (30) days advance written notice of intention to terminate. However, the termination shall not be effective unless Permittee has vacated the Premises; returned all key cards and parking passes.
- C. County may terminate this Permit at any time by giving Permittee no less than thirty (30) days' advance written notice of intention to terminate. Upon receipt of such notice, Permittee shall vacate the Premises as required herein. Permittee agrees that should it fail to vacate as herein provided, the County or its authorized agents may enter upon said premises and remove Permittee's personal property therefrom, and in this event, Permittee waives any and all claims for damages against the County, its officers, agents, or employees. Permittee shall reimburse County for all expenses incurred by County plus maximum interest allowed by law accruing from the day County incurred the expenses until such time as the principal and interest are fully paid by Permittee. Nothing herein shall be deemed a waiver of any rights of the County to demand and obtain possession of the Premises in accordance with law in the event Permittee violates any part of any of the terms or conditions herein.
- D. It is understood and agreed to be part of the herein consideration that County may temporarily suspend or terminate the Permit without notice to Permittee in order to allow the performance by County, its officers, agents, and employees, of work necessary to protect persons or property, including the Premises, from impending danger, hazard or harm. In the event County exercises such right, County will credit Permittee a prorated share of the prepaid rent based on the time period County has possession of the Premises.
- E. Permittee shall not permit graffiti, rubbish, tin cans, garbage, etc., to accumulate, nor to use or allow use of Premises for any illegal or unauthorized purposes, and to comply with all State laws and local ordinances concerning Premises and the use thereof.
- F. Permittee is responsible for any and all damages done to the Premises by Permittee, agents, contractors, subcontractors, invitees, visitors and anyone holding under the Permittee. Permittee shall promptly repair any such damage as soon as Permittee is aware of the damages but not later than 10 days upon receipt of notification from the County.
- G. It is understood and agreed that County shall not be responsible for any damage to Premises or injuries to persons or property that may arise from or be incidental to the use and occupancy of Premises, or for damages to the property of Permittee, or for injuries to the person of Permittee, Permittee's agents, servants, successors, subtenants, invitees or others who may be on Premises at anyone's invitation, arising from or incidental to the use

## PERMIT NO. 10-001

of Premises by the Permittee or anyone under the Permittee, and/or its agents, contractors, employees or assigns. Permittee agrees to indemnify, defend, and hold harmless the County, for such claims and liability pursuant to the condition immediately below.

- H. Permittee shall indemnify, defend, and hold harmless County, its Special Districts, elected and appointed officers, employees and agents from and against any and all liability, including but not limited to demands, claims, actions, fees, costs and expenses (including attorney and expert witness fees), arising from or caused by, in whole or in part, the activities of Permittee, its agents, contractors, employees or assigns on the Premises.
- I. This Permit shall cancel and terminate any prior oral or written agreement, if any, between County and Permittee for use of the Premises, as of the commencement date of this Permit.
- J. This Permit may create a possessory interest upon which a property tax may be levied. In such event, Permittee shall pay before delinquency all such taxes or assessments.
- K. Without limiting Permittee's indemnification of the County, Permittee shall at its own expense take out and maintain in force, at all times during the term of this Permit, a policy or policies of insurance covering Premises. Such insurance shall be provided by insurer(s) satisfactory to the County Risk Manager. At a minimum, the policy shall meet the following minimum criteria:
- Coverage for comprehensive general liability and property damage in the amount not less than One Million Dollars (\$1,000,000) per occurrence, Two Million Dollars (\$2,000,000) aggregate.
  - Coverage for automobile liability in the amount not less than One Million Dollars (\$1,000,000) per occurrence.
  - The COUNTY OF LOS ANGELES, its governing board, officers, and employees shall be named as Additional Insured on all policies of liability insurance to be evidenced by an endorsement or similar instrument. (If County is not named as an Additional Insured in the original policy, an endorsement will be necessary to satisfy this provision.)
  - This Permit No. is included as part of the insured premises to be evidenced by an endorsement or a similar instrument. (If the Premises or this Permit number is not included in the original policy, an endorsement will be necessary to satisfy this provision.)
  - Coverage for Workers' Compensation insurance in an amount and form to meet all applicable requirements of the Labor Code of the State of California and which specifically covers the persons and risks involved in this Permit. Permittee understands and agrees that all persons furnishing services to the County pursuant to this Permit are, for purposes of Workers' Compensation liability, employees solely of Permittee and not of County. Permittee shall bear the sole responsibility and liability for furnishing Workers' Compensation benefits to any person for injuries arising from or connected with services performed on behalf of Permittee pursuant to this Permit.

To the fullest extent permitted by law, the Permittee hereby waives its rights and its insurer(s)' rights of recovery against County under all the insurance required under this Permit for any loss arising from or relating to this Permit. The Permittee shall require its insurers to execute any waiver of subrogation endorsements which may be necessary to effect such waiver.

All policies of insurance shall be with a company or companies authorized by law to transact insurance business in the State of California. Prior to the commencement date of this Permit, Permittee shall furnish to County a copy of the policy of insurance evidencing Permittee's insurance coverage. Failure on the part of Permittee to procure or maintain required insurance shall constitute a material breach of contract upon which the County may immediately terminate or suspend this Permit.

PERMIT NO. 10-001

Upon renewal of any of the policies of insurance, Permittee shall furnish to County a Certificate of Insurance evidencing Permittee's continued insurance coverage. The County shall be given notice in writing at least (30) days in advance of cancellation or modification of such policy.

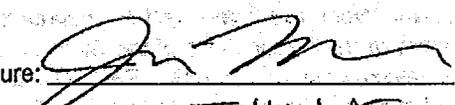
In the event any of the policies are changed or if the insurance carrier is changed, Permittee shall provide County a copy of the replacement policy meeting the minimum requirements as above noted.

- L. Permittee expressly acknowledges that Permittee is a post acquisition tenant and shall not be entitled to any claim of status as a "displaced person" as such is defined in Section 7260 of the Government Code of the State of California. Permittee hereby acknowledges Permittee's ineligibility for relocation assistance as provided in Government Code Sections 7260 through 7277, inclusive, as it exists or as it may be amended.
- M. Permittee shall not construct or place any improvements on the Premises.
- N. County may, at its sole discretion, enter Premises to conduct Environmental Site Assessments. Upon review of such Assessments, County may, at its sole discretion, terminate this Permit consistent with General Provision C. Permittee shall bear any and all responsibility, expense, and liability incurred in the cleanup and treatment of any hazardous materials or condition found on the Premises caused by Permittee's use, storage, or treatment of any hazardous materials on/or within the Premises.
- O. Each County Lobbyist as defined in Los Angeles County Code Section 2.160.010, retained by Permittee, shall fully comply with the County Lobbyist Ordinance, Los Angeles County Code Chapter 2.160. Failure on the part of any Lobbyist retained by Permittee to fully comply with the County Lobbyist Ordinance shall constitute a material breach of this Permit upon which the County may terminate or suspend this Permit.

ACCEPTANCE

We, the undersigned Permittee, have read, understood and agreed to all the terms, conditions, and provisions contained in this Permit.

PERMITTEE:

Signature: 

Name in Print: John Tallich

Title: PRESIDENT

Date: 3-30-10



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
3/24/2010

**PRODUCER** Lockton Insurance Brokers, LLC  
725 S. Figueroa Street, 35th Fl.  
CA License #0F15767  
Los Angeles CA 90017  
(213) 689-0065

**INSURED** Shanghai Reds  
1315305 13813 Fiji Way  
Marina del Rey CA 90291

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Great American Alliance Insurance Co	26832
INSURER B: Allied Insurance Company	36528
INSURER C: American Zurich Insurance Company	40142
INSURER D:	
INSURER E:	

**COVERAGES** SPERE01 FA THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER AND THE CERTIFICATE HOLDER.

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	X	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liq. Liab. \$1MM <input checked="" type="checkbox"/> \$25,000 Ded. GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	PAC2267345	1/31/2010	1/31/2011	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/PROP AGG \$ 2,000,000
B		<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> Med Pay \$2,000 <input checked="" type="checkbox"/> Comp/Coll Ded \$1,000	7804292173	1/31/2010	1/31/2011	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX
		<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO	NOT APPLICABLE			AUTO ONLY - EA ACCIDENT \$ XXXXXXXX OTHER THAN EA ACC AGG \$ XXXXXXXX AUTO ONLY: AGG \$ XXXXXXXX
		<b>EXCESS / UMBRELLA LIABILITY</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> UMBRELLA FORM RETENTION \$	NOT APPLICABLE			EACH OCCURRENCE \$ XXXXXXXX AGGREGATE \$ XXXXXXXX \$ XXXXXXXX \$ XXXXXXXX \$ XXXXXXXX
C		<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below	WC937869806	1/31/2010	1/31/2011	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
		OTHER				

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**  
 This Certificate of Liability relates to the Los Angeles County Department of Beaches and Harbors Permit No. 10-001. The County of Los Angeles, its governing board, officers and employees are an Additional Insured to the extent provided by the policy language or endorsement issued or approved by the insurance carrier.

