



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

October 30, 2013

Martha Spencer  
4499 Admiralty Way  
Marina del Rey, CA

**REGARDING:**                    **Project No. R2013-00184-(4)**  
   **Conditional Use Permit No. 201300016**  
   **Parking Permit No. 201300003**  
   **APN No. 4224-007-903, Marina Lease Parcel 133 and 134**

The Regional Planning Commission, by its action of **October 30, 2013**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **November 13, 2013**. **Appeals must be delivered in person.**

**Appeals:**                    **To file an appeal, please contact:**  
Executive Office of the Board of Supervisors  
Room 383, Kenneth Hahn Hall of Administration  
500 West Temple Street, Los Angeles, CA 90012  
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action. For questions or for additional information, please contact Anita Gutierrez of the Special Projects Section at (213) 974-4813, or by email at [agutierrez@planning.lacounty.gov](mailto:agutierrez@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner

Samuel Dea, Supervising Regional Planner  
Special Projects Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement;  
SD:ADG

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
PROJECT NO. R2013-00184-(4)  
CONDITIONAL USE PERMIT NO. 201300016  
PARKING PERMIT NO. 201300003**

1. **ENTITLEMENTS REQUESTED.** The applicant, The Warehouse Restaurant, is requesting a Conditional Use Permit (CUP) and Parking Permit to authorize live entertainment within an existing restaurant on an existing dance floor within the restaurant with valet parking and a shared parking arrangement with the adjoining parcel to the Southeast (Parcel 134) pursuant to County Code Sections 22.46.1400 and 22.56.990 in the Marina del Rey Specific Plan Zone.
2. **HEARING DATE.** October 30, 2013
3. **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION.** A duly noticed public hearing was held on October 30, 2013 before the Regional Planning Commission ("Commission"). Commissioners Valadez, Louie, Helsley and Modugno were present. Commissioner Pedersen was absent. The applicant Martha Spencer, presented testimony in favor of the request and answered questions presented by the Commission. The Commission inquired about the required long term bicycle parking spaces and stated that they did not want the bicycle lockers to take up space on site and preferred the bicycle racks. Staff clarified the definition of long term bicycle parking. Furthermore, the Commission requested the applicant provide at minimum four (4) short term bicycle parking spaces for the public and two (2) long term bicycle spaces to be used for employees. The Commission inquired about the valet parking arrangement and the applicant clarified that valet is generally used for parking on Parcel 133 and that self parking is used for Parcel 134, eliminating problems with vehicle circulation for valet pick-up. There being no further testimony, the Commission closed the public hearing and approved the project subject to the conditions recommended by staff and agreed to by the applicant.
4. **PROJECT DESCRIPTION.** The Project consists of proposed live entertainment within an existing restaurant. Entertainment would include live music and dancing two nights a week, Friday and Saturday from 9:30pm to 1:30am on an existing dance floor within the restaurant. Additionally, the project includes valet parking and a shared parking arrangement with the adjoining parcel to the Southeast (Parcel 134).
5. **LOCATION.** 4499 Admiralty Way, Marina del Rey
6. **SITE PLAN DESCRIPTION.** The site is developed with a 12,045 square foot two-story restaurant (The Warehouse) with a large water feature (lagoon) at the building entrance and a paved 74 space surface parking lot. The adjacent parcel (134), to be used for shared parking, is developed with a two-story office building and 61 surface parking spaces.

7. **EXISTING ZONING.** The site is located within the Playa del Rey Zoned District and is zoned Specific Plan within the Marina del Rey Local Coastal Program, certified in 2012 ("LCP"). The LCP is comprised of two components, the Marina del Rey Land Use Plan ("LUP") and the Local Implementation Plan ("LIP") referred to as the Specific Plan. The site's existing land use designation under the LCP is Visitor-Serving/Convenience Commercial, with a Waterfront Overlay Zone.

