

CALIFORNIA COASTAL COMMISSION

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Hearing Date: November 5, 2002
Commission Action:

STAFF REPORT: PERMIT AMENDMENT**AMENDMENT****APPLICATION NUMBER: 5-91-141-A4**

APPLICANT: Alan Redhead, Sea View Restaurants, Inc.;
Los Angeles County Department of Beaches and Harbors

PROJECT LOCATION: 17300 Pacific Coast Highway, Will Rogers State
Beach/Gladstone's-4-Fish Restaurant, Pacific Palisades, City
of Los Angeles

DESCRIPTION OF PROPOSED FOURTH AMENDMENT (5-91-141-A4):
(See page 2 for a summary of the underlying permit and amendments)

Request to authorize the (partially after-the-fact) continued use of the existing public parking lot and beach front public viewing deck for restaurant use for the period of time from January 13, 2001 to December 31, 2004. The project also includes the request for after-the-fact approval of a "Gladstone's-4-Fish" arched monument sign located between the public parking lot and public viewing deck.

SUMMARY OF STAFF RECOMMENDATION:

The applicants are requesting the after-the fact authorization to extend the term of an amended 1991 permit for the use by a private restaurant, Gladstone's-4-Fish, of a public parking lot and beach-front viewing deck. The applicants also request the after-the-fact authorization for a "Gladstone's-4-Fish" arched monument sign located between the public parking lot and the public viewing deck. The term of the underlying permit as amended expired on January 13, 2001. The applicants did not apply for an amendment to extend the term until the Commission's enforcement unit notified them of alleged violations on the site. The applicants submitted a coastal development permit amendment application on June 28, 2002. Therefore, the use of the public deck and public parking lot for restaurant use from January 13, 2001 to the present has been conducted without benefit of a coastal development permit.

Commission Enforcement staff discovered the unauthorized use of the parking lot and deck during a separate enforcement action involving the restaurant's failure to post signage stating that the deck and outside restrooms are available for public use (non-restaurant patrons) that was required as a condition of approval of the underlying permit. At enforcement staff's direction, the required signage has been installed on site and the

applicant has submitted this pending application to resolve the remaining outstanding violations on site. Special Condition #1 of Coastal Development Permit No. 5-91-141 (and repeated in the three subsequent amendments) imposed a three-year term for the permit and required a parking lot monitoring study so the Commission could reevaluate the ongoing impacts (if any) to coastal access created by the restaurant's use of the facilities at issue. At the end of each three-year term, in order to grant the request, the applicants were to submit a permit amendment if they wanted to continue the use of the public parking lot and public viewing deck for restaurant use. At the submittal of each amendment request, the Commission would have to find that the proposed restaurant use on Will Rogers State Beach (where the restaurant, public parking lot, and public viewing deck are located) is consistent with the Chapter 3 policies of the Coastal Act. The applicants do not have a guaranteed right to continue the restaurant's use of the public deck and parking lot at Will Rogers State Beach without the Commission first finding the proposed use consistent with the Coastal Act.

This fourth amendment, application No. 5-41-191-A4, would allow the ongoing use of the public parking lot and public viewing deck, as well as authorize the use of the unpermitted "Gladstone's-4-Fish" arched monument sign. Staff recommends that the Commission approve the proposed permit amendment with six special conditions. The special conditions will ensure that the proposed project is consistent with the Chapter 3 policies of the Coastal Act.

Gladstone's-4-Fish shares a public parking lot and public viewing deck with beachgoers and the general public at Will Rogers State Beach. Staff is recommending special conditions to assure that the restaurant and restaurant signs do not dominate the public area and give the impression that the public parking lot and deck are private. Staff is also recommending special conditions to assure that the operation of the parking lot provides equal access to the beachgoers and that the existing valet parking program does not discourage beachgoers from parking in the public parking lot. Staff is further recommending that additional public access signs be incorporated in the public parking lot and public viewing deck.

More specifically, Special Condition #1 carries over all conditions of the previously approved permit and amendments (unless specifically altered by this amendment). Special Condition #2 extends the three-year term of the permit from January 13, 2001 to January 13, 2004 and requires a continued parking lot monitoring program. Special Condition #3 requires the parking lot to remain open for the general public, the parking fee for all parking lot patrons to be identical, and no preferential parking rates to be given within the State Beach parking lot. Special Condition #3 also requires the applicants to agree to the parking management program. Special Condition #4 requires the submittal of a revised signage plan that eliminates the existing "Gladstone's-4-Fish" arched monument sign located between the public parking lot and the public viewing deck and the existing "Gladstone's" painted sign on the public viewing deck facing the sandy beach from the signage plan. The revised signage plan also requires the revision to the language of the public parking lot entry sign and parking lot kiosk sign. The public parking lot entry sign

currently states "Public Parking, Will Rogers State Beach – Gladstone's". The revised language will delete references to Gladstone's-4-Fish Restaurant and only state "Will Rogers State Beach – Public Parking". Special Condition #5 requires that the host/hostess stand not be located on any portion of the public deck or any walkway leading to the public deck. The applicants may place a host/hostess stand at the entrance to the restaurant, away from the public deck and walkways leading to the public deck. Special Condition #6 requires the applicant to satisfy all requirements specified in the conditions that the applicants are required to satisfy prior to the issuance of this permit amendment within 90 days of Commission action (or within such additional time as the Executive Director may grant for good cause).

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED (5-91-141):

Expansion of indoor and outdoor dining areas of existing Gladstone-s-4-Fish Restaurant. Erection of signs and a 300 square foot seasonal tent cover, and the placement of 320 square foot pre-fabricated storage container on a coastal bluff for restaurant dry goods storage. The permit was valid for a three-year term limit beginning on the date of Commission action (July 17, 1991) (Exhibit #6).

DESCRIPTION OF FIRST AMENDMENT PREVIOUSLY APPROVED (5-91-141-A1):

Extension of the three-year term of the permit from January 13, 1995 to January 13, 1998 (Exhibit #7).

DESCRIPTION OF SECOND AMENDMENT PREVIOUSLY APPROVED (5-91-141-A2):

Extension of the three-year term of the permit from January 13, 1998 to January 13, 2001 (Exhibit #8).

DESCRIPTION OF THIRD AMENDMENT PREVIOUSLY APPROVED (5-91-141-A3):

Renovate 707 seat restaurant, adding 1600 square foot kitchen, handicapped public restrooms, remove outside bar, service bar, and mobile kitchen; change office to restaurant seating; replace roof top equipment with decorative screen 21 feet above PCH; replace storage containers with walled service yard; and change management of access to public viewing deck (Exhibit #9). This amendment did not have a term limit condition imposed by the Commission.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permits P-81-7894, 5-83-057A, 5-85-283 (Morris, Los Angeles County Department of Beaches and Harbors)
2. Coastal Development Permits 5-91-141, 5-91-141 A1 thru A3 (Sea View Restaurants, Inc., Los Angeles County Department of Beaches and Harbors)
3. Available Beach Parking Status Reports for Gladstones-4-Fish Restaurant

4. Joint Powers Agreement No. 25273 between the City of Los Angeles and the County of Los Angeles
5. Concession Agreement by and between County of Los Angeles and Sea View Restaurants, Inc., November 1, 1997

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 5-91-141 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

PROCEDURAL NOTE

A. Coastal Development Permit Amendments

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or

- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

The subject application is being forwarded to the Commission because the Executive Director has determined that the proposed amendment is a material change and affects conditions required for the purposes of protecting coastal resources or coastal access.

STAFF NOTE:

Ownership

The property involved in Coastal Development Permit amendment application No. 5-91-141-A4 (Sea View Restaurants & Los Angeles County Department of Beaches and Harbors), is owned by the State of California. The State leases the property within Will Rogers State Beach to the City of Los Angeles. The City assigned to the County of Los Angeles the right to operate Will Rogers State Beach pursuant to Joint Powers Agreement No. 25273 (JPA), as amended. Under the JPA the County of Los Angeles agrees to provide "all necessary lifeguard and beach maintenance services at all beach areas bordering on the Pacific Ocean which are... leased by City and situated within the limits of the City of Los Angeles...." Either party to the JPA (in this case the City of Los Angeles and the County of Los Angeles) can terminate the Agreement by giving a year's written notice.

The Los Angeles County Department of Beaches and Harbors entered into a concession agreement with the first concessionaire for a concession stand and snack bar in 1976 and later in 1978. The County extended its agreement with Sea View Restaurants, Inc. to operate Gladstone's-4-Fish Restaurant and the adjacent public parking lot in the late 1980's. Most recently, the Concession Agreement was extended as of November 1, 1997 and runs for a period of 20 years (October 31, 2017). Neither the County nor Sea View Restaurants, Inc. has authorization from the Coastal Commission (either a Coastal Development Permit or an amendment to this Coastal Development Permit) to use the public parking lot or public deck for restaurant use for the next 15 years. The agreement allows Sea View Restaurants, Inc. to use and operate the restaurant and parking lot at Will Rogers State Beach and requires Sea View Restaurants, Inc. to pay Beaches and Harbors a monthly amount equal to the greater of \$145,833.33 and a percentage of gross receipts (the sum of 10% of food and non-alcoholic drink sales, 12% of alcohol sales, 12% of merchandise sales, 12% of parking fees (including valet parking), 12% of "other activities", and 25% of vending sales).

