

CALIFORNIA COASTAL COMMISSION

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W12c

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-24-1045

Applicants: PCH Beach Associates, LLC; Los Angeles County
Department Beaches and Harbors; California
Department of Parks and Recreation

Agents: Thomas Tellefsen, Susan McCabe, Anne Blemker, and
Richard Bruckner

Project Location: 17300 Pacific Coast Highway, City of Los Angeles, County of
Los Angeles (APNs: 4416-009-901 & 4415-037-900)

Project Description: Demolition of a 12,091 sq. ft. restaurant (three structures) and 7,900 sq. ft. public deck; removal of an approximately 300-ft.-long riprap revetment; construction of a new 17,712 sq. ft. restaurant on caisson a grade beam foundation with a 2,094 sq. ft. public deck with seating, two public restrooms, a snack bar, and a retail shop; 9,000 sq. ft. of landscaping; improvements to the 212-space public state beach parking lot including the addition of a Big Blue Bus and Metro bus stops resulting in 148 parking stalls (including 74 valet-only stalls), and water quality upgrades; improvements to the Coastal Trail; and grading of approx. 510 c.y. of cut and 1,260 c.y. of fill (net 750 c.y. of imported fill total).

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The project site is on two publicly held lots, including a portion of a 4.39-acre parcel currently developed with a large public beach parking lot operated by the County (not a part of this project) and restaurant at the downcoast end of that parcel, and a 2.59-acre parcel currently developed with a 212-space public beach parking lot also operated by the County. Both parcels are located on a sandy beach in the Pacific Palisades neighborhood of the City of Los Angeles. The applicants propose to demolish the existing 12,091 square foot restaurant (known as Gladstones) and the associated 7,900 square foot public deck with public restrooms, remove the approximately 300-foot-long rock revetment located on the sand seaward of the restaurant, and to construct a new 17,500 square foot restaurant on a caisson grade beam foundation with a 2,000 square foot public deck and two public non-gendered Americans with Disabilities (ADA)-compliant bathrooms, and construct a portion of the Coastal Trail seaward of the restaurant and public deck. The applicants also propose to make improvements to the 212-space public parking lot, including adding a bus stop and bus turn-around loop, repaving and restriping, which would result in dividing the parking lot into two areas with a total of 148 parking spaces with self-park and valet designations, install water quality improvements and landscaping, and improve the Coastal Path.

The proposed project raises concerns related to public access; development in a hazardous area; biological resources; water quality impacts; and archaeological impacts. The project will construct a fine dining restaurant on a public beach and will result in a loss of 41 public beach parking spaces in a County-operated parking lot that will be managed by a private company that will profit from the parking fees collected. The applicants also propose to provide public benefits including establishing and constructing a new Big Blue Bus and Metro bus stop in the beach parking lot, constructing a new 2,000 square foot public deck adjacent to the restaurant with public restrooms, a snack shack/cafe, and retail shop, and improvements to the California Coastal Trail and construction of an extension of the trail on the seaward side of the new restaurant and public deck. To ensure public access is carried out Consistent with the public access policies of Chapter 3 of the Coastal Act, special conditions related to monitoring, reporting, and public rights are recommended.

The project site is located in an area that is subject to coastal hazards and potential archaeological resources. Thus, special conditions regarding sea level rise, flooding, erosion, seismic issues, and archaeological resources are recommended. Further, the development has the potential to have negative impacts on biological resources and water quality. Therefore, staff recommends additional special conditions to address any such impacts.

Staff recommends the Commission **APPROVE** coastal development permit application 5-24-1045 with 20 special conditions including: **1) Revised Final Plans; 2) Conformance to Geotechnical Recommendations; 3) Post-Development Run-Off Control Plan; 4) Foundation/Pile Treatment and Exposure Plan; 5) Landscaping Plan; 6) Lighting Plan; 7) Final Construction Plan; 8) Parking Management Program; 9) Public Access Management Program; 10) Habitat and Sensitive**

Species Protection Plan; 11) Marine Debris Reduction Plan; 12) Archaeological, Paleontological, and Tribal Cultural Resources Monitoring and Treatment Plan; 13) Other Agency Approvals; 14) Public Rights; 15) Property Owner's Right to Revoke Entitlements; 16) Assumption of Risk, Waiver or Liability and Indemnity; 17) No Future Shoreline Protective Device; 18) Development Removal; 19) As-Built Plans; and 20) No Future Seaward Encroachment. The motion and resolution can be found on Page 5 of the staff report.

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EXHIBITS

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[Exhibit 3 – Public Deck](#)
[Exhibit 4 – Parking Lot Configuration](#)
[Exhibit 5 – Visual Analysis](#)
[Exhibit 6 – Grading Plan](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. 5-24-1045 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit 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 the Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned 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 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the 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 applicant 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. **Interpretation.** Any questions of intent of 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Revised Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT the applicants shall submit, for the review and written approval of the Executive Director, two sets of final plans stamped and approved by Los Angeles County Department of Regional Planning and in substantial conformance with the submitted dated July 21, 2023 by Gehry Partners, LLP, except that they shall be modified as follows:
 - A. The site plan(s) shall show all development approved pursuant to this coastal development permit with all relevant property lines and jurisdictional boundaries depicted on the plan(s). The restaurant, public deck seating area, public restrooms, snack bar, retail shop, valet stand, trash enclosure area(s), landscaping, stormwater drainage features, Coastal Trail, and the parking lot shall be clearly depicted on the plans. The calculated area for each of these spaces and the minimum seating capacity for the public deck area shall be clearly depicted on the plans.
 - B. Floor plans for each floor of the restaurant of restaurant including all interior and exterior spaces. The calculated service floor area with maximum seating capacity on each floor shall clearly depicted on the plans.
 - C. The ramp and stairs that were proposed to be part of the Coastal Trail seaward side of the upcoast end of the restaurant shall be eliminated.
 - D. The approximately 300-foot-long rock revetment on the beach fronting the existing restaurant shall be removed.
 - E. The valet service shall not be stationed near public deck entrances.
 - F. **Final Foundation Plans.** All foundation plans shall be certified by an appropriately qualified, licensed engineer and at a minimum, include the following:
 - i. The final foundations, including the piles, pile caps, grade beams, and mat footings, for the structures approved by Coastal Development Permit 5-24-1045 on parcel 4416-009-901 shall be designed to not rely on any shoreline armoring and be designed for the anticipated scour

around foundations over the project design life, including sea level rise as determined by a licensed civil engineer with expertise in coastal processes.

- ii. All foundation features including, but not limited to, piles, pile caps, grade beams, and footings for the structures approved by Coastal Development Permit 5-24-1045 on parcel 4416-009-901, shall be located landward of the existing rock revetment fronting the restaurant. No foundation features shall be located or extend further seaward than the inland extent of the current rock revetment in its existing approved location as depicted on the plans prepared by Gehry Partners, LLP dated July 21, 2023. Further, the foundation shall be designed to facilitate removal and/or relocation of the structures it supports in the event removal of any structures or parts thereof is required pursuant to **Special Condition 18**. The final foundation plans shall be accompanied by supporting documentation that clearly describes the ability of the foundation to be removed, or where infeasible, abandoned-in-place below anticipated scour elevations. The permittees shall submit the removal plan for the review and written approval of the Executive Director, that describes the following in detail:
 - 1. Removal phases, timing, and equipment necessary for the removal process of the restaurant structure, foundation, and accessory development;
 - 2. Any and all known equipment necessary to remove structures or portions thereof and potential staging areas necessary to carry out the removal from start to completion. The use of wet sand areas for is prohibited; and
 - 3. An estimate of the cost estimate to carry out complete removal of the structures on the site.
- iii. All pertinent information and details related to corrosion protection for the foundation by a qualified corrosion engineer, as recommended in the "Preliminary Geotechnical Investigation, 17300 Pacific Coast Highway, Pacific Palisades, Los Angeles County, California 90272" by GeoSoils, Inc. dated June 7, 2023.
- iv. Any decorative details located below the pile caps on the seaward side shall be designed in such a way to not impede water flow beneath the structure.

- G. Final Grading Plan. The co-applicants shall submit, for the review and written approval of the Executive Director, two copies of a final revised Grading Plan prepared and certified by a licensed professional(s) (e.g., certified engineering geologist and/or geotechnical engineer), based on current information and professional standards, and shall be certified to ensure that they are consistent with the Commission's approval and with the recommendations of any required technical reports. The revised final Grading Plan shall conform with the "Overall Grading and Drainage Plan" submitted to

the Commission on February 11, 2025, except that it shall be modified to include final cut and fill amounts and locations and shall explain if cut will be reused on site and, if so, where, or exported. If any cut is exported to a location in the coastal zone, a coastal development permit may be required.

The permittees shall undertake development in accordance with the approved Final Revised Plans. Any proposed changes to the approved Final Revised Plans shall be reported to the Executive Director. No changes to the approved Final Revised Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. **Conformance to Geotechnical Recommendations.** By acceptance of this permit, the applicants agree to comply with the recommendations contained in the submitted coastal engineering and geology, geotechnical, and/or soils reports, including those listed in Appendix A (Substantive File Documents) of this staff report. These recommendations, including, but not limited to, recommendations concerning foundations, construction, grading, and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultant(s) prior to commencement of development.
3. **Post-Development Run-Off Control Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director a Post-Development Run-Off Control Plan that includes the following:
 - A. Stormwater Drainage Plan. The Stormwater Drainage Plan shall include a narrative that demonstrates how runoff and pollutants will be retained, treated, and prevented from leaving the project site. At a minimum, the plan shall address retention and treatment of runoff generated by the 85th percentile, 24-hour design storm event and include the following requirements:
 - i. A Low Impact Development (LID) approach shall be used to retain runoff from the 85th percentile, 24-hour design storm through infiltration, evapotranspiration, or harvesting. Priority shall be given to site design strategies such as reducing impervious surfaces and directing flows to landscaped or infiltration areas, with structural BMPs used only as needed to address remaining runoff or pollutants.
 - ii. Runoff from impervious surfaces shall be directed to Best Management Practices (BMPs) in order of preference, starting with infiltration through landscaped areas or earthen-based systems. If those are not feasible, biofiltration, manufactured infiltration, or proprietary filtration systems may be used, with filtration as the last resort.

- iii. If runoff from the 85th percentile storm cannot be retained on-site, Treatment Control BMPs shall be implemented to remove pollutants of concern. Where infiltration is insufficient, pretreatment or alternative non-infiltration BMPs must be used, with all BMPs selected based on proven effectiveness for pollutants generated by the proposed land use.
- iv. Parking lot runoff shall be managed with structural BMPs that remove pollutants such as petroleum hydrocarbons, 6PPD, heavy metals, trash, and particulates. Stormwater must be retained or treated to meet both volume-based (85th percentile, 24-hour storm) and flow-based (85th percentile, 1-hour storm) standards, with trash capture devices installed and all systems regularly maintained to ensure ongoing effectiveness.
- v. All proposed infiltration basins shall be maintained for the life of the development, including regular replacement of catch basin filter inserts.

B. Kitchen Best Management Practices.

- i. Control Outdoor Washing Activities. All equipment, including floor mats, shall be washed indoors to ensure the wastewater is collected via floor drains or sinks and disposed of in the sanitary sewer. On a weekly basis, the applicants shall, sweep impervious surfaces to remove litter, sediment, and other debris.
- ii. Sweep Sidewalks and Other Outdoor Areas. Sidewalks and other outdoor areas should be swept regularly. No detergents shall be used to wash sidewalks or other outdoor areas unless the resulting runoff can be fully captured and diverted to the sanitary sewer.
- iii. Kitchen Grease. Kitchen Grease shall be handled using a grease trap or interceptor. Grease traps and interceptors shall be cleaned and inspected regularly for leaks and replaced, if necessary. Tallow bins, grease traps and interceptors shall be pumped by a grease hauler on a regular schedule.
- iv. Seal and Maintain Waste Containers. Lids shall be provided for trash, recycling cans, compost bins, and other outdoor containers. Outdoor waste containers shall be inspected before it rains to make sure the lids are closed, and dumpsters shall be inspected regularly for leaks and for trash piling up around the dumpsters. The amount of liquids disposed of in dumpsters shall be minimized.
- v. Oversee All Cleaning Service Contractors. Contractors shall be prohibited from disposing of cleaning solvents or waste into a storm drain. Contractors shall be tasked with cleaning floor mats, exhaust filters, garbage cans, carts, and/or tray racks.
- vi. Prevent Spills. Spill containment kits shall be kept in convenient locations, such as near dumpsters and unloading areas in case of a spill. Rags or absorbents shall be disposed of in the trash, and spills shall not be hosed into the storm drain. Employees shall be

trained in the proper use of spill clean-up materials. Any spills that could enter a storm drain shall be reported to the County of Los Angeles Public Works at 1(800) 675-4357.

- C. The post-construction water quality management strategies included in the February 11 and September 18, 2025, submittals.

The permittees shall undertake development in accordance with the approved Final Post-Development Run-Off Control Plan. Any proposed changes to the approved Final Post-Development Run-Off Control Plan shall be reported to the Executive Director. No changes to the approved Final Post-Development Run-Off Control Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. **Foundation/Pile Treatment and Exposure Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit for review and written approval of the Executive Director, a plan to address the potential visual impacts on public views from the beach, Coastal Trail, or other relevant public viewpoint in the event the piles or any foundation features are exposed as a result of erosion, wave runoff, or other circumstances. At a minimum, the plan shall include the following:

- A. Acceptable pile treatments shall be limited to non-leaching, non-toxic materials with mottled textures and colors that are compatible with the surrounding environment, including earth and water tones such as shades of blue, tan, brown, and gray. White, black, stark, or bright tones are not permitted. These colors, contours, and textures shall be maintained in good visual condition throughout the life of the structure.
- B. If any additional portions of any piling are exposed, the permittees or successors and assigns shall immediately dye or/and treat the exposed pilings such that they will continue to match the surrounding environment. Any such maintenance to occur shall be carried out in accordance and compliance with the terms of this permit; and
- C. Within 30 days of any foundation and/or subsurface elements becoming exposed, the permittees or successors and assigns shall submit a coastal development permit application to the Commission identifying measures to eliminate or minimize the exposure while avoiding adverse impacts to shoreline sand supply. Such measures shall be implemented in accordance with the terms and conditions of the coastal development permit amendment if it is approved.

The permittees shall undertake development in accordance with the approved Final Foundation/Pile Treatment and Exposure Plan. Any proposed changes to

the approved Final Foundation/Pile Treatment and Exposure Plan shall be reported to the Executive Director. No changes to the approved Final Foundation/Pile Treatment and Exposure Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. **Landscaping Plan.** PRIOR TO ISUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit for review and written approval of the Executive Director, a final landscaping plan that is consistent with the following:

- A. Vegetated landscaped areas shall consist of plants native to coastal Los Angeles and the Santa Monica Mountains or non-native drought tolerant plants that are non-invasive. Calscape can provide native distribution maps and nursery availability (See: <https://calscape.org>). No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <https://wucols.ucdavis.edu/plant-search-database>).
- B. The plant palette shall be limited to plant species that are native to coastal Los Angeles and the Santa Monica Mountains. The plant palette shall not include *Tanacetum bipinnatum* or *Astragalus nuttallii* but may include species such as, but not limited to: *Encelia californica*, *Eriogonum cinereum*, *Eriogonum fasciculatum*, *Eriogonum parvifolium*, a local lupine, *A. trichopodus* Santa Barbara milk vetch, *Cleomella arborea* bladderpod, or wooly blue curls. Calscape and Calflora can provide distribution info and nursery availability.
- C. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather-based irrigation controllers.

The permittees shall undertake development in accordance with the approved Final Landscape Plan. Any proposed changes to the approved Final Landscape Plan shall be reported to the Executive Director. No changes to the approved Final Landscape Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. **Lighting Plan.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and written

approval of the Executive Director, a lighting plan, which shall be consistent with the following:

- A. All lighting within the project area, including but limited to, the parking lot, the bus stop, the Coastal Trail, the valet drop off, all exterior decks, the roof, the exterior walls, any and all interior lighting, and all other lighting within the project site or related to the project shall be directed and shielded so that light is directed downward and away from the sky, the beach, the shoreline, the ocean, Pacific Coast Highway, any view corridors, and other relevant public viewpoints. Furthermore, no skyward-casting lighting shall be used. "Shielded," as used herein, shall mean that the light rays are directed onto the site, and the light source (e.g., bulb, tube, etc.) is not visible beyond the property boundary of the site of the light source;
- B. The lowest intensity exterior lighting shall be used that is appropriate to the intended use of the lighting. Lighting shall use bulbs that do not exceed 750 lumens (or 60-watt incandescent equivalent) and maximum color temperature of 2,700 degrees Kelvin, unless a higher wattage or color temperature is authorized by the Executive Director. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness;
- C. No lighting shall produce an illumination level greater than one footcandle (10.76 lumens) beyond the developed portion of the subject property;
- D. The number of exterior light fixtures shall be limited to the minimum necessary for safe vehicular use of the parking lot, and to light walkways used by members of the public on the site. No exterior lighting for aesthetic purposes shall be allowed; and
- E. Safety and security lighting attached to the structures shall use a control device or automatic switch system with equivalent functions to minimize lighting.

