

**CALIFORNIA COASTAL COMMISSION**

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

**RECORD PACKET COPY****Tu 16b**

Filed: 7/9/02  
49th Day: 8/27/02  
180th Day: 1/5/03  
Staff: AM-LB **AM**  
Staff Report: 7/22/02  
Hearing Date: Aug. 6, 2002  
Commission Action:

**STAFF REPORT: MATERIAL AMENDMENT****APPLICATION NUMBER:** 5-01-261-A1**APPLICANT:** Los Angeles County, Department of Beaches and Harbors**PROJECT LOCATION:** Will Rogers State Beach, Pacific Palisades, City/County of Los Angeles**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED (5-01-261):**

Improvements throughout Will Rogers State Beach that include demolition and reconstruction of four restroom facilities, four public parking lots, a bike and pedestrian path, one concession stand, one lifeguard substation, access ramps, an entry kiosk, and highway barriers; remodel of the existing lifeguard headquarters; construct three new observation decks with associated access ramps and an ADA access ramp across the bluff slope; and the use of 9,600 square feet (36 parking spaces) to house a temporary inner city youth water education program.

**DESCRIPTION OF AMENDMENT (5-01-261-A1):**

Construction of three ADA (Americans with Disabilities Act, Public Law 336 of the 101st Congress, enacted July 26, 1990) compliant access ramps across an approximately 10' high descending slope to the beach at Will Rogers State Beach.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission grant a coastal development permit amendment for the proposed development with two (2) Special Conditions. The special conditions on this project are required to protect coastal recreation and access along the shoreline. The proposed project is located in the Pacific Palisades area of the City of Los Angeles. The proposed project is the construction of three (3) ADA access ramps located at Parking Lot #2 East, Parking Lot #2 West, and Parking Lot #3 East of Will Rogers State Beach.

**SUBSTANTIVE FILE DOCUMENTS:**

- 1) Coastal Development Permit No. 5-01-261
- 2) Joint Powers Agreement No. 25273 between the City of Los Angeles and the County of Los Angeles
- 3) License to Provide Food Service from a Concession Stand on a County-Owned or Operated Beach in Los Angeles County at Will Rogers II Beach, April 17, 2001
- 4) Wave Run-Up Analysis, by Concept Marine Associates, Inc., June 25, 2001

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**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 proposed amendment affects conditions required under the original permit for the purpose of protecting coastal resources and coastal access. Therefore, the proposed amendment is determined to be a material change and is required for the purposes of protecting coastal resources or coastal access.

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**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. 5-01-261 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.

**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 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 Regular and Special Conditions attached to coastal development permit 5-01-261 remain in effect (Exhibit #5).

**2. Public Deck and Seating Area**

A. As proposed, the applicant shall carry out the following requirements to ensure the ongoing use of the public decks and seating areas adjacent to the approved concession stand or future concession stands for the general public:

- a. The public deck and seating area adjacent to the concession stands shall be open to the general public. Purchase of food or beverage shall not be required to use the public areas.
- b. Concessionaires and/or operators of the concession stand shall have the right to use and operate the concession building only and no other portion outside that designated area. The Concessionaires and/or operators of the concession stand shall not have the right to use or occupy any part of the public deck or seating area for private use.
- c. Signs shall be posted in a conspicuous location stating that the subject deck and seating areas are open to the general public and that no food or beverage purchase is necessary to use the deck and seating area.

B. Upon expiration of the current concession agreement, the above restriction on the concession stands, public decks and public seating areas shall be incorporated into a new or amended concession agreement with the concessionaire or operator of such facilities so that such requirements are binding to them. Upon finalization of this agreement, the applicant shall submit a copy of the new or amended concession agreement to the Executive Director for review and approval.

**IV. Findings and Declarations**

The Commission hereby finds and declares:

**A. Project Description and History**

At its July 10, 2002 meeting, the Commission approved coastal development permit 5-01-261 for beach improvements throughout Will Rogers State Beach that include demolition and reconstruction of four restroom facilities, four public parking lots, a bike and pedestrian path, one concession stand, one lifeguard substation, access ramps, an entry kiosk, and highway barriers; remodel of the existing lifeguard headquarters; construction of three new observation

decks with associated access ramps and an ADA access ramp across the bluff slope; and the use of 9,600 square feet (36 parking spaces) to house a temporary inner city youth water education program. The Commission approved the improvements project with nine Special Conditions. The Special Conditions were required to protect water quality, marine resources, coastal recreation, public views, and access along the shoreline.

Special Condition #3 required the applicant to submit revised project plans demonstrating that all elements of the proposed project seaward of the existing bluff edge were removed from the project plans or relocated behind the bluff edge. Such project elements included, but were not limited to, observation decks, concession seating areas, new access ramps, and paving. The requirements in the condition did not apply to the reconstruction of existing access ramps, the addition to the lifeguard headquarters, and the construction of a new restroom, lifeguard substation, and ADA access ramp in Parking Lot #5.

On July 2, 2002 (after the Commission's action on Coastal Development Permit 5-01-261) the County of Los Angeles Department of Beaches and Harbors submitted new information and revised plans, which demonstrated that all elements of the beach improvements project (besides the ADA compliant access ramps) were located landward of the existing bluff edge. Therefore, these project elements were found consistent with the underlying permit, 5-01-261. These elements include public decks, walkways, and public seating areas.

The proposed project, the construction of three ADA compliant access ramps at Parking Lot #2 East, Parking Lot #2 West, and Parking Lot #3 East in Will Rogers State Beach, would be located across the approximately 10-foot high slope from the parking lot level to the beach (Exhibit #3). The three ADA compliant ramps were requested in the original permit application, 5-01-261. At the June 10, 2002, hearing the Commission required the removal of these ramps from the project plans (see Special Condition #3 of the original Permit – Exhibit #5)). The Commission based its decision on the belief that 1) there were other ADA compliant ramps in the area, 2) the proposed ADA ramps were not necessary to comply with the federal law, and 3) the ramps would be located in an area subject to erosion and possible wave run-up.

The acceptance of this permit amendment application, 5-01-261-A1, was based on the review of new information and revised project plans submitted by the applicant and discussions with the applicant concerning the legal necessity of ADA compliant access ramps. As part of the discussions, the applicant stated its intentions to provide for the continued use of all the beach facilities, including the seating areas and decks adjacent to the concession stands, by the general public.

#### **B. Public Access/Recreation**

Sections 30210, 30211, 30213, and 30220 of the Coastal Act require that new development provide maximum public access and recreation 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 30220 of the Coastal Act states:

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

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. Will Rogers State Beach provides 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 Santa Monica Bay (with the exception of Malibu). 26 paved access ramps are located throughout the beach area and connect the upper parking lot level to the sandy beach (a vertical height of approximately four to ten feet in most locations). In most locations the bluff area is gently sloping and access is achieved without the need for the access ramps.

#### ADA Compliant Access Ramps

While there are several paved access ramps in Will Rogers State Beach that connect the parking lot level to the beach level (which were approved to be repaired under the original permit, 5-01-261), there are no ramps in Will Rogers State Beach that can accommodate those with special needs or disabilities. The proposed project includes the construction of three ADA compliant access ramps at Parking Lot #2 East, Parking Lot #2 West, and Parking Lot #3 East in Will Rogers State Beach, located across the approximately 10-foot high slope from the parking lot level to the beach (Exhibit #3).