Surrounding properties are zoned as follows:

North: Open Space  
South: Marine Commercial and Water  
East: Office  
West: Hotel

8. **EXISTING LAND USES.** The site is currently developed with an existing 12,045 square foot two-story restaurant (The Warehouse) and a 74 space paved surface parking lot.

Surrounding properties are developed as follows:

North: Yvonne B. Burke Park  
South: California Yacht Club  
East: Bank and Office space  
West: Restaurant (Café del Rey)

9. **PREVIOUS CASES/ZONING HISTORY.** Plot Plan 12429 - Approved construction and operation of a restaurant. Approved December 4, 1968
10. On October 9, 2012, the Warehouse restaurant was cited for a zoning violation (RFS No: 12-0022350/EF103119) for live entertainment being conducted without Department of Regional Planning approval. The owner subsequently ceased operation of the live entertainment and applied for a conditional use permit to allow live entertainment. The zoning violation case was closed on January 8, 2013.
11. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the Visitor-Serving/Convenience Commercial, with a Waterfront Overlay Zone land use category of the Marina del Rey LCP. This designation is intended for 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 proposed live entertainment would be take place within an existing restaurant and is therefore consistent with the permitted uses of the underlying land use category, which allow nightclubs with a Conditional Use Permit in the Visitor-Serving/Convenience Commercial designation.
12. Recreation & Visitor Serving Facilities Policy No. 1 of the LUP , states typical visitor-serving uses may include public or private recreation, parks, cultural and educational facilities, gift and specialty shops, service concessions, bicycle lockers, food and drink establishments, overnight lodging and related parking areas. The

applicant proposing to provide live entertainment within an existing restaurant serving food and drinks with required parking provided on-site as well as on adjacent parcel through a shared parking arrangement.

13. Recreation & Visitor-Serving Facilities Policy No. 6 of the LUP, which calls for the provision of Code-compliant parking in new projects. The applicant is providing 74 on-site parking spaces and 61 off-site parking spaces (on Lease Parcel 134) to be utilized through a shared parking arrangement allowing the project to meet required parking standards. 132 parking spaces are required and 135 will be provided.
14. Recreation & Visitor-Serving Facilities Policy No. 16 of the LUP (encouraging the concept of multi-use/time-shared parking facilities for different user groups). Consistent with this LUP policy, the project proposes shared parking with the adjacent lot (Lease Parcel 134), which is currently developed with office and professional businesses that operate on a Monday through Friday schedule, closing at 5:00 p.m. and closed on the weekends. The Nightclub use would operate from 9:30 p.m. to 1:30 a.m., utilizing the unused parking during these hours via valet service for Warehouse customers. The same Master lessee holds leases on both Parcels 133 and 134. As a condition of approval a signed lease agreement from the Warehouse (sub-lessee) will be required.
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 Regional Planning Commission.
17. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Pursuant to Section 22.46.1410 and 22.46.1860 of the County Code, establishments in the Visitor-Serving/Convenience Commercial Zone are subject to the following development standards:
  18. Height - Building height is limited to a maximum of 45 feet. The height of the existing structure is 36 feet and no new construction is proposed. The Project meets the development standard
  19. Front, rear and side yard setbacks - 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;

The project provides front yard setback approximately 80 feet in depth along Admiralty Way and a 15 rear yard setback along the waterfront. The western side yard setback (adjacent to Parcel 134) is approximately 9 feet and the eastern side

yard setback (adjacent to Parcel 132) is approximately 135 feet. The project meets this development standard.

20. 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, and visitor-serving uses may be integrated vertically with recreational boating uses where possible.

The project site is currently developed with a 12,045 square foot two-story restaurant, which is classified as a visitor-serving commercial use. No new construction or demolition is proposed. The project meets this development standard.

21. Visitor-serving uses shown on Map 5 of the LUP, Existing/Proposed Visitor-Serving Facilities, shall be preserved or replaced on site, as part of redevelopment;

The existing restaurant structure will remain on-site, no new construction or demolition is proposed. The visitor serving uses will be retained on-site.