The permittees shall undertake development in accordance with the approved Final Lighting Plan. Any proposed changes to the approved Final Lighting Plan shall be reported to the Executive Director. No changes to the approved Final Lighting Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. **Final Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit for review and written approval of the Executive Director, a final construction plan that is in substantial

conformance with the submitted Construction Staging and Schedule, prepared by The Build Group, and shall be modified to include the following:

- A. Public Access During Construction. The applicants shall provide details regarding public access management during construction activities including, but not limited to, the following:
 - i. Any and all times and for what reason(s) when members of the public will not be able to utilize the beach, or portions thereof, seaward, upcoast, or downcoast of the project site;
 - ii. How members of the public will be asked to leave the beach, if necessary, and to where they will be directed;
 - iii. Any and all safety precautions (e.g. flaggers) that will be in place to protect members of the public using the beach, including when the crane is in use and when the crane is moved between the parking lot and the beach;
 - iv. Any and all details to ensure that members of the public are able to safely pass and repass seaward of the site during all construction activities;
 - v. Any and all additional details necessary to ensure the safety of any members who may be recreated on the beach or in the ocean seaward of the site.
- B. Construction Areas. The specific location of all construction areas, all staging areas, including the location of where the crane will be stored each night, and all construction access corridors shall be identified in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to have the least impact on public access, including with respect to public parking and other coastal resources.
- C. Wrack Relocation. Impacts to wrack shall be avoided to the maximum extent feasible. Should natural processes move wrack into the construction area, the wrack may be carefully relocated seaward of the construction area. Removal of wrack is prohibited.
- D. Construction Lighting Plan.
 - i. All lighting including temporary lighting installed during construction activities shall be downward directed, shielded away from Pacific Coast Highway, the beach, and the ocean and shall use the best available dark-skies technology to minimize glare and spillover effects to the greatest extent feasible.
 - ii. The average light intensity shall be no greater than 0.01-foot candles with a maximum of 2700K at the property lines adjacent to the beach. The applicants shall submit an exhibit or report

documenting that the final construction lighting plan is consistent with this requirement.

E. Beach Crane Management Plan.

- i. A temporary crane pathway may be installed prior to the use of the crane on the beach and shall be consistent with the following:
 1. No excavation or removal of sand is authorized for the installation of the crane pathway.
 2. The entire crane pathway shall be covered with a layer of geotextile fabric over the sand. Nonchemically treated Douglas Fir wood shall be placed over the geotextile fabric; Crushed stone aggregate about 1 – 1.5 inches in size shall be placed over the Douglas Fir wood.
 3. Non-plastic waddles, crane mats or other appropriate BMPs shall be used to ensure the crushed stone aggregate stays in place.
 4. The crane shall be removed from the beach at the end of each workday and shall not be operated on weekends, holidays, or during expected high tides or storm events.
- ii. Any maintenance necessary or required for crane operation shall not take place on the beach; and
- iii. Once the crane is no longer needed for construction activities, it shall be removed from the project site.

F. Dewatering Provisions. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the permittees shall provide to the Executive Director, a copy of a dewatering permit issued by the Los Angeles County Sanitation District or the Regional Water Quality Control Board, or a letter of permission, or evidence that no permit or permission is required. The permittees shall inform the Executive Director of any changes to the project required by the Los Angeles County Sanitation District or Regional Water Quality Control Board. Such changes shall not be incorporated into the project until the permittees obtain a Coastal Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required. In addition, dewatering for the installation and curing of cement to protect groundwater must ensure that waters contacting uncured cement are either avoided or properly collected, removed, and treated before discharge. Regular monitoring and adjustments shall be made to maintain compliance throughout the cementing and curing processes. Further, dewatering discharge on the public beach is not authorized by this permit, and any proposal to install dewatering infrastructure (temporary or permanent) on the public beach shall require an amendment to this permit.

G. Construction Pollution Prevention Plan. PRIOR TO CONSTRUCTION, the applicant shall submit a final Construction and Pollution Prevention Plan for review and written approval by the Executive Director. The Plan shall include the permittees' final Stormwater Pollution Prevention Plan and show that all construction activities—including clearing, grading, staging, equipment and material storage, demolition, building, and the creation or replacement of impervious surfaces—will prevent runoff and pollutants from leaving the project site by complying with the following requirements:

- i. Erosion and sediment shall be controlled by minimizing land disturbance, phasing grading, and avoiding grading during the rainy season. Disturbed areas must be stabilized with erosion control BMPs, and sediment control measures such as silt fences, stabilized entrances, and street sweeping must be used to prevent sediment from leaving the site.
- ii. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting shall be prohibited, to minimize wildlife entanglement and plastic debris pollution. Only products with 100% biodegradable (not photodegradable) natural fiber netting shall be allowed.
- iii. Runoff and pollutant control shall be achieved by using BMPs to retain, infiltrate, or treat stormwater and non-stormwater during construction. Materials and waste must be managed to prevent discharges by covering stockpiles, cleaning spills immediately, properly disposing of waste, and promptly removing debris.
- iv. All debris resulting from construction activities shall be removed from the beach immediately whenever feasible and no later than at the end of the work day.
- v. Fueling and equipment maintenance must occur off-site or in designated, contained areas away from water bodies and storm drains.
- vi. Construction near coastal waters and habitat must avoid material storage below the high tide line, occur only during daylight hours, and ensure all equipment is removed from the beach daily. Protective measures such as tarps, perimeter sediment controls, and limited vehicle access must be used to prevent discharges. Wood materials should be preservative-free whenever possible or handled using approved BMPs if treated wood is required.
- vii. Wildlife shall be allowed to escape the work area/s.
- viii. BMPs shall be installed before construction begins and maintained throughout construction. BMPs must be regularly inspected, operated, repaired, and removed as appropriate. Construction staff shall be trained to ensure proper BMP implementation.

- H. Construction Site Documents. The construction pan shall provide that copies of the signed coastal development permit and approved construction plan be maintained in a conspicuous location at the project site during all times until a Certificate of Occupancy is obtained. Such copies shall be available shall be available to the public upon request. All persons involved with construction activities shall be briefed on the content and meaning of the coastal development permit and the approved Construction Plan, and the public review requirements applicable to them prior to commencement of construction.
- I. Construction Coordinator. The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that their contact information (i.e. mailing address, phone number(s), email address, etc.) including, at a minimum, a telephone number and an email address that will be made available 24 hours a for the duration of constructions, is conspicuously posted at the job site where such contact information is readily visible from public viewing area while still protecting public views as much as possible, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (address, email, phone numbers, etc.) and the nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- J. Construction Commencement Notification. The permittees shall notify planning staff of the Coastal Commission's South Coast District Office at least three working days in advance of commencement of construction, and no later than the following business day upon completion of construction.
- K. Daylight Work Only. All work shall take place during daylight hours (i.e. no sooner than one-hour prior to sunrise to no later than one hour after sunset), except for interior work. Nighttime work (other than interior work) and lighting of the exterior work area are prohibited.

The permittees shall undertake development in accordance with the approved Final Construction Plan. Any proposed changes to the approved Final Construction Plan shall be reported to the Executive Director. No changes to the approved Final Construction Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

8. **Parking Management Program.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit for review and approval of the Executive Director, a Parking Management Program that clearly describes the manner in which parking will be managed, and incorporates, at a minimum, the following final plans and measures:

- A. **Parking Lot Management.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT the applicants shall submit for review and written approval of the Executive Director, a final Parking Management Program that is in substantial conformance with the Parking and Circulation Exhibit submitted on August 14, 2025, and shall, at a minimum, demonstrate compliance with the following:

- i. Include the location of all proposed pay stations and bicycle parking areas.
- ii. Include locations of directional signage.
- iii. Clearly differentiate between all valet and all self-park parking spaces.
- iv. Clearly identify all valet stacking areas.
- v. Provide a Transportation Demand Management Plan that includes, at a minimum, a public transit fare reimbursement program that shall provide or cover the full cost of a monthly transit pass for all staff and employees of the restaurant, snack shack/cafe, retail shop, and/or parking lot who take public transit to and/or from work for at least 50% of their work days. Employees shall be informed of the program upon initial orientation and annually thereafter.
- vi. Include details about use and operation of the lot consistent with the following:
 1. The public parking lot shall remain open to the general public during all times of operation and shall open no later than 6:00 a.m. and shall close no earlier than 9:00 p.m. each day, year-round. Daily early-bird self-parking rates from 6:00 a.m. to 9:00 a.m. shall be made available year-round.
 2. The self-park rate shall include an hourly rate and daily maximum. The daily maximum cost to park shall not exceed the \$13 on weekdays or \$15 on weekends unless an amendment to this coastal development permit or a new coastal development permit is obtained.
 3. If a valet parking plan is implemented, the self-parking rate or maximum daily cost shall not exceed the valet parking rate or maximum daily cost.
 4. All parking onsite shall be available on a first-come, first-served basis. If a valet parking plan is implemented, the valet service shall utilize the valet stacking spaces and tandem parking spaces before parking vehicles in the self-park

spaces. If valet spaces fill up and self-park spaces are used for valet purposes, once a valet stacking or tandem space becomes available, valet cars parked in self-park spaces must be moved to the valet stacking or tandem spot. If self-park spaces are full due to self-parkers using them, but valet stacking and/or tandem parking spaces are available, a sign shall be placed at the entrance of the parking lot indicating the availability of the valet service at the self-parking rate and the valet service shall offer to valet park additional vehicles at the self-park rate at no additional cost for the valet service.

5. Reservations of any parking space and/or area within the parking lot, including within the bus and drop off loop, is prohibited at all times without exception unless a coastal development permit is obtained.
6. No exclusive right or priority shall be given to any person wishing to park in the parking lot, including, but not limited to, employees and staff of the restaurant, patrons of the restaurant, visitors to the public deck, snack shack, or retail shop, and beach goers.
7. Directional parking signs shall be placed in conspicuous locations and shall indicate the locations of the vehicle and ride share drop-off, valet stand, and self-park areas. If a valet program is implemented, the permittees shall provide valet services for the beach goers, restaurant patrons, those visiting the public deck, and any other member of the public wishing to use the parking lot.
8. The public parking lot hours and rates shall be stated on the restaurant's website and valet kiosk.
9. Valet staff shall be informed of the requirements of the Commission-approved Parking Management Program and the public's right to use the parking lot without the need to use the restaurant or make any purchases on site, when they are hired and at least twice a year thereafter. Evidence of such training shall be submitted annually to the Executive Director no later than December 31st of each calendar year.
10. If the restaurant closes and/or ceases operations, the parking lot shall remain open and available to the public and operate in a manner similar to other public beach lots.
11. Flow of traffic shall not be impeded by valet activities including, but not limited to, car stacking in the drop-off loop or elsewhere within the parking lot.
12. The permittees shall maintain the parking lot in good working order, including trash removal, ongoing maintenance and safety operations, maintenance of all approved signage, and maintenance of the parking pay machines.

13. Any change to the parking lot hours or rates, or any of the requirements listed herein, shall require an amendment to this coastal development permit or a new coastal development permit prior to implementation.

B. Parking Monitoring Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT the applicants shall submit for the review and approval of the Executive Director, a Parking Monitoring Plan prepared by a qualified professional with expertise in traffic and parking management. The Parking Monitoring Plan shall include methods of data collection, analysis, and annual reporting regarding the effect of the subject development, including valet operation, on public access to the shoreline and the adequacy of available parking to also meet the needs for the approved the uses on site. Data collection shall occur at least quarterly and shall, at a minimum, take place during peak use times, e.g. over holiday weekends. The Parking Monitoring Plan shall include, but not be limited to, the information below:

- i. Ridership data relating to the number of bus rider pick-ups and drop-offs at the bus stop onsite, including dates and times.
- ii. Parking lot occupancy data during operating hours, including early bird hours. The occupancy data shall be specific enough to identify how often the self-park areas are full, the occupancy of the tandem spaces, how often full occupancy of the lot is reached (both with and without valet stacking), and potential correlation with special events hosted at the restaurant.
- iii. Valet data, including but not limited to, the number of times the valet uses self-park spaces and how many are used each time, the number of times the valet moves cars from self-park spaces to valet stacking or tandem spaces, the number of times the valet service is used due to full occupancy of the self-park spaces, and the valet fees collected.
- iv. Rideshare data relating to the number of pick-ups and drop-offs made using the rideshare/valet loop.
- v. Documentation of any issues raised to the concessionaire, County staff, or any other known entity about parking issues on the site including, but not limited to, the valet service, the availability of self-park spaces, and/or any competition between valet and self parking.
- vi. Information and documentation related to the Traffic Demand Management Plan, including, but not limited to, how and when employees were informed of the program, how many employees participate in the reimbursement program, and the cost of the program to the permittees.
- vii. Information necessary for Commission staff to assess compliance with this condition.

C. Reporting. Adaptive Management. For the first five years after receipt of the Certificate of Occupancy for the restaurant, the permittees shall submit annual Parking Management Plan reports to the Executive Director no later than December 31st of each calendar with the first report due on December 31st of the year the Certificate of Occupancy is obtained. The reports shall include, at a minimum, all of the information required in the Parking Monitoring Plan and shall explain if the Parking Management Program has maintained consistency with all of the conditions required herein and, if not, how the Parking Management Program can be revised to achieve any unmet objectives in case they have not been met in the preceding year. At a minimum, the report shall describe how public access to the public areas including, but not limited to, the beach, the public deck, the restrooms, the snack shack/cafe, and the retail shop was maintained or impacted and document any incidents associated with the valet program or any other use on site that adversely affected public access, including use of the parking lot. If any issues related to non-compliance with any of the requirements of the Parking Management Program condition are identified, the permittees shall submit a revised Parking Management Plan to the Executive Director and coordinate with Commission staff to identify and implement feasible revisions to address public access and parking deficiencies. The intent of the re-review is to: evaluate the efficacy of the Parking Management Program, including the valet operation and potential competition for parking spaces; identify any potential modifications by either the Executive Director or the permittees or both to address public access deficiencies; and to facilitate efficient use of the parking lot that allows for both valet service and self-parking preferences. If the Executive Director determines there are changed circumstances and an amendment to the coastal development permit or a separate coastal development permit is legally required to continue the Parking Management Program, including the use of valet service within the public parking lot, the Executive Director will notify the permittees in writing and the permittees shall, within 90 days of notification, submit the required application with all necessary materials to file the application.

If no adverse impacts to public access have been identified in the required reports for five consecutive years, the permittees shall continue to implement the Parking Monitoring Plan on an annual basis as described herein, however, reports to the Executive Director shall be provided by December 31st every fifth year.

Parking Revenue Reporting. Annual parking revenue reports shall be submitted to the Executive Director no later than December 31st of each calendar with the first report due on December 31st of the year the Certificate of Occupancy for the restaurant is obtained. The reports shall include the gross amount of all parking (valet and self-parking) fees collected; all expenditures of monies collected, including, but not limited to, a breakdown of cost recovery for the improvements

made to the parking lot, costs of maintenance of the parking lot and what that maintenance entails, e.g. trash clean-up of the parking lot, maintenance of the public restrooms and public deck; an explanation of all maintenance activities, e.g. what they are and why they are necessary; the total amount of monies sent to the County each year; and any other financial information related to management the parking lot that may be of public interest.

All monies collected by the County from the Parking Management Program shall be used by the County for public access and recreational improvements within County-operated areas of the coastal zone.

The permittees shall undertake development in accordance with the final Parking Management Program approved by the Executive Director. Any proposed changes to the approved, final Parking Management Program shall be reported to the Executive Director. No changes to the approved, final Parking Management Program shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

9. **Public Access Management Program.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and approval of the Executive Director, a Public Access Management Program that clearly describes the manner in which general public access associated with the approved project is to be provided and managed, with the objective of maximizing public use of the public use of the site including, the public deck, public restrooms, public parking lot, bicycle parking stalls, bus stop, coastal trail, cafe, and retail shop, and incorporates, at a minimum, the following final plans and measures:

- A. Depiction and Description of Public Access Areas and Amenities. All public access areas and amenities, including, but not limited to the public deck, public restrooms, snack shack/cafe, retail shop, parking lot, bicycle parking stalls, bus stop, and public trail, shall be clearly identified as such on the Access Plans in a manner that it is obvious which areas are available for public access use, e.g. hatched and closed polygons.
- B. Signage Plan. The applicants shall submit, for the review and written approval of the Executive Director, a Signage Plan that prioritizes and enhances public awareness of the amenities available to the public and includes, but is not limited to, the following:
 - i. All signs and any other project elements that will be used to facilitate, manage, and inform the public of the public amenities available at the project site.
 - ii. Sign details showing the location, materials, design, and text of all public access signs, including, but not limited to, signs relating to coastal access, the public deck, the parking lot, valet, ride-share

drop-off, public restrooms, the bus stop, cafe, retail shop, and park hours.

