



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

November 5, 2013

Mike Vaughn
1640 5th Street, Suite 227
Santa Monica

**REGARDING: PROJECT NO. R2013-02089-(4)
CONDITIONAL USE PERMIT NO. 201300105
4175 Admiralty Way, Marina del Rey, Lease Parcel No. 27**

Hearing Officer Alex Garcia, by his action of November 5, 2013, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer'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 Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **November 19, 2013. Appeals must be delivered in person.**

Appeals: To file an appeal, please contact:
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

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. 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: DPW (Building and Safety); Zoning Enforcement

SD:ADG

CC.060412

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02089-(4)
CONDITIONAL USE PERMIT NO. 201300105**

1. **ENTITLEMENT REQUESTED.** The applicant, Pro SUP Shop, is requesting a Conditional Use Permit (CUP) to operate a visitor-serving use (stand up paddle board rental) on the subject site in the Marina del Rey Specific Plan Zone within the Hotel and Waterfront Overlay Land Use Category pursuant to County Code Section 22.46.1720 in the Marina del Rey Specific Plan Zone.
2. **HEARING DATE.** November 5, 2013
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on November 5, 2013 before the Hearing Officer. The applicant Mike Vaughan presented testimony in favor of the request. Staff clarified that project is located in the Southwest corner of the parcel and recommended an additional condition be added to ensure all future signage be reviewed by the Design Control Board. There being no further testimony, the Hearing Officer 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 includes the operation a visitor-serving use (stand up paddle board rental) on the site of an existing hotel (Jamaica Bay Inn), utilizing surplus parking spaces. The rental operation would be based out of a mobile trailer utilizing six (6) parking spaces in the north east corner of the parking lot for the business, which are currently used as surplus parking spaces.
5. **LOCATION.** The Project is located at 4175 Admiralty Way, Marina del Rey, Lease Parcel No. 27 in the Northwest corner of the existing parking lot.
6. **SITE PLAN DESCRIPTION.** The site is developed with a 111-room hotel with a 161-space surface parking lot. The proposed stand up paddle board mobile rental trailer would be located in North West corner of the parking lot and would utilize six (6) parking spaces for the rental business.
7. **EXISTING ZONING.** The subject property is located in the SP (Specific Plan / Hotel) zone with a Waterfront Overlay within the Marina del Rey Local Coastal Program (LCP). The surrounding properties are zoned as follows:

North: RV (Residential V) and H (Hotel)
South: OS (Open Space – Mother’s Beach)
West: P (Parking) and OS (Open Space)
East: VS/CC (Visitor-Serving/Convenience Commercial)
8. **EXISTING LAND USES.** The existing use on the property is a 111-room hotel with a restaurant, meeting/banquet room, pool, and surface parking lot. The surrounding land uses are as follows:

North: Hotel, parking, retail, restaurant
South: Open space, Mother's Beach
West: Parking, Open Space, hotel
East: Parking, restaurants

9. **PREVIOUS CASES/ZONING HISTORY.** The following cases are relevant to the subject property:
- **CUP 1053 and Variance 520:** To authorize expansion and remodeling of the existing hotel and restaurant, lounge, entertainment, modify parking standards and provide less than the required amount of off-street parking. Approved 3-9-1977.
 - **CUP 2089:** To continue a non-conforming arcade in a restaurant. Inactive since 1989.
 - **Plot Plan 13479:** Plot Plan to authorize a pole sign, approved 3-3-89.
 - **Parking Permit 85-007:** To authorize off-site parking for hotel and restaurant. Inactive since 1990.
 - **Coastal Development Permit No. 200500006 and Conditional Use Permit No. 200500233:** Authorized the renovation and expansion of the existing hotel, including 69 additional guest rooms (total of 111 guest rooms), an expanded and renovated restaurant, outdoor dining, new swimming pool and spa, patio, demolition of the existing one-story hotel building section and replacement with a four-story hotel building section, demolition of an existing one-story accessory building, new landscaping plan, parking and for the sale of a full-line of alcoholic beverages for on-site consumption in association with a hotel, restaurant, patio café, and hotel accessory uses on Parcel 27 in Marina del Rey,
10. **GENERAL PLAN / LOCAL COASTAL PROGRAM CONSISTENCY:** The project site is located within the Hotel and Waterfront Overlay land use category of the Local Coastal Program. This designation is intended to encourage coastal-related and coastal-dependent land uses while increasing development flexibility. The proposed project would allow for stand up paddle board rentals, which is coastal-related use and is therefore consistent with the permitted uses of the underlying land use category.
11. **RECREATION & VISITOR-SERVING FACILITIES (Policy 4):** *Lower cost visitor-serving facilities shall be protected and, to the extent feasible, new lower cost visitor-serving uses shall be encouraged and provided within the existing Marina. For the purposes of this policy, low or no cost visitor-serving facilities include but are not limited to parks, promenades, transient docks, open public plazas and seating areas, wildlife viewing areas, WaterBus transportation, public transit transportation, and special events.*