22. Parking - Pursuant to Section 22.52.1110 of the County Code, parking for structures used for assembly, drinking, eating or entertainment shall provide one (1) parking space for every 3 persons based on occupant load, other uses require minimum 10 spaces.

The total occupancy for the restaurant and nightclub use is 397 persons, as determined by Building and Safety Division of Public Works, therefore 132 parking spaces are required ( $397/3=132$ ). The applicant is providing a total of 135 parking spaces, comprised of 74 on-site parking spaces and 61 off-site parking spaces (on Lease Parcel 134) to be utilized through a shared parking arrangement allowing the project to meet required parking standards. The applicant is requesting a parking permit to allow for the provision of shared parking on Parcel 134 (Same owner of parcel 133) and the use of valet. The adjacent Parcel 133 is currently developed with a two story office building and 61 parking spaces, including 3 handicap assessable spaces. Parcel 133 is currently occupied by First Bank, the Commodore Club, and various other tenants on month-to month leases, these businesses generally operate from 7:00 a.m. to 5:00 p.m. Monday thru Friday. Weekends and holidays the bank is closed, as is the office building. The applicant would utilize the parking spaces on Parcel 133 after 5:00 p.m. when business on the site has closed. Additionally, the applicant proposes to utilize valet parking on the site after 4:30 p.m. The Nightclub use would operate from 9:30 p.m. to 1:30 a.m., utilizing the unused parking during these hours via valet service for Warehouse customers. The Warehouse restaurant was originally approved under Plot Plan No. 12429 in 1968 with twenty-one (21) parking spaces required and eighty (80) parking spaces provided, however based on the new use of nightclub, required parking is determined by the most current occupancy load. Based upon the occupancy load of 397 persons as determined by the County engineer, 132 parking spaces are required to meet current code requirements.

23. Landscaping - Landscaping shall include trees and shrubbery, with adequate ground cover to protect the soil. Landscaped borders used to shield obtrusive uses shall have a minimum width of eight feet and shall consist of vegetation of sufficient density to hide the use. Landscaping along site perimeters shall have a minimum width of eight feet and shall allow visual access into the lot, except where the landscaping is being used to screen an obtrusive use. These standards shall be implemented in a manner consistent with all other provisions of the certified LCP to encourage unique site design. Layout, components, and quantity of landscaping for development in the existing Marina shall be subject to approval by the design control board.

The site provides approximately eight feet of landscaping along the western parcel boundary (adjacent to Parcel 132) and approximately six feet of landscaping along the parcel frontage (along Admiralty Way). A total of 1,608 square feet (2.9%) of landscaping is provided. At the time the site was developed the landscaping requirement was two (2) percent of the lot area. Since no new construction is proposed as a part of this request the property is non-conforming due to landscaping standards and no new landscaping is required. The project meets this development standard.

24. Lot Coverage. Lot coverage by buildings, shall be limited as otherwise restricted in the Specific Plan, and shall not exceed 90 percent of the net lot area; a minimum of 10 percent of the net lot area shall be landscaped.

The lot is a total of 55,300 square feet, the total lot coverage is 12,045 square feet (22%) and approximately 1,608 square feet (2.9%) of landscaping is provided. At the time the site was developed the landscaping requirement was two (2) percent of the lot area. Since no new construction is proposed as a part of this request the property is non-conforming due to landscaping standards and no new landscaping is required. The project meets this development standard.

25. Signs - Signs shall be as detailed as possible without becoming unreadable. The Marina del Rey Design Control Board (DCB) specifically regulates signs in the existing Marina through the application of standards set forth in the Board's Revised Permanent Sign Controls and Regulations, a section of the Manual for Architectural Standards, certified in 1990 as Appendix C. Signs are also regulated by the provisions of Part 10 of Chapter 22.52 of Title 22

No new signage is proposed and existing signage has been approved by DCB.