- iii. The signs shall be in multiple languages, including at least Spanish and English, and designed so as to provide clear information without impacting public views and site character.
- iv. At a minimum, the following signs shall be placed:
 - 1. Directional signs shall be placed at the entrance of the parking lot, at the drop-off/valet loop, at the first self-park area, and at the second parking area. Each sign shall indicate which lanes are for self-park, which lanes are for valet and drop-off/pick-up, and which lanes are for the bus.
 - 2. Signs shall be placed at the bus stop identifying the locations of the bus stop pick-up/drop-off area, coastal trail, beach accessway, public deck, public restrooms, snack shack/cafe, and bicycle parking stalls to maximize safe access around that area.
 - 3. Signs indicating the self-park and valet fees, lot hours, and use of the parking lot (i.e. public parking for Will Rogers State Beach and restaurant) shall be located in conspicuous locations. The signs shall clearly indicate that both valet and self-park options are available and, should the self-park spaces be full at any given time during operating hours, a sign shall be immediately added to state the valet option is available at the self-park rate.
 - 4. Sufficient signage shall be attached to and around the public deck, coastal trail, public restrooms, cafe, and retail shop to clearly advertise the availability of these amenities to the public, their locations, and that no purchase is required.
- v. Public access directional signs shall include the Commission's access program "feet" logo and the California Coastal Trail emblem.
- vi. No "Private Property" or "No Trespassing" signs shall be located anywhere within the project site.
- vii. No restaurant branding is allowed on the public deck, trail, or public parking lot, except as specifically set forth in this condition.
- viii. Only signs specifically included in this condition and/or in the final approved Signage Plan are allowed
- ix. Within one month of receipt of the Certificate of Occupancy of the restaurant, and annually thereafter, time-stamped photographic evidence of all signs and materials indicating where each sign is placed must be submitted to the Executive Director.

C. Maintenance of Lower-Cost Visitor Serving Amenities. BY ACCEPTANCE OF THIS PERMIT, the permittees agree that for the life of the proposed

development, the site shall maintain a selection of lower cost food, beverage, and retail items at the approved cafe and retail shop located on the public deck and be consistent with the following:

- i. The development shall incorporate a walk-up, to-go window, offering lower cost “walkable” foods and/or a “walkable” foods store, as well as a retail store offering lower cost sundries and other items. “Walkable” foods are lower cost foods and beverages such as, but not limited to, coffee, hot chocolate, corn dog on a stick, big soft pretzels, hot dog/sausage on a bun, empanadas, snow cones, ice cream bars, and cold soft drinks.
 - ii. The cafe and store shall be available to the general public for to-go service. Cafe and/or store patrons may use the public seating areas, but no restaurant service of any kind may occur.
 - iii. Cafe service shall be available at a minimum during all hours of restaurant operation for the life of the approved restaurant.
- D. Host stands are prohibited at the entrance of the public deck area, and public deck visitors shall not be required to check in to use the public deck.
- E. The permittees shall not deny access to any persons (excepting those conducting illegal activities) who wish to utilize the public deck and trail.
- F. The public deck shall not be reserved or rented for dining or semi-private or private events. The restaurant website shall state: “No reservations or rental bookings of the public deck and/or parking areas are permitted. The public deck is available to all members of the public to use on a first-come, first-served basis. Restaurant service (e.g. table service) is prohibited on the public deck.”
- G. No lines or queues for restaurant dining shall impede access to the public deck or trail.
- H. The public deck hours and a photo of the public deck shall be included on the restaurant website. The restaurant website shall state, “The public deck remains open to the public for passive recreation use (no purchase required) and outdoor dining.”
- I. Public restrooms must remain available to the public, including beach users, at a minimum, during all parking lot hours.

The permittees shall undertake development in accordance with the approved Public Access Program. Any proposed changes to the approved Public Access Program shall be reported to the Executive Director. No changes to the Public Access Program and shall occur without a Commission amendment to this

coastal development permit unless the Executive Director determines that no amendment is required.

10. Habitat and Sensitive Species Protection Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and approval of the Executive Director and implement, a Habitat and Sensitive Species Plan that incorporates, at a minimum, the following plans and measures:

A. Nesting Bird Surveys.

- i. If project activities must occur during bird nesting season (February 15 through August 31), a qualified biologist, with experience conducting bird surveys, shall survey for active nests in structures and trees within 72 hours prior to commencement of project activities to detect any such activity within 500 feet of the project area. If there is a pause in construction of seven days or more during bird nesting season, a new nesting survey is required within 72 hours prior to recommencement of construction activities. If an active songbird nest(s) is located within 300 feet of construction activities (500 feet for raptors), the qualified biologist shall halt construction activities to enable the applicant to employ best management practices (BMPs) to ensure that construction activities do not disturb or disrupt nesting activities. Noise levels at active nest sites must not exceed 65 dB unless a noise study has determined that ambient noise in the immediate area exceeds that level. If this is the case, noise levels at the nest site must not exceed the ambient noise level measured. Noise reducing BMPs may include using alternative equipment, equipment noise buffering, sound blankets, etc. Alternatively, construction activities and schedules may be adjusted to avoid active nest areas until the respective young birds have fledged. Unrestricted construction activities may resume when no active nests remain in the construction area. Results of nesting bird surveys, ambient noise surveys, and any follow-up construction avoidance measures shall be documented in monthly reports by the qualified biologist and submitted to the Coastal Commission Executive Director throughout the bird breeding season.
- ii. During bird nesting season, a follow-up nesting bird survey shall be conducted within 72 hours prior to the initiation of any tree trimming or removal activities of the trees approved to be removed.
- iii. No removal of active bird nests is authorized and any proposed changes to the final approved plans, including installation of bird deterrence measures, shall be submitted to the Executive Director as an amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is legally required.

- B. Tree Replacement. The Plan shall include measures to replace any trees approved to be removed in compliance with Part A of this condition with trees providing equivalent nesting potential, if there is evidence that the tree supported nesting habitat for coastal wading bird species or sensitive bird species. Nesting trees shall be replaced at a 1:1 ratio. Replacement trees shall be of equivalent maturity and locally native, low water use trees, where feasible. The Plan shall include a plant palette for potential replacement trees.
- C. Bird-Strike Deterrence. Deck railing systems, fences, screen walls, windows, and other reflective surfaces subject to this permit shall use materials designed to minimize bird-strikes. Acceptable glazing treatments for exterior glass include: fritting, netting, permanent stencils, frosted, non-reflective or angled glass, exterior screens, decorative latticework or grills, physical grids placed on the exterior of glazing, ultraviolet patterns visible to birds, or similar treatments, as approved by the Executive Director. No glazing shall have a "Reflectivity Out" coefficient exceeding thirty percent (30%). That is, the fraction of radiant energy that is reflected from glass or glazed surfaces shall not exceed 30%. Clear glass, reflective glass, or plexiglass shall not be installed. All materials shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications.
- D. Avian Avoidance Plan. Construction activities that occur during western snowy plover breeding season (March 1 to August 31) will take the following steps to mitigate impacts to this species. A designated avian biological monitor with stop-work authority will conduct pre- and during construction surveys as needed within the project area and within 500 feet of the work area to determine the location of any active special status avian roosting and nesting areas. If western snowy plovers or other special-status birds are observed during any survey, the following measures will be implemented:
 - i. If western snowy plovers are observed exhibiting nesting behaviors (scraping, territorial displays or calls, false brooding, etc.) during the breeding season, no project-related activities will occur within 500 feet of these areas until subsequent monitoring indicates that western snowy plovers are no longer present.
 - ii. If an active western snowy plover (nest containing eggs or an empty or partial nest with western snowy plovers actively exhibiting breeding behaviors) occurs within 500 feet of the proposed construction area, the following measures will be implemented:
 - 1. The biological monitor with stop-work authority will report the nest to the U.S. Fish and Wildlife Service. After initial

identification of the nest, the biological monitor will not approach within 50 feet of an active western snowy plover nest. Nest monitoring will occur with binoculars. The biological monitor will use the distance to the project limits and local topography to determine if construction activities are likely to damage a nest or significantly disturb nesting activities. Signage will be installed to deter people from entering any area with an active nest.

2. Where damage or disturbance of any western snowy plover nest(s) is likely, the designated biological monitor will implement further measures to avoid the likelihood of nest destruction or disturbance, including: temporarily halting construction activities until the nest fails or until at least 10 days after the young fledge from the nest, with construction activities directed to other areas further than 350 feet from the active nest(s) or where activities will not disturb the active nest(s), as directed by the biological monitor.
3. The biological monitor will monitor nest progress, construction activity, and protective fencing to minimize potential construction-related disturbance and will submit a weekly nest status report to the U.S. Fish and Wildlife Service. A post-construction report will be submitted to the U.S. Fish and Wildlife Service summarizing the weekly nest status report and outcomes within 6 months of project completion.
4. No activities are allowed within 100 feet of active roost areas for the western snowy plover unless measures are implemented to minimize the noise and disturbance to those adjacent birds until subsequent monitoring indicates that western snowy plover are no longer present. If these conditions cannot be met, the following measures will be implemented:
 - a. The biological monitor with stop-work authority will report the roost site to the U.S. Fish and Wildlife Service. After initial identification of the roost, the biological monitor will not approach within 50 feet of roosting western snowy plover. Roost monitoring will occur with binoculars. The biological monitor will use the distance to the project limits and local topography to determine if construction activities are likely to damage a nest or significantly disturb nesting activities. Signage will be installed to deter people from entering any area with an active nest.
 - b. Where damage or disturbance of any western snowy plover roosting is likely, the biological monitor will implement further measures to avoid the likelihood of

roost disturbance, including temporarily halting construction activities until the birds depart for the season, with construction activities directed to other areas that will not disturb the roost, as directed by the designated biological monitor.

- c. A biological monitor will monitor the roost and construction activity to minimize potential construction-related disturbance and will submit a weekly nest status report to the U.S. Fish and Wildlife Service. A post-construction report will be submitted to the U.S. Fish and Wildlife Service summarizing the weekly nest status report and outcomes within 6 months of project completion.

- 5. All participants and contractors for the project will receive educational training concerning special-status species within the project area. The program will be conducted during all project phases and will cover the potential presence of listed species; the requirements and boundaries of the project; the importance of complying with avoidance, minimization, and compensation measures; and problem reporting and resolution methods. The designated project biologist and/or other qualified project proponent shall conduct the training and provide a sign-in sheet for each training activity to ensure all participants and contractors are educated on the environmental conditions and associated constraints.

- E. Grunion Avoidance Plan. By acceptance of this permit, the applicants agree that if feasible, permitted construction operations that occur at or below the highest high tide line shall avoid seasonally predicted grunion runs (semilunar highest high tides between March 1 and August 31), and that if it is infeasible for permitted maintenance operations to avoid seasonally predicted grunion runs, it will abide by the following Grunion Monitoring and Avoidance Plan.

- i. The applicants shall obtain the seasonally predicted grunion run schedule from the California Department of Fish and Wildlife website and schedule project activities that occur at or below the highest high tide line to avoid grunion spawning periods to the greatest extent possible.
- ii. Assessment by trained personnel (i.e., qualified biological monitor) of the potential of the beach to support grunion spawning at each outlet where work will occur. Grunion monitoring will be required only at sites that have been identified as those supporting grunion spawning.

- iii. If project activities need to be performed during the grunion spawning season in the project area that may support spawning, the predicted grunion run prior to the maintenance work will be monitored. Areas below the highest high tide line shall be monitored for grunion runs beginning at least two weeks prior to commencement of project activities that may affect the subject area of beach. Grunion monitoring shall be conducted by a qualified biologist for 30 minutes prior to, and two hours following, the predicted start of each daily spawning event. Sufficient qualified biologists shall be employed to ensure that the entire proposed sand placement site is monitored during the predicted grunion run. The magnitude and extent of a spawning event shall be defined in 300-foot segments of beach using the Walker Scale (e.g. 0, 1, 2, 3, 4, or 5).
- iv. If grunion are observed to run in the vicinity of the project area, the area where they ran will be marked physically and/or by Global Positioning System (GPS) locations.
- v. If a grunion spawning event greater than a Walker Scale 1 occurs within portions of a construction area, work in those areas will be avoided or rescheduled until after the grunion eggs have hatched. This occurs during the two weeks between grunion runs, i.e., the two or three days before every full or new moon or when it has been otherwise determined that the eggs from the run have washed out to hatch.

The permittees shall undertake development in accordance with the approved Habitat and Sensitive Species Protection Plan. Any proposed changes to the approved Habitat and Sensitive Species Protection Plan shall be reported to the Executive Director. No changes to the Habitat and Sensitive Species Protection Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

11. Marine Debris Reduction Plan.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit for review and approval of the Executive Director a service plan for recycling, trash, and compost within the project site. The plan shall specify the numbers and locations of existing and proposed waste receptacles in the area, weekend maximum usage statistics to ensure that an adequate number of bins are being deployed, and that the trash and recycling management program is robust and avoids overfilled bins that might result in adverse impacts to nearby natural resources. There shall be sufficient waste receptacles provided to minimize waste in the parking lots, public access areas, restaurant area, and adjacent beach area.

B. PRIOR TO RESTAURANT, SNACK SHACK/CAFE, RETAIL SHOP, AND PARKING LOT OCCUPANCY, the permittees shall submit, for the review and approval of the Executive Director, a robust plan, including a comprehensive monitoring and evaluation framework, to reduce waste and single-use items (including litter, single-use plastic items and expanded polystyrene foodware, containers, and packaging). The plan shall include at a minimum, all of the following, and the applicants shall implement the approved version of the plan:

- i. The permittees shall install and maintain smoke-free signage in all rooms and all interior and exterior areas of the restaurant.
- ii. The permittees shall install and maintain educational signage for staff and patrons that promotes and encourages the use of reusable items (instead of single-use items).
- iii. Adhere to the following criteria:
 1. Only use reusable foodware (including dinnerware, drinkware, silverware, and ramekins/containers) for on-site dining, specifically prohibiting the use of single-use plastic cups, utensils or any other serviceware.
 2. Prohibit the use of plastic straws and only provide reusable straws, paper straws, or straws made from naturally occurring materials, upon request.
 3. Prohibit the use of expanded polystyrene items (aka Styrofoam).
 4. Prohibit the use of plastic bags on-site or for takeout/to-go orders.
 5. Only provide single-use utensils, straws, condiments, containers, and other accessory items made from naturally occurring materials upon request for takeout/to-go orders. Alternatively, implement a reusable take-out program.
 6. Prohibit the sale of all beverages in plastic bottles.
 7. Follow proper recycling (and composting, if available) practices.
- iv. All waste resulting from restaurant activities should be exported outside the coastal zone.

The permittees shall undertake development in accordance with the approved Marine Debris Reduction Plan. Any proposed changes to the approved Marine Debris Reduction Plan shall be reported to the Executive Director. No changes to the Marine Debris Reduction Plan and shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

12. Archaeological, Paleontological, and Tribal Cultural Resource Monitoring and Treatment Plan. PRIOR TO ISSUANCE OF THE COASTAL

DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, an Archaeological, Paleontological, and Tribal Cultural Resources Monitoring and Treatment Plan (Plan) prepared by qualified resource specialist(s) in consultation with Gabrieleno-affiliated Native American representatives and the Santa Ynez Band of Chumash Indians, which shall incorporate the following measures and procedures:

- A. All representatives of Gabrieleno-affiliated Native American Tribes and the Santa Ynez Band of Chumash Indians listed on an updated Native American Heritage Commission (NAHC) contact list for the area shall be invited to consult on the preparation of the Plan and all who accept the invitation shall be allowed to consult and shall be meaningfully considered in the Plan's development. Evidence of written notification shall be made available to the Executive Director.
- B. The Plan shall ensure that any archaeological, paleontological or tribal cultural resources that are present on the site and could be impacted by the approved development will be identified so that a plan for their protection can be developed. The Plan shall include use of Ground Penetrating Radar (GPR), if appropriate and feasible, and dig test pit areas to a sufficient depth prior to installation of the piles to minimize the potential for impacts to archaeological, paleontological, and cultural resources. The GPR should be used by a qualified resource specialist at the project site to identify the location of any significant subsurface resources prior to any excavation activities. Test pit areas should be dug to a depth sufficient to uncover any potential cultural deposits including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or other archaeological artifacts. The appropriate depth should be informed by the number of years the site is understood to have been used by humans and the geologic strata in that area. The methods of protection of Tribal Cultural Resources shall be developed in consultation with the Native American tribal government(s). If there is disagreement regarding the method(s) of protection of resources, the methods that are most protective of coastal resources shall be selected.
- C. The Plan shall require that the Gabrieleno-affiliated and Santa Ynez Band of Chumash Indians Native American Tribes listed on an updated Native American Heritage Commission (NAHC) contact list for the area be invited to be present and monitor all ground-disturbing activities and arrange for any invited Tribal representative that requests to monitor be present to observe project activities with the potential to impact tribal cultural resources. A qualified archaeological monitor and a qualified paleontological monitor shall also be present to observe project activities with the potential to impact archaeological and paleontological resources. The archaeological and paleontological monitor shall have experience

monitoring for archaeological and paleontological resources in the local area during excavation projects, be competent to identify significant resource types, and be aware of recommended procedures for the inadvertent discovery of archaeological and paleontological resources and human remains.