The U.S. Department of Justice, Civil Rights Division, web site on the Americans with Disabilities Act, Public Law 336 of the 101st Congress, enacted July 26, 1990, summarizes the federal law on access requirements for the disabled:

*Barriers to employment, transportation, public accommodations, public services, and telecommunications have imposed staggering economic and social costs on American society and have undermined our well-intentioned efforts to educate, rehabilitate, and employ individuals with disabilities. By breaking down these barriers, the Americans with Disabilities Act (ADA) will enable society to benefit from the skills and talents of individuals with disabilities, will allow us all to gain from their increased purchasing power and ability to use it, and will lead to fuller, more productive lives for all Americans.*

*The Americans with Disabilities Act gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications.*

*A public entity must ensure that individuals with disabilities are not excluded from services, programs, and activities because existing buildings are inaccessible. A State or local government's programs, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to facilities of a public entity that existed on January 26, 1992. Public entities do not necessarily have to make each of their existing facilities accessible. They may provide program accessibility by a number of methods including alteration of existing facilities, acquisition or construction of additional facilities, relocation of a service or program to an accessible facility, or provision of services at alternate accessible sites.<sup>1</sup>*

The applicant has stated that its interpretation of the Americans with Disabilities Act is that it requires all new major projects to contain handicapped accessible facilities. There are presently no handicapped accessible ramps in this vicinity. The applicant has stated that the three proposed ADA compliant access ramps would increase the available access to the coast. They have located the ramps in close proximity to restroom and concession facilities and adjacent to handicapped parking spaces. The applicant analyzed alternative designs and locations of the ramps. One alternative that was analyzed was constructing a set of parallel ramps with each ramp terminating at a landing area. This ramp would be larger and require more disturbance of the bluff. Another alternate design incorporated the existing, non-ADA compliant ramp. This would require the filling of the slope area that would allow for adequate slope angle that would comply with the ADA. This alternative would require extending further onto the sandy beach than the proposed project. After review of these alternatives, staff agreed that the proposed design and location limited the amount of disturbance on the slope and the sandy beach and provided the greatest benefit to accessing the beach.

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<sup>1</sup> Excerpted from the U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act web site

As discussed in the previous staff report for coastal development permit application 5-01-261, the applicant's wave run-up study indicated that the fill below the proposed ADA access ramps lie below the predicted wave run-up level of 13.3 feet. The applicant has not proposed any protective devices for the proposed project and has indicated that they will not request protective devices for the proposed project at any time. As required in Special Condition #1 of this permit amendment, all Regular and Special Conditions attached to coastal development permit 5-01-261 remain in effect (Exhibit #5). Special Condition #2 of the underlying permit, required the applicant to agree that no future shoreline protective device will ever be constructed to protect any portion of the proposed project including, but not limited to, restrooms, concession stands, life guard substations, parking lots, bike and pedestrian paths, and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, flooding, or other natural hazards in the future. This Special Condition, because not explicitly changed in this amendment, applies to Coastal Development Permit amendment 5-01-261-A1.

Also, the ADA compliant access ramps may be subject to flooding hazards from sea level rise, beach erosion, and extreme storm events. Special Condition #1 of the underlying permit 5-01-261 required the applicant to acknowledge and agree that the project site (Will Rogers State Beach) and improvements are located in an area that may be subject to flooding and wave run-up hazards and to assume the risks to the applicant and the property subject to this permit. As indicated above, Special Condition #1 of the underlying permit is not changed in this permit amendment. Therefore, Special Condition #1 of the underlying permit applies to Coastal Development Permit amendment 5-01-261-A1.

To further lessen the impact of development in areas subject to flooding and erosion, Special Condition #9 of the underlying permit 5-01-261 required the submittal of a landscaping plan for the review and approval of the Executive Director. Special Condition #9A. c. of the underlying permit required that all disturbed areas from grading or construction activity on the bluff slope above the sandy beach be landscaped with native, salt tolerant plant species associated with coastal bluffs and dunes. This Special Condition also applies to Coastal Development Permit amendment 5-01-261-A1. Therefore, any disturbed areas on the bluff slope created by the construction of the ADA access ramps or any other development authorized in 5-01-261 or 5-01-261-A1 must be landscaped with native, salt tolerant plant species associated with coastal bluffs and dunes, as required by Special Condition #9 of the underlying permit.

For the above reasons, the Commission finds that the proposed ADA compliant access ramps are consistent with the Coastal Act.

#### Public Decks and Seating Areas

As described above, the applicant has submitted revised plans and new information demonstrating that the public seating areas, decks, and walkways are located behind the slope edge. Therefore, these project elements were approved under the underlying permit, 5-01-261, and a new permit or an amendment to the original permit is not required for these



project elements. Previous public seating areas and decks in this area (such as Gladstones Restaurant, south of Parking Lot #5) have been essentially privatized, restricting public access. The County of Los Angeles, Department of Beaches and Harbors has stated that it is its intent to provide signage alerting the public that these areas are open to all in the general public and that those from the general public are not required to purchase food or beverages from the concession stand to use the public seating areas and decks.

To ensure that the applicant provides its proposed indications concerning public use of the seating areas and decks and that those from the general public are not prevented from using the public amenities at Will Rogers State Beach, the Commission impose Special Condition #2. Special Condition #2 requires that the applicant, as it proposed, continue to ensure the ongoing use of the public decks and seating areas adjacent to the approved concession stands for the general public. The public deck and seating area adjacent to the concession stands shall be open to the general public. Purchase of food or beverage shall not be required to use the public areas. Concessionaires and/or operators of the concession stand shall have the right to use and operate the concession building only and no other portion outside that designated area. The Concessionaires and/or operators of the concession stand shall not have the right to use or occupy any part of the public deck or seating area for private use. Also, signs shall be posted in a conspicuous location stating that the subject decks and seating areas are open to the general public and that no food or beverage purchase is necessary to use the deck and seating area.

To further ensure the ongoing use of the public seating areas and decks, Special Condition #2 requires that, upon expiration of the current concession agreement, the previously mentioned restrictions on the concession stands, public decks and public seating areas shall be incorporated into a new or amended concession agreement with the concessionaire or operator of such facilities so that such requirements are binding to them. Upon finalization of this agreement, the applicant shall submit a copy of the new or amended concession agreement to the Executive Director for review and approval.

Therefore, only as conditioned to ensure the ongoing use of the public decks and seating areas for the general public does the Commission find the proposed project consistent with the Coastal Act.