26. Fire Safety Standards. All new development shall be required to provide fire sprinklers consistent with the specifications of the Fire Department. Further, remodeling or expansion projects involving 50 percent or more of the existing floor area of said project shall be subject to review by the Fire Department for sprinkler requirements.

No new construction is proposed. In a letter dated July 9, 2013 the Los Angeles County Fire Department requested the applicant submit architectural plans to the Fire Prevention office in the City of Hawthorne for review and approval for the proposed change of use/change of occupancy prior to any live entertainment activity. The project meets this development standard.

27. **Bicycle Parking and Related Facilities** - The minimum number of bicycle parking spaces for a general retail uses including restaurants is one (1) space per each 12,000 square feet of gross floor area (two space minimum) for long term bicycle parking and one (1) space per each 5,000 square feet of gross floor area (two space minimum) for short term bicycle parking.

The total floor area for the proposed project is 12,045 square feet, which requires two (2) long term bicycle parking spaces and two (2) short term bicycle parking spaces.

28. After discussion of bicycle parking on-site, the Commission found it appropriate to require four (4) short term bicycle parking spaces and two (2) long term (as defined in LA County Code 22.52.1225). The long term bicycle parking is to be used for employees only and located separately from the publicly accessible bicycle parking.
29. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The Warehouse Restaurant has operated at the same location for over forty years and continues to attract visitors to Marina del Rey. The existing restaurant use and as well as the proposed live entertainment is consistent with the Visitor Serving/Convenience commercial land use designation for the parcel and is compatible with adjacent uses and the established community character. The subject property is surrounded by other commercial uses: office uses to the east and a yacht club and restaurants to the west. Live entertainment is proposed only two nights a week, Friday and Saturday from 9:30 p.m. to 1:30 a.m., which would not conflict with adjacent businesses. The shared parking arrangement would allow The Warehouse to utilize an otherwise unused parking lot during event hours.
30. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** In a letter dated July 19, 2013 the County Public Health Department, requires the permittee to comply with Public Health requirements relating to operation of food establishments and Los Angeles County Noise Ordinance. In a letter dated July 9, 2013 the County Fire Department, requires the permittee to submit a fire flow test and architectural plans for review and approval. In a letter dated September 5, 2013 the County Public Works Department requires the permittee to obtain necessary permits from the Building and Safety Division for any alteration to the existing building including building, electrical, plumbing and mechanical work.
31. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** 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 and property posting.

32. **PUBLIC COMMENTS.** Staff has received nine letters of support for salsa night at the Warehouse Restaurant, stating that it is friendly social environment enjoyed by all levels of dancers.

### CONDITIONAL USE PERMIT SPECIFIC FINDINGS

33. The project site is located within the Visitor-Serving/Convenience Commercial, with a Waterfront Overlay Zone land use category of the Marina del Rey LCP. This designation is intended for 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 proposed live entertainment would be take place within an existing restaurant and a night club use is a use allowed with a Conditional Use Permit.

Therefore, the proposed use will be consistent with the certified Local Coastal Program for the area.

34. The Warehouse Restaurant has operated at the same location for over forty years and continues to attract visitors to Marina del Rey. The subject property is surrounded by other commercial uses: office uses to the east and a yacht club and restaurants to the west. Live entertainment is proposed only two nights a week, Friday and Saturday from 9:30 p.m. to 1:30 a.m., which would not conflict with adjacent businesses. The shared parking arrangement would allow The Warehouse to utilize an otherwise unused parking lot during event hours.

Therefore, 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.

35. No new physical development on the site is proposed. The applicant has demonstrated that there will be no conflicts arising from special parking arrangements allowing shared parking facilities on the adjacent parcel as the hours of operation for the businesses on Parcel 134 do not conflict with the hours of proposed live entertainment on the subject site.

Therefore, 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.

36. No new physical improvements or expansion is proposed, therefore there is no change in occupancy and the quantity of traffic will not increase.