**CERTIFICATE HOLDER**  
 10833225  
 The County of Los Angeles,  
 its governing board, officers and employees  
 13837 Fiji Way  
 Marina Del Rey CA 90292

**CANCELLATION** [D447908]  
 SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.  
 AUTHORIZED REPRESENTATIVE

ACORD 25 (2009/01)

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The ACORD name and logo are registered marks of ACORD  
 For questions regarding this certificate, contact the number listed in the "Producer" section above and specify the client code "SPERE01".

## ATTACHMENT B



April 1, 2010

The County of Los Angeles, its governing board, officers and employees  
13837 Fiji Way  
Marina Del Rey, CA 90292

Re: Notice of Cancellation Clause

To Whom It May Concern:

Please be advised that we cannot fulfill the request to alter the cancellation clause of the certificate. The insurance carriers have advised that they will not allow us to do this, as it is impossible for them to guarantee compliance with this request given the large number of certificate holders. However, the certificate will contain the standard "endeavor to" wording.

Thank you for your understanding.

Regards,

David Burgos  
Assistant Vice President  
Lockton Insurance Brokers

Attachment Code : D447908  
Certificate ID : 10833225

**ATTACHMENT B**

# SPECIALTY RESTAURANTS CORPORATION



April 2, 2010

*Via Overnight Delivery*

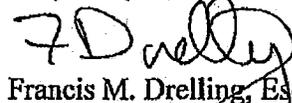
Mr. Jules Trefler  
Senior Real Property Agent  
Department of Beaches and Harbors  
County of Los Angeles  
13837 Fiji Way, Marina del Rey, CA 90292

Re: P61-Shanghai Red's-employee parking; Permit No.10-001

Dear Jules:

Please find I am forwarding a check, bearing check #467391, in the amount of \$2,200.00. This check is to cover the 2010 annual fee relative to Permit No. 10-001 which will allow employees of Shanghai Red's Restaurant to park their vehicles in Parcel XT.

Very Truly Yours,

  
Francis M. Drelling, Esq.  
General Counsel, Restaurant Division  
Specialty Restaurants Corporation

COUNTY OF LOS ANGELES DEPARTMENT OF BEACHES AND HARBORS

DEPARTMENTAL RECEIPT No. 028068 C

RECEIVED FROM

4.05 20 10

Specialty Restaurants Corporation

\$ 2,250.00

Two Thousand Two Hundred 00/100

DOLLARS

FOR Plol Shanghai Reds Employee Parking Permit No 10001

Bank of the West  
Check 467391

Betty Gomez

SIGNATURE

OFFICIAL TITLE

CUSTOMER COPY

INVOICE NO.	DESCRIPTION	DATE	P.O. NO.	GROSS AMOUNT	DISCOUNT	NET AMOUNT
PERMIT#10-	PARKING PERMIT FEE -	4/1/2010	PERMIT#10-	2,200.00	0.00	2,200.00
<b>TOTALS</b>				<b>2,200.00</b>	<b>0.00</b>	<b>2,200.00</b>

**SPECIALTY RESTAURANTS CORPORATION**  
 GENERAL ACCOUNT  
 8191 E. KAISER BLVD.  
 ANAHEIM, CA 92803

BANK OF THE WEST  
 NEWPORT BEACH COMM'L BANKING OFFICE

90-42841222

467391

DATE  
 4/2/2010

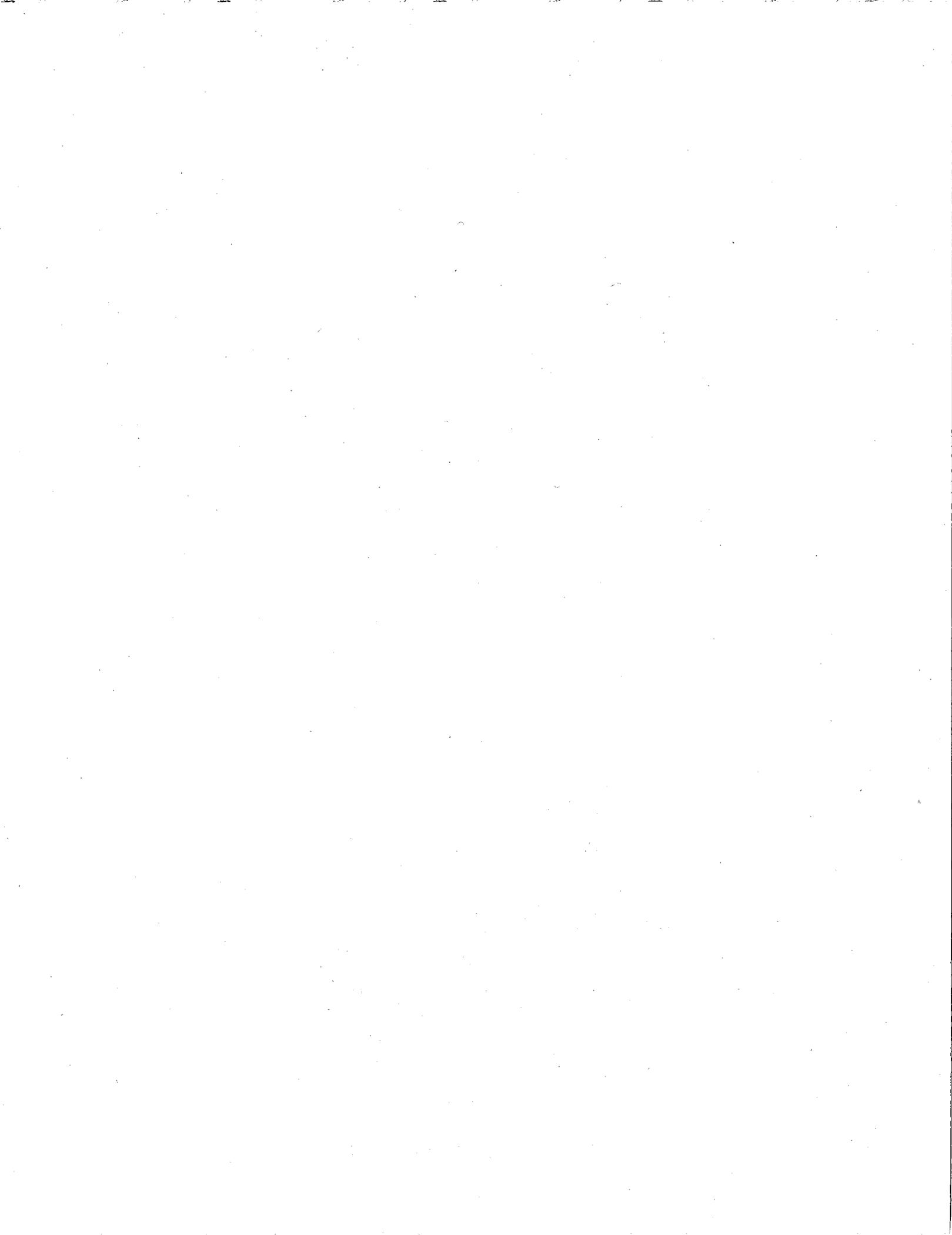
AMOUNT OF CHECK  
 \*\*\*\*\*2,200.00

VOID AFTER SIX MONTHS

PAY Two thousand two hundred and 00/100 Dollars

TO THE ORDER OF  
 L.A. DEPT. OF BEACHES & HARBORS  
 FINANCIAL & FISCAL SERVICES  
 13489 FLII WAY TRAILER #2  
 Marina Del Rey, CA 90292  
 USA

*[Handwritten Signature]*





# ATTACHMENT C

*To enrich lives through effective and caring service*



**Santos H. Kreimann**  
Director

**Kerry Silverstrom**  
Chief Deputy

March 18, 2009

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

Dear Mr. Tripp:

## **PARCEL 61 -SHANGHAI RED'S PARKING PRIVILEGE AT FISHERMAN'S VILLAGE – MARINA DEL REY**

The Parcel 61 lessee, Specialty Restaurants Corporation, who operates business as Shanghai Red's restaurant, has requested that we write to inform you of its parking privilege that may be available outside of its leasehold premises, if any.