#### **G. 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.

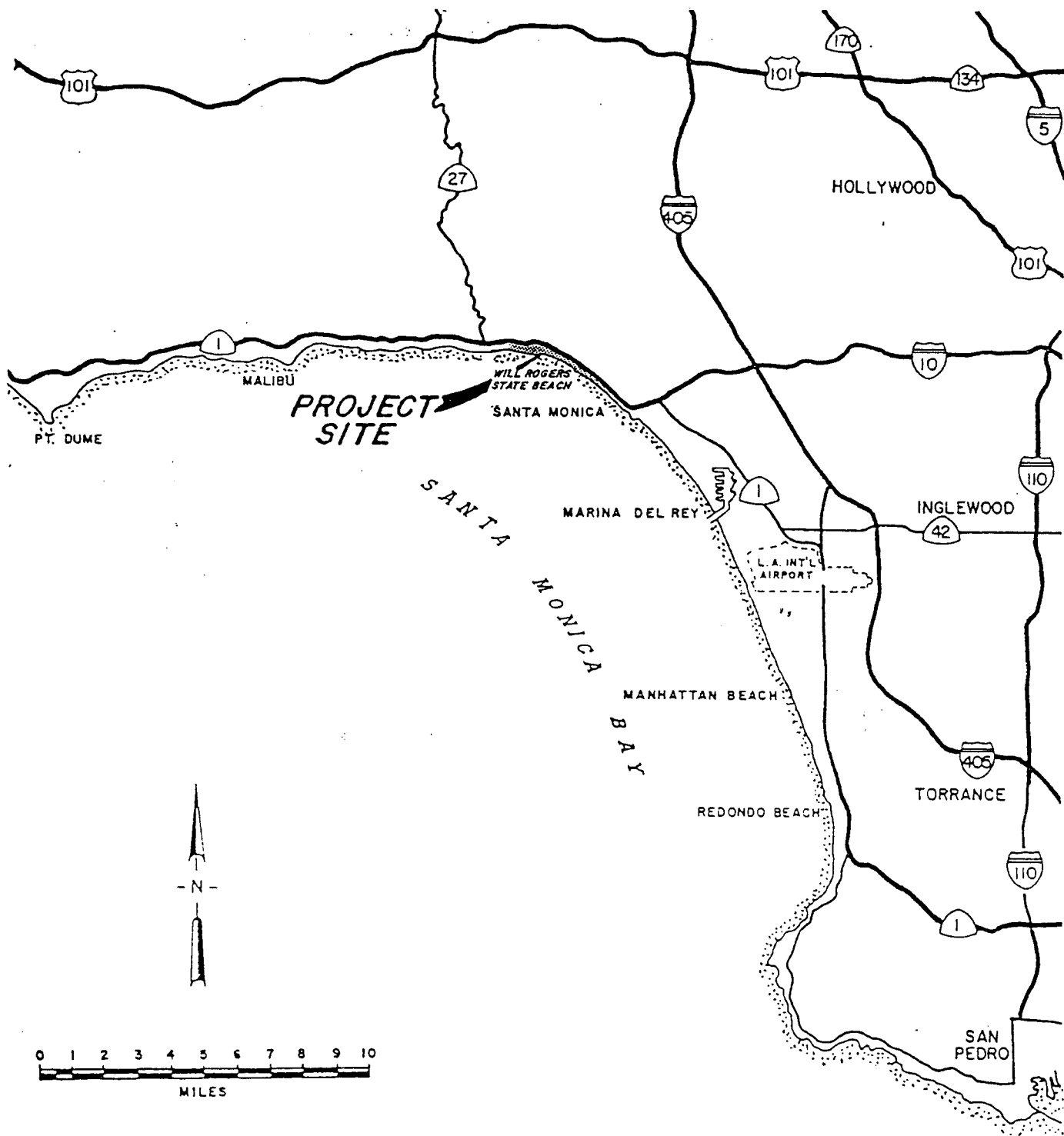
The City has submitted five Land Use Plans for Commission review and the Commission has certified three (Playa Vista, San Pedro, and Venice). However, the City has not prepared a Land Use Plan for Pacific Palisades. In the early seventies, a general plan update for the Pacific Palisades had just been 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).

#### **H. 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 has been conditioned for consistency with the public recreation and access policies of the Coastal Act. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. There are no feasible alternatives or mitigation measures available that will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with CEQA and the policies of the Coastal Act.



COASTAL COMMISSION  
**5-01-261-A1**

EXHIBIT # 1  
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LOCATION MAP

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South Coast Region

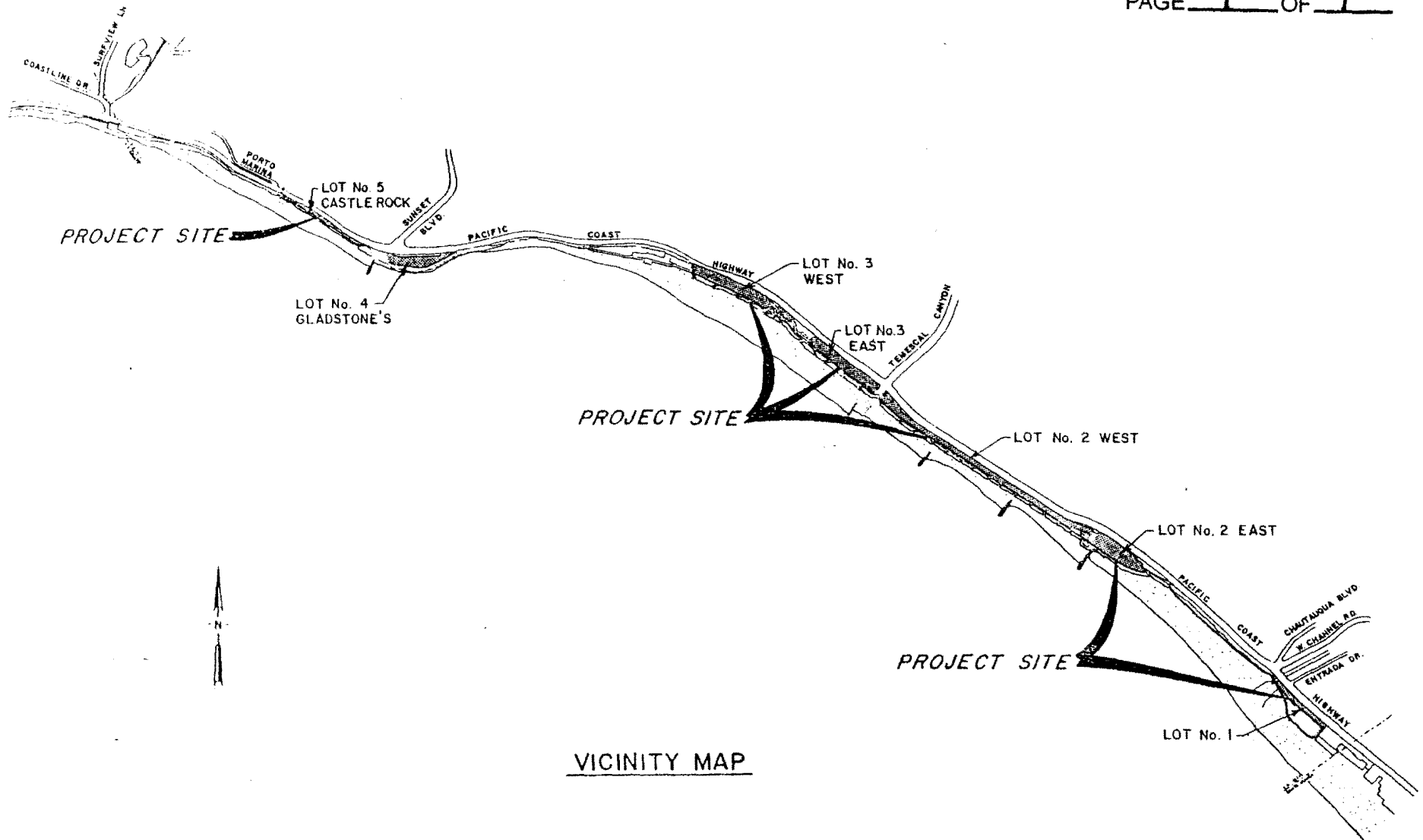
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COASTAL COMMISSION