Therefore, 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.

#### PARKING PERMIT SPECIFIC FINDINGS

37. Parcel 133 is currently occupied by First Bank, the Commodore Club, and various other tenants on month-to month leases, these businesses generally operate from 7:00 a.m. to 5:00 p.m. Monday thru Friday. Weekends and holidays the bank is closed, as is the office building. The applicant would utilize the parking spaces on Parcel 133 after 5:00 p.m. when business on the site has closed. Additionally, the applicant proposes to utilize valet parking on the site after 4:30 p.m. The Nightclub use would operate from 9:30 p.m. to 1:30 a.m., utilizing the unused parking during these hours via valet service for Warehouse customers.

Therefore, there will be no conflicts arising from special parking arrangements allowing shared vehicle parking facilities because uses sharing vehicle parking facilities operate at different times of the day or days of the week.

38. No new physical improvements or expansion is proposed, therefore there is no change in occupancy and the quantity of traffic will not increase.

Therefore, 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.

39. No new physical development on the site is proposed.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping, and other development features prescribed in this Title 22.

#### ENVIRONMENTAL DETERMINATION

40. The project includes the addition of live entertainment to an existing restaurant with a valet and shared parking arrangement with the adjacent parcel, no new construction is proposed. The site is surrounded by similar visitor serving/commercial and office uses and would not create any significant environmental impacts.

Therefore, the project qualifies as a Categorical Exemption (Class 1) and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

41. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning

Commission determines that it is necessary to limit the term of the grant to ten (10) years.

42. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> 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 Special Projects Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

**WITH RESPECT TO THE CONDITIONAL USE PERMIT**

- A. That the proposed use will be consistent with the certified Local Coastal Program 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, or 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.

**WITH RESPECT TO THE PARKING PERMIT**

- E. Therefore, there will be no conflicts arising from special parking arrangements allowing shared vehicle parking facilities because uses sharing vehicle parking facilities operate at different times of the day or days of the week.
- F. Therefore, 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.

- G. Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping, and other development features prescribed in this Title 22.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit and Parking Permit as set forth in Section e.g. 22.56.090 and 22.56.1060 of the Los Angeles County Code (Zoning Ordinance).

**REGIONAL PLANNING COMMISSION ACTION:**

1. Regional Planning Commission determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 1 – Existing Facilities categorical exemption.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201300016 and Parking Permit No. 201300003 is Approved subject to the attached conditions.

**VOTE: 4-0**

Concurring: Valadez, Louie, Helsley and Modugno

Dissenting: 0

Abstaining: 0

Absent: Pedersen

SD:ADG

10/16/13

c: Each Commissioner, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2013-00184-(4)  
CONDITIONAL USE PERMIT NO. 201300016  
PARKING PERMIT NO. 201300003**

**PROJECT DESCRIPTION**

The project consists of proposed live entertainment within an existing restaurant (The Warehouse). Entertainment would include live music and dancing two nights a week, Friday and Saturday from 9:30 p.m. to 1:30 a.m. on an existing dance floor within the restaurant. Additionally, the project includes valet parking and a shared parking arrangement with the adjoining parcel to the Southeast (Parcel 134) subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, 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 ("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, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. 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 limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably 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 reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the

costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses 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 \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on October 30, 2023.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit and Parking Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. 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. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$3,000.00**. 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 fund provides for ten (10) bi-annual (twice per year) inspections for the first five years of the grant term and five (5) annual inspections thereafter, for a total of fifteen (15) 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. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

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 ("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, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

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 notification 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.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three 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(s) and applicable fee for such revision.

#### PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT

19. Hours of operation for live entertainment shall be limited to 9:30 p.m. to 1:30 a.m., two (2) days a week (Friday and Saturday).
20. The permittee shall ensure that all patio doors remain closed during times that live entertainment is occurring.
21. All dancing must occur on the designated dancing spaces as depicted on the approved Exhibit "A".
22. The permittee shall provide a minimum of four (4) short term bicycle parking spaces and two (2) long term (as defined in LA County Code 22.52.1225). The long term bicycle parking is to be used for employees only and located separately from the publicly accessible bicycle parking.