Our review has determined that the Parcel 61 lessee presently has the privilege to use the Parcel W-1 parking lot, adjacent to the Fisherman's Village, for additional customer parking. Since Parcel W-1 will be included as part of the Fisherman's Village redevelopment project, the Parcel 61 lessee's privilege for offsite parking is reflected in the new development project.

Please note that the Administrative Draft Environmental Impact Report for Fisherman's Village (Vol. II, Appendix 5.7, page v) indicates there are approximately 94 parking spaces proposed for Shanghai Red's use.

Please call Ron Frisch at (310) 305-9513 if you need additional information.

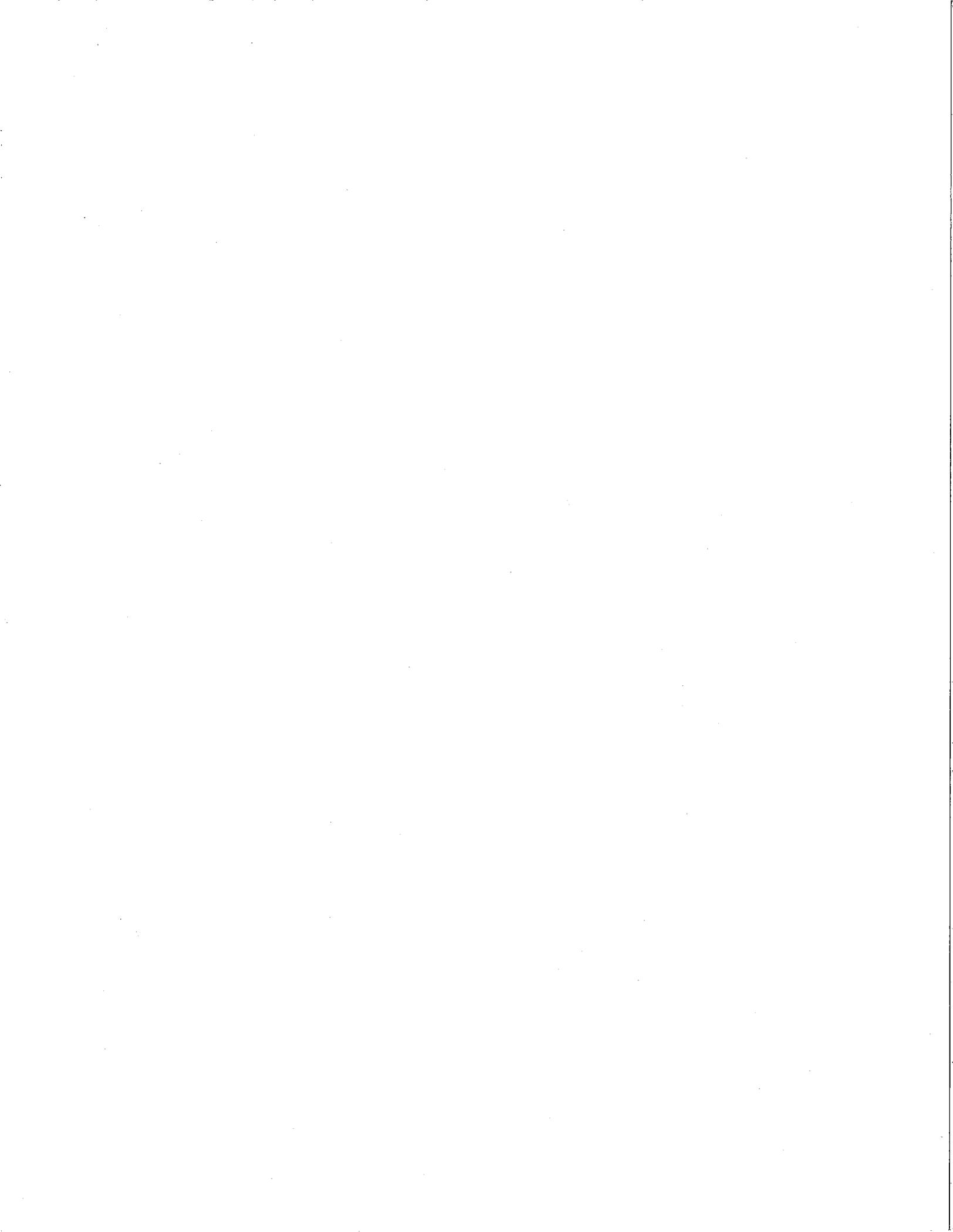
Very truly yours,

SANTOS H. KREIMANN, DIRECTOR

Steve Penn, Chief Property Manager  
Asset Management Division

SHK:PW:SP:rf

MAR 23 2009



# ATTACHMENT D



Leroy D. Baca, Sheriff

*County of Los Angeles*  
**Sheriff's Department Headquarters**

*4700 Ramona Boulevard  
Monterey Park, California 91754-2169*



June 10, 2009

Maral Tashjian, Principal Planner  
Los Angeles County  
Department of Regional Planning  
320 West Temple Street  
Los Angeles, California 90012

Dear Ms. Tashjian:

Your requested comments and service information for a proposed Conditional Use Permit for the expanded sale of alcohol beverages concerning:

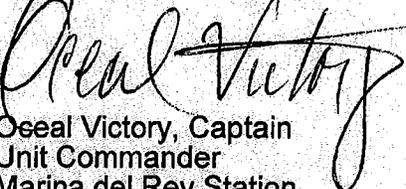
Project: R2005-00728-(4)  
Case #: CUP200500061-(4)  
Establishment: Shanghai Red's (Restaurant)  
Location: 13813 Fiji Way, Marina del Rey 90292

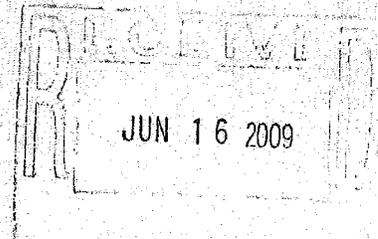
After reviewing the proposal and the history of crimes reported in the area, the Sheriff's Department has no objection to the issuance of the conditional use permit. The Sheriff's Department has responded to 41 calls for service at the location in the past five years, resulting in two crimes being reported. Attached is a synopsis of those calls for your review.

If you need further assistance, Sergeant Rick Petty at (310) 482-6093.