- D. There shall be at least one pre-grading conference with the project manager and grading contractor at the project site to discuss the potential for the discovery of archaeological, paleontological, or tribal cultural resources. Prior to grading operations, a copy of all relevant documents and reports shall be provided to the monitors.
- E. There shall be at least one pre-grading conference with the project manager and grading contractor at the project site to discuss the potential for the discovery of archaeological, paleontological, or tribal cultural resources. Prior to grading operations, a copy of all relevant documents and reports shall be provided to the monitors.
- F. If any archaeological, paleontological, or cultural deposits, are discovered, including but not limited to skeletal remains and grave-related artifacts, artifacts of traditional cultural, religious or spiritual sites, or any other artifacts relating to the use or habitation sites, all construction shall cease and the Executive Director shall be notified. Should human remains be discovered on-site during the course of the project, immediately after such discovery, the on-site archaeologist and Native American monitor(s) shall notify the County Coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. The Native American group/person deemed acceptable by the NAHC shall participate in the identification process, pursuant to Public Resources Code Section 5097.98. Should the human remains be determined to be that of a Native American, the permittees shall comply with the requirements of Section 5097.98. Within five (5) calendar days of such notification, the permittees shall notify the Executive Director of the discovery of human remains. Treatment of any archaeological, paleontological, or cultural resource discovery shall be determined by the appropriate monitor(s) or the Most Likely Descendant (MLD) when state law mandates the identification of an MLD. If there is disagreement amongst monitors regarding the treatment of any resource discovery, the treatment that is the most protective of coastal resources shall prevail. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area that includes a reasonable buffer zone recommended by the monitor(s). Project activities may continue outside of the exclusion zone.
- G. Significance testing may be carried out for tribal cultural resource finds only if acceptable to the affected Native American Tribe(s), in accordance

with a Significance Testing Plan approved by the Executive Director. The permittees shall provide the significance testing results and analysis to the Executive Director, if applicable. If the Executive Director, in consultation with affected tribal governments, determines that the discovery is significant or that the treatment method preferred by the affected Native American tribe(s) is in conflict with the approved development plan, the permittees shall seek an amendment from the Commission to determine how to respond to the discovery and to protect both those and any further cultural deposits that are encountered. Development shall not recommence until an amendment is approved, and then only in compliance with the provisions of such amendment.

- H. A permittee seeking to recommence construction within an exclusion zone (excluding the discovery of human remains, which shall follow Section 5097.98 as noted in subsection F above), following discovery of archaeological, paleontological, and/or tribal cultural resources shall submit a Supplementary Plan prepared by the project archaeologist, in consultation with the Gabrieleño-affiliated Tribes listed on the NAHC list and the Santa Ynez Band of Chumash Indians, and/or the project paleontologist for the review and written approval of the Executive Director. If the Executive Director approves the Supplementary Plan and determines that the recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director in writing. If the Executive Director approves the Supplementary Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.
- I. The permittees shall implement the approved Archaeological, Paleontological, and Tribal Cultural Resources Monitoring and Treatment Plan in accordance with this condition. Any proposed changes to the final approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

13. Other Agency Approvals. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittees shall provide to the Executive Director a copy of a permit, or letter of permission, or evidence that no permit or permission is required for the project by the following entities: U.S. Army Corp. of Engineers; California Department of Transportation; California State Lands Commission; California Department of Fish and Wildlife; U.S. Fish and Wildlife Service; Regional Water Quality Control Board; and Los Angeles County Flood Control District.

14. **Public Rights.** The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist on or adjacent to the property. The permittees shall not use this permit as evidence of a waiver of any public rights that may exist on or adjacent to the property now or in the future.
15. **Property Owner's Right to Revoke Entitlements.** Approval of this coastal development permit shall not restrict the property owner's right and ability to revoke or withdraw approval of the concession agreement or other agreement allowing private management of the public land.
16. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this Permit, the applicants acknowledge and agree (i) that the site may be subject to hazards, including but not limited to waves, storms, flooding, erosion, and earth movement, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittees 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.
17. **No Future Shoreline Protective Device.** By acceptance of this Permit, the permittees agree, on behalf of themselves and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved on the upcoast parcel (APN: 4416 009 901) pursuant to Coastal Development Permit No.5-24-1045 including, but not limited to, the restaurant building and all appurtenant structures, restaurant dining decks, the public deck, public restrooms, and coastal path including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, bluff retreat, landslides, or other coastal hazards in the future, and as may be exacerbated by sea level rise. By acceptance of this Permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under applicable law.
18. **Development Removal.**
 - A. By acceptance of this Permit, the permittees agree, on behalf of themselves and all successors and assigns, that they are required to remove all or a portion of the development authorized by this Permit, including the restaurant structure and all accessory development including, but not limited to, the restaurant itself, foundation features, all decks, public restrooms, retail shop, snack bar, Coastal Trail, and any

other development approved for parcel 4416-009-901 by Coastal Development Permit 5-24-1045 restore the site, if:

- i. the City or County of Los Angeles or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to damage or destruction from waves, flooding, erosion, landslides, or other hazards related to coastal processes, and that there are no feasible measures that could make the structures suitable for habitation or use without the use of bluff or shoreline protective devices;
- ii. essential services to the site (e.g., utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above;
- iii. removal is required pursuant to LCP policies for sea level rise adaptation planning; or
- iv. the development requires new and/or augmented shoreline protective devices that conflict with relevant LCP or Coastal Act policies.

B. By acceptance of this Permit, the permittees further agree, on behalf of themselves and all successors and assigns, that they are required to remove all or a portion of the development authorized by this Permit, including, but not limited to, the parking lot, all safety and controlling devices within the parking lot, bike racks, bus stop, Coastal Trail, and any other development approved for parcel 4415-037-900 by Coastal Development Permit 5-24-1045 restore the site, if:

- i. the City or County of Los Angeles or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to damage or destruction from waves, flooding, erosion, landslides, or other hazards related to coastal processes, and that there are no feasible measures that could make the structures suitable for habitation or use;
- ii. essential services to the site (e.g., utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above;
- iii. removal is required pursuant to LCP policies for sea level rise adaptation planning; or
- iv. the development requires new and/or augmented shoreline protective devices that conflict with relevant LCP or Coastal Act policies.

Prior to removal/relocation, the permittees shall submit two copies of a Removal/Relocation Plan to the Executive Director for the review and written approval. The Removal/Relocation Plan shall clearly describe the manner in

which such development is to be removed/relocated and the affected area restored so as to best protect coastal resources, including the beach and Pacific Ocean. In the event that portions of the development fall to the bluffs, beach, or ocean before they are removed/relocated, the landowner shall remove all recoverable debris associated with the development from the bluffs, beach, and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

In addition, this approval does not permit any development on either parcel to be located on lands impressed with a public trust interest, and any development that comes to be located on such lands due to the movement of the mean high tide line must be removed unless the Coastal Commission determines, pursuant to a permit amendment, that the development may remain pursuant to the Coastal Act. If the development on either parcel comes to be located on lands impressed with a public trust interest due to the movement of the mean high tide line, the applicants would also be subject to the State Lands Commission's (or other designated trustee agency's) discretionary leasing approval.

19. As-built Plans. WITHIN 30 DAYS OF THE DATE OF RECEIPT OF CERTIFICATE OF OCCUPANCY FOR THE RESTAURANT, SNACK SHACK/CAFE, RETAIL SHOP, AND PARKING LOT, unless the Executive Director grants an extension for good cause, the permittees shall submit one full-size set of "as-built" plans, approved by the Los Angeles County Department of Regional Planning, showing all development completed pursuant to this coastal development permit with all relevant property lines and jurisdictional boundaries depicted on the plans. The as-built plans shall be consistent with the approved final project plans as required by Special Condition 1. If the as-built plans identify that the project has been constructed or carried out inconsistent with the approved final plans or any special conditions of this coastal development permit, the permittees shall submit an application for an amendment to this coastal development permit, or a new coastal development permit application, if legally required, within 30 days of receiving the Executive Director's notice that the as-built plans are inconsistent with the final approved plans.

20. No Future Seaward Encroachment. By acceptance of this Permit, the applicants agree, on behalf of themselves and all successors and assigns, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline structures approved pursuant to Coastal Development Permit No. 5-24-1045, as described and depicted on approved, as-built plans, shall result in any encroachment seaward of the authorized footprint of the shoreline structures. By acceptance of this Permit, the applicants waive, on behalf of themselves and all successors and assigns, any rights to such activity that may exist under Public Resources Code Section 30235.

IV. FINDINGS AND DECLARATIONS

A. Project Location, Description, and Background

Project Location

The project site includes two side-by-side, ocean-front parcels consisting of a portion of an upcoast 4.39-acre parcel developed with a large beach parking lot restroom facilities, and lifeguard facilities to the northwest, and a restaurant (Gladstones)¹, as well as public restrooms and a public observation deck to the southeast, and a downcoast 2.59-acre parcel developed with a different 212-space state beach parking lot ([Exhibit 1](#)). The parcels are designated Open Space (OS-1XL) by the City's uncertified zoning code. An approximately 900-foot-long rock revetment fronts the restaurant and the downcoast parking lot. A groin extends from the downcoast end of the restaurant into the ocean. In the 1950s, the lots were zoned C2-1 (Commercial). It is unclear when the zoning designation changed.

Only the easternmost (downcoast) approximately 0.6 acres of the 4.39-acre (upcoast) parcel is included in the proposed project. No development is proposed for the existing state beach parking lot, restroom or lifeguard facilities on the upcoast lot, and that portion of the parcel is not included in the project site. Both lots are located on a sandy beach, Will Rogers State Beach, in the Pacific Palisades neighborhood of the City of Los Angeles at 17300 Pacific Coast Highway ([Exhibit 1](#)). The lots are on public land owned by the California Department of Parks and Recreation (popularly known as State Parks), leased to the City of Los Angeles, and managed by Los Angeles County Department of Beaches and Harbors. The project site is located in the approximate middle of the four-mile-long beach bordered by Topanga State Beach to the northwest (upcoast) and Santa Monica State Beach to the southeast (downcoast). Will Rogers State Beach and the project site are accessible to inland areas by car due to their location on Pacific Coast Highway as well as their proximity to regional connectors, such as the I-10 Freeway, which terminates approximately four miles downcoast of the site in Santa Monica and transitions into Pacific Coast Highway, and Sunset Boulevard, which terminates across the street from the site at Pacific Coast Highway. The subject parking lot is one of five large public beach parking lots located along this State Beach. Various segments of Will Rogers State Beach provide public restrooms, concession facilities, playground areas, volleyball courts, and a regional bike and pedestrian path. The regional bike and pedestrian path, Marvin Braude Bicycle Trail, connects Torrance Beach, approximately 20 miles downcoast of the site, to Pacific Palisades, crossing every coastal city/town in the Santa Monica Bay except for Malibu.

¹Sea Via Restaurants, LLC is the concessionaire for the restaurant and is currently doing business as Gladstones 4 Fish. In short, the restaurant is informally known as Gladstones.

The project site is located within the Santa Monica littoral cell, which extends from Point Dume to Palos Verdes. The parcels are located between the seaward side of Pacific Coast Highway, a Boulevard II Scenic Highway, and the sandy beach; they also sit at the terminus of Sunset Boulevard, an Avenue I Scenic Highway. Seaward of the restaurant is an approximately 300-foot-long rock revetment, which continues downcoast across the entire frontage of the parking lot for approximately 900 additional feet. The beach beyond the revetment is approximately 100 feet in width. Seaward of the subject parking lot is a groin and revetment ([Exhibit 1](#)), both constructed prior to Proposition 20 when a coastal development permit was not required. Between the parking lot and restaurant is the Santa Ynez Canyon outfall, constructed circa 1967, which runs under the street and terminates on the beach seaward of the site.

Project Description

The applicants are proposing to demolish the existing restaurant and all associated accessory structures, remove the revetment fronting the restaurant, and construct a new restaurant and public amenities along with demolishing, rebuilding, and reconfiguration of the public parking lot.

Development proposed for the upcoast parcel includes demolition of all structures associated with the restaurant including the single-story 10,183 square-foot main restaurant building, the single-story 1,508 square-foot secondary restaurant building that includes a bar and retail area, the 7,900 square-foot of public deck that is shared with patrons of the restaurant, the public restrooms, removal of the approximately 400 square-foot accessory storage container, and removal of the approximately 300-foot-long by 4-foot-high by 12-foot-deep rock revetment on the beach seaward of the site. None of other the structures (e.g. the parking lot, restroom facilities, lifeguard facilities, etc.) on the same upcoast 4.39-acre parcel will be demolished as part of this project ([Exhibit 2](#)). Demolished materials from the restaurant and the revetment will be exported outside of the coastal zone.

Proposed development for the upcoast parcel also includes construction of a three-story, 17,712 square-foot restaurant with 11,543 gross square-footage on the first floor, 6,070 gross square-footage on the second floor, and 99 gross square-footage on the third floor. The seaward side of the restaurant is proposed with large windows that face the ocean. The total service floor area for the proposed restaurant is 9,745 square feet, including 8,507 square feet of interior service floor area accommodating approximately 400 seats, and 1,238 square feet of outdoor deck dining area accommodating approximately 72 seats between two separate decks. As seen from Pacific Coast Highway, the proposed restaurant will be approximately 41.5 feet high (above street level) with a roof canopy reaching a height of approximately 46.5 feet. As seen from the beach, the public deck will be 23 feet above sea level, and the overall height of the building, including the roof canopy, will be approximately 69.5 feet high above sea level.

Proposed public amenities on the upcoast parcel include a 2,094 square-foot public deck that will be separate from the restaurant dining areas and will accommodate a minimum of 100 seats on a first come, first served basis – reservations for the public deck area are prohibited; public restrooms with at least two ADA-compliant non-gendered stalls with baby changing stations and interior handwashing stations; a 473 square-foot snack bar and 136 square-foot retail shop offering to-go style food and beverages that can be enjoyed on the public deck or elsewhere. No purchase is necessary to use the public deck area or restrooms. Any member of the public will be able to enjoy the public deck and use the public restrooms without having to purchase any food, beverages, or sundries from the restaurant during all times the restaurant is open.

The proposed restaurant would be supported on a cast-in-drilled-hole (CIDH) pile foundation system. The applicants submitted a preliminary foundation plan S2-101 dated 06/23/23, which depicts and describes the preliminary pile design. The proposed restaurant would be supported by approximately 164 30-foot-deep 24-inch-diameter piles with 85 pile caps and two four-foot-thick mat footings ([Exhibit 2](#)).

The entrance to the restaurant will be separated from the public deck, public restrooms, snack bar, and retail shop to avoid confusion between the public deck, which may be used by any member of the public, and patrons of the restaurant. The development proposed on the upcoast parcel, including the restaurant, public deck, public trail and other amenities will be located primarily landward of the existing development of the site. No components of the proposed foundation system will be located seaward of the existing rock revetment at the site, which is proposed to be removed.

The downcoast parcel includes the 212-space state beach parking lot and is proposed to be reconfigured to improve lot operation and add new bus and rideshare drop-off locations. Development proposed for the downcoast parcel includes removal of all asphalt and pavement; grading for site preparation and drainage improvements; repaving and reconfiguring the parcel into two separate parking lots totaling 148 parking spaces (171 spaces if parked to fully valet capacity); construction of a shared Big Blue Bus and Metropolitan Transportation Authority (Metro) stop, turnaround loop, and bus layover for driver rest times; and entry lanes from Pacific Coast Highway to allow drivers to valet their vehicles or to drop passengers off at the restaurant, public deck, and beach and then either self park or leave the site ([Exhibit 2](#)). No development is proposed for the 900-foot-long revetment seaward of the parking lot at this time.

The reconfiguration of the parking lot will create two distinct lots, center and eastern, which will be separated by the bus loop ([Exhibit 4](#)). The center lot is proposed to have 29 self-park-only stalls, and no valet use would be allowed in that lot. The lot will include four ADA stalls, including one ADA van stall, one EV ADA van stall, and one EV ADA stall; eight standard EV stalls; 13 standard stalls; and 1 compact stall. The eastern lot will have a total of 119 parking stalls and will be a shared self-park and valet lot. That lot

will include 74 tandem, valet, combination compact-standard stalls and 45 individual/self-park stalls that will be a mix of standard and compact stalls 16 of which will be EV stalls. If parked to full valet capacity (e.g. stacking cars), the eastern lot could hold 142 cars.

Additional development proposed for the site includes construction of a new ten-foot-wide ADA-compliant segment of the Coastal Trail seaward of the parking lot and restaurant; eight bicycle parking stalls, five located near the restaurant entrance off of PCH and three located near the beach near the eastern side of the parking lot; removal of six palm trees and various ornamental shrubs and installation of 9,000 square feet of new landscaping and decorative gravel throughout the proposed parking lot, public deck, and restaurant areas; drainage improvements by the addition of filter systems that improve water quality of runoff on the site while maintaining the drainage outlets currently used; and grading, including 510 cubic yards of cut and 1,260 cubic yards of fill for a total net of 750 cubic yards of imported fill, most of which will take place on the downcoast lot to prepare the site for the new parking lot and drainage improvements although a relatively small amount of grading will take on the upcoast lot as well ([Exhibit 6](#)). No development is proposed for the approximately 600-foot-long revetment seaward of the existing parking lot and if approved, post construction, the revetment will remain.

Construction for the proposed development is expected to take a minimum of 613 calendar days. A portion of the existing downcoast parking lot closest to the restaurant site will be used as a construction staging area and tradespersons parking lot during construction activities for the proposed development. The eastern end of the parking lot will be available to the public during construction activities except for about three months during the very end of the construction schedule when the entire parking lot will be closed to the public when improvements to the parking lot will be made. Such improvements include new curbs, drive areas, electrical work, drainage improvements, sealing, striping, and other improvements. No other areas within the coastal zone are proposed to be used for construction staging. The existing public parking lot on the upcoast lot that is not a part of this project will remain open and available to the public throughout the construction activities for the proposed project, and no construction staging or any other use of that lot to support the proposed project will be allowed. Reopening of the entire downcoast parking lot and all public amenities will occur concurrent with the opening of the new restaurant.