Jurisdiction

Section 30600(b)(1) of the Coastal Act allows local government to assume permit authority prior to certification of a Local Coastal Program. Under this section, local government may establish procedures for the filing, processing, review, modification, approval, or denial of coastal development permits within its area of jurisdiction in the coastal zone. Section 30601 establishes that in certain areas, and in the case of certain projects, a permit from both the Commission and local government is required. Section 30602 states that any action taken by a local government on a coastal development permit application prior to the certification of a Local Coastal Program can be appealed by the Executive Director of the Commission, any person, or any two members of the Commission to the Commission within 20 working days from the receipt of the notice of City action.

In 1978, the City of Los Angeles opted to administer the issuance of coastal development permits in areas within the City. The Commission staff prepared maps that indicate the area in which Coastal Development Permits from both the Commission and the City are required. This area is commonly known as the "Dual Permit Jurisdiction." Areas in the coastal zone outside the dual permit jurisdiction are known as the "Single Permit Jurisdiction". The City assumes permit jurisdiction for projects located in the single permit jurisdiction. This project (5-91-141-A4) is located within the "Dual Permit Jurisdiction." Therefore, an action on a coastal development permit must be taken from both the City of Los Angeles and the Coastal Commission prior to development.

The applicant originally applied directly to the Coastal Commission without receiving a coastal development permit from the City of Los Angeles based on Section 30600(b)(2) of the Coastal Act, which states:

A coastal development permit from a local government shall not be required by this subdivision for any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, or for any development by a public agency for which a local government permit is not otherwise required.

This amendment application requests, among other things, to extend the three-year term of the existing permit.

The City of Los Angeles does not have a certified Local Coastal Program for the Pacific Palisades area. Therefore, the standard of review is the Chapter 3 policies of the coastal Act.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or

authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Prior Conditions

Unless specifically altered by this amendment, all conditions imposed on the previously approved permit and/or amendments thereto shall remain in effect (See Exhibit #6 thru #9).

2. Approval Term Limit and Beach Access Monitoring Program

The term of this amended permit is limited to a three-year term commencing January 13, 2001, and terminating January 13, 2004.

During the entire three-year term the restaurant or its contracted parking lot operator must conduct a parking lot and beach access monitoring program to determine the ability of the public to use the parking lot for beach access during peak beach use days and hours. The monitoring program shall be conducted at 11 a.m., 1 p.m., and 3 p.m. daily on all Saturdays, Sundays, and holidays between May 1st and October 30th of each year. The monitoring report shall include the following:

- A. The total number of cars parked in the public parking lot.
- B. A parking lot layout showing what spaces are physically filled at the given time. Spaces that are double parked by the valet shall be shown as tandem spaces

(e.g., one car parked in a space capable to accommodate two cars using the valet should show one filled space and one vacant space).

- C. The monitoring figures shall be submitted to the Commission's South Coast District office at the end of each month of the program for placement in Coastal Development Permit file 5-91-141-A4. Failure to submit the program's figures in a timely manner will constitute a violation of this condition.
- D. Prior to the end of the three-year term, the applicants may request an amendment to Coastal Development Permit 5-91-141-A4 in order to extend the Commission's approval for an additional term. The Commission will then reexamine the project's effects on coastal resources and public access, using the figures obtained from the beach access monitoring program, to determine whether an extension of the permit term is consistent with the Chapter 3 policies of the Coastal Act.

3. Will Rogers State Beach Public Parking Lot

Prior to the Issuance of the Coastal Development Permit amendment, the applicants shall agree in writing, for the review and approval of the Executive Director, to the following parking management requirements:

- A. The public parking lot shall remain open to the general public. No exclusive right shall be given to any patron of the beach parking lot, including, but not limited to, patrons of Gladstones-4-Fish Restaurant.
- B. No "valet parking" signs shall be allowed anywhere on the subject property.
- C. Parking fee
 - a. Parking fees for the use of both Will Rogers State Beach and Gladstone-4-Fish Restaurant (valet or non-valet) shall be identical. No preferential parking rates shall be given within the State Beach parking lot.
 - b. Signage shall indicate the parking fee for parking at Will Rogers State Beach, which shall be a uniform price for all patrons of the parking lot regardless of valet/non-valet or beachgoer/restaurant patron.
- D. Parking Management
 - 1) Non valet visitors shall pay the appropriate parking fee at the parking kiosk and be directed to park in a "single" space. A "single" space is defined as a parking space that cannot accommodate tandem parking by a parking valet. If the "single" spaces are filled by non-valet visitors, a parking valet shall park additional vehicles in a tandem space.

- 2) The parking valet shall utilize the "tandem" parking spaces before parking vehicles in the "single" spaces. A "tandem" space is defined as a single parking space that can accommodate two vehicles parked by a parking valet.

E. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Revised Signage Plan

A. **Prior to issuance of the Coastal Development Permit amendment**, the applicant shall submit revised signage plans for the review and approval of the Executive Director. The revised plans shall eliminate the "Gladstone's-4-Fish" arched monument sign located between the public beach parking lot and the public viewing deck and the "Gladstone's" painted signs located on the public viewing deck facing the State Beach from the signage plan. In addition, "Gladstone's-4-Fish", "Gladstone's", or any other reference to a privately owned entity or advertisement shall not be printed on flags, umbrellas, tables, chairs, or any other structure located on the public deck. The applicant may place a "Gladstone's-4-Fish" painted sign on the façade of the existing restaurant facing the public parking lot. The revised plans shall include a replacement of the parking lot entrance sign. The revised language of the parking lot entrance sign shall state: "Will Rogers State Beach – Public Parking." The revised parking lot entrance sign shall be visible from both directions of Pacific Coast Highway and the typeface of the sign shall be identical for each phrase. In addition, the applicants shall place a public parking lot sign on the parking lot kiosk. The language shall state: "Will Rogers State Beach – Public Parking."

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Host/Hostess Stand

The host/hostess stand shall not be located on any portion of the public deck or any walkway leading to the public deck. The applicants may place a host/hostess stand at the entrance to the restaurant away from the public deck and walkways leading to the public deck.

6. Condition Compliance

Within 90 days of Commission action on this coastal development permit amendment application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provision of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicants have requested an amendment to Coastal Development Permit 5-91-141 for the partially after-the fact authorization for the continued use of the existing public parking lot and beach front public viewing deck for restaurant use and the after-the-fact authorization for a "Gladstone's-4-Fish" arched monument sign located between the public parking lot and the public viewing deck. The term of the underlying permit as amended (5-91-141-A2) expired on January 13, 2001 (Exhibit #8). Therefore, the use of the public deck and public parking lot for restaurant use from January 13, 2001 to the present has been conducted without benefit of a coastal development permit.

The public parking lot, public viewing deck, and Gladstone's-4-Fish Restaurant at 17300 Pacific Coast Highway are located within Will Rogers State Beach in the Pacific Palisades area of the City of Los Angeles (Exhibit #1). Will Rogers State Beach is an approximately 4 mile stretch of beach. The State Beach is extremely popular and receives thousands of beach goers each day during the summer because of its accessibility from the adjacent highly populated cities of Santa Monica and Los Angeles.

The project is located on the seaward side of Pacific Coast Highway at the terminus of Sunset Boulevard and bordered to the west by a 50 space public beach parking lot, to the south and east by sandy beach, and to the north by the Pacific Palisades communities (Exhibit #2). Currently, the Marvin Braude Bike Path, a regional bike path with terminating points at Torrance Beach and Will Rogers State Beach, parallels the shoreline of Will Rogers State Beach. The bike path is located above a gently sloping bluff, approximately four to ten feet above the sandy beach. The bike path terminates at the eastern portion of the State Beach (to the east of the subject location). At this point portions of the beach becomes private land, comprising the area of the Bel Air Bay Club. The bike path does not continue past this point, through the western portion of Will Rogers State Beach and the subject location.

The major transportation corridors or regional connections including the 10 Freeway, Sunset Boulevard, and Pacific Coast Highway, link inland areas directly to the State Beach (Exhibit #1). Surrounding communities and Cities include Pacific Palisades to the north, the County of Los Angeles and Malibu to the west, and the City of Santa Monica to the east.

The restaurant and the adjoining parking lot are situated between the narrow sandy beach and Pacific Coast Highway (Exhibit #2). Access to the parking lot for Will Rogers State Beach and Gladstone's-4-Fish Restaurant is taken directly off of Pacific Coast Highway near the terminus of Sunset Boulevard.