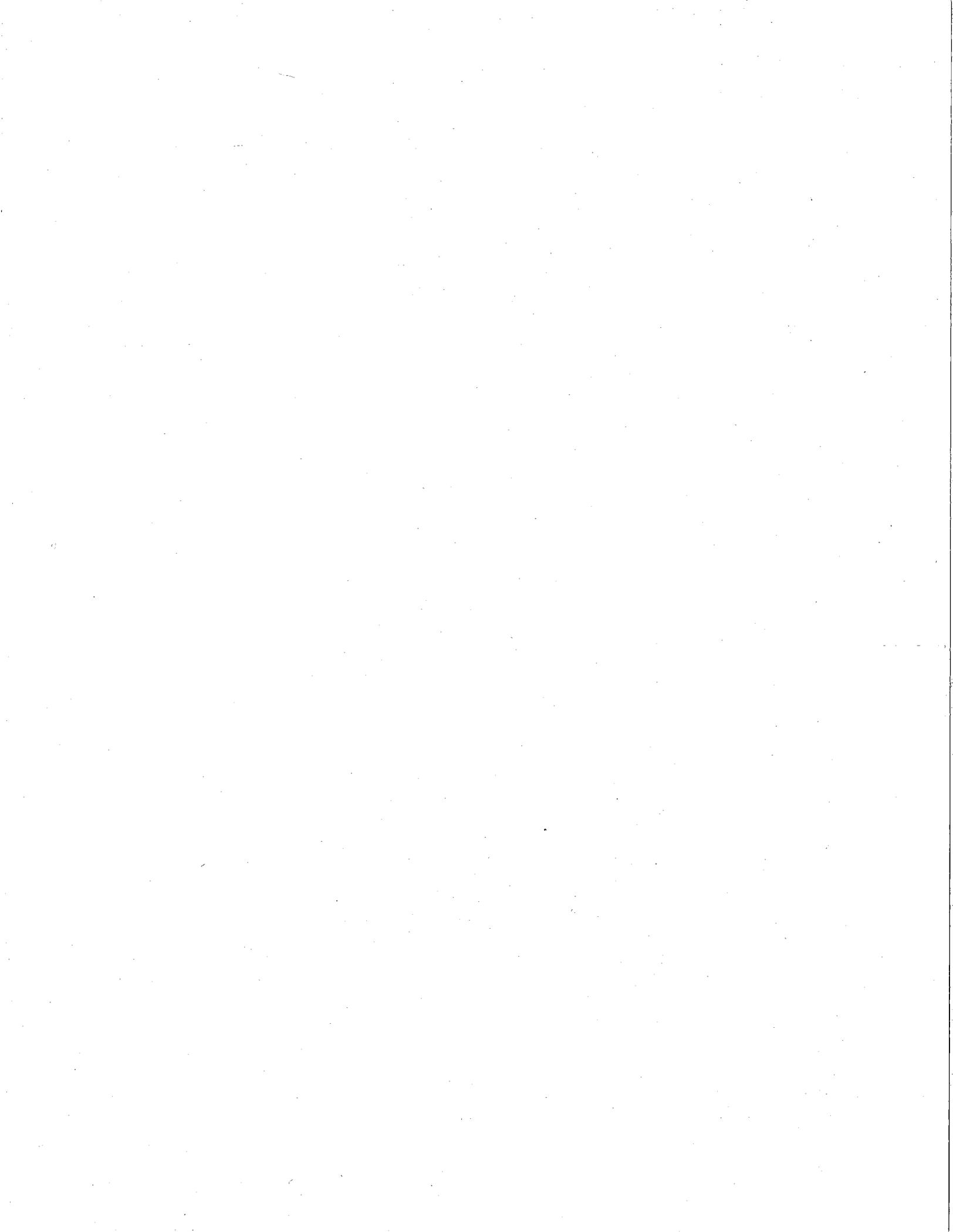
Sincerely,

LEROY D. BACA, SHERIFF

  
Oseal Victory, Captain  
Unit Commander  
Marina del Rey Station



*A Tradition of Service Since 1850*



MARINA DEL REY  
06/11/2009

Report RAPS 300  
Regional Allocation of Police Services  
Location Inquiry from 01/01/2004 To 06/01/2009

Incident Date: 03/26/2004

S R P Location  
C D R 13813 FIJI WY, MDR SHANGHAI  
REDS

Incident Date: 04/19/2004

S R P Location  
C D R 13813 FIJI WY, MDR SHANGHAI RED  
RESTAURANT

D R 13813 FIJI WY, MDR SHANGHAI RED  
RESTAURANT

Incident Date: 05/07/2004

S R P Location  
C D R 13813 FIJI WY, MDR SHANG HIGH  
RESTAURANT

C D R 13813 FIJI WY, MDR SHANG HIGH  
RESTAURANT

Incident Date: 05/09/2004

S R P Location  
C D R 13813 FIJI WY, MDR SHANG HI  
REDS RESTAURANT

Incident Date: 05/16/2004

C D R 13813 FIJI WY, MDR "SHANGHI  
RIBS"

Incident Date: 06/22/2004

S R P Location  
C D R 13813 FIJI WY, MDR "SHANGHI RED  
RESTAURANT"

Tag Dispatch Text

Clearance Text  
CKD RE:LOUD MUSIC. NO NOISE AT LOC.  
BUSINESS IS CLOSED, NO ONE THERE.  
HANDLED BY DESK. RELATED TO { 4.

Tag Dispatch Text

Clearance Text  
LOC CKD.NO OUTSIDE EVID OF 459PC.

C/PERM/INT, N/M,  
(C/B 310 823 4522)  
\*\*U/D HAWTHORNE PATROL  
ARMED/MARKED GUARDS ENR\*\*

Tag Dispatch Text

Clearance Text  
NO SIGN OF DISTURBANCE AT LOC,

C/OFFICE/KITCHEN AREA,NM,(C/B  
310 823 4522)

Tag Dispatch Text

Clearance Text  
CHK,D LOC RE:459ALOC CHK,D C4

C/INT/PER,NM,  
(310 823 4522)

C/UNK R/UNK (310 823 4522)  
ARMED GUARD UNK ETA WALE AT  
LOC WITH NO CODES  
\*\*10-22 PER ALARM  
(VICKIE)\*\*

Tag Dispatch Text

Clearance Text  
CALL 10-22 PER ALARM CO ADT (VICKIE)  
877 535-0563

Tag Dispatch Text

Clearance Text  
INSIDE OF LOC RE 927B  
CLEARED

C/GENERAL,,NM,,R/10  
(310 823 4522)

MARINA DEL REY  
06/11/2009

Report RAPS 300  
Regional Allocation of Police Services  
Location Inquiry from 01/01/2004 to 06/01/2009

Incident Date: 06/22/2004

S R P Location  
C D R 13813 FIJI WY, MDR "SHANGHI RED RESTAURANT"

Tag Dispatch Text  
15 C/GENERAL,, NM,, R/10  
(310 823 4522)

Incident Date: 06/27/2004

S R P Location  
C D R 13813 FIJI WY, MDR SHANG HIGH RESTURANT

Tag Dispatch Text  
11 C/GENERAL, HAWTHORNE SEC ENR  
UNK ETA (310 823 4522)  
R/UNK

D R 13813 FIJI WY, MDR SHANG HIGH RESTURANT

11 C/GENERAL, HAWTHORNE SEC ENR  
UNK ETA (310 823 4522)  
R/UNK

Clearance Text  
CKD LOC SECURE, NO EV OF CRIME.

Incident Date: 07/01/2004

S R P Location  
9 B P 13813 FIJI WY, MDR "SHANGHAI RED'S"

Tag Dispatch Text  
95 MW/48 WEARING ALL GREEN  
ARGUING WITH MANAGER AND  
CAUSING PROBLEMS AT LOC

Clearance Text  
CNTD MGR JEFF FRIEDMAN MW 022254  
RE:415D,W/A DAVID I STURWOLD MW 112735  
RE:415, WILCO,, CNTD D/P STURWOLD AT MDR  
FRONT COUNTER AT 1517 HRS.

Incident Date: 07/08/2004

S R P Location  
C D R 13813 FIJI WY, MDR "SHANGHAI REDS"

Tag Dispatch Text  
1 C/UNK,R/15,, NM,,  
(CB 310 823 4522/823 4523)

Clearance Text  
NO EV OF 459

C D R 13813 FIJI WY, MDR "SHANGHAI REDS"

1 C/UNK, R/15,, NM,,  
(CB 310 823 4522/823 4523)

X-271 AS NEEDED

Incident Date: 08/29/2004

S R P Location  
9 D R 13813 FIJI WY, MDR SHANGHI REDS

Tag Dispatch Text  
80 CUSTOMER ACTING STRANGELY  
ATLOC...

Clearance Text

9 D R 13813 FIJI WY, MDR SHANGHI REDS

80 CUSTOMER ACTING STRANGELY  
ATLOC...

ARRESTED LESTER FELIX BK 8256476 RE 647F  
SEE RPT

Incident Date: 09/04/2004

S R P Location  
C D R 13813 FIJI WY, MDR SHANGHAI REDS

Tag Dispatch Text  
108 INF COMPLAINING ABOUT USE OF  
P. A. SYSTEM.

Clearance Text

Incident Date: 09/25/2004

CHKD LOC RE:415E. UNABLE TO HEAR P. A.  
SYSTEM FROM OUTSIDE.

Incident Date: 09/25/2004

<u>S R P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
9 B P	13813 FIJI WY,MDR	133	SHANGHAI RED 5 PEOPLE FIGHTING AT LOC.	X-272 AS NEEDED.
9 B P	13813 FIJI WY,MDR	133	SHANGHAI RED 5 PEOPLE FIGHTING AT LOC.	
9 B P	13813 FIJI WY,MDR	133	SHANGHAI RED 5 PEOPLE FIGHTING AT LOC.	CONTD PARVIZ GERAMI MW/A, GM, 415FT, GPA, UTL

Incident Date: 04/16/2005

<u>S R P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
9 B E	13813 FIJI WY,MDR SHANGHAI REDS	51	MALE DOWN INSIDE THE RESTAURANT, UNK IF BREATHING.	CONTD PERSON LOWEL BENNETT MB/79 RE: MEDICAL PROBLEMS : PERSON OK : PARAMEDICS FIRE 110 ARRIVED ON SCENE TOOK OVER HANDLE.