Construction of the proposed restaurant will require the use of a large crane for approximately 300 of the 613 calendar days. When in use, the crane will be located on the sand seaward of the proposed restaurant site. An approximately 120-foot-long pathway for the crane will be created from the end of the ramp leading from the parking lot to the beach and along the seaward length of the restaurant site ([Exhibit 1](#)). The crane pathway will not require the excavation or removal of any sand but will be created by layering geotextile fabric atop the sand, followed by crane mats consisting of non-

chemically treated raw Douglas Fir wood, and topped with crushed stone aggregate about 1-1.5 inches in size. Waddles and crane mats will be used to compress the gravel to keep the crane pathway in place and avoid any potential erosion of the beach or escape of gravel onto the beach. The crane will be removed from the beach and stored in the subject parking lot each night at the end of the workday. The crane will not be in use on the weekends or during the workday when high tide events are predicted. Once the crane is no longer needed, it will be removed from the site. The applicants don't anticipate the presence of the crane on the beach to have any impacts to public access seaward of the site, and the beach seaward of the site will remain open and accessible to the public during crane operations. However, the applicants have stated that there will be "few (if any) times when the public will not be able to utilize the beach" seaward of the crane and project site. At this time, the applicants are not able to provide any additional information related to when members of the public would not be allowed to use the beach or for what reasons. The applicants have also not provided information about how members of the public would be asked to leave the beach if necessary for construction activities or what other safety precautions (e.g. flaggers) will be in place to protect members of the public using the beach during construction activities. Thus, as described below in the Public Access section of this staff report, in order to address these beach access impacts, a public access management plan will be required to be submitted by the applicants and approved by the Executive Director as minimizing or mitigating any such impacts prior to issuance of the coastal development permit.

Background (Relevant Site History)

Throughout the public-private management history of the site, there have been expansions of the site and violations of the permit terms. As detailed below, these began with the unpermitted expansion of private activities onto the public deck and within the public parking lot.

At the end of 1979, the previously existing restaurant at the project site burned down, and a new restaurant was built in its place. On April 2, 1981, Los Angeles County Department of Beaches and Harbors entered into a new concession agreement with Robert Morris (Sea Via Restaurants, Inc.) to provide beach goers with refreshments, food, and beach equipment. The agreement included the exclusive use of 50 beach parking spaces by restaurant customers, but no coastal development permit application was filed or approved for the exclusive use of the parking spaces.

On May 1, 1981, Robert Morris and the Los Angeles County Department of Beaches and Harbors submitted CDP application P-81-7894 for the further expansion of the 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 request for a 1,650 square foot outdoor dining area with 50 seats overlooking the beach, public restrooms, a fast-food take-out stand, and a public observation deck. The application states that 103 of 165 the public beach parking spaces were reserved for the exclusive use of

restaurant customers. The Commission approved that application with conditions on June 1, 1984. The conditions of approval included revised plans showing no encroachments onto the public accessway or sandy beach, no advertising on Pacific Coast Highway of the fast-food take-out stand, no signs over 12 feet high or exceeding three by six feet, and no signs visible from Pacific Coast Highway. The conditions were met, and the permit was issued on August 24, 1981.

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

By September 1, 1982, the County turned over complete operation of the parking lot to the restaurant operator. At that time, beach users and restaurant patrons were apparently allowed to use the parking lot on a first-come, first-served basis. The parking fee charged to use the lot at the time was a flat fee of \$1.50 per car.

On January 26, 1983, Robert Morris and the Los Angeles County Department of Beaches and Harbors submitted coastal development permit amendment application 5-83-57A to amend coastal development permit P-81-7894. The request was for the construction of an aluminum roof over the previously approved 1,650 square-foot outdoor dining area with 50 seats. The seating capacity provided by the applicants at that time was 303, including 223 inside seats and 80 outside seats. The total service floor area at that time was 4,782 square feet. The amendment was approved on March 25, 1983, with no special conditions.

On April 24, 1984, the Los Angeles County Department of Beaches and Harbors approved the construction of a 660 square-foot storage area next to the restaurant in exchange for the reconstruction of a beach access road for the Los Angeles County lifeguards that was destroyed by storm waves. The restaurant operators undertook the development without obtaining a coastal development permit.

On April 16, 1985, Robert Morris and the Los Angeles County Department of Beaches and Harbors 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 the coastal development permit was issued for the deck expansion, and construction finished, approximately 60 seats were added to the new addition, and it was used as a restaurant service area. No coastal development permits were obtained for the use of the public deck for a restaurant service area at that time.

On February 15, 1991, Robert Morris and the Los Angeles County Department of Beaches and Harbors submitted Coastal Development Permit application 5-91-141 to resolve several violations on the site. The application included the expansion of the indoor and outdoor dining area, erection of signs and a tent, and the placement of a storage container on a coastal bluff. The total seating capacity provided by the applicants at the time was 707 seats. The Commission approved the permit on July 17, 1991. At that time, the restaurant operator was still operating the entire parking lot. They offered a combination of valet and self-parking options. Restaurant patrons were charged \$2.50 per car, and beach users were charged \$5.00 per car to use the parking lot. Current parking rates for restaurant visitors are \$11.00 on weekdays and \$13.00 on weekends. The current parking fee for a beachgoer is \$15.00 a day.

Subsequent amendments (CDP 5-91-141-A1, A2, A4, A5, A6, A8 and A9) approved extensions of the authorization term with the most recent approved term limit ending on January 13, 2022, as well as some additional development as follows: CDP 5-91-141-A3 approved the renovation of the restaurant and a change to the management of access to the public viewing deck; CDP 5-91-141-A4 approved the implementation of a parking lot management plan, sign program and extension of the term limit ; CDP 5-91-141-A5 approved the implementation of a parking lot management plan, sign program, redesign of the parking lot and extension of the term limit; and CDP 5-91-141-A7 approved changes to seating area arrangements to create an oyster bar.

In more recent history, the outdoor deck space, approximately 7,900 square feet, has been shared by restaurant patrons and the public. Throughout the various amendments to extend the authorization term and resolve violations mostly related to the Gladstones concessionaire's prioritization of restaurant patrons and exclusion of the public from the deck space and parking lot. Key to these attempted resolutions were a signage plan, as well as a management plan for the shared deck and parking lot. The management plan was needed to prevent the valet attendants or restaurant hostesses from excluding the public from either self-parking in the parking lot or using the public deck without making a purchase from the restaurant. The signage plans primarily served to inform the public of the amenities available to them and attempt to enforce the management plan. Notably, starting with 5-91-141-A3 a seating capacity special condition was imposed to manage the parking demand from restaurant patrons. Despite these efforts, management of these shared areas has been difficult and the violations continued intermittently.

To address the longstanding issues with respect to privatization of the public deck by the Gladstones concessionaire, CDP No. 5-91-141-A12, which was approved by the Commission on August 9, 2024, required the applicants, as applicable, for said permit to comply with existing permit requirements and also implement public deck and parking lot management and signage plans in order to more effectively provide and advertise public access opportunities. The restaurant also added additional signage to advertise the public deck to visitors. Furthermore, additional requirements for signage, use of the

deck and parking lot, above and beyond what the applicants had proposed, were imposed to reduce future impediments to the public accessing the coast.

Finally, as a component of CDP No. 5-91-141-A12, the applicants were required to reopen to the public an existing closed dirt parking lot that is located adjacent to Topanga Lagoon, approximately two miles upcoast from the project site. The reopened parking lot will have 53 parking spaces that have parking rates in accordance with the going rates of the existing Los Angeles County Department of Beaches and Harbors (LADBH) parking lot located near Topanga Lagoon (18700 Pacific Coast Highway). The mitigation will open parking facilities that are currently unavailable to the public and, thereby, increases opportunities for the public to access to the coast. Upon issuance of CDP No. 5-91-141-A12, the subsequent performance of the work authorized by the permit in compliance with all of the terms and conditions of the permit will result in resolution of the violations described above.

To avoid the situation that largely contributed to the previous management of the public deck that obstructed public access, the applicant is proposing parking reconfigurations and separate public and private decks to minimize future confusion.

The proposed development is located on parcels designated Open Space (City of LA General Plan) and OS-1XL (City of LA Zoning Code), both uncertified documents, which allow for parks and recreation uses like trails, play areas, picnic facilities, natural resource preserves for managed production, and ecological preserves. The agreement for lease and management of the state lands (Will Rogers State Beach Park) between the City of Los Angeles and the State of California states that the any development on the site must be “for the use, enjoyment, and protection of the general public, provided however that such use and development of said lands shall conform to the standards prescribed by any and all State laws applicable to State Beach Parks.” (Lease Agreement between CA and City of LA, 1948). The agreement further authorized the City to grant concessions “as are consistent with the purpose of this agreement to the end that greater use and enjoyment of the said lands may be provided to all citizens of the State of California and all other persons.” In May of 1975, the City and the County entered into a Joint Powers Agreement for Lifeguard and Maintenance Services (JPA), whereby the County agreed to provide all lifeguard and beach maintenance services, and the City assigned the County the ability to provide those services and to administer and award concessions and operate parking facilities on the subject beach areas, including Will Rogers State Beach Park. The JPA required that all revenue from concessions and parking facilities be used exclusively for beach lifeguard, maintenance and administrative operations and that all “capital development and improvements to be undertaken on beaches within the City by County shall first be approved by the Los Angeles City Board of Recreation and Park Commissioners.” In sum, these parcels are owned by the State of California (Department of Parks and Recreation), leased to the City, and, through the JPA, managed by (Los Angeles County Department of Beaches and Harbors), and, through a County-approved agreement, contracted to a

concessionaire, PCH Beach Associates, LLC. State Parks, the County and the concessionaire are co-applicants for the subject coastal development application. To ensure the public's interest remains protected throughout the life of the proposed development, **Special Condition 15** requires the permittees to acknowledge that this coastal development permit does not restrict the property owner's right and ability to revoke the least and/or agreement, which allows private management of public land, at any time without cause.

The project site is located in the dual permit jurisdiction area of the Pacific Palisades segment of the City of Los Angeles. Typically, projects requiring a coastal development permit within the dual permit jurisdiction area require a local coastal development permit from the City and, after the local coastal development permit is obtained from the City, a second "dual" coastal development permit from the Commission. However, in this case, in 2024, Public Resources Code section 5080.18 was amended through AB 178 to exempt "development or renovation of capital improvements, whether public or private, and related public access and recreation improvements from any municipal demolition, grading, building, or discretionary permits required by state law or municipal building and zoning codes or from approvals by municipal agencies," which would include a local coastal development permit. Thus, the applicants did not obtain one. Because local permits from the City of Los Angeles were not necessary or obtained and no local hearings for the proposed project were conducted, the applicants expanded the hearing notice radius from 100 feet to 300 feet from the property lines of the project site, excluding roads, to capture all those who would have been noticed if a local hearing for the proposed project was held.

The City does not have a certified Local Coastal Program for the Pacific Palisades area. The standard of review for the proposed development are the Chapter 3 policies of the Coastal Act.

B. Public Access and Recreation

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 30212 of the Coastal Act states, in pertinent part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

...

(2) adequate access exists nearby, ...

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states, in pertinent 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.

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 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253(d) of the Coastal Act states:

New development shall do all of the following:

(d) Minimize energy Consumption and vehicle miles traveled.

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea include a specific finding that the development is in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act. The Chapter 3 policies listed above generally place a priority on providing both public access and public recreation opportunities. More specifically, they require oceanfront land be used for recreational use, the maximization of public access and recreational opportunities, new development avoid impacts to public access points, and lower cost visitor-serving amenities be provided.

The proposed development includes commercial visitor-serving uses (restaurant, snack shop/cafe, and retail shop) on public lands, as well as a public trail, public deck, public restrooms, eight public bike racks, a new bus stop, and public parking lot immediately adjacent to the beach. While the site is currently developed with a restaurant, public deck, public restrooms and public parking lot, as described in more detail in the previous Background subsection, the existing configuration did not effectively balance the commercial patron-only uses and public uses as required by the underlying permits. Thus, the subject proposal includes clearer separation between public and patron-only uses and additional public access improvements, including the new Coastal Trail segment along the seaward side of the project site and a new bus stop within the public parking lot. Even with these improvements there are concerns about the project's consistency with the public access and recreation policies as discussed below.

Land Use

The public access and recreation policies of the Coastal Act prioritize public access for all people and lower cost recreational opportunities and visitor-serving for shoreline development. Coastal Act Section 30212 requires lower cost recreational and visitor-serving facilities be protected, encouraged, and, where feasible required. The proposed restaurant, while consistent with the existing uses onsite and allowable under the concession agreement, is not expected to be lower cost. There are many people who visit the coast, including Will Rogers State Beach, who will not be able to afford a meal there. While there are many restaurants throughout Los Angeles at which many people cannot afford to eat, this one is different because it will be located on public land that is also a state beach that the public has a right to access. While the restaurant is not expected to be lower cost, it will not be a private restaurant or a private club but will be a visitor-serving facility that any member of the public could patronize. However, when public resources are used for private gain, there must be a public benefit, thus, as described in the following subsections, the project proposes several public amenities.

Public Trail, Public Deck, and Accessory Structures

Section 30212 of the Coastal Act requires new development adjacent to the shoreline provide public access except where adequate access exists nearby. In this case, there

is a public trail and beach access point at the parking lot upcoast of the site, as well as an access point between the existing restaurant and parking lot and an approximately five-foot-wide walking path along the seaward side of the parking lot. The proposed trail seaward of the restaurant, public deck, and parking lot would add a connection to the upcoast path and improve the existing trail to be multimodal (with directional bike and pedestrian access) and ADA-compliant. It would also serve as Primary Coastal Trail as it would be immediately adjacent to the beach and parallel to the shoreline. Thus, the proposed project will be providing additional public access opportunities. To ensure the Coastal Trail is constructed as proposed, **Special Condition 19** requires the permittees to submit As-built Plans within 30 days of completion of construction.

The existing restaurant development has a public observation deck that is entirely open to the public but also allows for dining associated with the existing restaurant. There have been violations of the previous coastal development permit associated with this amenity. To avoid confusion, the proposed 2,094 square foot public deck will be entirely separate from the restaurant dining areas, including outdoor patron-only dining areas. While both the public deck and outdoor restaurant dining areas will be immediately inland of the public trail, the public deck will be separated from the restaurant dining deck by a covered accessway (one step up from the public deck grade) and windshield. There will be no windshield or wall proposed between the public deck and the trail to ensure that the deck does not appear to be part of the adjacent restaurant. Within the public deck area there would be an assortment of tables with chairs, picnic benches, and seats around at least two circular fireplaces providing seating for a minimum of 100 people. The public deck will be open and available to general members of the public at a minimum of all hours the restaurant is open with no purchase necessary from the restaurant, retail shop, or snack bar. Availability of the public deck will be on a first come, first "served" basis, and reservation of any portion of the public deck area is prohibited. **Special Condition 9** memorializes the proposed operation of the public deck.

On the inland side of the public deck, the applicants propose to construct a public restroom, a 136 square foot retail shop, and a 473 square foot snack shop ([Exhibit 2](#)). The public restroom would have two non-gendered ADA-compliant stalls with interior hand washing and baby changing stations available to the public with no purchase required and would be maintained by the applicants. As proposed, the retail shop would sell sundries, including more affordable items, and would operate by the applicants. The snack shop/cafe would offer to-go style food and beverages, which typically provides for lower cost options, would serve beach goers and other visitors alike and would be operated by the applicants. Coastal Act Section 30213 requires that lower cost visitor and recreational facilities be protected, encouraged, and, where feasible, provided. To ensure the public amenities proposed herein are constructed and maintained throughout the life of the development, **Special Condition 19** requires the permittees to submit as-built plans within 30 days of the receipt of the Certificate of Occupancy and **Special Condition 9** requires the permittees to maintain the proposed public amenities, including the prohibition of reservations for the public deck, provision of low cost food

options and hours of operation, for the life of the development and prohibits any restaurant table service of any kind to occur within the public deck area.

Public Parking Area

Coastal Act Section 30252 states that new development should maintain and enhance public access to the coast including by facilitating the provision or extension of transit service, providing non-automobile circulation within the development, and providing adequate parking facilities or providing substitute means of serving the development with public transportation. Section 30253(d) requires new development to minimize energy consumption and vehicle miles traveled. The proposed development offers the potential to reduce energy consumption and vehicle miles traveled while enhancing public access by providing additional means and opportunities for members of the public to access the shoreline in this locations with the addition of a new bus stop within the beach parking lot, which allows for the extension of service of Metro and Big Blue Bus Lines public transit service into the site and closer to the beach and proposed amenities. The parking lot configuration includes a new bus loop and bus stop that drops riders off and picks them up at the Public Trail and beach access point ([Exhibit 2](#)). The loop also ties into a new rideshare (and valet) drop off point. As proposed, there would also be eight new bicycle parking spaces, encouraging additional non-automobile circulation.

The proposed bus loop bisects the parking lot, creating a separation between the western self-park only lot and the eastern shared valet and self-park lot ([Exhibit 2](#)). The driving of personal vehicles will be allowed in the bus loop. To ensure drivers are aware that they are not required to valet their vehicles and to provide safe access and driving direction within the parking lot, **Special Conditions 8 and 9** are imposed to require a sign plan to ensure the public is aware of their right to self-park in either lot, how to get to those lots, and that they are not required to valet their car if they do not want to unless all the self-parking spaces are full; at which point, they do not have to pay additional fees to have their car parked by the valet.