B. Project History

Gladstone's-4-Fish is a privately owned and operated restaurant, which is located in Will Rogers State Beach. Will Rogers State Beach is operated and maintained by the Los Angeles County Department of Beaches and Harbors under a Joint Powers Agreement with the State of California. Sea View Restaurants, Inc. holds a concession agreement with Los Angeles County to operate its Gladstone's-4-Fish Restaurant and the adjoining Will Rogers State Beach parking lot.

The concession operations at this location have not always been as intensive or successful as the current restaurant is. In the mid 1970's, a portion of the area where Gladstone's-4-Fish exists today was a concession stand and snack bar. Over the years the concession stand/snack bar transformed into a 11,990 square foot building with an approximately 7,900 square feet of deck and/or paving to accommodate a 707 person capacity (Exhibit #3).

In 1976, the County had a seasonal concession agreement, which allowed the summer operation of a restaurant, two snack bars, and a mobile refreshment unit at Will Rogers State Beach. The concessionaire at that time began to face financial troubles with the concession stand.

On February 14, 1978, the County entered into a new concession agreement with two restaurant operators: Robert Morris and Douglas Badt. These new concession operators embarked upon an aggressive marketing plan for the beachfront restaurant, then known as "Jetty's". Jetty's quickly showed signs of success.

On July 25, 1979, Los Angeles County issued a Negative Declaration for the improvement and expansion of Jetty's Restaurant. The restaurant seating capacity expanded from 130 to 230 seats, two public restrooms were constructed, and a fast food stand was built. The two hundred car parking lot adjacent to the restaurant was redesigned to provide forty more parking spaces, and to provide a separate entrance and exit, and a westbound left-turn lane was added to Pacific Coast Highway to mitigate the increase in seating capacity. The parking facilities at the site then consisted of one parking lot, split into two adjacent parking lots by a gate. The lot closest to the restaurant was uncontrolled and used mostly

by Jetty's customers. The County operated and controlled the lot just east of the restaurant lot for beach goers. Beach users were allowed to use both lots during daytime hours and restaurant customers could use both lots at night. The peak use periods for each use were at different times of the day.

On October 23, 1979, a new lease was agreed upon between the County and the restaurant operators. Two months later, on December 26, 1979, Jetty's Restaurant caught fire and burned down. In order to save their lease, the restaurant operators rebuilt the County owned concession building at their own expense under an agreement with the County. The restaurant was not in operation for most, or all, of 1980.

On April 2, 1981, a new concession agreement was signed between the County and Robert Morris. The agreement included the exclusive use of fifty beach parking spaces by the restaurant for their customers. There was no Coastal Development Permit application filed for the change and intensification of use, nor were there any previous coastal development permits issued for the use of a restaurant or the use of the public beach parking lot.

On May 1, 1981, Robert Morris and the Los Angeles County Department of Beaches and Harbors submitted Coastal Development Permit application P-81-7894 for the further expansion of the existing restaurant. This is the first submittal of any kind to the Coastal Commission on record for the concession operations at this site. The application included a 1,650 square foot outdoor dining area with fifty seats overlooking the beach, public restrooms, a fast food take-out stand, and a public observation deck. The Coastal Development Permit application states that there were 165 parking spaces in the parking lot and 103 of them were reserved for use by the restaurant.

Coastal Development Permit P-81-7894 was approved by the Commission on June 1, 1981 with conditions (Exhibit #5). These conditions include: revised plans showing no encroachment onto accessways or the sandy beach, no advertising on Pacific Coast Highway for the fast food take-out stand, no signs over twelve feet high or exceeding three by six feet, and no signs visible from Pacific Coast Highway. The conditions were met and the Coastal Development Permit was issued on August 24, 1981. This permit was amended once in 1983 (5-83-57-A) and is not a part of the requested amendment.

In June of 1982, Commission staff investigated reports of Coastal Act violations allegedly occurring on the premises of the restaurant, now called "Gladstone's-4-Fish". The alleged violations included: no fast food stand in operation, the parking lot attendant was not allowing beach users use the parking lot, public restrooms not open, and two construction trailers located at the site without permits. Coastal Commission staff and Gladstone's eventually resolved these alleged Coastal Act violations.

On September 1, 1982, the County gave up the operation of the eastern half of the parking lot to the restaurant. The restaurant operators then had control of all of the parking spaces near the site. Beach users and restaurant customers both were

apparently allowed the use of the lot on a first-come, first-served basis. However, the parking lot was used primarily by restaurant customers. The parking fee charged at the State Beach public parking lots in 1982 was \$1.50 per car.

On January 26, 1983, Robert Morris and the County submitted Amendment Request 5-83-57A to amend Coastal Development Permit P-81-7894. The applicants requested that the permit be amended to include the construction of an aluminum roof over the previously approved 1,650 square foot outdoor dining area with fifty seats (this area is currently in the main section of the restaurant). The seating capacity at this time was listed at 223 inside and eighty outside for a total of 303. Parking reserved for the restaurant was listed at 103 spaces. Total service area for the restaurant was 4,782 square feet. The amendment was approved on March 25, 1983 with no special conditions.

On April 24, 1984, the County approved the construction of a 660 square foot trash storage area next to the restaurant in exchange for the reconstruction of a beach access road for the County lifeguards, which was destroyed by storm waves. The restaurant operators undertook this construction without obtaining a Coastal Development Permit.

On April 16, 1985, Robert Morris and the County submitted Coastal Development Permit application 5-85-083 for a 1,250 square foot addition to the public deck. The applicants stated in their application that there would be no service area or seating added to the restaurant. However, after a Waiver of Coastal Permit Requirements was issued for the deck expansion, and construction finished, there was seating put on this new addition and it was used as restaurant service area. About sixty seats were added onto the new area of the public deck. Again, no coastal development permits were obtained for the use of the public deck for restaurant service area.

The parking lot was still divided into two areas in 1985. The parking area closest to the restaurant was used for restaurant parking and had a capacity of 133 cars made up of 31 single spaces, fifty double tandem sets, and two handicapped spaces. The other parking area, just east of the restaurant parking area, was also controlled by the restaurant operators but used for beach parking. It contained 97 regular single spaces and three handicapped spaces. Both parking areas were used by the restaurant at night.

In November of 1990, Commission staff again investigated reports of Coastal Act violations allegedly occurring on the premises of the restaurant. Staff witnessed persons being told to leave the public deck because they were not ordering food from the restaurant (as documented in the Commission's ongoing enforcement investigation for Gladstone's-4-Fish Restaurant).

In addition, on or about 1990, portions of the existing parking lot adjacent to the restaurant were converted to a sand patio with 30 tables (4 chairs each table). This approximately 2,500 square foot area of parking lot was converted to restaurant use without benefit of a coastal development permit.

On February 15, 1991, Robert Morris and the County submitted Coastal Development Permit Application 5-91-141 in order to resolve several alleged violations on the site. The application included the expansion of the indoor and outdoor dining areas, erection of signs and a tent, and the placement of a storage container on a coastal bluff. The total seating capacity was listed as 707. The Commission approved Coastal Development Permit 5-91-141 with conditions on July 17, 1991 (Exhibit #6). Special Condition #1 of the approved permit imposed a three-year term limit for the permit. After the three-year term, the applicants could extend the term of the permit by submitting an amendment application to the Commission. At this time, the Commission would reevaluate the impacts of the restaurant and the restaurant's use of the public deck and public parking lot on coastal access and coastal resources.

The Commission approved Coastal Development Permit 5-91-141-A1 and 5-91-141-A2 on January 12, 1995 and May 14, 1998, respectively (Exhibit #7 & #8). These two amendments each extended the term of the permit an additional three-years. On April 7, 1998, the Commission approved Coastal Development Permit 5-91-141-A3 for the renovation of the 707 seat restaurant; addition of a 1600 square foot kitchen and handicapped public restrooms; the removal of an outside bar, service bar, and mobile kitchen; a change of office space to restaurant seating; replacement of roof top equipment with decorative screen 21 feet above PCH; and replacement of storage containers with a walled service yard (Exhibit #9). In this third amendment, the Commission reinforced its public deck management condition to require addition public access signs to ensure that the existing public deck was open to all of the public and not for the exclusive use of the restaurant.

In October and November of 2001, Commission staff confirmed that the public deck signage was not in place, which would advise the public that the deck is a public viewing deck and no food or beverage purchase is necessary to enjoy it. During these months and again in April of 2002, Commission staff witnessed failures by the restaurant to allow beachgoers to sit at tables on the public deck without purchasing food or beverages from the restaurant.

Commission Enforcement staff discovered the unauthorized use of the parking lot and deck that are the subject of this amendment application during the separate enforcement action involving the restaurant's failure to post signage stating that the deck and outside restrooms are available for public use (non-restaurant patrons) that was required as a condition of approval of the underlying permit. At enforcement staff's direction, the required signage has since been installed on site and the applicant has submitted this pending application to resolve the remaining outstanding violations on site.