Incident Date: 06/18/2005

<u>S R P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
C B P	13813 FIJI WY,MDR SHANGHAI REDS	80	UNK NUMBER OF PEOPLE FIGHTING IN FRONT OF LOC, NFD.	
C B P	13813 FIJI WY,MDR SHANGHAI REDS	80	UNK NUMBER OF PEOPLE FIGHTING IN FRONT OF LOC, NFD.	CONTD JOE BOWERS MB/A N LOUISMATTIS MB/73 RE: 415FT, SEE 242R, CITIZENS ARST
C B P	13813 FIJI WY,MDR SHANGHAI REDS	80	UNK NUMBER OF PEOPLE FIGHTING IN FRONT OF LOC, NFD.	

Incident Date: 09/10/2005

<u>S R P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
C B P	13813 FIJI WY,MDR SHANGHAI REDS	121	EMPLOYEE OF THE RESTAURANT STATES ANOTHER EMPLOYER ASSAULTED HIM IN THE KITCHEN. INF WILL MEET DEPS IN FRONT OF BUSINESS AND DIRECT. D/P STILL INSIDE. NO WEAPONS.	C/GERADO CRUZ MH/A AND SAMERATYEH MO/A RE: 415B. NO ASSAULT. INF WAS A NEW EMP AND WAS TERM, D DUE INSUBORNATION.

MARINA DEL REY  
06/11/2009

Report RAPS 300  
Regional Allocation of Police Services  
Location Inquiry from 01/01/2004 To 06/01/2009

Incident Date: 09/10/2005

S R P Location  
C B P 13813 FIJI WY,MDR SHANGHAI REDS

Tag 121

Dispatch Text  
EMPLOYEE OF THE RESTAURANT  
STATES ANOTHER EMPLOYEE  
ASSAULTED HIM IN THE  
KITCHEN. INF WILL MEET DEPS IN  
FRONT OF BUSINESS AND  
DIRST.D/P/ STILL INSIDE. NO  
WEAPONS.

Clearance Text  
ASSTD 271 AS NEEDED RE:415B

Incident Date: 10/23/2005

S R P Location  
A D R 13813 FIJI WY,MDR SHANGAI REDS

Tag 76

Dispatch Text  
MALE AT LOC CAUSING A  
DISTURBANCE AT LOC REFUSING TO  
LEAVE

Clearance Text  
CONT MGR FRED TABRIZY MR/052451 RE:415B,  
D/P ALVIN BAZILILE MR/111442 WILCO N LEAVE  
LOC

Incident Date: 12/18/2005

S R P Location  
C D R 13813 FIJI WY,MDR "FISHERMANS  
VILLAGE"

Tag 78

Dispatch Text  
LAPD ADVISES THAT A MH/ARIEL  
GARCIA IN A BLACK TOY CAMRY  
LIC4GZH530 IS 390 AND ENRT TO  
SHANGREDS WITH A 5 YEAR OLD IN  
CAR,D/P IS VERY 390 WEARING  
PURPLE SHIRT/BLU JEANS

Clearance Text  
ASSIST 272 WITH CALL

C D R 13813 FIJI WY,MDR "FISHERMANS  
VILLAGE"

Tag 78

Dispatch Text  
LAPD ADVISES THAT A MH/ARIEL  
GARCIA IN A BLACK TOY CAMRY  
LIC4GZH530 IS 390 AND ENRT TO  
SHANGREDS WITH A 5 YEAR OLD IN  
CAR,D/P IS VERY 390 WEARING  
PURPLE SHIRT/BLU JEANS

C/VALET AT SHANGAI REDS NO CAMRY

C D R 13813 FIJI WY,MDR "FISHERMANS  
VILLAGE"

Tag 78

Dispatch Text  
LAPD ADVISES THAT A MH/ARIEL  
GARCIA IN A BLACK TOY CAMRY  
LIC4GZH530 IS 390 AND ENRT TO  
SHANGREDS WITH A 5 YEAR OLD IN  
CAR,D/P IS VERY 390 WEARING  
PURPLE SHIRT/BLU JEANS

X-271

Incident Date: 05/02/2006

S R P Location  
C D R 13813 FIJI WY,MDR EL TORITO

Tag 141

Dispatch Text  
TMSK KNOWN AND POINT OUT  
THE MALE AT LOC CAUSING A  
PROBLEM IN BAR AREA

Clearance Text  
ASSTD 272 AS NEEDED RE:415B

MARINA DEL REY  
06/11/2009

Report RAPS 300  
Regional Allocation of Police Services  
Location Inquiry from 01/01/2004 To 06/01/2009

Page 5 of 8

Incident Date: 05/02/2006

S R P Location Tag Dispatch Text Clearance Text  
C D R 13813 FIJI WY,MDR EL TORITO 141 IWM SK KNOWN AND POINT OUT THE MALE AT LOC CAUSING A PROBLEM IN BAR AREA W/A VELVIN ATKINS MB/030975 RE 415B

Incident Date: 05/14/2006

S R P Location Tag Dispatch Text Clearance Text  
C D R 13813 FIJI WY,MDR SHANGAI REDS 72 IWM SK IN FRONT RE TROUBLE WITH A PATRON CONT MANAGER/PARIV GERAMI MO/A RE 415B/DISPUTE RESOLVED

Incident Date: 09/16/2006

S R P Location Tag Dispatch Text Clearance Text  
D R 13813 FIJI WY,MDR "SHANGHAI REDS" 50 TO VEH. IWM SK IN SHANGHAI PRKG LOT. MADE CONTACT W/V ROBERTS RE: VANDALISM TO HER VEHICLE

Incident Date: 12/25/2006

S R P Location Tag Dispatch Text Clearance Text  
C D R 13813 FIJI WY,MDR "SHANGHAI REDS" 51 MW/30 390 CREATING A DISTURBANCE WILL NOT LEAVE D/P IS APP 6 FT WEARING A BLK EATHER JACKET  
C D R 13813 FIJI WY,MDR "SHANGHAI REDS" 51 MW/30 390 CREATING A DISTURBANCE WILL NOT LEAVE D/P IS APP 6 FT WEARING A BLK EATHER JACKET  
C D R 13813 FIJI WY,MDR "SHANGHAI REDS" 51 MW/30 390 CREATING A DISTURBANCE WILL NOT LEAVE D/P IS APP 6 FT WEARING A BLK EATHER JACKET  
ASSIST AS NEEDED

Incident Date: 03/10/2007

S R P Location Tag Dispatch Text Clearance Text  
C D R 13813 FIJI WAY,MDR 60 INF STATED THAT A MW/A WALKING 4 DOGS. THE DOGS ARE GOING TO THE BATHROOM AND THE MAN IS NOT CLEANING UP THEIR MESS. C/MANAGER AT SHANGHAI REDS... STATED D/P UTL/GPA

Incident Date: 06/16/2007

S R P Location Tag Dispatch Text Clearance Text  
9 B P 13813 FIJI WY,MDR"SHANGHAI REDS" 107 PERSON AT LOC POSSIBLY HAVING A HEART ATTACK. DEP HOUSEHOLDER 10-97 W.AED ASSTD FIRE RE: PERSON DOWN AT LOC/REFUSED MED TREATMENT-TRANSPORT.

MARINA DEL REY  
06/11/2009

Report RAPS 300  
Regional Allocation of Police Services  
Location Inquiry from 01/01/2004 To 06/01/2009

Page 6 of 8

Incident Date: 07/04/2007

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
C	B	P	13813 FIJI WY, MDR "SHANGHAI REDS"	170	FEMALE 20'S PASSED OUT DRUNK	ASST ENGINE COMPANY 208 AND CAPT. BRADY RE: 390 SUSPECT SOGHANOG, NICOLE FW/26.
C	B	P	13813 FIJI WY, MDR "SHANGHAI REDS"	170	FEMALE 20'S PASSED OUT DRUNK	ASSTD 271 AS NEEDED RE: 902R

Incident Date: 11/24/2007

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
C	D	R	13813 FIJI WY, MDR "SHANGHAI REDS"	6	2-3 PEOPLE IN A VAN ARE IN LOT POSS RECYCLING MANAGER IS THERE ALONE AND WANTS THEM TO LEAVE LOC	CONT RAMON MARTINEZ DOB032137 RE: RECYCLING. LEFT LOC.