COASTAL COMMISSION  
5-01-261-A1

EXHIBIT # 2

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COASTAL COMMISSION  
5-01-261-A1  
XHIBIT # 3

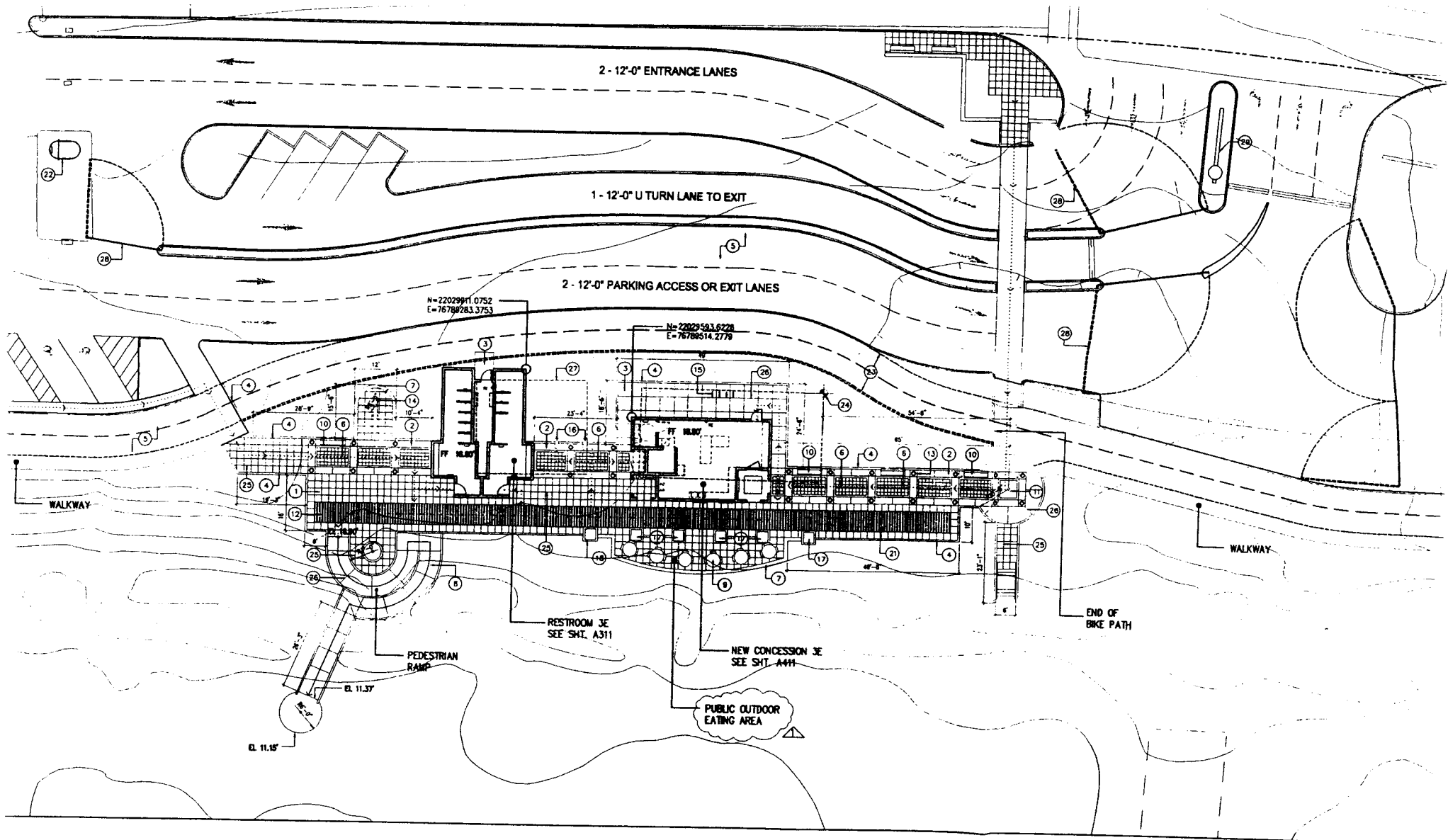
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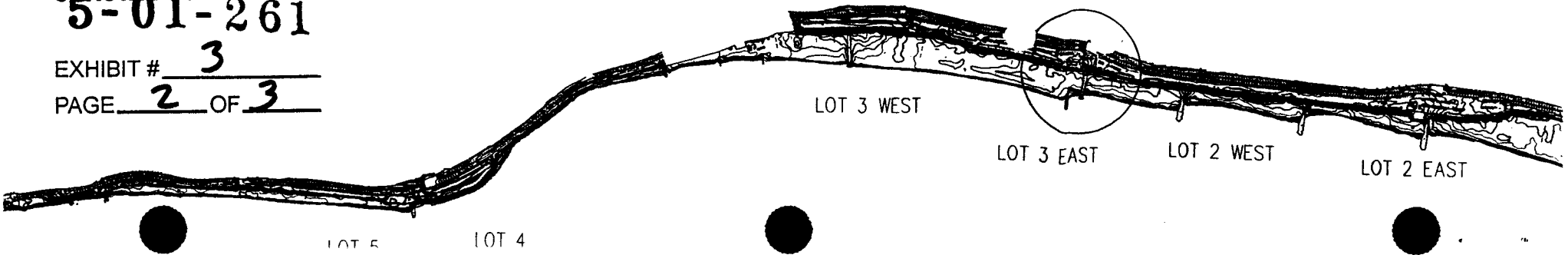
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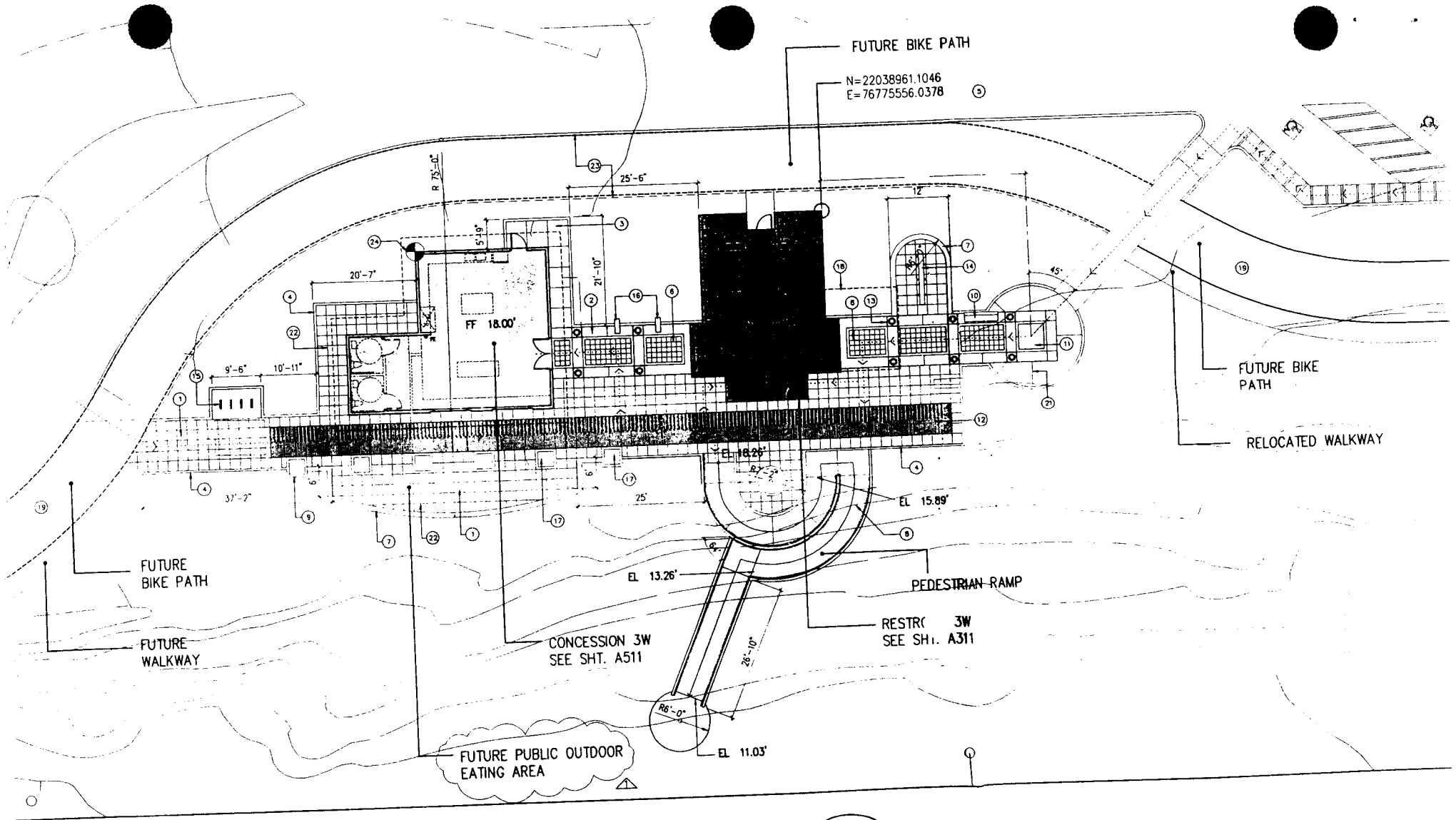
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COASTAL COMMISSION  
5-01-261