#### PERMIT SPECIFIC CONDITIONS - PARKING PERMIT

23. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of (1) parking space for every 3 persons based on occupant load. The [restaurant/retail use/etc] has an occupant load of 397 persons which would require not less than 132 parking spaces be provided based on the applicable ratio. If the permittee changes the operation of restaurant/night club so as to require less parking than the minimum requirement, the permittee shall submit an application for a Revised Exhibit "A" within 90 days of such occurrence.

If the restaurant/night club substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance,

or other applicable permit, as determined by the Director, within 90 days of such occurrence.

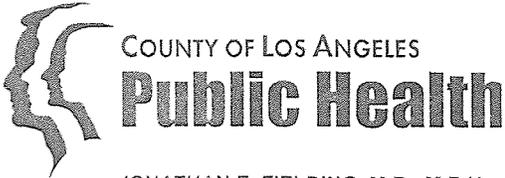
24. The permittee shall furnish to the Department of Regional Planning a lease agreement for shared parking providing for at least 58 parking spaces for the life of the ten year grant term. If at any time the lease becomes in-valid this parking permit shall terminate and the permittee shall be required to file for a new parking permit to meet code requirements.
25. Valet parking shall be managed by a parking attendant at all times that valet parking is available.

#### PROJECT SITE SPECIFIC CONDITIONS

26. This grant shall authorize live entertainment within an existing restaurant (The Warehouse). Entertainment includes live music and dancing two nights a week, Friday and Saturday from 9:30 p.m. to 1:30 a.m. on an existing dance floor within the restaurant. Additionally, this grant authorizes valet parking and a shared parking arrangement with the adjoining parcel to the Southeast (Parcel 134).
27. The permittee shall comply with all conditions set forth in the attached County Public Health Department letter dated July 19, 2013.
28. The permittee shall comply with all conditions set forth in the attached County Fire Department letter dated July 9, 2013.
29. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated September 5, 2013.

#### Attachments:

- County Public Health Department letter dated July 19, 2013.
- County Fire Department letter dated July 9, 2013.
- County Public Works Department letter dated September 5, 2013.



COUNTY OF LOS ANGELES

# Public Health

JONATHAN E. FIELDING, M.D., M.P.H.  
Director and Health Officer

CYNTHIA A. HARDING, M.P.H.  
Acting Chief Deputy Director

ANGELO J. BELLOMO, REHS  
Director of Environmental Health

JACQUELINE TAYLOR, REHS  
Director of Environmental Protection Bureau

PATRICK NEJADIAN, REHS  
Chief EHS, Land Use Program

MICHELLE TSIEBOS, REHS  
Environmental Health Specialist IV  
Land Use Program  
5050 Commerce Drive  
Baldwin Park, California 91706  
TEL (626) 430-5382 • FAX (626) 813-3016



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July 19, 2013

TO: Anita Gutierrez  
Principal Regional Planning Assistant  
Department of Regional Planning

FROM: Michelle Tsiebos, REHS (M.T.)  
Environmental Health Division  
Department of Public Health

SUBJECT: CUP CONSULTATION  
PROJECT NO. R2013-00184/ RCUP 201300016  
4499 Admiralty Way, Marina del Rey, CA 90292

- Public Health recommends approval of this CUP.
- Public Health does NOT recommend approval of this CUP.

The Department of Public Health- Environmental Health Division has reviewed the information provided for the project identified above. The CUP is to use part of the existing restaurant to offer live entertainment with dancing two nights a week; the existing building size, envelope, footprint and maximum occupancy load will not be changed.