The stand up paddle board rental use would provide an added low-cost visitor-serving use adjacent to the water (Marina Beach).

12. **RECREATION & VISITOR-SERVING FACILITIES (Policy 6)** *All development, including redevelopment, expansion projects or new construction, shall be subject to the applicable parking requirements set forth in Los Angeles County Code, Title 22 (Zoning), as certified by the Commission in Appendix B of the LIP Specific Plan. In addition, public recreation areas shall be supported with visible public parking, consistent with the standards of Title 22, except that boat launch, boat storage, and marina parking and design shall be provided as specified in the Dept. of Beaches and Harbors' Specifications and Minimum Standards of Architectural Treatment and Construction, adopted in 1989.*

Parking ratios for a stand up paddle board use are not specified in Title 22, however staff has determined that the commercial parking ratio of one parking space per every 250 square feet of area is appropriate for the use. The area which would be occupied by the use, including the mobile rental trailer is approximately 918 square feet, which would require four (4) parking spaces.

13. **LAND USE PLAN FOR MARINA DEL REY NEW DEVELOPMENT POLICY (Policy 1):** *Preservation of the Small Craft Harbor facility a Priority. The primary purpose of the Land Use Plan shall be to maintain Marina del Rey as a Small Craft harbor for recreational purposes. A secondary purpose shall be to promote and provide visitor-serving facilities. Development shall not detract from, nor interfere with the use of existing or planned boating facilities, nor the ancillary uses which support these facilities.*

The proposed project supports the Land Use Plan in providing an opportunity for recreation within the harbor, as well as providing a visitor-serving use available to the public.

14. **LAND USE PLAN FOR MARINA DEL REY NEW DEVELOPMENT POLICY (Policy 4) Design Control Board.** *The Design Control Board (DCB), 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, the Statement of Aims and Policies and the Revised Permanent Sign Controls and Regulations.*

Any signage proposed will be reviewed by the Design Control Board.

15. **LAND USE PLAN FOR MARINA DEL REY NEW DEVELOPMENT POLICY (Mapped Policy) Waterfront Overlay Zone (WOZ):** *The Waterfront Overlay Zone is intended to provide additional flexibility for development of coastal-related and marine dependent land uses, primarily on waterfront parcels. Permitted uses include: Hotel, Visitor-serving Commercial, Open Space, Boat Storage, and Marine Commercial. The lessee of any parcel with this overlay zone designation, may apply for any of the permitted land uses within this category, regardless of the*

principal permitted use on the specific parcel. Development in the WOZ may not displace existing public recreation, visitor serving or coastal dependent boating uses, unless the use is relocated within the development zone in a comparable manner. The development potential available to each applicant is subject to the limitations of the zone in which the parcel is located. Height limits are subject to the standards of each land use category noted above.

The proposed project would provide a coastal-related use, while maintaining the principal permitted use within the zone (Jamaica Bay Inn).