EXHIBIT # 3  
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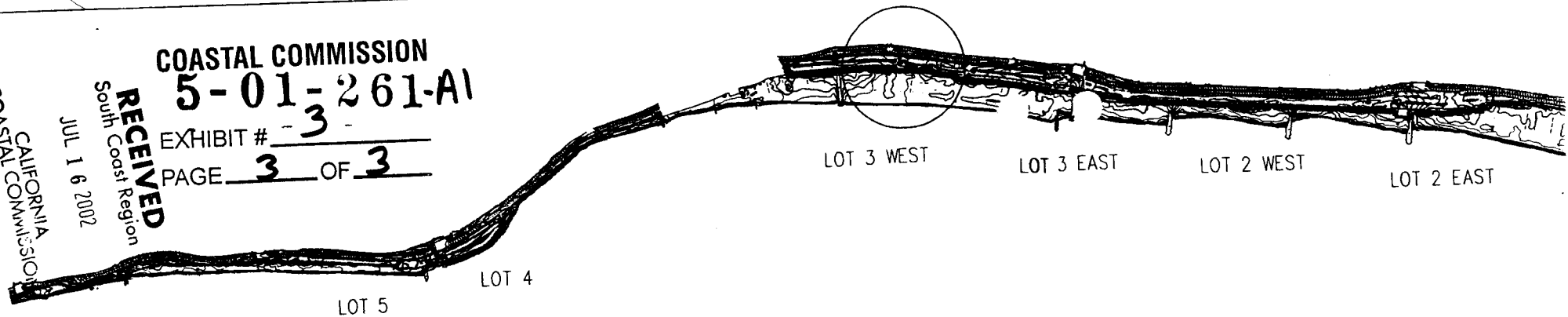




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 5-01-261-A1

EXHIBIT # 3  
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 SOUTH COAST REGION  
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 COASTAL COMMISSION



73331

**RECEIVED**  
South Coast Region

LICENSE TO PROVIDE FOOD SERVICE FROM A CONCESSION STAND ON  
A COUNTY-OWNED OR OPERATED BEACH IN  
LOS ANGELES COUNTY AT WILL ROGERS II BEACH

JUL 9 2002

CALIFORNIA  
COASTAL COMMISSION

THIS LICENSE is made and entered into this 17<sup>th</sup> day of  
April, 2001,

BY AND BETWEEN

COUNTY OF LOS ANGELES, hereafter  
referred to as "County,"

AND

P. MIKE BEGAKIS DBA  
B & B FOOD SERVICES, hereafter  
referred to as "Licensee."**W I T N E S S E T H:**

WHEREAS, the County is the owner or operator of  
Will Rogers II Beach (the "Beach"); and

WHEREAS, the County is authorized by the provisions of  
the California Government and Public Resources Codes to license  
activities on the Beach that are consistent with public beach and  
recreation purposes; and

WHEREAS, a License for the sale of food and beverages  
from concession stands is consistent with the public purposes for  
which the beaches are used; and

WHEREAS, the Licensee is willing to engage in this  
activity in accordance with the terms of the License.

NOW, THEREFORE, it is mutually agreed as follows:

**COASTAL COMMISSION**  
5-01-261-A1EXHIBIT # 4  
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CALIFORNIA  
COASTAL COMMISSION**1. AUTHORIZED ACTIVITY**

1.01 The Licensee is authorized only to sell food and beverages from the established Concession Building and to provide tables and chairs on the premises of the Concession Building for public use at Will Rogers II Beach. The number and location of such tables and chairs shall be subject to approval by the Director.

1.02 The Director shall grant no other permits for takeout food and beverage service within the Concession Building and two hundred (200) feet in all directions thereof. Henceforth, the Concession Building and the surroundings where tables and chairs are located shall be referred to as "the Concession Premises".

1.02.01 Nothing in this License shall prevent the Director from allowing additional activities to take place more than two hundred (200) feet from the Concession Premises, which may include but are not limited to the following: the sale of food and beverages; permitted events at which catered food and beverage service by other vendors may be provided; placing food and beverage vending machines on the beach; granting permits or concession agreements for the sale or rental of miscellaneous items of beach merchandise, such as (without limitation) suntan lotion, towels and umbrellas; and/or granting permits for the promotion of products and services through sampling.

1.02.02 The authorized activity is strictly limited to the provisions of 1.01, and this agreement shall not be construed to grant Licensee any rights hereunder which are not explicitly set forth.

1.02.03 The County assumes no responsibility for protecting the Licensee from illegal vendors upon the Beach.

1.03 The Licensee understands and agrees that the Licensee's use of the Concession Premises is by License and not lease and confers permission only to use the Concession Premises for the authorized activity in accordance with the terms of the License without granting or reserving to the Licensee any right, title, interest or estate in the Concession Premises.

1.03.01 The Licensee further acknowledges and agrees that neither the expenditure of capital nor the provision of labor

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CALIFORNIA

COASTAL COMMISSION

on the Concession Building by the Licensee over the License Term shall confer any right, title, interest or estate in the Concession Building beyond the right to use the Concession Building in accordance with the terms of the License.

## 2. PREMISES

2.01 The Licensee acknowledges and agrees that the authorized activity may be exercised only from the Concession Premises, shown in Exhibit A and that use of the Concession Premises under the License shall be subject to all of the limitations set forth herein.