The Department recommends approval of this CUP with the following conditions:

- The facility shall comply with all Public Health requirements relating to the operation of food establishments.
- The applicant shall adhere to the requirements of the Los Angeles County Noise Ordinance, as contained in Chapter 12.08 of the Los Angeles County Code.

For questions regarding this letter please contact me at (626) 430-5382.



COUNTY OF LOS ANGELES  
FIRE DEPARTMENT

5823 Rickenbacker Road  
Commerce, California 90040-3027

DATE: July 9, 2013

TO: Department of Regional Planning  
Zoning Permits

PROJECT #: CUP R2013-00184

LOCATION: 4499 Admiralty Way, Marina del Rey

- The Fire Department Land Development Unit has no additional requirements for this permit.
- The required fire flow for this development is \_\_\_\_ gallons per minute for \_ hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- Verify \_\_ 6" X 4" X 2 1/2" public fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- Comments: The Fire Department Land Development Unit recommends approval of this permit as presently submitted.
- Water: Submit a fire flow test to our Fire Prevention office in the City of Hawthorne along with your architectural plans. Additional water requirements, such as fire sprinklers or fire hydrants, maybe required for the proposed change of use/change of occupy.
- Access: The existing access to the existing structures will be reviewed for compliance to current code during the architectural plan review by the Fire Prevention office.
- Special Requirements: Submit architectural plans to our Fire Prevention office in the City of Hawthorne for review and approval for the proposed change of use/change of occupy prior to any live entertainment activity.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: JuanC Paez

Land Development Unit – Fire Prevention Division – Office (323) 890-4243 Fax (323) 890-9783



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

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

GAIL FARBER, Director

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

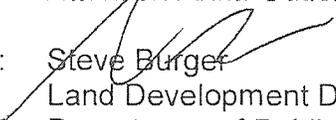
ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

September 5, 2013

IN REPLY PLEASE  
REFER TO FILE: LD-2

TO: Samuel Dea  
Special Projects  
Department of Regional Planning

Attention Anita Gutierrez

FROM:   
Steve Burger  
Land Development Division  
Department of Public Works

**CONDITIONAL USE PERMIT (CUP) NO. 201300016**  
**PARKING PERMIT NO. 201300003**  
**PROJECT NO. R2013-00184**  
**THE WAREHOUSE RESTAURANT**  
**4499 ADMIRALTY WAY, LEASE PARCEL 133**  
**ASSESSOR'S MAP BOOK 4224, PAGE 007, PARCEL NO. 903**  
**UNINCORPORATED COUNTY AREA OF MARINA DEL REY**

We have reviewed the site plan for the project located at 4499 Admiralty Way in the unincorporated County area of Marina del Rey. The project proposes live entertainment within the existing Warehouse Restaurant. Entertainment would include live music and dancing two nights a week, Friday and Saturday, from 9:30 p.m. until 1:30 a.m. Additionally, the project includes a shared parking arrangement with the adjoining parcel to the east. The existing building size, envelope, footprint, and maximum occupancy will not change as a result of this project.

Public Works recommends approval of this CUP/Parking Permit with the following condition.

Public Works does **NOT** recommend approval of this CUP/Parking Permit.

A. Building and Safety:

1. Obtain permits from the Building and Safety Division, Southwest District Office, for any alteration to the existing building including building, electrical, plumbing, and mechanical work.

Samuel Dea  
September 5, 2013  
Page 2

For questions regarding the building and safety condition, please contact  
Clint Lee of Building and Safety Division at (626) 458-3154 or  
[clee@dpw.lacounty.gov](mailto:clee@dpw.lacounty.gov).

If you have any questions or require additional information, please contact  
Matthew Dubiel of Land Development Division at (626) 458-4921 or  
[mdubiel@dpw.lacounty.gov](mailto:mdubiel@dpw.lacounty.gov).

MD:tb

P:\dpub\SUBPCHECK\Plan Checking Files\CUP\CUP 201300016\Site Plan (06-25-13)\Divisional\CUP 201300016, 4499 Admiralty Way.docx