Many visitors to the beach come from inland areas and public transit is not always an option, especially if they're coming from an area that is not well-served by public transit and/or is several freeway hours away. There are several other personal reasons people may chose to drive a personal vehicle to the beach rather than take public transit, including, but not limited to, time constraints that may not align with bus schedules, they may require beach supplies that are not practical to bring on a bus, they may have disabilities that make taking public transit difficult, and many other reasons. The existing state beach parking lot contains 212 individual (non-tandem) parking spaces that are shared between the valet service and individuals who prefer to self-park. The subject property including the parking lot site is owned by State Parks, leased to the City of Los Angeles, and maintained and operated by the County through a Joint Powers Agreement (JPA) between the City and the County, and the County approved an option to enter into a concession agreement with PCH Beach Associates, LLC, for

development, operation and private management of the restaurant, parking lot, and related facilities.

It is not typical for a public beach parking lot on public property to be managed by a private for-profit company. Article 2 of Chapter 3 of the Coastal Act places public access to the shoreline as the highest priority use within the coastal zone, especially for development located between the first public road and the sea and within 300 feet of the mean high tide line, where the project site is located. The Coastal Act mandates that public access to the shoreline be protected for all the people consistent with public safety needs and the need to protect public rights and the rights private property owners. Furthermore, the Coastal Act requires new development to provide public access from the nearest roadway to the shoreline and along the coast, except where it is inconsistent with public safety, military security, or for the protection of fragile coastal resources, such as wetlands. The applicants have not provided any information related to or asserted any public safety concerns with regard the public parking lot, and it does not appear that such exist. Additionally, the land on which the parking lot and all the proposed development sit is public land with no identified military security concerns of fragile coastal resources that would benefit from private management of the public parking lot; thus, there are no public safety concerns to consider, private property rights that exist, military security concerns to consider, or fragile coastal resources that would be at risk if the parking lot were managed by the County rather than a private company. However, in this case, the County, who manages the parking lot pursuant to the JPA, is also an applicant and agreed to the terms of the private management of the public beach parking lot through the option to enter into a concession agreement that was approved by the California Department of State Parks (also an applicant) and the County Board of Supervisors.

Furthermore, the proposed development includes reconfiguring the parking lot into a 148-space lot including 74 tandem spaces that would be used by valet plus 23 valet stacking spaces for a total of 171 parking spaces. Valet services would be available to the general public, restaurant patrons, and beach goers alike. The reduction in 41 public beach parking spaces in this location is significant. However, the proposed bus stop, Coastal Trail segment, rideshare loop, and bicycle parking spaces will provide additional opportunities, especially for non-drivers, to reach this part of the coast, and the loss of spaces is necessary to accommodate the bus loop and bus stop in this location. Because the parking lot will be available to any member of the public on a first-come, first-served basis, employees of the development who drive to work will be able to park there. To help mitigate for the loss of 41 public parking spaces and due to the establishment of a new Big Blue Bus and Metro bus stop in the parking lot, **Special Conditions 8** requires the permittees submit a Transportation Demand Management Plan that provides or covers the full cost of a monthly transit pass to and from work to employees who take public transit to and from work at least 50% of their work days.

Thus, to ensure the proposed private operation of the public parking lot is carried out in a manner that is consistent with the public access and recreation policies of Chapter 3 of the Coastal Act and to ensure any adverse impacts to public access to the shoreline in this location are identified and addresses due to the reduction in parking spaces available to the public to use in the public parking lot, **Special Condition 8** requires the permittees to submit annual monitoring reports for the first five years from receipt of the Certificate of Occupancy for the restaurant. During that time, the permittees will be required to monitor the Parking Management Program and provide annual reports to the Executive Director related to the actual operation of the Parking Management Program and any unforeseen impacts to public access to the shoreline. Within the five-year period, if any adverse impacts related to the Parking Management Program are identified, the permittees are required to provide potential solutions to address those impacts. Based on the information provided in the reports and any potential solutions presented, the Executive Director may require an amendment to this coastal development permit. At that time, the monitoring reports and any other available information will be used to inform the continuation of the Parking Management Program and implement any necessary changes that may be necessary to ensure public access to the shoreline and the subject parking lot is not infringed upon. If no amendment application is received or approved by the Commission, the County will assume management of the parking lot pursuant to the JPA between the County and the City.

Special Condition 8 also requires the applicants to identify valet and ride share drop off locations, pay stations, and bicycle parking areas; prohibits any reservations of any part of the parking lot at all times and makes clear that the parking lot is available to any member of the public on a first-come, first-serve basis only; prohibits any valet parking in the western lot; and requires any valet service to use tandem stalls before using any self-park stalls to meet the valet demand, thereby reserving self-park stalls for those who do not wish to use valet to the maximum extent feasible. If self-park stalls fill up and only valet is available, valet service shall be offered to those who wish to park in the lot on a first-come, first-served basis at no additional charge, i.e., they will be required to pay the self-park fee only. **Special Condition 8** also requires the applicants to provide operational details related to the parking program, limits the maximum daily rates that may be charged per vehicle to park in the lot to no more than \$13.00 on weekdays and \$15.00 on weekends total and requires an hourly fee schedule to be implemented and available to the public so that someone who wishes to enjoy the beach for only a hour or two is not paying the full maximum daily rate, requires the restaurant's website and valet kiosk to clearly state the parking rates so the public is aware of the rates they would be expected to pay for parking in the lot, and requires that beachgoers who park in the lot not be charged a higher rate to park than restaurant patrons.

As stated throughout this report, the parking lot (and all development proposed herein) is located on public land held by State Parks as part of Will Rogers State Beach. Sections 30210, 30211 and 30212 of the Coastal Act require maximum public access

and recreational opportunities to the coast be provided and that development shall not interfere with the public's ability to access the shoreline. As defined by Section 30106 of the Coastal Act, development includes a change of intensity of use of a site, including the number of parking spaces available in a public beach parking and access thereto. Thus, to ensure there is a public benefit for the private management of public resources, such as the private management of the public beach parking lot that sits on public land, **Special Condition 8** requires the permittees to submit annual revenue reports that detail the gross amount of parking fees collected by the private operator and to itemize the expenses. It further requires that all revenue from parking fees collected that is transferred to the County be use for public access and recreational improvements through County-operated areas within the coastal zone. Thus, as conditioned, the private operation of the public parking lot can be found consistent with Sections 30210, 30211 and 30212 of the Coastal Act.

Access during Construction

Section 30210 of the Coastal Act requires maximum public access to the shoreline, and Sections 30211 and 30212 prohibits development, including construction activities, to interfere with the public's right to access the sea. As described in Section IV.A above, construction for the proposed development is expected to take a minimum of 613 calendar days. A portion of the existing downcoast parking lot will be available to the public use to park their vehicles during construction activities except for about three months during the very end of the construction schedule. The existing public parking lot on the upcoast lot that is not a part of this project will remain open and available to the public throughout all construction activities, and it is expected that over the minimum 613 construction-day-period, people will continue to access the beach in this location.

Construction of the proposed restaurant will require the use of a large crane for approximately 300 days. When in use, the crane will be located on the sand seaward of the proposed restaurant site and, for safety reasons, will need an approximately 50-foot buffer. The crane will not be used on weekends or holidays and will be removed from the beach and stored in a temporary staging area within a portion of the subject parking lot each night at the end of the workday. The applicants don't anticipate the presence of the crane on the beach to have any impacts to public access seaward of the site, and the beach seaward of the site will remain open and accessible to the public during crane operations, stating that there will be "few (if any) times when the public will not be able to utilize the beach" seaward of the crane and project site. At this time, the applicants are not able to provide any additional information related to when members of the public would not be allowed to use the beach or for what reasons. The applicants have also not provided information about how members of the public would be asked to leave the beach if necessary for construction activities or what other safety precautions (e.g. flaggers) will be in place to protect members of the public using the beach during construction activities. Thus, **Special Condition 7** requires the applicants to submit a

public access management plan that identifies the following: any and all times during constructions and for what reason(s) members of the public will not be allowed to use the beach, or portions thereof seaward, upcoast, or downcoast of the project site; if members of the public are asked to leave any portion of the beach during construction activities, how they will be approached and asked to leave and to where they will be directed; any and all safety precautions that will be in place to protect members of the public during construction activities; and any and all details related to how members of the public will be able to pass and repass seaward of the site during all construction activities. Additionally, to ensure construction activities take up the minimum amount of public space to ensure maximum public access, **Special Condition 7** also requires the applicants to provide a plan identifying all construction areas, construction staging areas, and construction corridors. These plans must be submitted to the Executive Director for review and prior approval.

Conclusion

As proposed and conditioned, the development is consistent Sections 30210, 30211, 30212, 30212.5, 30213, 30220, 30221, and 30252 of the Coastal Act.

C. Development, Coastal Hazards, and Sea Level Rise

Section 30250(a) of the Coastal Act states, in pertinent part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 of the Coastal Act states:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- (d) Minimize energy consumption and vehicle miles traveled.
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30270 of the Coastal Act states:

The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

Development

Section 30250(a) of the Coastal Act requires new development be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The proposed development is located on a developed site between Pacific Coast Highway and the sandy beach. While the project site abuts the sandy beach and ocean beyond, it is within a highly developed portion of the Pacific Palisades segment of the City. The site is proposed to be redeveloped with essentially the same uses that currently exist but will add additional public benefits described in Section IV. B above, such as a new Metro and Big Blue Bus stop and improvements to the Coastal Trail. As described in Section IV. A of the staff report, the proposed project is an allowable use on the site.

Section 30251 of the Coastal Act requires the scenic and visual qualities of coastal areas to be protected and for new development to be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The downcoast lot is currently developed with a public beach parking lot, which is proposed to be reconstructed and improved, and additional public amenities are proposed, including improvements to the Coastal Trail and the addition of a Big Blue Bus and Metro stop. The development proposed for that site will be consistent with the uses already existing at the site (albeit the uses will be enhanced) and, as such, will be consistent with the character of the area. The proposed development will not result in any significant or adverse changes to visual quality of the area and will not result in any public view impacts to or along the coast. While there are no deepened foundation features proposed for the downcoast parcel, the parcel is proposed to undergo extensive grading up to three feet deep for site preparation and drainage (site drainage will be discussed in a following section). Most of the proposed grading for the project (510 cubic yards of cut and 1,260 cubic yards of fill for a net total of 750 cubic yards of imported fill) will take place on the downcoast lot ([Exhibit 6](#)) to improve the parking lot and incorporate water quality upgrades. The excavated materials on the downcoast lot will be replaced on site as compacted/engineered fill. Temporary excavations near the property lines will be sloped at a 1.5:1 inclination so as to not undermine adjacent offsite improvements. Post grading activities, the previously existing grade would be reestablished. Thus, any landform alteration would be minimized.

As described throughout this report, the upcoast lot is currently developed with the existing restaurant and public deck and is proposed to be redeveloped with a new restaurant and public deck. As such, with regard to community character, the proposed development will not change any of the existing uses or access thereto of the site. However, with regard to visual resources, the proposed development on the upcoast parcel has the potential to impact public views to and along the coast. Thus, the applicants provided a visual analysis of the existing and proposed development on the upcoast lot. The analysis demonstrates that, while the proposed structure would be taller than the existing structure, except for the height increase, much of the proposed structure would be sited within the existing building envelope. The analysis further shows that the resulting development would enhance blue water views from northbound and southbound vantage points along PCH, as well as looking south from the intersection of PCH and Sunset by eliminating some of the existing horizontal massing of development at the site ([Exhibit 5](#)).

As described and discussed in further detail below, the development proposed on the upcoast lot will be supported on a pile foundation. Portions of the foundation will be located above grade and below grade portions may become exposed in the future due to hazards (discussed below). Thus, to protect the scenic and visual qualities of the area as required by Section 30251 of the Coastal Act, **Special Condition 4** requires the applicants to submit a plan to treat the exposed portions of the foundation so they are visually compatible with the surrounding environment.

With regard to landform alteration on the upcoast parcels, the proposed restaurant and public deck are proposed to be built atop a caisson grade beam foundation. No grading

is proposed to support the new restaurant structure. However, as seen in [Exhibit 6](#), some grading/excavation is proposed for the upcoast parcel to accommodate an infiltration basin and access paths along the inland side of the lot adjacent to Pacific Coast Highway. That grading is for site preparation any excavated materials would be reused on site. No import or export of fill in that location is proposed at this time or approved by this coastal development permit. The caisson foundation is designed to address coastal flooding and seismic hazards at the site (discussed in detail in the following section) and is not designed or intended to act as a shoreline protective device that would alter natural landforms. Furthermore, both parcels have already undergone significant landform alteration with the construction of Pacific Coast Highway, the parking lot, the existing restaurant, and the existing rock revetments seaward of the site. The proposed project across both parcels is not anticipated to result in any significant further landform alteration. However, removal of the revetment seaward of the restaurant will allow for more natural erosion and landform patterns

Sections 30253 (c) and (d) of the Coastal Act require new development to be consistent with requirements imposed by an air pollution control district or the State Air Resources Board and to minimize energy consumption and vehicle miles traveled. As discussed in Section IV. B. above, the project proposes to establish a new Metro and Big Blue Bus stop at the project site. The site is located in a popular area of the City that is serviced by the I-10 Freeway, Sunset Boulevard, and Pacific Coast Highway. Establishing a new bus stop that will be serviced by two public transportation entities will provide additional opportunities for increased public transportation ridership thereby encouraging the minimization of energy consumption, reduction of air pollution and vehicle miles traveled. Additionally, the establishment of a bus stop in the parking lot adjacent to the restaurant provides employees with the option of taking public transportation directly to work. Thus, to help minimize energy consumption and vehicles miles traveled required by Section 30253 (c) and (d) **Special Condition 8** requires the permittees to provide a Transportation Demand Management Plan that provides 100% reimbursement of public transit costs to and from work for employees to take public transit to and from work.

Coastal Hazards

Parts (a) and (b) of section 30253 of the Coastal Act require new development to minimize risks to life and property in areas of high geologic, flood, and fire hazards and to assure structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Section 30270 of the Coastal Act requires the Commission to consider the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

The project site is nestled between Pacific Coast Highway and a narrow sandy beach. The entire project site (from the upcoast end of the restaurant to the down coast end of

the parking lot) is fronted by an approximately 900-foot-long rock revetment. A groin constructed prior to the Coastal Act extends from the meeting place between the existing parking lot and existing restaurant into the ocean. The applicants submitted several technical reports for the project including a wave runup and coastal hazard report as well as a preliminary geotechnical investigation, both prepared by GeoSoils, Inc. in 2023.² The reports examined potential coastal hazards and informed the proposed design and foundation for the restaurant building, coastal trail, and decks. According to the geotechnical report, the site is underlain with undocumented fill approximately 11 feet to 15 feet deep; Quaternary beach deposits underlie the undocumented fill and reach a depth of 20 feet to 26 feet; Tertiary Topanga are found at depths of 21 feet to 26 feet below grade; and ground water was found to be present at the site at a depth of approximately 17 feet to 18 feet. The geotechnical report found the nearest faults (Malibu Coast fault and Santa Monica fault) are approximately 0.67 mi. south-southeast of the site. Shaking directly attributed to those faults is considered low, while regional seismicity is expected to be light to strong.

To address the geological and seismic issues identified in the Preliminary Geotechnical Investigation report for the proposed restaurant and public deck, as recommended by the applicants' geotechnical engineer, the development would be supported by piers that extend through the liquefiable beach deposits and at least five feet into non-liquefiable bedrock, which was found to be the minimum necessary to provide vertical support for the proposed restaurant, public deck, and Coastal Trail to adequately meet building and safety standards. The Commission's technical staff reviewed the geotechnical Investigation Report and accept the proposed pier supported foundation as an appropriate concept for mitigation of liquefaction hazards. Thus, **Special Condition 2** requires the applicants to carry out the development in conformance with the geotechnical recommendations. To ensure structural integrity of the new development, **Special Condition 1** requires submittal of final plans approved by the Los Angeles County Department of Building and Safety for all of the proposed development on both lots prior to issuance of the coastal development permit described herein. To ensure development is carried out consistent with the approved final plans, **Special Condition 19** requires the permittees to submit as-built plans within 30 days of completion of construction.

The site is mapped within the limits of the California Geological Survey Tsunami Hazard Area used for evacuation planning. The project has not been explicitly designed for tsunami loads; instead hazards are proposed to be minimized by focusing on evacuation, which is consistent with how tsunami risk has been managed for non-essential commercial structures statewide. The County of Los Angeles has clearly marked tsunami evacuation routes for the entire Santa Monica Bay area, and the

² "Revised Wave Runup & Coastal Hazard Report for 17300 Pacific Coast Highway, Pacific Palisades, Los Angeles County, CA." by GeoSoils Inc. dated March 8, 2023

"Preliminary Geotechnical Investigation, 17300 Pacific Coast Highway, Pacific Palisades, Los Angeles County, California 90272" by GeoSoils, Inc. dated June 7, 2023

applicants have proposed including tsunami evacuation zone signage on the site, however, such a plan has not yet been provided. Thus, **Special Condition 9** requires the applicants to submit a final signage plan to ensure such signs are placed throughout the project site.