The term of the most recent amendment expired on January 13, 2001 (See Special Condition #1 of Coastal Development Permit 5-91-141-A2 (Exhibit #8)). Therefore, the use of the public deck and public parking lot for restaurant service and parking from January 13, 2001 to the present has been conducted without benefit of a coastal development permit. At the direction of Enforcement staff, the applicants have submitted

coastal development permit amendment application 5-91-141-A4 to address alleged Coastal Act violations and comply with the permit conditions of the underlying permit and amendments.

Currently, the Will Rogers State Beach public parking lot is no longer divided into two sections. It is now one large parking lot with one entrance, located just east of the intersection between Sunset Boulevard and Pacific Coast Highway. The entire public parking lot and public deck is currently operated and controlled by the concession operators, Sea View Restaurants, Inc., consistent with the Concession Agreement between the County of Los Angeles and Sea View Restaurants, Inc. The parking lot is now managed by a valet system, operated under Sea View Restaurants, Inc. In discussions with the Los Angeles County Department of Beaches and Harbors, Commission staff confirmed that there are 212 physical parking spaces in the public beach parking lot. Sea View Restaurants, Inc. utilizes a valet parking system to expedite parking and lessen the impacts of queuing onto Pacific Coast Highway. The County has stated that the valet increases the parking supply because 107 of the 212 physical parking spaces can be double parked using a valet system. In addition, the County states that there is an opportunity to utilize 16 additional spaces by stacking in open areas throughout the parking lot. Therefore, with the valet system there is a parking supply of 335 spaces. The current parking management program valets every vehicle that enters the parking lot whether the visitor is going to the beach or to the restaurant (unless the visitor requests to self park their own vehicle). The valet asks whether the visitor is going to the beach or to the restaurant. The prices charged for parking are not uniform. The County states that a beachgoer is currently required to pay \$7.00 and a restaurant patron is currently required to pay \$4.25 regardless of whether they valet or self park. There is no validation system currently in place at Gladstone's-4-Fish Restaurant.

C. Coastal Access and Recreation

Sections 30210, 30211, 30213, 30221, 30240, and 30252 of the Coastal Act require that new development provide maximum public access and recreation opportunities and avoid interference with the public's right of acquired access

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30240 states, in part:

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30252 states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

Will Rogers State Beach is an easily accessible beach area. Regional connectors, such as the 10 Freeway and Sunset Boulevard, link inland areas directly to PCH and the beach (Exhibit #1). Pacific Coast Highway (PCH) parallels the beach and allows constant views of the ocean along the entire length of the State beach, with the exception of the area behind the Bel Air Bay Club. Four large parking lots, with a total of 1,794 public parking spaces, are located directly between PCH and the sandy beach. The subject parking lot adjacent to Gladstone's-4-Fish is one of the four large parking lots for the State Beach.

Will Rogers State Beach contains restroom and concession facilities, playground areas, volleyball courts, and a regional bike and pedestrian path. The regional bike path, the Marvin Braude Bicycle Trail, connects Torrance Beach to the Pacific Palisades, crossing every coastal city/town in the Santa Monica Bay (with the exception of Malibu).

The County's beach concessions agreements for Will Rogers State Beach were originally created to provide beach goers with refreshments, food, and beach equipment while they enjoyed the use of the State Beach. These services were provided to enhance the beach visitors' recreational experience. This has gradually changed over the years as more and more people travel to Will Rogers State Beach, not to spend the day at the beach, but to eat at Gladstone's-4-Fish, a private restaurant.

Currently, Gladstone's-4-Fish is a highly visible, privately owned restaurant, located in Will Rogers State Beach. A public beach parking lot is located adjacent and down coast of the restaurant. This parking lot provides 212 physical parking spaces for beachgoers and restaurant patrons alike. Sea View Restaurants, Inc. utilizes a valet parking system to expedite parking and lessen the impacts of queuing onto Pacific Coast Highway. With the valet system there is a parking supply of 335 spaces (because of double parking and stacking in the lot). The current parking management program valets every vehicle that enters the parking lot whether the visitor is going to the beach or to the restaurant (unless the visitor requests to self park their own vehicle). The restaurant currently charges beachgoers \$7.00 and restaurant patrons \$4.25 to park in the public lot. There is no validation system currently in place at Gladstone's-4-Fish Restaurant.

A public viewing deck is located between the public parking lot and the restaurant facility. The deck partially cantilevers over the sandy beach and is separated from the beach by a half wood, half plexiglass wind screen wall. Three painted "Gladstone's" signs are painted on the wood portion of the wall facing the sandy beach. The lettering is approximately 3 feet high and stretches across the entire wall. Approximately 12 flags with "Gladstone's" printed on them have been installed above the wood/plexiglass wind screen wall surrounding the public deck. To enter the deck, one must pass through a "Gladstone's" arched monument sign. An approximately 3-foot high concrete wall encloses the remainder of the outdoor seating area and restaurant. Therefore, the wood/plexiglass wind screen wall, the restaurant building, an approximately 3-foot high concrete wall, and a "Gladstone's" arched monument sign completely enclose the public deck.

The applicants do not have a coastal development permit for the use of the public deck and public parking lot. The three-year term of the last amendment expired on January 13, 2001 (see Special Condition #1 of Coastal Development Permit 5-91-141-A2). Special condition #1 of 5-91-141-A2 states, in pertinent part:

The term of this amended permit is limited to the three-year term commencing January 13, 1995, and terminating January 13, 1998.

During the entire three-year term the restaurant or its contracted parking lot operator must conduct a parking lot and beach access monitoring program to determine the ability of the public to use the parking lot for beach access during peak beach use days and hours.... Failure to submit the program's figures in a timely manner will result in a violation of this condition.

Near the end of the three-year term the applicants may request an amendment to Coastal Development Permit 5-91-141 in order to extend the Commission's approval for an additional term. The Commission will then reexamine the project's effects on coastal resources and public access... to determine whether an extension of the permit term is consistent with the Chapter 3 policies of the Coastal Act.

The purpose of the monitoring program was to determine whether the use of the State Beach public parking lot by the restaurant was reducing the public's ability to use the public parking supply for coastal recreation purposes on peak beach use days and hours. While the data collected by the parking lot operators for the monitoring program can be used by the Commission to determine whether the parking lot provides adequate parking during peak summer time periods, it cannot account for those who may have been deterred from entering the parking lot based on the belief that the parking lot was for the sole use of Gladstone's-4-Fish Restaurant.

The Commission has found through past commission action (5-91-141, A1 thru A3) and through the Commission's enforcement staff investigation that a conflict exists between the use of the parking lot and public deck for a private commercial use and the use of the lot and deck by beachgoers. The conflict in the parking lot became more intense as the restaurant continually expanded (with or without benefit of a coastal development permit). In the past, both the County and the valet parkers have stated that the parking lot has filled up on busy weekends, and the surplus of cars has caused the eastbound lanes of Pacific Coast Highway to become blocked by people attempting to fit into the parking lot. Restaurant customers and beach users alike may be denied access to the parking lot if it fills to capacity. In addition, on several occasions beachgoers to Will Rogers State Beach have been restricted from using the public deck adjacent to Gladstone's-4-Fish without purchasing food or beverages.

Not only do the physical barriers to public access (full parking lot and preventative access to the public deck) prevent beachgoers from fully enjoying this portion of Will Rogers State Beach, but psychological barriers further inhibit public access, as well. The large restaurant occupying the west end of the public parking lot is highly visible. "Gladstone's" flags have been erected along the length of the public deck facing the beach and a "Gladstone's" arched monument sign is the only opening between the enclosures surrounding both the restaurant and the public deck. In addition, to park in the lot one must first pass through a valet parking staging area. In the current parking management system, the valet will park vehicles whether visitors are going to the beach or the restaurant. Only if the valet is told by the visitor to not park the vehicle can one self park in the public beach parking lot. Typically, valets are used in restaurants and businesses to ease the burden of self parking and lessen the congestion caused by queuing. Rarely are valets used to park vehicles of those intending to just enjoy a day at the beach. A beachgoer that is not familiar with this beach parking lot could be deterred from using a valet system to visit the beach.

As discussed above, the original permit (5-91-141) as approved by the Commission imposed a 3-year term limit to the permit. During this time the applicants and the Commission could monitor and analyze the effects the restaurant use would have on public access to this area of Will Rogers State Beach. Through the amendment process, the applicants could extend the term of the condition prior to its expiration. During this time the Commission would further analyze the projects consistency with the Chapter 3 policies of the Coastal Act. The applicants have extended this permit two times since the original permit was approved in 1991. The term of the last permit amendment expired on January 13, 2001. The applicants did not apply for an amendment to extend the term until the Commission's enforcement unit notified them of alleged violations on the site. The applicants submitted coastal development permit amendment application on June 28, 2002. As proposed, the project is inconsistent with the access and recreation policies of the Coastal Act. Only as conditioned can the Commission find the proposed project consistent with the Coastal Act.