16. 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.
17. 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.
18. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Pursuant to Sections 22.46.1060 and 22.46.1730 of the County Code, below are the applicable development standards.
19. **Required Parking.** Parking ratios for a stand up paddle board use are not specified in Title 22, however staff has determined that the commercial parking ratio of one parking space per every 250 square feet of area is appropriate for the use. The area which would be occupied by the mobile rental trailer is approximately 918 square feet, which would require four (4) parking spaces ($918/250 = 3.6$).

The parking standard for hotels is one (1) parking space per two (2) guest rooms (Sec. 22.52.1130). The restaurant and meeting rooms were considered accessory to the primary use, a hotel, therefore 56 parking spaces were required under Conditional Use Permit Number 200500006 for the hotel use. There are 161 parking spaces provided on-site. In addition six (6) parking spaces would be used to locate the rental trailer, therefore 155 parking spaces would be available during times the trailer is present.

20. All other development standards have been met with the previous approval of Coastal Development Permit No. 200500006 and Conditional Use Permit No. 200500233
21. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The stand up paddle board rental would provide an added amenity to the public, and would be located adjacent to Marina Beach providing easy accessibility. The rental services provide a coastal-related use near the water which is key priority of the Marina del Rey Local Coastal Program. The stand up paddle board rental would be consistent with the surrounding uses as visitor's using Marina Beach could rent the boards as well as nearby hotel guests.

22. **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.
23. **PUBLIC COMMENTS.** Staff has received seventeen (17) letters of support from members of the community praising Pro SUP Shop for their friendly service and added amenity to the community.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

24. The project site is located within the Hotel and Waterfront Overlay land use category of the Marina del Rey LCP. This designation is intended to encourage coastal-related and coastal-dependent land uses while increasing development flexibility. The proposed project would allow for stand up paddle board rentals, which is coastal-related use.

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

25. The stand up paddle board rental would be located in an existing parking lot and would not add any permanent structures. The rental use would add a coastal – related use near the water. The subject property fronts along the water and is surrounded by a mix commercial, hotel, open spaces and multi-family uses.

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.

26. No new physical development on the site is proposed. The rental use will utilize existing excess parking on-site and provide for customer parking.

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.

27. No new physical improvements are proposed and sufficient parking exists to support the use.

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.

ENVIRONMENTAL DETERMINATION

28. The project would be located within an existing developed parking lot and would consist of a mobile trailer.

Therefore, this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) 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.

29. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to ten (10) years.
30. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at 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 Special Projects Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan and Marina del Rey Local Coastal Program; 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.

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 Section e.g. 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer 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, Project Number R2013-02089 and Conditional Use Permit Number 201300105 is Approved subject to the attached conditions.

ACTION DATE: November 5, 2013

SD:AG
10/30/2013

c: Hearing Officer, Zoning Enforcement

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02089-(4)
CONDITIONAL USE PERMIT NO. 201300105**

PROJECT DESCRIPTION

The project includes a request for a Conditional Use Permit to allow the operation a visitor-serving use (stand up paddle board rental) on the site of an existing hotel (Jamaica Bay Inn), utilizing surplus parking spaces. The rental operation would be based out of a mobile trailer utilizing six (6) parking spaces in the southwest corner of the parking lot for the business, which are currently used as surplus parking spaces, 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 November 5, 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 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 **\$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 fund 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. 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 (3) 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 (3) 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.
19. All signs shall adhere to the provisions in Part 10 of Chapter 22.52 of Title 22 and the Design Control Board's (DCB) Revised Permanent Sign Controls and Regulations of September 16, 1971 and shall be review by DCB prior to Regional Planning approval.

PROJECT SITE SPECIFIC CONDITIONS

20. This grant shall authorize the operation a visitor-serving use (stand up paddle board rental) on the site of an existing hotel (Jamaica Bay Inn), utilizing surplus parking spaces. The rental operation would be based out of a mobile trailer utilizing six (6) parking spaces in the southwest corner of the parking lot for the business, which are currently used as surplus parking spaces.
21. Rental activity shall occur only within the designated area as depicted on the approved Exhibit "A" map.