The Commission's Coastal Engineer, Jeremy Smith, P.E., has reviewed the foundation plans and geotechnical report submitted by the applicants' consultants and asserts that the pile caps and mats should be designed to not rely on the sediment below them as it will be potentially eroded when exposed to wave action. Since the entirety of the restaurant development, including the public deck and Coastal Trail will be reliant on the proposed pile foundation, and **Special Condition 17** prohibits future shoreline protective devices to protect development, including the restaurant, decks, and accessory development, that would be authorized by this CDP, **Special Condition 1** requires that revised final plans demonstrate that the pile caps and mat footings do not rely on the sediment underlying the structure, which could erode with future wave action.

The caissons are proposed to be covered by a non-structural stainless steel flat panel skirting that descends to beach grade. The skirting does not have a structural component and would not act as a shoreline protective device but should be designed to allow water to flow underneath the building. Therefore, **Special Condition 1** ensures that the final plans clearly depict the decorative details located below the Coastal Trail and pile caps on the seaward side of the building be designed as a permeable barrier such to not impede water flow beneath the structure or erosion through coastal processes. To ensure development is carried out consistent with the approved final plans, **Special Condition 19** requires the permittees to submit as-built plans within 30 days of completion of construction.

Regarding fire hazards, in January 2025, the Pacific Palisades area of the City of Los Angeles, where the proposed project is located, suffered significant fire damage. According to CalFire,³ 23,448 acres burned, 6,837 structures were destroyed, 973 additional structures were damaged, and 12 people died as a result of the January 2025 fire, in Pacific Palisades and Malibu. The restaurant that currently exists on the site, Gladstones, suffered minor fire damage and had to shutdown for a few months until repairs were made and the restaurant could reopen to the public,⁴ and City of Los Angeles planning tool available to the public, the project site is in a Very High Fire Hazard area. To address fire hazards, the applicants propose "Class A" roofing materials that offer protection from fire, construction methods that will prevent the intrusion of flames and embers, non-combustible/ignition resistant exterior wall assemblies, tempered glazing, non-combustible deck materials, fire sprinklers, and the

³ <https://www.fire.ca.gov/incidents/2025/1/7/palisades-fire>

⁴ <https://zimas.lacity.org/>

inclusion of a fire access road that will use the main vehicle entrance and valet loop that will provide access for fire safety vehicles to the public deck area of the project site.

Sea Level Rise

In California, sea level rise will result in increased flooding, erosion, and storm impacts to coastal areas. Sea level rise may also lead to groundwater rise, which may result in earlier, more severe, or longer-term hazards, especially for buried infrastructure and areas with shallow water tables and adjacent to streams/creeks, such as the subject property. Sea level rise is expected to exacerbate existing coastal hazards by raising mean water levels, extending flood zones inland, and increasing the potential for marine erosion of bluffs and cliffs along the shoreline.

While we can extrapolate sea level rise into the future, it is very difficult to predict exactly. Currently, the best available science on sea level rise projections in California is provided in the State of California Sea-Level Rise Guidance Update (OPC 2024) and is reflected in the 2024 Update to the Coastal Commission Sea Level Rise Policy Guidance (CCC 2024). These documents present five sea level rise scenarios (“low” to “high”) for fourteen locations (tide gauges) along the California coast and provide recommendations for which projections to use in various planning contexts based on level of risk aversion and project type. Medium-high risk aversion applications, such as those projects with greater consequences and/or a lower capacity to adapt, like residential and commercial development, including the proposed project, should assume a 75-year design life and analyze the “Intermediate-High Scenario.”

The proposed project is located closest to the Santa Monica Tidal Gauge, which the updated guidance estimates approximately 2.9 to 4.6 feet of predicted sea level rise by the year 2100 under the Intermediate to Intermediate-High scenarios (with upwards of 6.5 feet under the High Scenario). The range of sea level rise projections for this site should also be analyzed in combination with a 100-year storm scenario in order to assess the upper-end potential inundation, shoreline retreat, and beach loss. The analysis uses design storm conditions typical of the winters of January 18-19, 1988 and 1982-83 and 1998 type storm waves and beach conditions.

The applicants submitted a coastal hazards report.⁵ According to the report, the project site is located within the Santa Monica littoral cell which extends from Point Dume to Palos Verdes and is considered by The U.S. Army Corps of Engineers as a slow accretion area with episodic erosion events that can reduce the beach width by approximately five feet. The majority of the site is in the FEMA X Zone (area outside of 100-year flood) with a small portion of the restaurant site in the FEMA VE Zone (area subject to flooding from 100-year flood conditions with wave hazards) with a base flood elevation (BFE) of +17 feet NAVD88. The report uses general estimates from a 1994

⁵ “Revised Wave Runup & Coastal Hazard Report for 17300 Pacific Coast Highway, Pacific Palisades, Los Angeles County, CA.” by GeoSoils Inc. dated March 8, 2023

US Army Corps of Engineers study which characterized this reach of shoreline containing the project site (Reach 11) as “slow accretion.”

The narrow sandy beaches along this reach experience seasonal erosion and accretion and are subject to episodic extreme oceanographic conditions with resulting short-term significant erosion. Just to the southeast of the restaurant site is a groin that helps maintain beach width in front of the restaurant. There is no ongoing beach nourishment program at the site. According to the applicants’ report, the nearby beach can erode up to 5.6 feet in one year but has a long-term trend of accretion; the report further acknowledges that future coastal erosion as a result of sea level rise or from large storms could impact the areas underneath the proposed restaurant, with CoSMoS-COAST estimating future mean high water reaching the proposed restaurant deck with 4.9 feet of sea level rise.

Regarding the downcoast parcel, an approximately 900-foot-long rock revetment constructed prior to the passage of the Coastal Act is currently sited seaward of the existing parking lot. Development proposed for this parcel is described in detail in Section IV.A above. Staff’s current understanding of the site is that the parking lot was constructed on fill prior to the passage of the Coastal Act, which suggests that it could be vulnerable to erosion absent the existing armoring.

The applicants’ coastal hazards report acknowledges the Commission’s presumed 75-year design life for commercial development but states their own estimated design life of commercial structures, such as the beach fronting restaurant, parking lot, and Coastal Trail is more likely to be 50 years or less. Thus, the scenario the applicants used to analyze the potential effects of sea level rise on the proposed development is not consistent with the Commission’s guidance and uses a range of 1.25 feet to 3.5 feet rise in sea level over the applicants’ presumed 50-year design life of the development. The applicants also provide an additional analysis of the impacts of a 6.3-foot rise in sea level. According to the applicant’s report, the highest recorded historical still water elevation on record in the vicinity of the site is 8.3 feet NAVD88. Adding 3.5 feet and 6.3 feet to 8.3 feet NAVD88 elevation, the future design maximum still water levels at the project site are 11.8 feet NAVD88 for a 3.5 feet sea level rise and 14.6 feet NAVD88 for a 6.3 feet sea level rise. The proposed development would be largely elevated above these extreme still water levels, but the main flooding hazard at the site comes from waves, which can break and “run up” the beach reaching much higher elevations.

GeoSoils, Inc. future potential maximum wave runup and wave breaking under 100-year wave and water level conditions with sea level rise. The maximum wave runup for the 3.5-foot sea level rise scenario is +18.2 feet NAVD88 (11.8 feet NAVD88 + 6.4 feet runup). The maximum wave runup for the 6.3-foot sea level rise scenario is +21.9 feet NAVD88 (14.6 feet NAVD88 + 7.3 feet of runup). In a scenario where the beach sand fronting the site was severely eroded (as a result of scour) large waves could then break underneath the elevated structure. GeoSoils, Inc. estimated the potential elevation of a breaking wave crest to be approximately 21 feet NAVD88. The finished floor elevation for the proposed project is +23 feet NAVD88. The report the anticipated wave runup for both scenarios would not reach or overtop the finished floor elevation of the proposed

project or Pacific Coast Highway if waves were allowed to flow through/under the restaurant site and thus concludes, the proposed development will be reasonably safe from anticipated wave overtopping hazards and flooding.

The applicants' original proposal included a caisson-supported ramp that extended from the Coastal Trail to the beach. That feature would take up beach area, be a potential obstruction to waves flowing underneath the site, would not be safe from anticipated sea level rise or wave run up and could cause public safety issues if it were to start to break apart from such wave attack or flooding. Thus, **Special Condition 1** requires the applicants to submit revised final plans to formalize the applicants' proposed design change to remove that feature from the project.

As mentioned, caissons are necessary to provide vertical support for the proposed development and have been found to be the minimum necessary to meet building and safety needs. Nevertheless, the project site is located in a hazardous area and the development, or portions thereof, may need to be removed in the future if it becomes damaged beyond repair, unsafe or ordered by a government agency. Thus, **Special Condition 18** requires the permittees to remove all or portions of the development approved by this coastal development permit if ordered to do so by a government agency; and **Special Condition 1**, requires the applicants to demonstrate that the caisson-and-grade beam foundation is designed to facilitate removal and/or relocation of the structure future, and, to the extent feasible, the removal of the foundation system itself. Further, due to the hazardous nature of the location of the development and the inability to make exact predictions related to sea level rise, erosion, and flooding, **Special Condition 20** requires the permittees to agree that any future activity, including but not limited to, repair, maintenance, enhancement, or reinforcement of the approved development, shall not result in any encroachments further seaward of the approved footprint of the development. To ensure this can be implemented accordingly, **Special Condition 19** requires the permittees to submit as-built plans to verify the development has been carried out pursuant with the final approved plans

Prior to removal of the structure, the subsurface portions of the caisson foundation may become exposed due to scour, wave attack, flooding, and erosion. If the pilings become exposed during the life of the structure, then there must be appropriate mitigation for the impacts to shoreline processes and visual resources resulting from their exposure.

Special Condition 1 requires the applicants to submit a Removal Plan prior to issuance of the permit to identify potential measures that would eliminate or minimize the adverse effects of any exposure of the piles or other foundation features on coastal resources.

According to the applicants' consulting engineer, construction of the proposed restaurant on pilings will mitigate any flooding, erosion or wave hazards that could threaten the proposed development. However, the foundation system would be subject to wave attack under extreme oceanographic conditions, as exacerbated by sea level rise. Furthermore, the shoreline is a dynamic environment and, although the proposed development has been designed and conditioned to ensure structural stability relative to

seismic safety standards, wave action, and forecasted sea level rise to the extent feasible, it is not possible to completely preclude the possibility that conditions onsite could change and that the restaurant could be subject to even greater wave action and tidal events in the future than anticipated. Because it is not possible to absolutely ensure that the structure is constructed in a manner adequate to ensure structural stability relative to increased future wave action, sea level rise, and tidal events, the project site may subject to hazards that could conceivably prompt the applicants or future concessionaires to seek shoreline protective devices or measures, which could have impacts on coastal resources that have not been analyzed herein. As such, **Special Condition 17** puts the applicants on notice that the proposed development is not entitled to future shoreline protective devices that may be necessary in the future to protect the site from coastal hazards and sea level rise, including, but not limited to the restaurant and deck areas, and the applicants agree to waive any such rights that may exist under applicable law. **Special Condition 17** prohibits future seaward encroachment of development authorized herein. **Special Condition 14** informs the applicants of the potentially ambulatory nature of their seaward property boundary, and that this boundary may move with sea level rise.

The proposed development may inadvertently encroach into coastal waters, both in the long-term as sea levels rise and as the MHTL migrates inland underneath the development, but also potentially during the construction stage through the use of mechanized equipment on the beach (potentially below the MHTL). **Special Condition 13** is thus required to ensure that the applicants comply with all permit requirements and mitigation measures of the California State Lands Commission, U.S. Army Corps of Engineers, Regional Water Quality Control Board, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife to avoid discharges of dredged or fill materials into open coastal waters and to ensure that the project does not encroach onto public trust land. Any change to the approved project that may be required by the above stated agencies shall be submitted 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.

The subject site, even after completion of the proposed project, would continue to be subject to the high-degree of risk posed by the hazards of beach/oceanfront development in the future. The Coastal Act recognizes that development, even as designed and constructed to incorporate the recommendations of the applicants' consulting engineer, may still involve risk from coastal hazards. When development in areas of identified hazards is proposed, the Commission considers the hazards associated with the project site and the potential cost to the public, in relation to the proposed development. In this case, the Commission finds that the development will likely be subject to hazards such as storm waves, surges, coastal flooding, erosion, tsunamis, many of which may be exacerbated by sea level rise. The risk of harm cannot be entirely eliminated through special conditions or otherwise, and such risk should be borne by those choosing to develop in a hazardous area; thus, the Commission requires

the applicants to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicants' Assumption of Risk, Waiver of Liability and Indemnity, as required by **Special Condition 16**, will ensure that the applicants are aware of and acknowledge the nature of the hazards that exist on the site and that may adversely affect the stability or safety of the development it protects, and will effectuate the necessary assumptions of those risks by the applicants and future successors in interest.

Thus, as conditioned by the Commission, the revised project can be found to be consistent with Sections 30250, 30251, 30253, and 30270 of the Coastal Act and the LUP policies pertaining to new development.

D. Biological Resources and Water Quality

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(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.

The above policies of the Coastal Act require protection of biological resources, including the protection of coastal waters and ecosystems, throughout construction activities and after the project is completed. Direct impacts to coastal species can occur both during construction and in post-construction operation and maintenance. The proposed development is directly adjacent to a sandy beach within an urbanized area of the Pacific Palisades. Sandy beach ecosystems, which are protected as marine resources, support marine birds and macroinvertebrates, including the special-status bird western snowy plover (*Charadrius nivosus nivosus*). While the site is currently developed, there are temporary construction activities proposed on the beach and the proposed development is beach fronting so there is still potential for impacts to marine biological resources to occur.

Biological Resources

While the proposed development is unlikely to degrade existing habitat value at the site as the proposed development is within the same footprint as the existing development, the project could potentially adversely impact marine wildlife and nesting birds during construction and in the future. Existing habitat areas in the project vicinity include a vegetated slope between the upcoast parking lot and the beach dominated by non-native acacia, a handful of palm trees that could serve as nesting habitat, and the sandy beach immediately seaward of the proposed development. As proposed the development would involve work adjacent to the upcoast vegetated slope, removal of existing trees, and construction staging and activities on an approximately 6,000 square foot portion of the beach. Further, project elements including windows, windscreens, lights, and landscaping could affect biological resources if not properly designed.

The vegetation immediately upcoast of the site is composed of mostly non-native acacia and is not considered sensitive habitat. No use or clearance of this area is proposed during or after construction. As such, no impacts to that area are anticipated. However, construction of the proposed development requires removal of palm trees and heavy equipment operation on the beach.

The applicants are proposing to remove 22 palm trees and plant zero trees in association with the new development. While the palms are not sensitive species, they may provide nesting habitat for rare or especially valuable birds that play an important role in the coastal ecosystem. Construction would also require approximately 200 days of mobilization, demobilization, and operation of an on-beach crane. The crane and its ramp have been located as close to the proposed development footprint as possible, and, as proposed, the crane would not be on the beach when anticipated high tide events would preclude crane operation. However, beach wrack (accumulated seaweed

and other loose organic material that collects around the high tide line)—an important nutrient source for beach ecosystems that provides several other beneficial ecosystem functions—has the potential to move into and collect within the proposed construction area. To protect the biological productivity of the area, **Special Condition 7** is imposed prohibiting removal of wrack from the site and requiring wrack deposited within the construction area be relocated seaward of the construction area.

The beach in front of the proposed development is not a known nesting site for sensitive species such as California least terns or western snowy plovers but could be used as foraging or resting habitat. The beach could also be used as a breeding area for the California grunion (*Leuresthes tenuis*), a fish that lays eggs in the sand at highest high tide/wrack line on beaches March through August. The applicants are proposing to avoid construction on the sandy beach during bird breeding and grunion season, which is approximately February through September.

To ensure impacts to nesting and roosting birds are avoided, **Special Condition 10** requires nesting bird surveys to be conducted within 72 hours of commencement of construction during bird nesting season and, if activities are paused for seven or more days, prior to recommencement of construction during bird nesting season. If active nests are found, construction must stop until appropriate nest avoidance and sound mitigation measures are implemented. **Special Condition 10** Nesting bird surveys are also required within 72 hours prior to removal of any trees during nesting season. No removal of active nests are allowed. If nests of coastal wading bird species or other sensitive bird species are found within trees slated for removal, then **Special Condition 10** dictates that those trees must be replaced at a 1:1 ratio with locally native low water use trees, where feasible, of equivalent maturity to minimize impacts (including temporal impacts of new tree growth), as such species tend to return to the same trees or areas to nest.

The proposed architectural features on the structure could facilitate bird nesting. The applicants don't believe that the feature would encourage nesting but state that they would work with their biological consultant to develop a safe nesting deterrent system should nesting occur. **Special Condition 10** the removal of active nests and ensures any future bird deterrence measures not approved in the final plans, be submitted to the Executive Director as a permit amendment.

Special Condition 10 requires the applicants follow a prescribed avian and grunion monitoring and avoidance plan that includes monitoring of expected grunion runs and avian nesting if heavy equipment is used on the beach during nesting and grunion run season. In addition, **Special Condition 13** requires the applicants to obtain any necessary authorizations from the California Department of Fish and Wildlife and the U.S. Wildlife and Fish Service to ensure that the proposed development fully complies with all applicable requirements of the biological resource agencies.