Public Beach Parking Lot

In 1991, when the Commission approved Coastal Development Permit 5-91-141, it allowed the continuation of the shared use of the State Beach public parking lot under the condition that valet service be provided to increase the lot's capacity and that the parking lot operators conduct a monitoring program. There are 212 physical parking spaces in the public beach parking lot. However, utilizing a valet parking system, the parking lot has the capacity of providing 335 (as stated by the Department of Beaches and Harbor on October 10, 2002). While the valet system could psychologically impact public access to this portion of Will Rogers State Beach, it does provide 123 additional parking spaces in the lot. Without these spaces the lot would almost certainly be filled during heavy beach use periods. Therefore, the Commission does find that the valet parking system does provide a benefit to coastal access.

However, the management of the valet could potentially adversely impact coastal access to Will Rogers State Beach by creating the appearance that the lot is for the private use of the restaurant and by charging a preferential parking fee to restaurant patrons. Therefore, the Commission imposes Special Condition #3. Special Condition #3 requires the public parking lot to remain open to the general public with no exclusive right given to any patron of the beach parking lot, including, but not limited to, patrons of Gladstones-4-Fish Restaurant. Parking fees shall be identical for all visitors to Will Rogers State Beach (valet or non-valet, beachgoer or restaurant patron). In addition, there shall be no "valet parking" signs located anywhere on the subject property. Finally, the applicant shall agree to a parking management plan whereby non-valet visitors are directed to the "single" spaces first. The parking valet shall utilize the "tandem" parking spaces before parking vehicles in the "single" spaces. If the "single" spaces are filled by non-valet visitors, a parking valet shall park additional non-valet vehicles in a tandem space.

Public Signage Plan

Coastal Development Permit 5-91-141-A3 approved by the Commission on April 7, 1998 was conditioned, in part, to require the applicants to submit a public deck management plan, which included the posting of signs indicating that the deck is public and no food or beverage purchase is required to sit at the deck. This amendment was also conditioned to place the host/hostess stand at the outdoor entranceway of the deck area adjacent to the parking lot. Special Condition #1 of this amended permit requires that all conditions imposed on the previously approved permit and amendments remain in effect unless specifically altered by this amendment.

After further analysis the Commission has found that the host/hostess stand acts as a barrier (physically and psychologically) to those wishing to access the public deck without having to purchase anything from the restaurant. Therefore, the Commission imposes Special Condition #5. Special Condition #5 alters a previous permit condition (Special Condition # 1 of Coastal Development Permit 5-91-141-A3) by requiring the host/hostess stand to not be located on any portion of the public deck or any walkway leading to the public deck. The applicants may place a host/hostess stand at the entrance to the restaurant away from the public deck and walkways leading to the public deck. This condition is required to ensure that public access to the public deck will not be impeded upon by both physical and psychological barriers.

Currently, "Gladstone's" signs surround the beach facing side and entrance to the public deck. The applicants have applied in this permit amendment for the authorization (after-the-fact) of the Gladstone's-4-Fish" arched monument sign. After analyzing the restaurant's impacts to coastal access and the continued encroachment of the restaurant onto the public deck, the Commission further requires a revised signage plan for the public parking lot and public deck (Special Condition #4). The revised plans shall eliminate the "Gladstone's-4-Fish" arched monument sign located between the public beach parking lot and the public viewing deck and the "Gladstone's" painted signs located on the public viewing deck facing the State Beach from the signage plan. In addition, "Gladstone's-4-Fish", "Gladstone's", or any other reference to a privately owned entity or advertisement shall not be printed on flags, umbrellas, tables, chairs, or any other structure located on the public deck. The revised signage plan may provide for the placement of a new "Gladstone's-4-Fish" painted sign on the façade of the existing restaurant facing the public parking lot.

The revised plans shall also include a replacement of the parking lot entrance sign. The revised language of the parking lot entrance sign shall state: "Will Rogers State Beach – Public Parking." The revised parking lot entrance sign shall be visible from both directions of Pacific Coast Highway and the typeface of the sign shall be identical for each phrase. In addition, the applicants shall place a public parking lot sign on the parking lot kiosk. The language shall state: "Will Rogers State Beach – Public Parking."

Term Limit and Beach Access Monitoring

The Commission finds that, as conditioned, the proposed extension for the continued use of the public deck and public parking lot for restaurant service and parking is consistent with the access and recreation policies of the Coastal Act. However, circumstances could change and the demand for parking in the State Beach parking lot could increase. In addition, the Commission has found that prior monitoring did not adequately represent the parking supply and demand (counts included double counted spaces and spaces that were not found on the physical parking survey). The potential increase in parking demand and lack of complete information in parking counts could negatively affect the public's ability to use the public parking supply for coastal recreation purposes on peak beach use days and hours. The applicants have requested to continue the shared use of the public parking lot and public deck from January 13, 2001 to December 31, 2004. This would extend the permit for just under 4 years. The Commission finds that the three-year term is appropriate and therefore, the Commission further finds that in order to ensure that the continuation of the shared use of the State Beach public parking lot does not negatively impact the public's ability to access the coast, the term of the permit extension is limited to another three-years (until January 13, 2004). During the entire three-year term the restaurant or its contracted parking lot operator shall conduct a parking lot and beach access monitoring program. Special Condition #2 imposes the three-year term of the permit amendment and requires a beach access monitoring program. This program differs from the previous program required in the past permit as amended because the Commission determined that additional information was necessary to adequately analyze the restaurant's impact on coastal access. The Commission has extended the time period of monitoring to include the months of May and October. In addition, the monitoring report should include the total number of cars parked in the public parking lot. The report will also include a parking lot layout showing what spaces are physically filled at the given time. Spaces that are double parked by the valet will be shown as tandem spaces (e.g., one car parked in a space capable to accommodate two cars using the valet should show one filled space and one vacant space).

At the end of the three-year term the applicants may request another amendment to Coastal Development Permit 5-91-141-A4 in order to extend the Commission's approval for an additional term. The Commission will then reexamine the project's effects on coastal resources and public access, using the figures obtained from the beach access monitoring program, to determine whether an extension of the permit term is consistent with the Chapter 3 policies of the Coastal Act.

Conclusion

The Commission has determined that an extension of the use of the public restaurant and public deck by Gladstone's-4-Fish Restaurant is consistent with the Chapter 3 policies of the Coastal Act with the above listed Special Conditions. These Special Conditions will ensure that the restaurant and restaurant signs do not dominate the public area and give the impression that the public parking lot and deck are private, that the operation of the

parking lot provides equal access to the beachgoers and that the existing valet parking program does not discourage beachgoers from parking in the public parking lot, and that public access signs be incorporated in the public parking lot and public view deck. Therefore, only as conditioned does the Commission find that the proposed project is consistent with Sections 30210, 30211, 30213, 30221, 30240, and 30252 of the Coastal Act.

D. Unpermitted Development

Development has occurred on site without benefit of the required coastal development permit, including the unauthorized use of a public beach parking lot and public viewing deck for restaurant use and inconsistencies with the underlying permit, as amended, including installation of a restaurant monument sign larger than approved size, failure to allow public use of a public viewing deck, and failure to post required signage indicating availability of a viewing deck and restroom facilities for public use. The work that was undertaken constitutes development that requires a coastal development permit. Commission Enforcement staff discovered the unauthorized use of the parking lot and deck during a separate enforcement action involving the restaurant's failure to post signage stating that the deck and outside restrooms are available for public use (non-restaurant patrons) that was required as a condition of approval of the underlying permit. At enforcement staff's direction, the required signage has been installed on site and the applicant has submitted this pending application to resolve the remaining outstanding violations on site.

In order to ensure that the components of this application involving unpermitted development are resolved in a timely manner, Special Condition #6 requires that the applicant satisfy all conditions of this permit that are prerequisite to the issuance of this permit within 90 days of Commission action.

Consideration of the permit amendment application by the Commission has been based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

E. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms to Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds

that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

In 1978, the Commission approved a work program for the preparation of Local Coastal Programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, and grading and geologic stability.