2.02 The License does not confer any special parking privilege on the Licensee within the Beach parking lot, other than two free entries to the parking lot for vehicular parking while engaged in the authorized activity. A photo identification card of Licensee's employees must be obtained from the Department's Parking Contractor before free entry will be allowed.

2.03 The Concession Premises may be used only for the purpose of engaging in the authorized activity. The sale or rental of miscellaneous items of beach merchandise will require the express written consent of the Director. The Director shall act reasonably on such requests based upon whether such items are lawful, safe and customarily offered for sale or rent in connection with the recreational use of the Beach. The Director's consent may be conditioned upon the payment of additional rent.

2.04 The Licensee acknowledges personal inspection of the Concession Building and the surrounding area and evaluation of the extent to which the physical condition will affect the conduct of the authorized activity. The Licensee accepts the Concession Building in its present physical condition, and the Licensee agrees to make no demands upon the County for any improvements to or alteration of the Concession Building.

2.05 The Licensee acknowledges the County's ownership and/or control of the Concession Premises and the Beach by the County over the License Term, and the Licensee promises never to assail, contest or resist this ownership and/or control, nor to assist any other person or entity in so doing.

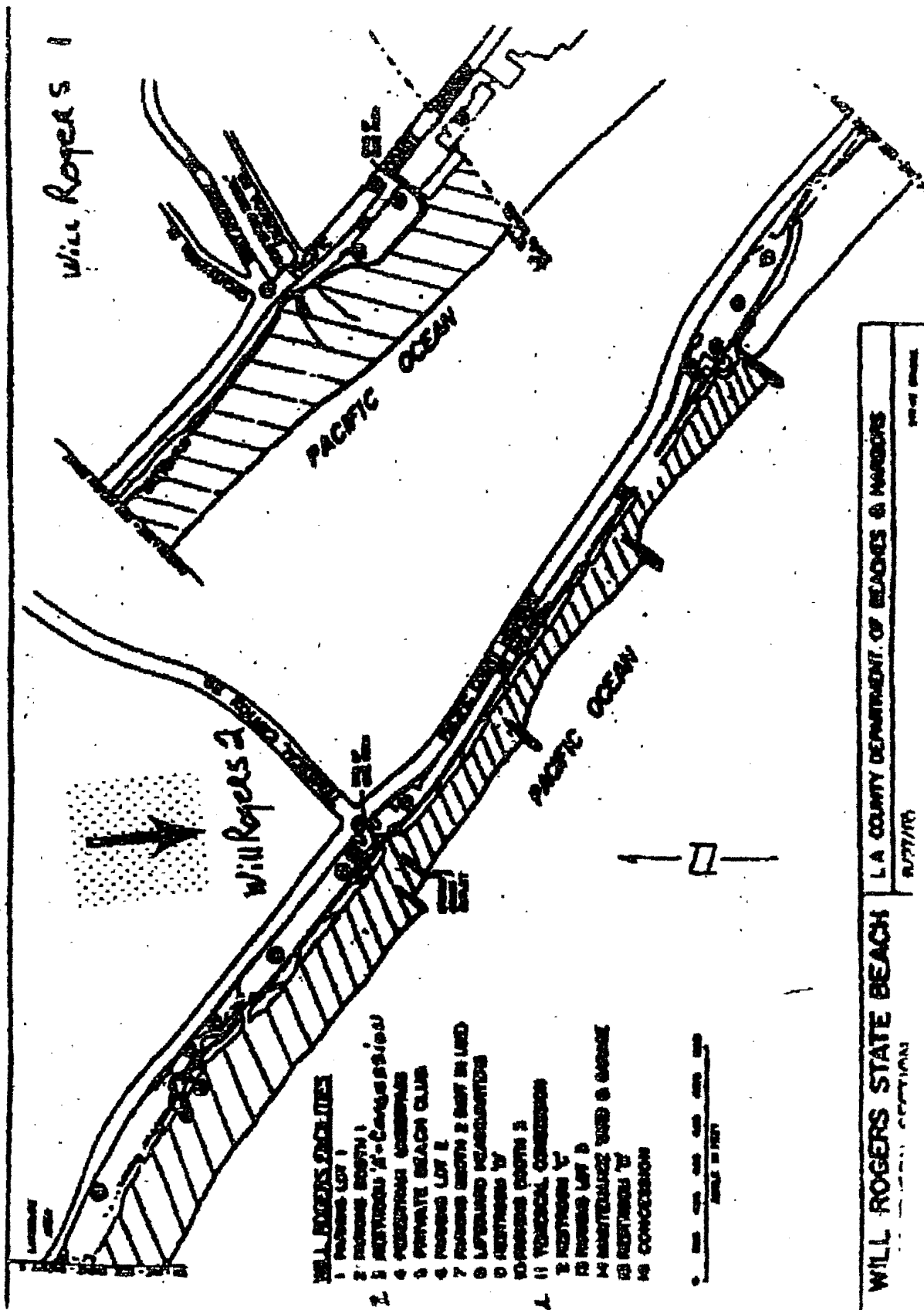
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**ALL A COUNTY DEPARTMENT OF BEACHES & MARSHES**

501/1074

**Abstract**



**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST AREA OFFICE  
P O BOX 1450  
200 OCEANGATE 10<sup>TH</sup> FLOOR  
LONG BEACH, CA 90802-4325  
(562) 590-5071

Date: June 17, 2002  
Permit Application No.: 5-01-261  
Page: 1 of 15

**COASTAL COMMISSION****NOTICE OF INTENT TO ISSUE PERMIT****(Upon satisfaction of special conditions)**

EXHIBIT # 5  
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**THIS IS NOT A COASTAL DEVELOPMENT PERMIT**

THE SOLE PURPOSE OF THIS NOTICE IS TO INFORM THE APPLICANT OF THE STEPS NECESSARY TO OBTAIN A VALID AND EFFECTIVE COASTAL DEVELOPMENT PERMIT ("CDP"). A Coastal Development Permit for the development described below has been approved but is not yet effective. Development on the site cannot commence until the CDP is effective. In order for the CDP to be effective, Commission staff must issue the CDP to the applicant, and the applicant must sign and return the CDP. **Commission staff cannot issue the CDP until the applicant has fulfilled each of the "prior to issuance" Special Conditions.** A list of all of the Special Conditions for this permit is attached.

The Commission's approval of the CDP is valid for two years from the date of approval. To prevent expiration of the CDP, you must fulfill the "prior to issuance" Special Conditions, obtain and sign the CDP, and commence development within two years of the approval date specified below. You may apply for an extension of the permit pursuant to the Commission's regulations at Cal. Code Regs. title 14, section 13169.

On **June 11, 2002**, the California Coastal Commission approved Coastal Development Permit No. **5-01-261**, requested by **Los Angeles County Dept. Of Beaches And Harbors, Attn: Joseph Chesler** subject to the attached conditions, for development consisting of: **Application of Los Angeles County Department of Beaches & Harbors for improvements throughout Will Rodgers State Beach that include demolition and reconstrucion of four restroom facilities, four public parking lots, a bike and pedestrian path, one concession stand, one lifeguard substation, access ramp, entry kiosk and highway barriers; remodel existing lifeguard headquarters; construct three new observation decks with associated access ramps and an ADA access ramp across the bluff slope; and reserve 36 parking spaces to house a temporary inner city youth water education program..**

## **NOTICE OF INTENT TO ISSUE PERMIT**

(Upon satisfaction of special conditions)

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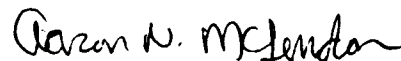
More specifically described in the application file in the Commission offices.