Incident Date: 11/30/2007

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
C	D	R	13813 FIJI WY, MDR "SHENHI REDS"	119	MALE BLACK WEARING A WHITE HAT AND PUSHING A SHOPPING CART IS AT THE ENTRANCE TO LOC, D/P HAS BEEN WALKING IN AND OUT OF LOC BOTHERING PATRONS.	W/A GEORGE WALKER RE: LOITERING AT LOC WILCO

Incident Date: 04/03/2008

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
9	B	E	13813 FIJI WY, MDR SHANGHI REDS	138	PERSON IN REST CHOKING.	ASSTD FIRE ENG CO 110, UNDER COMMAND OF CPT CHUCK, RE: 902R, HUSBAND PERFORMED HYMLIC ON WIFE MRS FREDERICKSON, REFUSED MEDICAL ATTENTION
9	B	E	13813 FIJI WY, MDR SHANGHI REDS	138	PERSON IN REST CHOKING.	ASST 271 AS NEEDED, DIANNE FREDRICKS FB/A CHOKING ON ESCARGOTREFUSED MEDICAL,
9	B	E	13813 FIJI WY, MDR SHANGHI REDS	138	PERSON IN REST CHOKING.	ASST 271 RE 902R AS NEEDED

Incident Date: 04/15/2008

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
C	D	R	13813 FIJI WY, MDR EL TORITO	136	INF SAID THERE IS AN IRATE CUSTOMER AT LOC. I WMSK AT FRONT AND DIRECT	CONT JUAN/MANAGER/RE 415B/ DISPUTE RESOLVED

Incident Date: 05/11/2008

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
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MARINA DEL REY  
06/11/2009

Report RAPS 300  
Regional Allocation of Police Services  
Location Inquiry from 01/01/2004 To 06/01/2009

Incident Date: 05/11/2008

S R P Location Tag Dispatch Text Clearance Text  
C B P 13813 FIJI WY,MDR 75 SEVERAL PEOPLE INVOLVED IN A FIGHT INSIDE THE BAR, NO WEAPONS SEEN, X AS NEEDED  
C B P 13813 FIJI WY,MDR 75 SEVERAL PEOPLE INVOLVED IN A FIGHT INSIDE THE BAR, NO WEAPONS SEEN, DP ALICIA GREGORY HAD VERBAL ALTERCATION W/WAITRESS AT REST. MOTHER 390 AND ARGUMENTATIVE. DAWN BREWER. FAMILY FRIEND EDWARD NATAE PEACE KEEPER  
C B P 13813 FIJI WY,MDR 75 SEVERAL PEOPLE INVOLVED IN A FIGHT INSIDE THE BAR, NO WEAPONS SEEN, ASSTD 271 AS NEEDED RE:415F  
Incident Date: 06/14/2008

S R P Location Tag Dispatch Text Clearance Text  
9 D R 13813 FIJI WY, MAR D REY 120 IN PARKING LOT , SECOND HANDINFO UNK HOW MANY INVOLVED D/P,S GPA UTL  
9 D R 13813 FIJI WY, MAR D REY 120 IN PARKING LOT , SECOND HANDINFO UNK HOW MANY INVOLVED ASSISTED 271 RE 415FT AS NEEDED  
Incident Date: 09/25/2008

S R P Location Tag Dispatch Text Clearance Text  
C B P 13813 FIJI WY,MDR "SHANGHI REDS" 2 INF SAID A MALE IS YELLING NEXT TO A VEH IN THE PKG LOT, HE APPEARS TO BE 390. INF IS LOCKED INSIDE A GRAY RAV 4 AND AFRAID TO LEAVE. GPA  
C B P 13813 FIJI WY,MDR "SHANGHI REDS" 2 INF SAID A MALE IS YELLING NEXT TO A VEH IN THE PKG LOT, HE APPEARS TO BE 390. INF IS LOCKED INSIDE A GRAY RAV 4 AND AFRAID TO LEAVE. CONTD INF LEANA PULANCO FW/032280. CHKD LOC RE P390. DP GPAUTL.

C B P 13813 FIJI WY,MDR "SHANGHI REDS" 2 INF SAID A MALE IS YELLING NEXT TO A VEH IN THE PKG LOT, HE APPEARS TO BE 390. INF IS LOCKED INSIDE A GRAY RAV 4 AND AFRAID TO LEAVE.

Incident Date: 10/05/2008  
S R P Location Tag Dispatch Text Clearance Text  
9 B P 13813 FIJI WY,MDR SHANGHI REDS 68 2 WOMAN FIGHTING IN WOMANS RESTROOM  
CNTD TAMALIA HOLLAND FB/A AND MANAGEMENT RE:415, VERBAL ONLY, CKD OK

MARINA DEL REY  
06/11/2009

Report RAPS 300  
Regional Allocation of Police Services  
Location Inquiry from 01/01/2004 To 06/01/2009

Page 8 of 8

Incident Date: 10/05/2008

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
9	B	P	13813 FIJI WY,MDR SHANGHI REDS	68	2 WOMAN FIGHTING IN WOMANS RESTROOM	ASSIST UNIT 272 AS NEEDED
9	B	P	13813 FIJI WY,MDR SHANGHI REDS	68	2 WOMAN FIGHTING IN WOMANS RESTROOM	X-272

Incident Date: 11/15/2008

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
C	D	R	13813 FIJI WY,MDR "SHANGHAI RED'S"	81	INF STATED THE PARKING GATE WAS LOWER ON TOP OF HIS VEH. IWMSK	C/BOTH PARTIES, NON-CRIMINAL, T/C ONLY, XCHED INFO. WILCO.

Incident Date: 12/24/2008

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
O	D	R	13813 FIJI WAY,MDR	127		PARKING CITE VEHICLE BLOCKING NO. 2 LANE

Incident Date: 02/15/2009

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
C	D	R	13813 FIJI WY,MDR "SHANGHI REDS"	107	CONTACT INF RE FOUND PROPERTY AT THE LOCATION STOP AT FRONT DESK BEFORE RESPONDING TO THE LOCATION	PROPERTY PICKED UP BY OWNER AT STA DESK.

Incident Date: 05/10/2009

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
9	B	P	13813 FIJI WY,MDR	48	LARGE FIGHT OUTSIDE IN THE PARKING LOT **NO WEAPONS SEEN APPROXIMATELY 20 PEOPLE**	DELAYED RESPONSE FROM EAST END, DAY SHIFT UNIT ASSIGNED PM CALL FOR SERVICE
	B	P	13813 FIJI WY,MDR	48	LARGE FIGHT OUTSIDE IN THE PARKING LOT **NO WEAPONS SEEN APPROXIMATELY 20 PEOPLE**	X-272
9	B	P	13813 FIJI WY,MDR	48	LARGE FIGHT OUTSIDE IN THE PARKING LOT **NO WEAPONS SEEN APPROXIMATELY 20 PEOPLE**	CNTD V/ROY YAMAMOTO MA 112856 RW:415, SEE RPT 109-01173-2761-144
9	B	P	13813 FIJI WY,MDR	48	LARGE FIGHT OUTSIDE IN THE PARKING LOT **NO WEAPONS SEEN APPROXIMATELY 20 PEOPLE**	HNDLED PRIOR TO ARRIVAL.
O	D	R	13813 FIJI WAY,MDR	56	RE:415	GET VICTIMS/WITNESS STATEMENTS



GAIL FARBER, Director

# ATTACHMENT E

## COUNTY OF LOS ANGELES

### DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

MAY 10 2010

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: LD-1

May 3, 2010

TO: Mark Child, AICP  
Zoning Permits I Section  
Department of Regional Planning

Attention: ~~Maral M. Tashjian~~

FROM:  Steve Bürger  
Land Development Division  
Department of Public Works

**CONDITIONAL USE PERMIT (CUP) NO. 200500061**  
**PROJECT NO. R2005-00728(4)**  
**COASTAL DEVELOPMENT PERMIT NO. 20050004**  
**PARKING PERMIT NO. 200500061**  
**13813 FIJI WAY**  
**UNINCORPORATED COUNTY AREA OF MARINA DEL REY**

- Public Works recommends approval of this CUP.
- Public Works does **NOT** recommend approval of this CUP.