The City has submitted five Land Use Plans for Commission review and the Commission has certified three (Playa Vista, San Pedro, and Venice). However, the City has not prepared a Land Use Plan for Pacific Palisades. In the early seventies, a general plan update for the Pacific Palisades had just been completed. When the City began the LUP process in 1978, with the exception of two tracts (a 1200-acre and 300-acre tract of land), which were then undergoing subdivision approval, most private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decision remained in the Pacific Palisades. The tracts were A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

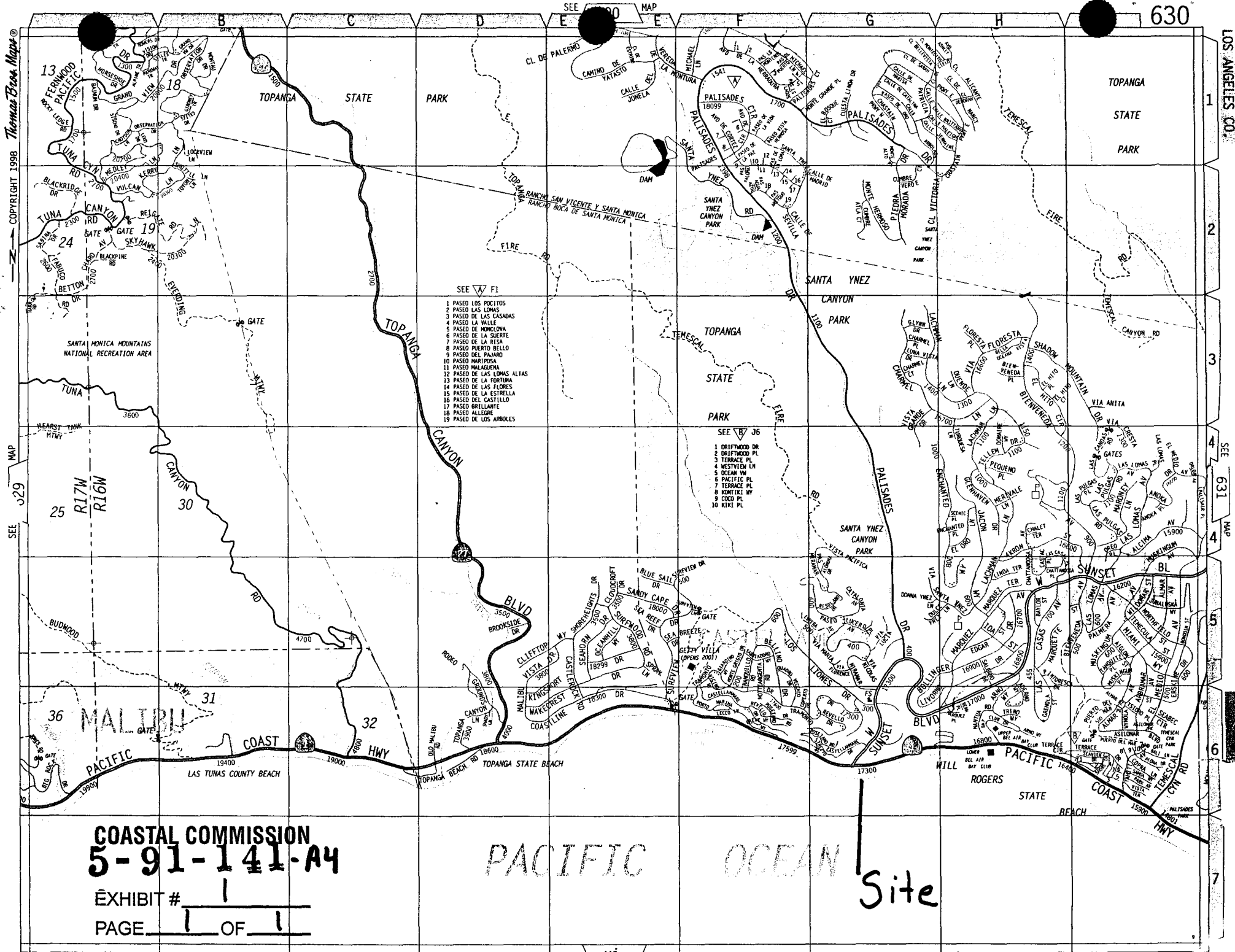
Based upon the findings presented in the preceding sections, the Commission finds that the proposed development, as conditioned, will not create adverse impacts on coastal resources. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

F. California Environmental Quality Act (CEQA)

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The proposed project as conditioned is found to be consistent with the Chapter 3 policies of the Coastal Act. As explained above and incorporated herein, all adverse impacts have been minimized and the project, as proposed, will avoid potentially significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project is consistent with the requirements of the Coastal Act and CEQA.

End/am



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SEE 529 MAP

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630

LOS ANGELES CO.

- SEE F1
- 1 PASO LOS PICOTOS
 - 2 PASO LAS LOMAS
 - 3 PASO DE LAS CASAS
 - 4 PASO LA VALLE
 - 5 PASO DE MONTELOVA
 - 6 PASO DE LA SUERTE
 - 7 PASO DE LA RISA
 - 8 PASO PUERTO BELLO
 - 9 PASO DEL PALMAR
 - 10 PASO MARIPOSA
 - 11 PASO MALAGUENA
 - 12 PASO DE LAS LOMAS ALIAS
 - 13 PASO DE LA FORTUNA
 - 14 PASO DE LAS FLORES
 - 15 PASO DE LA ESTRELLA
 - 16 PASO DEL CASTILLO
 - 17 PASO BRILLANTE
 - 18 PASO ALLEGRE
 - 19 PASO DE LOS AMBLES

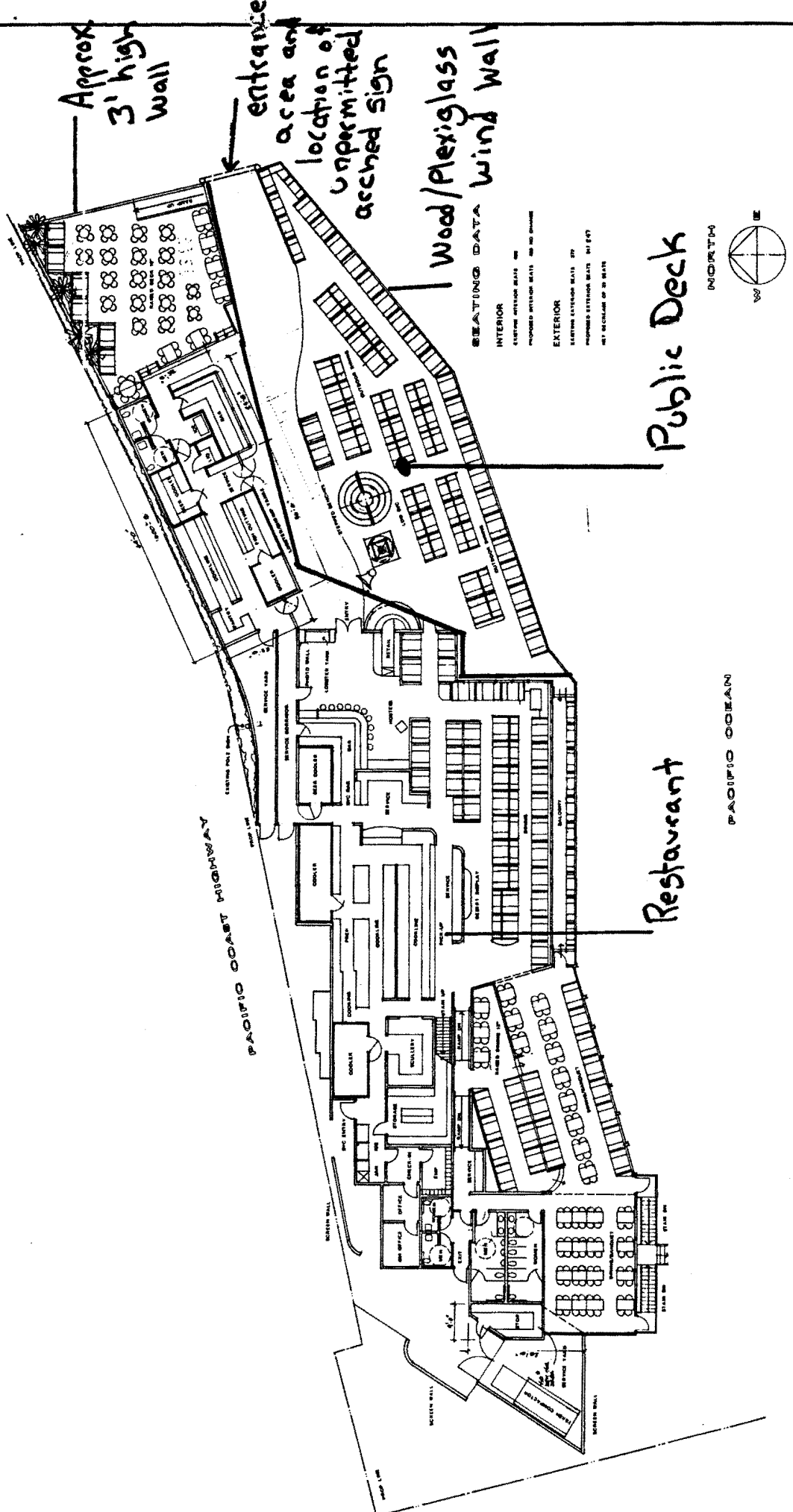
- SEE J6
- 1 DRIFTWOOD DR
 - 2 DRIFTWOOD PL
 - 3 WESTVIEW LN
 - 4 OCEAN VW
 - 5 PACIFIC PL
 - 7 TERRACE PL
 - 8 KONTIKI WY
 - 9 COCO PL
 - 10 KIKI PL

COASTAL COMMISSION
5-91-141-A4

EXHIBIT # 1
PAGE 1 OF 1

PACIFIC OCEAN Site

SEE vi MAP



COASTAL COMMISSION
5-91-141-AH
 EXHIBIT # **3**
 PAGE **1** OF **1**

DATE	
PROJECT	
SHEET	
NO.	