**Commission staff will not issue the CDP until the "prior to issuance" special conditions have been satisfied.**

The development is within the coastal zone in **Pacific Coast Highway, Pacific Palisades (Los Angeles County) 4416-009-901, 4415-037-900, 4415-035-900, 4414-011-900, 4411-032-901, 4410-008-900, 4410-009-900, 4412-030-904, 4413-025-904.**

If you have any questions regarding how to fulfill the "prior to issuance" Special Conditions for CDP No. 5-01-261, please contact the Coastal Program Analyst identified below.

Sincerely,  
PETER M. DOUGLAS  
Executive Director



By: Aaron Mc Lendon  
Coastal Program Analyst  
Date: June 17, 2002

### **ACKNOWLEDGMENT**

The undersigned permittee acknowledges receipt of this Notice and fully understands its contents, including all conditions imposed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Permittee

Please sign and return one copy of this form to the Commission office at the above address.

### **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.

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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. **Interpretation.** Any questions of intent or interpretation of any 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.

### **SPECIAL CONDITIONS:**

#### **1. Assumption of Risk, Waiver of Liability and Indemnity**

A) By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm events, flooding, and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

**B) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall secure in writing and submitted to the Executive Director the following:

- a. The applicant shall secure a written agreement from the City of Los Angeles (lessee) that the City acknowledges and agrees to the four items in subsection A) of this condition and that the City will require any other agent

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acting on its behalf to acknowledge and agree to the four items in subsection A) of this condition.

### **2. No Future Shoreline Protective Device**

A) By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-01-261 including, but not limited to restrooms, concession stands, lifeguard substations, parking lots, bike and pedestrian paths, and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, flooding or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the permittee, landowner, and/or whoever has authority over this site and the development authorized by this permit shall remove the development authorized by this permit, including, but not limited to restrooms, concession stands, lifeguard substations, bike and pedestrian paths, and parking lots, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the permittee, landowner, and/or whoever has authority over this site and the development authorized by this permit shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

In the event the shoreline recedes to within 10 feet of the development authorized by this permit but no government agency has ordered that the structures not be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the permittee, that addresses whether any portion of the structures are threatened by wave, erosion, storm conditions, or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the development authorized by this permit without shoreline protection including, but not limited to, removal or relocation of portions of the structures. If the geotechnical report concludes that the development authorized by this permit or any portion of the development are unsafe, the permittee, landowner, and/or whoever has authority over this site and the

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development authorized by this permit shall, in accordance with a coastal development permit, remove the threatened portion of the structure.

**B) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall secure in writing and submitted to the Executive Director the following agreements:

a. The applicant shall secure a written agreement from the City of Los Angeles (lessee) that the City (1) agrees to all of the above terms in subsection A) of this condition to which the applicant agrees and (2) waives any rights analogous to those waived by the applicant; and that the City will require any other agent acting on its behalf to do the same.

b. The applicant shall secure a written agreement from the State of California that the State Department of Parks and Recreation, as property owner, (1) agrees to all of the above terms of subsection A) of this condition to which the applicant agrees, and (2) waives, on behalf of itself and all successors and assigns, any rights to construct protective devices that may exist under Public Resources Code Section 30235.

c. The applicant shall secure a written agreement from the State of California Department of Parks and Recreation (property owner) that upon expiration or other termination of the lease agreement with the City, the State will bind any subsequent lessee to the same terms of subsection A) of this condition.

d. The applicant shall secure a written agreement from the State of California Department of Parks and Recreation that, prior to conveyance of the property, the State shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection A) of this condition. The restriction shall include a legal description of the entire parcel conveyed. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

### **3. Revised Plans**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit revised plans to the Executive Director for review and

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approval. All plans associated with the project shall be revised to incorporate the following revisions to the project:

- a. All elements of the proposed project seaward of the existing bluff edge shall be removed from the project plans or relocated behind the bluff edge. Such project elements include, but are not limited to, observation decks, concession seating areas, new access ramps, and paving. The requirements in this condition do not apply to the reconstruction of existing access ramps, the addition to the lifeguard headquarters, and the construction of a new restroom, lifeguard substation, and ADA access ramp in Parking Lot #5.
- b. The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. 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. **Beach and Recreation Area Closures, Maintenance of Public Access, and Project Staging Areas**

A) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a final demolition schedule and detailed plans which identify the specific location of demolition staging and equipment storage areas, areas where any demolished structures and excavated soils are proposed to be temporarily stockpiled, and the access corridors to the project site. Said plans shall include the following criteria and limitations specified via written notes on the plan:

- a. In order to reduce adverse impacts on public access and recreation, the construction phase of the beach improvements project at Will Rodgers State Beach shall be limited during peak summer time months (between Memorial Day weekend and October 31 of each year). During the peak summer time months the following restrictions shall apply:
  - No construction of any kind shall take place during weekends or holidays
  - Temporary chemical restrooms shall be implemented during any time that the existing restroom facilities are closed.

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- During the demolition and reconstruction of the parking lots, the project shall be phased to ensure that one-half ( $\frac{1}{2}$ ) of each of the four parking lots is open for public use.
- b. During non-peak winter months (from November 1 through the Thursday before Memorial Day weekend) at least one-half ( $\frac{1}{2}$ ) of two (2) of the four (4) parking lots shall be available for public use. Staging areas shall not be included in the available half of the parking lot. One of the parking lots shall be located in the western portion of Will Rodgers State Beach and one shall be located in the eastern portion of Will Rodgers State Beach. If restrooms are not available at the open parking lots, chemical toilets shall be provided. Appropriate signage shall be posted at remaining lots where public access is not provided, which directs the public to available parking spaces in the open parking lots.
- c. During all times of the improvement project beach and recreation area closures shall be minimized and limited to areas immediately adjacent to the project area (within 50 feet of the project). All beach areas and recreation facilities outside of the 50-foot radius shall remain open and available for public use during the normal operating hours (unless they are closed pursuant to a Commission-approved coastal development permit or permit amendment).
- d. During all times of the improvement project public access to and along the beach bicycle/pedestrian path shall be maintained, except for temporary interruptions (5 minutes or less) for truck and equipment crossing. In the event that the bicycle path must be closed for periods longer than five minutes, the applicant shall submit, for review and approval of the Executive Director, a beach bicycle path detour to bypass the project site during demolition and construction. No sand area may be paved for any detour. The detour plan approved by the Executive Director shall be implemented prior to closing the existing beach bicycle path.
- e. Staging areas, equipment and materials storage areas, and soil stockpiles shall be located at least 100 feet from the mean high tide line. To the maximum extent practicable, the storage stockpile areas shall be located on existing paved surfaces. These areas shall be fenced-off to prevent any encroachments of equipment or debris within 100 feet of the mean high tide line

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- f. Truck and heavy equipment access corridors to the project site shall be located in a manner that has the least impact on public access and existing public parking areas.