We reviewed the site plan for the CUP located at 13813 Fiji Way. The proposed project consists of requesting a Coastal Development Permit to authorize three existing outdoor patios for outside dining, authorizing the sale of alcoholic beverages for on-site consumption, and a parking permit to authorize off-site parking in Specific Plan zone of the Playa del Rey Zoned District for an existing restaurant.

**Upon approval of the site plan, we recommend the following conditions:**

1. Road Conditions

- 1.1 Underground all new service lines and distribution lines that are less than 50 KV and new utility lines to the satisfaction of Public Works and Southern California Edison. Please contact Construction Division at (626) 458-3129 for new location of any above-ground utility structure in the parkway.

- 1.2 Plant street trees on Fiji Way along the property frontage. Existing trees in shall be removed and replaced if not acceptable as street trees. The street tree requirements may be waived if landscape with trees to the frontage of Fiji Way is required by Regional Planning.
- 1.3 Close any unused driveways with standard curb, gutter, and sidewalk along the property frontage on Fiji Way to the satisfaction of Public Works.
- 1.4 Construct all driveway approaches to meet current Americans with Disabilities Act guidelines to the satisfaction of Public Works. Relocate any affected utilities. Additional right of way or easements may need to be set aside to accommodate the driveway approaches. A fee deposit is required for processing set aside.
- 1.5 Construct sidewalk transition at all driveways to meet Americans with Disabilities Act guidelines. Additional right of way or easements may need to be set aside to accommodate the driveway approaches. A fee deposit is required for processing set aside.
- 1.6 Provide a minimum of 6-foot-wide sidewalk on Fiji Way to the property frontage.
- 1.7 Provide sidewalk pop-outs along the property frontage on Fiji Way to accommodate a 4-foot sidewalk clearances around raised obstructions and driveway landings to the satisfaction of Public Works. Additional right of way or easements may need to be set aside to accommodate the requirements. A deposit is required for processing set asides.
- 1.8 Repair any damaged improvements during the construction to the satisfaction of Public Works.
- 1.9 Acquire street improvement plan approval or direct check status before obtaining grading/building permit.
- 1.10 Execute an Agreement to Improve for the street improvements prior to issuance of a building permit.

For questions regarding the road conditions, please contact Sam Richards at (626) 458-4921 or by e-mail at [srich@dpw.lacounty.gov](mailto:srich@dpw.lacounty.gov).

Mark Child  
May 3, 2010  
Page 3

2. Traffic Studies

- 2.1 Comply with for the project's fair share of the Marina del Rey Local Coastal Plan transportation fee of \$5,690 per p.m. peak-hour trip generation. Applicant will submit all necessary information including a traffic study to determine the fee amount to the satisfaction of Public Works.

For questions regarding the traffic studies comment, please contact Fe Lau at (626) 458-4921 or by e-mail at [sflau@dpw.lacounty.gov](mailto:sflau@dpw.lacounty.gov).

3. Drainage

- 3.1 Prior to issuance of a building permit, drainage plans must be approved to provide for the proper distribution of drainage and for contributory drainage from adjoining properties; the elimination the sheet overflow and ponding; and to comply with National Pollutant Discharge Elimination System, Stormwater Management Plan, and Standard Urban Stormwater Mitigation Plan requirements

For questions regarding the items above, please contact Lizbeth Cordova at (626) 458-4921 or by e-mail at [lcordova@dpw.lacounty.gov](mailto:lcordova@dpw.lacounty.gov).

4. Building and Safety

- 4.1 Comply with Title 26 of the 2008 County of Los Angeles Building Code.

For questions regarding the building and safety item, please contact Juan Madrigal at (626) 458-6370 or by e-mail at [jmadriga@dpw.lacounty.gov](mailto:jmadriga@dpw.lacounty.gov)

If you have any other questions or require additional information, please contact Ruben Cruz or Toan Duong at (626) 458-4910 or by e-mail at [rcruz@dpw.lacounty.gov](mailto:rcruz@dpw.lacounty.gov) or [tduong@dpw.lacounty.gov](mailto:tduong@dpw.lacounty.gov).

RC:ca

P:/LDPUB/SUBMGT/CUP/ Project R2005-00728(4)\_CUP 200500004\_13813-FIJI WAY.DOCX



# Department of Beaches and Harbors

13837 Fiji Way, Marina del Rey, CA 90292  
 Telephone (310) 577 - 6737 Fax (310) 306 - 2594

Open Deficiency Report  
 5/18/2010

## MARINA DEL REY SMALL CRAFT HARBOR - LEASEHOLD PREMISE MAINTENANCE / REPAIR DEFICIENCY REPORT

Note: Remedial work indicated below must be completed at the earliest practical date. If "Deadline" date indicated cannot be met, Lessee must submit for approval of an alternate date or schedule in order to avoid issuance of a Notice of Default and application of the provisions of Section 36 of the lease.

Parcel Number: Parcel 61  
 Parcel Name: Shanghai Red's  
 Parcel Address: 13813 Fiji Way  
 Marina del Rey, CA 90292

### CONSOLIDATED OPEN DEFICIENCY REPORT

Deficiency ID	Type	Location	Category	Deficiency	Age	Remedy	Photo	Due Date	Immediate Fix	Safety Hazard	Completed	Comments
1	61-100	Land	13813 Fiji Way	Building Exterior	Broken	-60	Repair	<input type="checkbox"/>	7/17/2010	<input type="checkbox"/>	<input type="checkbox"/>	Trails up against wall facing the Dept. of Beaches and Harbors
2	61-102	Land	13813 Fiji Way	Landscape	Trim tree(s)	-60	Repair	<input type="checkbox"/>	7/17/2010	<input type="checkbox"/>	<input type="checkbox"/>	Palm trees
3	61-101	Land	13813 Fiji Way	Landscape	Trim tree(s)	-60	Repair	<input type="checkbox"/>	7/17/2010	<input type="checkbox"/>	<input type="checkbox"/>	Trim palm like bushes against the wall facing the Department of Beaches and Harbors
4	61-95	Land	13813 Fiji Way	Parking Lot	Paint damaged	100	Paint	<input type="checkbox"/>	2/7/2010	<input type="checkbox"/>	<input type="checkbox"/>	Red curbing from vessel to bulkhead; fire marks
5	61-91	Land	13813 Fiji Way	Parking Lot	Paint damaged	354	Paint	<input type="checkbox"/>	5/29/2009	<input type="checkbox"/>	<input type="checkbox"/>	Red curbing from Veler to bulkhead; fire marks
6	61-97	Land	Bulkhead	Walkway	Insufficient Repairs	160	Repair	<input type="checkbox"/>	12/9/2009	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Insufficient concrete repair - replace walkway pending DCB 11/19/02

Number of Records: 6

Inspector

*Mansoor Sterling*  
 Mansoor Sterling

Approved by:

*Steve Perm*  
 Steve Perm

ATTACHMENT F

HYDROKIVA IN HAND INSTRUCTIONS  
Sec 23958.4

# ATTACHMENT G

APPLICANT(S) NAME: \_\_\_\_\_

PREMISES ADDRESS: 13813 Fiji Way Marina del Rey Ca

TYPE OF LICENSE: On Sale

SUBTRACT: 7029.01 POPULATION: 8176

NUMBER OF LICENSES ALLOWED: 7 NUMBER OF EXISTING LICENSES: 28

REPORTING DISTRICT #: 2761

CRIMES IN REPORTING DISTRICT: 205 REPORTING DISTRICT <sup>high</sup> ~~285~~ 185

above premises are located in an area which has an over concentration of alcoholic beverage licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code.

Department is required to deny your application unless it can be shown that public convenience or necessity is served by issuance of another license in this area.

Department has determined that in most instances public convenience or necessity is already served by the existing licenses.

When approved at this location, and your application is for an On-Sale Bona Fide Eating Place license or a license for a hotel, motel, or other lodging establishment it will be necessary for you to submit a letter at the time of a formal application setting forth valid reasons why issuance of another license is justified in this area.

When your application is for an On-Sale license or an On-Sale Public Premises license, the local governing body of the area in which the premises are located must determine that public convenience or necessity would be served by issuance of the license.

If another license can be justified, it will be subject to appropriate conditions.