GLADSTONE'S
Malibu

Design
 ARCHITECTURAL
 1001 S. SANTA MONICA BLVD. SUITE 100
 P.O. BOX 1000
 MALIBU, CALIF. 90262

FLOOR PLAN

Proposed arched monument sign

COASTAL COMMISSION

5-91-14-LAY
EXHIBIT # 4

PAGE 1 OF 1

18' OVERALL

LA'S PLACE at the BEACH

GLADSTONE'S

10' CLEARANCE

18" HIGH OPEN FACE CHANNEL LETTERS
WITH 11 WATT CLEAR BULBS 3" ON CENTER
28" X 18" RADIUS CABINET W/RED NEON HALO BORDER
18" DEEP CABINET WITH 12" DEEP UPPER CABINET
AT 12" X 10" WITH EXPOSED TURQUOISE NEON
5" STEEL POLES W/ 12" RINGS SURROUNDED BY 6" WOOD PEELER POSTS
AND 3 ROLLS OF ROPE TOP AND BOTTOM

JULIUS 11/2002

PHONE NO. : 714 630 8841

MSA

JULIUS 11/2002

CSC
CORPORATION

CAREY
SIGN GRAPHICS

GLADSTONE'S
1700 PACIFIC COAST HWY
PACIFIC PALISADES, CA

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION


666 E OCEAN BOULEVARD, SUITE 3107

P.O. BOX 1450

LONG BEACH, CALIFORNIA 90801

(714) 590-5071 (714) 846-0648

COASTAL DEVELOPMENT PERMIT

FILE COPY 
 COASTAL COMMISSION
 5-91-141-A4

Permit Type: Administrative Standard Emergency # 5PAGE 1 OF 2Application Number: P-81-7894

Name of Applicant: Robert Morris County of Los Angeles
17300 PCH J. Cunningham, Director of Beaches
Pacific Palisades, CA 90272 2600 Strand
Manhattan Beach, CA 90266

Development Location: 17300 Pacific Coast Highway
Pacific Palisades, CA

Development Description: Addition of a 1650 sq. ft. open dining area, a 975 sq. ft. storage building, public restrooms, and a public observation deck with a fast food take out stand to an existing restaurant. The restaurant has 103 existing parking spaces. The City Coastal Permit Unit approved a different project in March 1980. According to the City Coastal Permit Unit, this project complies substantially with the permit approved by the City.

I. Whereas, at a public hearing, held on June 1, 1981
 at Torrance by a vote of unanimous 89s,
 the Commission hereby grants, subject to condition/s, a permit for the proposed development, on the grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

- II. Conditions: 1. Prior to issuance of permit, the applicant shall submit revised plans to show that there shall be no encroachment on the accessways or the sandy beach;
2. Prior to issuance of permit, the applicant shall submit plans for the installation of latticework on building foundations for aesthetic purposes;
3. Prior to issuance of permit, the applicant shall agree that the take out window will not be advertised for highway traffic use; and
4. Prior to issuance of permit, the applicant shall agree that no signs shall be erected higher than 12 feet above average finished grade, and their total dimensions

shall not exceed three feet by six feet. The signs shall not be visible from the highway, but from the beach.

Condition/s Met On Aug. 24 '81 By: [Signature]

- II. This permit may not be assigned to another person except as provided in Section 13170 of the Coastal Commission Rules and Regulations.
- IV. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittees or agent/s authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.
- V. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.
- VI. Issued on behalf of the South Coast Regional Commission on August 24, 1981.

[Signature: Nancy A. Lucast]
 XXXXXXXXXXXXXXXXXXXX
 Nancy A. Lucast
 Executive Director

I, _____, permittee/agent, hereby acknowledge receipt of Permit Number P-81-7894 and have accepted its contents.

 (Date)

COASTAL COMMISSION
 (Signature) 5-91-141-A4

asg

EXHIBIT # 5
 PAGE 2 OF 2

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(213) 590-5071

Page 1 of 4
Date: November 8, 1991
Permit No. 5-91-141



COASTAL DEVELOPMENT PERMIT

On July 17, 1991, the California Coastal Commission granted to

ROBERT MORRIS, SEAVIEW RESTUARANTS & L. A. CO. DEPT OF BEACHES & HARBORS
this permit subject to the attached Standard and Special conditions, for
development consisting of:

Expansion of indoor and outdoor dining areas of existing Gladstone's-For-Fish
Restaurant. Erection of signs and a 300 square foot seasonal tent cover, and the
placement of 320 square foot pre-fabricated storage container on a coastal bluff
for restaurant dry goods storage.

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County at
17300 Pacific Coast Highway, Will Rogers State Beach, Pacific Palisades.

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS
Executive Director

By: *[Signature]*

Title: Staff Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide
by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which
states in pertinent part, that: "A public entity is not liable for injury caused
by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH
THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal.
Admin. Code Section 13158(a).

Date

Signature of Permittee
COASTAL COMMISSION
5-91-141-A4
EXHIBIT # 6
PAGE 1 OF 4

COASTAL DEVELOPMENT PERMIT

Page 2 of 4
Permit No. 5-91-141

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. Approval Term Limit and Beach Access Monitoring Program

Approval of this project (expansion of restaurant seating including outdoor restaurant seating on the public viewing deck and in the public parking lot area) is limited to a three (3) year term commencing on the date of Commission action.

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During this entire three (3) year term, Gladstone's-4-Fish Restaurant, or its contracted parking lot operator, must conduct a parking lot and beach access monitoring program to determine the ability of the public to use the parking lot for beach access during peak beach use days and hours. This monitoring program requires that the number of available (empty) parking spaces in the state beach and restaurant parking lot be counted at 11 a.m., 1 p.m., and 3 p.m. daily on all Saturdays, Sundays, and holidays between June 1st and September 30th of each year. The monitoring figures shall be submitted to the Commission's South Coast District office at the end of each month of the program for placement in CDP file 5-91-141. Failure to submit the program's figures in a timely manner will result in a violation of this condition.

At the end of the three (3) year term, when Commission approval of the seating expansion approved in this permit shall expire, the applicant may file for an amendment to CDP 5-91-141 in order to extend the approval for an additional three (3) year term. The Commission can then use the figures obtained from the beach access monitoring program to determine the restaurant's impact on coastal access. Extension of this permit's term will be determined by its conformance to the policies of the Coastal Act including shoreline access.

2. Parking Lot Operations

The applicants shall provide a valet parking service for the state park and restaurant parking lot during all restaurant operating hours in order to maximize the available parking spaces and enhance public beach access.

3. Signage

Prior to the issuance of a Coastal Development Permit, the existing large parking lot sign at the entrance of the parking lot must be removed. A new sign, approved by Commission staff, must be erected which states: "Public Parking for Will Rogers State Beach and Gladstone's-4-Fish Restaurant", and may not say: "Private Property-No Trespassing". All signs on the property, except for the existing main neon-lighted sign, must conform to the sign condition of Coastal Permit P-81-7894, which states:

"No signs shall be higher than 12 feet above average finished grade, and their total dimensions shall not exceed 3 feet by 6 feet. The signs shall not be visible from the highway (except for the parking lot entrance sign), but from the beach."

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EXHIBIT # 6
PAGE 3 OF 4

4. Storage Container

Prior to issuance of a Coastal Development Permit, the applicant shall provide landscaping to screen the storage container located at the western end of the restaurant on the coastal bluff. The landscaping may be in the form of potted plants. Compliance with this condition shall be confirmed by Commission staff.

5. Public Deck

The applicants shall not deny access to any persons (excepting those conducting illegal activities) who wish to utilize the public observation deck at the state park. The public deck area should be posted with small (8.5"x11") signs which indicate that the deck is for public use. Managers and employees of the restaurant should be informed that the deck is for public use.

6. Public Restrooms

Public restrooms must remain available to public, especially beach users. The public restrooms shall be posted with signs that indicate that the restrooms are available for public use.

7. Future Improvements

Prior to issuance of a Coastal Development Permit, the restaurant operators shall submit a Written Letter of Agreement, in a form and content acceptable to the Executive Director, which provides that Coastal Development Permit 5-91-141 is for the approved development only, and that any future additions, intensifications, or improvements to the property or restaurant will require a new Coastal Development Permit from the Coastal Commission or its successor agency.

8. Timing of Condition Compliance

All requirements specified in the foregoing conditions that the applicant is required to satisfy as prerequisites to the issuance of this Coastal Development Permit must be met within three (3) months of the date of Commission action on this Coastal Development Permit Application. Failure to comply with the requirements within the time period specified, or within such additional time as may be granted by the Executive Director for good cause, will terminate this permit and lead to appropriate enforcement action.