B) The permittee shall undertake development in accordance with the plans and construction schedule approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans or construction schedule shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

5. **Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris**

A) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a Construction Best Management Practices Plan for the construction project site, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the adverse impacts associated with construction to receiving waters. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- a. No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion.
- b. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction.
- c. Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris, which may be discharged into coastal waters.
- d. All mechanized machinery shall be removed from the beach at the end of the working day. No storage of mechanized equipment is allowed on the beach.
- e. No disturbance or use of areas below the mean high tide line is permitted for the construction of the proposed development.
- f. Erosion control/sedimentation Best Management Practices (BMPs) shall be

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used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and Pacific Ocean

- g. All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.
- h. If the debris disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

B) Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- a. The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible.
- b. The applicant shall develop and implement spill prevention and control measures.
- c. The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water.
- d. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.
- e. Temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, wind barriers such as solid board fence, snow fences, or hay bales, and silt fencing.

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- f. Stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible.
- g. Prior to final inspection of the proposed project the applicant shall ensure that no gasoline, lubricant, or other petroleum-based product was deposited on the sandy beach or any beach facility. If such residues are discovered in the beach area the residues and all contaminated sand shall be properly removed and disposed in an appropriate facility.
- h. These erosion control measures shall be required on the project site prior to or concurrent with the initial construction operations and maintained throughout the development process to minimize erosion and sedimentation from the runoff waters during construction. The above requirements (Special Condition #5) as well as the below requirements found in Special Condition #6 shall be attached to all final construction plans.

C) The permittee shall undertake development in accordance with the plans and construction schedule approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans or construction schedule shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

### **6. Water Quality Management Plan**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of storm water and nuisance flow leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

#### **Water Quality Goals**

- a. Appropriate structural and non-structural BMPs shall be designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site.

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- b. Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- c. Runoff from all roofs, parking areas, and driveways shall be collected and directed through a system of appropriate structural and/or non-structural BMPs. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.

### **Parking Lots**

- a. The WQMP shall provide for the treatment of runoff from parking lots using appropriate structural and non-structural BMPs. At a minimum this must include a bioswale and/or filter designed specifically to minimize vehicular contaminants (oil, grease, automotive fluids, heavy metals), sediments, and floatables and particulate debris.
- b. Within three years from the date of approval for 5-01-261, the applicant shall begin regular sweeping of all parking lot surfaces using an appropriate mechanical sweeper and shall, at a minimum, sweep all parking lots on a weekly basis in order to prevent dispersal of pollutants that may collect on those surfaces.
- c. The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable, and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used.
- d. The applicant shall not spray down or wash down any parking lot unless the water used is directed through the sanitary sewer system or a filtered drain.

### **Kiosks and Food Stands**

- a. Wash down areas for equipment and accessories shall be designed to meet the following:
  - The area shall be self-contained, equipped with a grease trap, and properly connected to a sanitary sewer. The grease trap shall be

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sized, to the maximum extent practicable, to remove grease with an appropriate flow rate in gallons per minute, using a drainage period between one (1) and two (2) minutes.

- The grease traps shall be regularly maintained according to manufacturer's specifications to ensure maximum removal efficiencies.
  - If the wash area is to be located outdoors, it should be covered, paved, have primary containment, and be connected to the sanitary sewer.
- b. The applicant shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and watertight in order to prevent storm water contact with waste matter, which can be a potential source of bacteria, grease, and other pollutants in runoff.
- c. The applicant shall not use or distribute any polystyrene or foamed polystyrene product (including, but not limited to, foamed polystyrene cups, plates, and "to go" food boxes) throughout Will Rodgers State Beach.
- d. Upon expiration of the current lease, the above restriction on kiosks and food stands shall be incorporated into a new or amended lease agreement with the concessionaire or operator of such facilities so that such requirements are binding to them.

### **B. Monitoring and Maintenance**

All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired, at the following minimum frequencies: (1) prior to October 15<sup>th</sup> each year; (2) during each month between October 15<sup>th</sup> and April 15<sup>th</sup> of each year and, (3) at least twice during the dry season (between April 16 and October 14).

- a. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- b. All inspection, maintenance and clean-out activities shall be documented in an annual report submitted to the Executive Director no later than June 30<sup>th</sup> of each year. This report shall be submitted for the first three years following the completion of development, biannually thereafter unless the executive director determines that no additional reports are necessary.

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- c. It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification.

C. The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. 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.

### **7. Permanent Construction Material**

Project related fences, benches, walls, bollards, or support structures shall not contain any of the following: petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary products of petroleum, including creosote, or carbonaceous materials or substances.

### **8. Inner City Youth Water Education Program**

This permit authorizes the use of 9,600 square feet of parking (up to 36 spaces) to erect one double-wide trailer and two storage containers for the W.A.T.E.R (inner city youth water education program) for no more than two years from the date of approval for coastal development permit 5-01-261. The area shall only be used for the W.A.T.E.R. program. No other storage or office use besides that which is required by the W.A.T.E.R program is authorized. After the two year period the applicant shall remove all containers, trailers, and equipment and restore the area for public parking, unless an extension of time is approved by the Commission as an amendment to this permit.

### **9. Landscaping Plan**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a landscaping plan prepared by a qualified biologist or licensed landscape architect. The plan shall include the following:

- a. New vegetation planted on the site shall consist of a mixture of native (Southern California coastal dunes and bluffs) and ornamental non-invasive plant species. The applicant shall not incorporate removed invasive plant species (e.g., *Washingtonia robusta*) anywhere on the

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project site. The landscaping shall be planted using accepted planting procedures required by a professionally licensed landscape architect.

- b. The subject property shall be planted and maintained for slope stability, erosion control, and the protection of structures located in an area susceptible to wave run-up. The landscaping shall be planted within thirty (30) days of completion of the project. The landscaping shall provide 90% coverage within two years of planting.
- c. All disturbed areas from grading or construction activity on the bluff slope above the sandy beach shall be landscaped with native, salt tolerant plant species associated with coastal bluffs and dunes.
- d. All areas on the bluff slope, beneath the restroom facility, lifeguard substation, and ADA access ramp located at Parking Lot #5 shall be landscaped with native, salt tolerant plant species associated with coastal bluffs and dunes to protect against potential wave run-up hazards.
- e. No new invasive species (with the exception of existing landscaping left in place) shall be employed anywhere on the subject site. Invasive plants are those identified in the California Native Plant Society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, January 20, 1992, those species listed by the California Exotic Pest Plant Council on any of their watch lists as published in 1999, and those otherwise identified by the Department of Fish and Game or the United States Fish and Wildlife Service.
- f. The site shall be stabilized immediately with jute matting or other BMPs after any grading occurs to minimize erosion during the raining season (November 1 to March 31) if plantings have not been fully established.

B. The plan shall include, at a minimum, the following components:

- a. A map showing the types, size, and locations of all plant materials that will be on the site, the temporary irrigation system, topography of the developed site, and all other landscape features.
- b. A schedule for installation of native plants/removal of non-native plants.
- c. An identification of seed sources and plant communities of the plants planned to be employed.

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C. Five years from the date of approval for Coastal Development Permit No. 5-01-261 the applicant or successor in interest shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

D. The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. 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.

NOTE: IF THE **SPECIAL CONDITIONS** REQUIRE THAT DOCUMENT(S) BE RECORDED WITH THE COUNTY RECORDER, YOU WILL RECEIVE THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS) FROM THE SAN FRANCISCO OFFICE, AFTER YOU HAVE SIGNED AND RETURNED THE DUPLICATE COPY OF THIS FORM. WHEN YOU RECEIVE THE DOCUMENTS, IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE LEGAL DEPARTMENT AT (415) 904-5200.

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