4/21/10

Marcel Cashjian  
213-626-0434 fax  
213-974-1516

Jeff Kerk Petty  
#318-412-693



**California Department of Alcoholic  
Beverage Control  
License Query System Summary  
as of 4/21/2010**

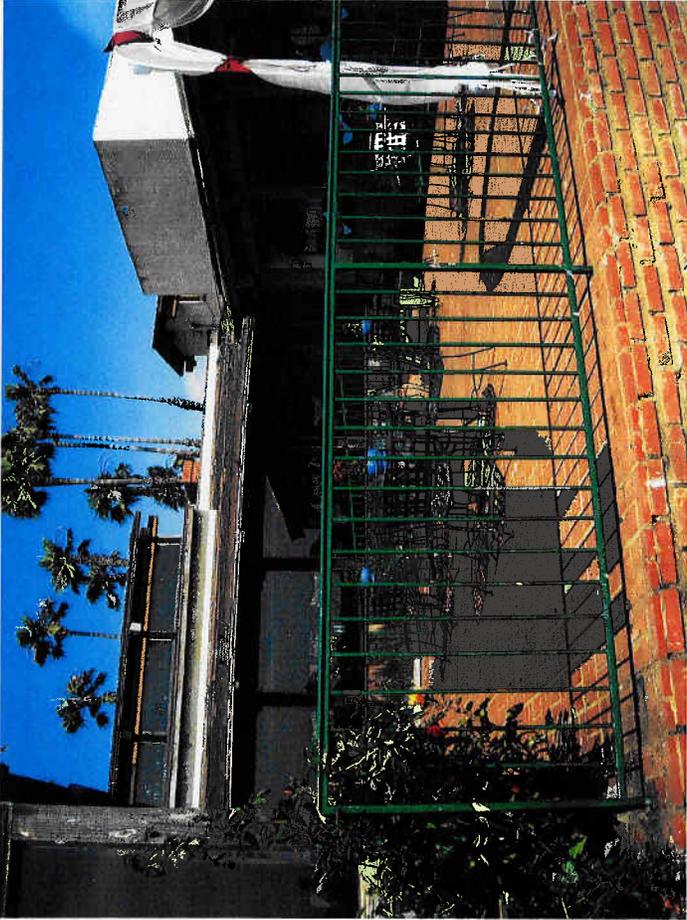
<b>License Information</b>		
<b>License Number:</b> 23719	<b>Status:</b> ACTIVE	
<b>Primary Owner:</b> DEL REY RESTAURANT CORP		
<b>ABC Office of Application:</b> LA/METRO		
<b>Business Name</b>		
<b>Doing Business As:</b> SHANGHAI REDS		
<b>Business Address</b>		
<b>Address:</b> 13813 FIJI WAY	<b>Census Tract:</b> 7029.01	
<b>City:</b> MARINA DEL REY	<b>County:</b> LOS ANGELES	
<b>State:</b> CA	<b>Zip Code:</b> 90292	
<b>Licensee Information</b>		
<b>Licensee:</b> DEL REY RESTAURANT CORP		
<b>Company Officer Information</b>		
... No Active Company Officer Information found ...		
<b>License Types</b>		
1) <b>License Type:</b> 47 - ON-SALE GENERAL EATING PLACE		
<b>License Type Status:</b> ACTIVE		
<b>Status Date:</b>	<b>Term:</b> 12 Month(s)	
<b>Original Issue Date:</b>	<b>Expiration Date:</b> 30-SEP-2010	
<b>Master:</b> Y	<b>Duplicate:</b> 0	<b>Fee Code:</b> P0
<b>Current Disciplinary Action</b>		
... No Active Disciplinary Action found ...		
<b>Disciplinary History</b>		
... No Disciplinary History found ...		
<b>Hold Information</b>		
... No Active Holds found ...		
<b>Escrow</b>		
... No Escrow found ...		

--- End of Report ---

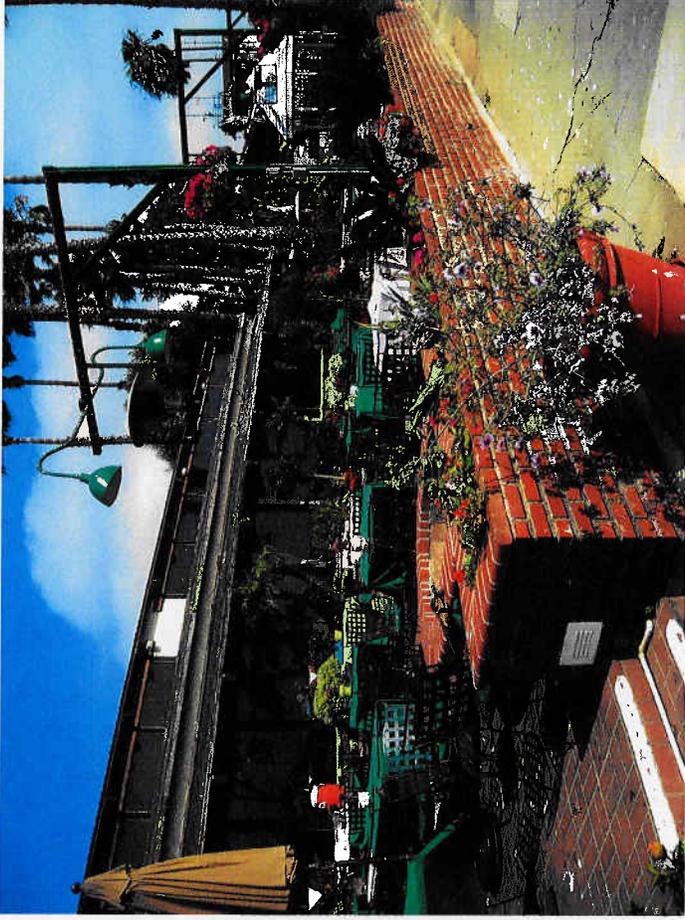
For a definition of codes, view our [glossary](#).



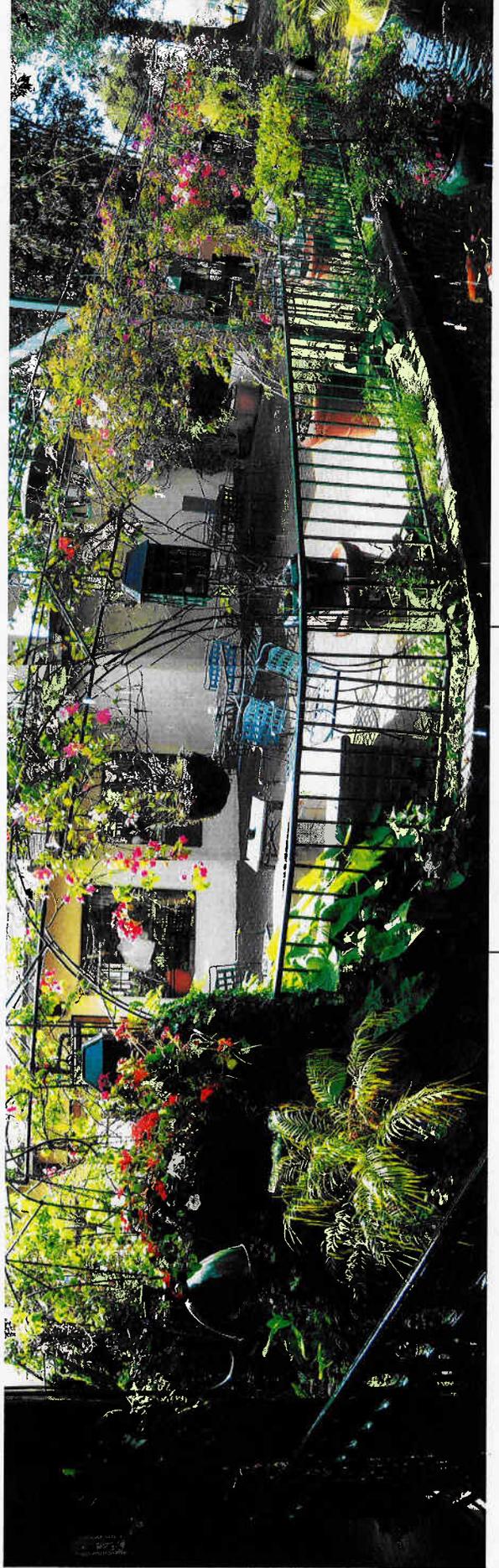
Project Number R2005-00728-(4) - "Shanghai Red's" - 13813 Fiji Way, Marina del Rey



Outdoor Dining Patio "A"



Outdoor Dining Patio "B"



Outdoor Dining Patio "C"