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
 5 W. BROADWAY, STE. 380
 P.O. BOX 1450
 LONG BEACH, CA 90802-4416
 (310) 590-5071

AMENDMENT TO COASTAL DEVELOPMENT PERMITDate 30 January 1995

Permit Number 5-91-141 issued to County of Los Angeles Department of Beaches & Harbors, Sea View Restaurants, Inc., and California Department of Parks and Recreation.

for expansion of indoor and outdoor dining areas of existing Gladstone's 4-Fish Restaurant. Erection of signs and a three hundred square foot seasonal tent cover, and the placement of 320 square foot pre-fabricated storage container on a coastal bluff for restaurant dry goods storage.

at 17300 Pacific Coast Highway, Will Rogers State Beach, Pacific Palisades, Los Angeles City, Los Angeles County.

has been amended to include the following change:

Request to extend the three-year term of the permit indefinitely and to eliminate special condition one of the underlying permit which requires a parking lot and beach access monitoring program.

This amendment will become effective upon return of a signed copy of this form to the Commission office. Please note that the original permit conditions unaffected by this amendment are still in effect.

PETER M. DOUGLAS
 Executive Director

By: Title: Coastal Program AnalystACKNOWLEDGMENT

I have read and understand the above amendment and agree to be bound by the conditions as amended of Permit No. 5-91-141.

Date _____

Signature _____

SPECIAL CONDITIONS:

1. Approval Term Limit and Beach Access Monitoring Program

The term of this amended permit is limited to the three-year term commencing January 13, 1995, and terminating January 13, 1998.

During the entire three-year term the restaurant or its contracted parking lot operator must conduct a parking lot and beach access monitoring program to determine the ability of the public to use the parking lot for beach access during peak beach use days and hours. This monitoring program requires that the number of available (empty) parking spaces in the State Beach and restaurant parking lot be counted at 11 a.m., 1 p.m., and 3 p.m. daily on all Saturdays, Sundays, and holidays between June 1st and September 30th of each year. The monitoring figures shall be submitted to the Commission's South Coast District office at the end of each month of the program for placement in Coastal Development Permit file 5-91-141-A. Failure to submit the program's figures in a timely manner will result in a violation of this condition.

Near the end of the three-year term the applicants may request an amendment to Coastal Development Permit 5-91-141 in order to extend the Commission's approval for an additional term. The Commission will then reexamine the project's effects on coastal resources and public access, using the figures obtained from the beach access monitoring program, to determine whether an extension of the permit term is consistent with the Chapter 3 policies of the Coastal Act.

2. Pacific Coast Beach Bike Path

The applicants shall agree to work jointly with the City of Los Angeles to develop a feasible route and design for the Pacific Coast Beach Bike Path for that portion of the path which passes by or through the site.

CP:b11

3733F

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



AMENDMENT TO COASTAL DEVELOPMENT PERMIT

January 4, 1999

Permit Number 5-91-141 issued to County of Los Angeles Department of Beaches & Harbors, Sea View Restaurants, Inc. and California Department of Parks and Recreation for:

Expansion of indoor and outdoor dining areas of existing Gladstone's 4-Fish Restaurant. Erection of signs and a three hundred square foot seasonal tent cover, and the placement of 320 square foot pre-fabricated storage container on a coastal bluff for restaurant dry goods storage.

at: 17300 Pacific Coast Highway, Will Rogers State Beach, Pacific Palisades, Los Angeles County has been amended to include the following change: Request to extend the three-year term of the permit indefinitely and to eliminate a special condition of the underlying permit which requires a parking lot and beach access monitoring program.

This amendment will become effective upon return of a signed copy of this form to the Commission office. Please note that the original permit condition unaffected by this amendment are still effect.

PETER M. DOUGLAS
Executive Director

By: James L. Ryan
Title: Coastal Program Analyst

ACKNOWLEDGMENT

I have read and understand the above permit and agree to be bound by the conditions as amended of Coastal Development Permit 5-91-141.

Date: _____

Signature _____

COASTAL COMMISSION
5-91-141-A4

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AMENDMENT TO COASTAL DEVELOPMENT PERMIT

5-91-141-A2

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SPECIAL CONDITIONS:

NOTE: Except where amended or superseded by the condition below, all previous special conditions of Coastal Development Permit 5-91-141 still apply.

1. **Approval Term Limit and Beach Access Monitoring Program**

The term of this amended permit is limited to the three-year period term commencing January 13, 1998, and terminating January 13, 2001.

During the entire three-year term the restaurant or its contracted parking lot operator must conduct a parking lot and beach access monitoring program to determine the ability of the public to use the parking lot for beach access during peak beach use days and hours. This monitoring program requires that the number of available (empty) parking spaces in the State Beach and restaurant parking lot be counted at 11 a.m., 1 p.m., and 3 p.m. daily on all Saturdays, Sundays, and holidays between June 1st and September 30th of each year. The monitoring figures shall be submitted to the Commission's South Coast District office at the end of each month of the program for placement in Coastal Development Permit file 5-91-141-A. Failure to submit the program's figures in a timely manner will result in a violation of this condition.

Near the end of the three-year term the applicants may request an amendment Coastal Development Permit 5-91-141 in order to extend the Commission's approval for an additional term. The Commission will then re-examine the project's effects on coastal resources and public access, using the figures obtained from the beach access monitoring program, to determine whether an extension of the permit term is consistent with the Chapter 3 policies of the Coastal Act.

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JLR:

5-91-141-a2 beaches and harbors

COASTAL COMMISSION
5-91-141-A4
EXHIBIT # 8
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CALIFORNIA COASTAL COMMISSION

FILE COPY

South Coast Area Office
 200 Oceangate, Suite 1000
 Long Beach, CA 90802-4302
 (562) 590-5071

**AMENDMENT TO COASTAL DEVELOPMENT PERMIT**

January 4, 1999

Permit Number 5-91-141 issued to County of Los Angeles Department of Beaches & Harbors/Seaview Restaurants, Inc. for:

Expansion of indoor and outdoor dining areas of existing Gladstone's 4-Fish Restaurant. Erection of signs and a three hundred square foot seasonal tent cover, and the placement of 320 square foot pre-fabricated storage container on a coastal bluff for restaurant dry goods storage.

at: 17300 Pacific Coast Highway, Will Rogers State Beach, Pacific Palisades, Los Angeles County has been amended to include the following change: Renovate 707 seat restaurant, adding 1600 square foot kitchen, handicapped public restrooms, remove outside bar, service bar, and mobile kitchen; change office to restaurant seating; replace roof top equipment with decorative screen 21 feet above PCH, replace storage containers with walled service yard, change management of access to public viewing deck.

This amendment will become effective upon return of a signed copy of this form to the Commission office. Please note that the original permit condition unaffected by this amendment are still effect.

PETER M. DOUGLAS
 Executive Director

Peter M. Douglas
 By: NAME OF ANALYST
 Title: Coastal Program Analyst

ACKNOWLEDGMENT

I have read and understand the above permit and agree to be bound by the conditions as amended of Coastal Development Permit 5-91-141.

Date: _____

Signature _____

COASTAL COMMISSION
 5-91-141-A4
 EXHIBIT # 9
 PAGE 1 OF 3

SPECIAL CONDITIONS:

NOTE: Except where amended or superseded by the conditions below, all previous special conditions of Coastal Development Permit 5-91-141 still apply.

1. **Public Deck Management Program**

Prior to issuance of a coastal development permit, the applicant shall submit a public deck management program, subject to the review and approval of the Executive Director, that protects the rights of the public to enter and be seated on the public viewing deck. That program shall incorporate the following:

a) Signage shall be placed at the outdoor entrance to the deck area from the parking lot to indicate that:

1. The outdoor deck is a public viewing deck
2. The location of the public deck
3. Food or beverage purchase is not required. It may say that food service is available.

b) The sign-up (host/hostess stand) shall be located at the outdoor entranceway the deck area from the adjacent parking lot (See Exhibit E).

c) The applicant shall use no more than one sign-up list. That list will not distinguish between food customers and people who want to visit the deck for viewing.

2. **Revised Plans**

Prior to issuance of a coastal development permit, the applicant shall submit revised plans that indicate the following;

a) The restaurant will have a seating capacity of no more than 707 seats. That includes all indoor and outdoor seating including seating on the viewing deck.

b) The plans shall indicate the location of the signs and the proposed host/hostess stand.

3. **Site Visit**

Prior to issuance of a coastal development permit, the Executive Director shall certify in writing that:

a) The applicant has removed all seats that are in excess of a total of 707

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

5-91-141-A3

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seats (indoor and outdoor).

b) The applicant has placed all signs required in the Commission's prior actions.

The total number of seats and the adequacy of signage shall be verified by Coastal Commission staff before permit may issue.

4. Future Improvements

Prior to issuance of a coastal development permit, the restaurant operators shall submit a Written Letter of Agreement, in a form and content acceptable to the Executive Director, which provides that Coastal Development Permit 5-91-141 is for the approved development only, and that any future additions, intensifications, or improvements to the property or restaurant will require a new Coastal Development Permit from the Coastal Commission or its successor agency.

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JLR:

5-91-141-a3 beaches and harbors permit

COASTAL COMMISSION
5-91-141-A4
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