The proposed windows, multi-story reflective surfaces, and glass windscreen along the public trail would likely result in bird strikes without proper bird strike deterrence measures. **Special Condition 10** is imposed to memorialize the applicants' proposal to use bird-safe materials for all reflective/transparent elements of the site and requires these materials be maintained for the life of the development.

Construction and operation lighting has the potential to impact coastal and marine species at and adjacent to the site. To address construction impacts, **Special Condition 7** requires that construction work takes place only during daylight hours and further limits any necessary nighttime lighting in a manner that protects coastal resources. In addition, **Special Condition 6** requires the applicants to submit a lighting plan that would comply with dark-sky requirements and avoid or minimize light spillover onto the beach and adjacent bluff habitat. The applicants are proposing downcast and focused lighting, as well as automatically timed reduced lighting in the evening hours to the minimum necessary for public safety, to minimize light that would affect birds above and beach and marine wildlife below the proposed development. **Special Condition 6** further specifies and memorializes the applicants' intention.

Regarding landscaping onsite, the applicants are proposing approximately 9,000 square feet of landscaped area composed of gravel and drought tolerant plants. As proposed, there are two landscape designs proposed, a "coastal edge" plant palette and a "rock garden" plant palette. It is important that landscaping at sites like this that are immediately adjacent to the beach and water bodies reflect the native plant communities in the area. Otherwise, non-native and invasive plants could spread easily, including by wind and water, to the beach and adjacent native habitat areas and disrupt their ecological function. In this case, only some of the proposed plant species are native to Southern California. Thus, **Special Condition 5** is imposed to require that the "coastal edge" plant palette only use plants native to coastal Los Angeles County, and that the "rock garden" palette does not use non-native invasive species.

In conclusion, as proposed and conditioned, to avoid or minimize and mitigate impacts to beach habitat, coastal birds, grunion, and other marine and coastal wildlife, the development is consistent with the biological resource protection policies of the Coastal Act.

Water Quality

Sections 30230 and 30231 of the Coastal Act require protection of marine resources for both terrestrial and marine development. Section 30240(b) requires that development in areas adjacent to environmentally sensitive habitat areas, parks, and recreation areas be sited and designed to prevent adverse impacts thereon. Much of the pollutants currently entering the ocean originate from land-based development. The project's proximity to the beachfront renders it especially important for the applicants to incorporate measures to minimize the production of polluted runoff and plastic debris,

as these could otherwise be directly introduced to open coastal waters and public recreation areas.

Construction Impacts to Water Quality

Section 30232 requires protecting the coast by controlling runoff and preventing hazardous substance spills. Construction-related water quality impacts are most likely from three sources: (1) erosion and runoff, (2) use of a temporary stage, crane, and other machinery on the beach, and (3) installation of concrete foundations, which may require a dewatering plan to prevent concrete leachate from entering groundwater, as noted in the geotechnical report.

Regarding potential dewatering, borings found groundwater at 18 feet below the ground surface. Since the foundation piles would reach that depth, the applicants' analysis states that dewatering may be required during concrete placement if significant seepage or groundwater is encountered during construction. Improper treatment and disposal of water during the dewatering process could have adverse impacts on coastal resources. Therefore, a final dewatering plan should be prepared in advance of the intended construction to ensure proper handling of water encountered during construction and throughout the concrete curing phase. **Special Condition 7** requires a final dewatering plan prior to issuance of a coastal development permit that prohibits dewatering discharge on the beach, requires a CDP amendment for any temporary or permanent dewatering infrastructure on the beach, ensures that waters contacting uncured cement are either avoided or properly collected, removed, and treated before discharge to protect groundwater quality, and requires regular monitoring and adjustments to maintain compliance throughout the cementing and curing processes. In addition, the applicants must provide evidence that the appropriate permits have been obtained from the corresponding agencies. Any dewatering during construction must be completed in accordance with the requirements of the Regional Water Quality Control Board and the final approved dewatering plan.

As it relates to construction activities on the beach, a construction crane is proposed to be used on the beach for approximately 200 days during the construction of the restaurant building. The contractor requires approximately 50 feet of beach width to safely operate the crane. Use of the crane requires the construction of a temporary crane pathway that consists of crushed stone, crane mats, and timber mats in lieu of any temporary or permanent foundation systems for the path. The applicants propose several beach crane BMPs to safely operate the crane on the beach. For example, the crane would access the beach via a pathway constructed in layers, first by placing a geotextile fabric and crane mats beneath #57 stone aggregate to contain the material, which will allow the pathway to be deconstructed without excavating beach sand. A timber mat would sit on top of this and serve as the surface of the crane pathway. The timber crane mats would be made of raw Douglas Fir wood and would not be chemically treated, minimizing potential water quality impacts. Waddles and crane mats would be used to compress the stone, keep the crane pathway in place, and avoid any potential

erosion of the beach. The crane would be parked within the east parking lot construction staging area when not in use and at the end of each construction day.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can inhibit light penetration and reduce habitat quality and foraging success for avian and marine species. In addition, the use or storage of machinery on or adjacent to the beach, especially where susceptible to wave runoff, can release harmful fluids into the marine environment. Given that the crane and associated temporary development would be located on the beach that is subject to daily tidal fluctuations as well as seasonal shoreline change and storms, it is important to ensure these tools and materials are appropriately maintained and not subject to coastal hazards that would adversely impact water quality.

The applicants state that the crane would only be used when it is safe to do so (i.e. not during a storm event) with very few high tide events anticipated to prevent crane operation. The applicants propose to monitor beach width, predicted tide elevation and actual wave runoff, and anticipated large wave events to inform when it would be safe to use the crane. As proposed, the crane would be used during 'standard high tide,' not King Tide events to minimize potential wave uprush into the construction area. To ensure beach crane operation is conducted in accordance with the applicants' proposal and in a way that minimizes potential impacts to water quality, the Commission imposes **Special Condition 7**, which requires the timber crane mats be constructed using raw Douglas Fir wood only with no chemical treatments, the use of non-plastic straw waddles, the use of geotextile fabric under the #57 rock to minimize intermixing of sand and crushed stone, removal of the crane from the beach at the end of each workday, and storage in a safe location away from wave action.

The applicants propose to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) and implement specific construction Best Management Practices (BMPs), as described in the PCH Beach Associates LLC letter dated April 4, 2025 (**Appendix A**), which outline several BMPs included in the California Stormwater Quality Association Handbook, and the applicants' September 18, 2025, submittal. These include measures designed to minimize the release of vehicular or other contaminants to coastal waters during maintenance events (e.g., silt fencing, street sweeping, off-site cleaning and maintenance of equipment, trash collection and employee education) and compliance with regulatory standards and requirements specified from the State Water Resource Control Board, the Regional Water Quality Board, the U.S. Army Corps of Engineers, and the California Coastal Commission. To ensure these BMPs are implemented and further prevent potential water quality impacts during construction, **Special Condition 7** is imposed. This condition includes requirements for a Construction Pollution Prevention Plan (CPPP) that includes a final

SWPPP and show that all construction activities—including clearing, grading, staging, equipment and material storage, demolition, building, and the creation or replacement of impervious surfaces—will prevent runoff and pollutants from leaving the project site. The CPPP would also need to include the measures outlined in **Special Condition 7** including but not limited to use of temporary erosion and sediment control products (heavy duty plastic netting is prohibited for the purposes of in order to reduce the threat of wildlife entanglement and marine debris), appropriate maintenance of materials, stock piles, and waste, off-site fueling and maintenance of machinery, and removal of all debris resulting from construction activities immediately, if feasible, and no later than the end of the workday each day.

Post-Construction Impacts to Water Quality

Restaurants can be a major source of single-use plastics in the form of plastic to-go containers, plastic utensils, and Styrofoam containers that can, in this case, directly pollute the beach and open waters. To reduce the risk of marine debris, the Commission imposes **Special Condition 11**, which requires the applicants to submit a service plan for recycling, trash, and compost within the project site and a waste reduction plan for Executive Director approval prior to restaurant occupancy. The service plan must include the numbers and locations of waste receptacles, monitoring of usage statistics to ensure adequate facilities are deployed, and provision of sufficient waste receptacles to minimize waste overflow. The waste reduction plan shall include prohibitions on the restaurant, retail, and cafe's provision of single-use food ware (unless specifically requested for take-out orders), plastic straws, plastic bags, and other specified plastic products, as well as monitoring and evaluation framework to ensure marine debris is being avoided to the extent feasible and the Marine Debris Reduction Program is effective.

Regarding runoff resulting from use and operation of the proposed development, at present, all stormwater conveyance is not treated before being piped to the storm drain system. The project, as proposed, would involve minor grading modifications with the majority occurring in the parking lot area. The site is proposed to be graded to drain towards area drains that are connected to piped storm drain systems below grade to avoid ponding with a 10-year storm frequency capacity, per County of Los Angeles requirements. In addition, as proposed, infiltration basins with catch basin filter inserts are located in the parking lot and are designed to accommodate a 24-hour 85th percentile runoff condition. The filters are designed to trap small debris, heavy metals, sediment, and hydrocarbons released from vehicles using the parking lot. To prevent ponding and water quality impacts that arise from standing water, the infiltration area design and existing soil permeability are designed to infiltrate within 72 hours. No alterations to the site sheet flow pattern are anticipated as a result of the project. The run-off on site will flow from west towards east, similar to existing conditions.

Special Condition 3 ensures compliance with these proposed measures and requires the applicants provide, for review and approval of the Executive Director, a Post-

Development Run-Off Control Plan. This plan includes a stormwater drainage plan and kitchen BMPs and requires adherence to the applicants' proposed measures. It also requires impact minimization measures, including but not limited to, measures to develop a Low Impact Development approach to drainage, control of point and non-point contaminant sources, appropriately direct and treat runoff, regularly replace infiltration basin filter inserts, regularly sweep outdoor areas, and prevent spills (including kitchen-related chemical spills) onsite. Finally, **Special Condition 13** requires conformance with other resource agency requirements, including State and Regional Water Quality Control Boards.

Conclusion

The development, as proposed and conditioned, incorporates design features to minimize the impact of construction and post-construction activities on the coastal and marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials and the use of post construction best management practices to minimize the project's adverse impact on coastal waters to maintain the biological productivity and the quality of coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230, 30231, and 30232 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. Archaeological, Paleontological, and Tribal Resources

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The Commission recognizes that the entirety of the State's coastal zone was originally indigenous territory that continues to have cultural significance to Native American tribes. The Commission's Tribal Consultation Policy (adopted on August 8, 2018) recognizes the importance of State efforts to protect Tribal Cultural Resources and improve communication and coordination with tribes, and it sets out a tribal consultation process that is fully consistent with, and complementary to the nature of, the Commission's goals, policies (including Section 30244), and mission statement. Tribal Cultural Resources can be sites, features, cultural landscapes, sacred places, and objects with cultural value and can also qualify as archeological, paleontological, visual, biological, or other resources that the Commission is tasked with protecting pursuant to the Coastal Act.

Test borings at the site indicate undocumented fill likely underlays the majority of the site to a depth of 11-15 feet below existing grade (BEG). Below this layer there are quaternary beach deposits and Tertiary Topanga Canyon Formation at a depth of 20-26

ft. BEG. There is potential for archaeological and tribal cultural resources to exist in the undocumented fill, which could have come from onsite or adjacent areas, and quaternary beach deposits. Paleontological resources could be found in Tertiary Topanga Canyon Formation sediments. Such soils would be disturbed as the parking lot is improved, which is anticipated to involve excavation up to three feet in depth, and the installation of the 164 30-foot-deep 24-inch-diameter piles and associated foundation system to support the restaurant, public deck, public restrooms, snack shack/café, a portion of the California Coastal Trail, and retail shop.

Archaeological, Paleontological, and Tribal Cultural Resources in Project Area

As a part of this application (CDP No. 5-24-1045), the applicants provided a report titled “Archaeological, Paleontological, and Tribal Cultural Resources Assessment Report” dated February 2025, prepared by Langan Engineering and Environmental Services, Inc. The study searched the California Historical Resources Information System (CHRIS), Natural History Museum of Los Angeles County (MNHLA), and Native American Heritage Commission (NAHC) Sacred Land Files (SLF) databases. The results of SLF check are positive, the CHRIS search came up with eight recorded archaeological finds (including three Native American) within a mile of the site, and paleontological resources have been found as close as 0.1 mile from the site within the same sedimentary deposits.

Paleontological Resources

The study found no fossil localities have been documented directly within the proposed site but acknowledges that there is potential for discovery of intact paleontological resources. Thus, **Special Condition 12** is imposed to ensure there is adequate monitoring of ground disturbing activities with measures in place should paleontological resources be discovered.

Archaeological and Tribal Cultural Resources

The study states that the soils on the site have very little to no likelihood of possessing intact archaeological deposits because test borings at the site indicate fill likely underlays the majority of the site, landslide, beach, and river sediments may occur onsite, and sandstone and siltstone with thin lenses of claystone underly the fill. However, Commission staff were made aware of known Tribal Cultural Resources at this site and adjacent areas in past consultations and reached out again in association with the subject project.

Tribal Consultation

In accordance with the Commission’s Tribal Consultation procedures, on May 6, 2025, via email, Commission staff initiated consultation with representatives of tribal entities associated with this area as listed on the California Native American Heritage Commission contact list. Consultation with a representative of the Gabrielino Tongva Indians of California Tribal Council occurred on July 18, 2025 and September 8, 2025. During the discussion, the representative shared the history and sensitivity of the site,

including knowledge of resources, and provided feedback on the proposed conditions of approval outlined by Commission staff.

Tribal Concerns

The tribal representative said that this site is located within an ancestral village and that the site contains at least one known, and very significant, tribal cultural resource deposit and has a high likelihood to contain other sensitive tribal cultural resources that could be impacted by ground disturbance at the site. They explained that past development along this part of Pacific Coast Highway adversely impacted tribal cultural resource deposits in the 1950s. They stated a clear preference for avoidance of or minimal ground disturbance. However, if grading is determined to be necessary, the representative requested that any approved ground disturbance be very carefully monitored by appropriate Native American monitors using the Commission's most protective special condition and that test pits be dug around the locations of any piles (and that work be carefully monitored) before pile driving.

Alternatives

The applicants asserted that the proposed project is designed to minimize grading to the maximum extent feasible. A no-project alternative would avoid grading, but the applicants want to move this project forward to improve the site and the public access opportunities therein. Similarly, since most of the grading is to occur in the parking lot, a project alternative with no improvements to the parking lot would result in the loss of the proposed bus loop. Additionally, a smaller project involving less foundation work and associated grading would, as the applicants have explained in response to questions about project alternatives, not provide sufficient revenue to provide the public access amenities. While these project alternatives would lessen potential impacts to in-ground resource deposits, the proposed development maximizes public access consistent with the Coastal Act, as described in the Public Access section of this report.

Conclusion

To address known and potential Tribal Cultural, archaeological, and paleontological resources **Special Condition 12** is imposed requiring submittal of a monitoring and treatment plan that ensures sufficient and appropriate monitors are onsite to observe any ground disturbing development for review and approval by the Executive Director prior to issuance of the coastal development permit. In addition, as requested by a tribal representative and consistent with past Commission actions in the area, this condition includes a requirement that test pits be dug around each proposed pile to a sufficient depth for the Native American monitor(s) to observe the materials that would be impacted by pile driving before such activities would occur. This is necessary because, otherwise, there is no way to discover or avoid resources that may be located beneath the proposed pile sites. The condition also outlines procedures the applicants must adhere to in the event archaeological resources or human remains are discovered on-site during the course of the project. Therefore, as conditioned, potential impacts to

paleontological, archaeological, and in-ground tribal cultural resources are minimized consistent with Coastal Act section 30244.

F. Local Coastal Program

Coastal Act Section 30604(a) states, in relevant part:

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 subject 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).

The proposed development is within the coastal zone of the City of Los Angeles. Section 30600(b) of the Coastal Act allows a local government to assume permit authority prior to certification of its local coastal program. Under that section, the local government must agree to issue all permits within its jurisdiction. In 1978, the City of Los Angeles chose to issue its own CDPs pursuant to this provision of the Coastal Act. Within the areas specified in Section 30601 of the Coastal Act, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Act requires that any development that receives a local CDP also obtain such a permit from the Coastal Commission. Section 30601 requires a second CDP from the Commission on all lands located (1) between the sea and the first public road, (2) within 300 feet of the inland extent of a beach, or the sea where there is no beach, (3) on tidelands or submerged lands, (4) on lands located within 100 feet of a wetland or stream, or (5) on lands located within 300 feet of the top of the seaward face of a coastal bluff. Outside that area, the local agency's (City of Los Angeles) CDP is the only coastal development permit required. Thus, it is known as the Single Permit Jurisdiction area.

The subject site is located primarily within the Dual Jurisdiction Zone of the City of Los Angeles, with a small portion of the restaurant, a small portion of the parking lot, the trail, and some construction areas in the Coastal Commission's retained jurisdiction. On September 30, 2024, Assembly Bill 178 was enacted, amending Public Resources Code section 5080.18, providing that the subject project only requires the "approval by the County of Los Angeles and a coastal development permit or amendment to a coastal development permit from the California Coastal Commission."

The City of Los Angeles does not have a certified LCP or a certified Land Use Plan for the Pacific Palisades planning subarea where the proposed development is located. The Commission's standard of review for the subject development within the Pacific Palisades area is the Chapter 3 policies of the Coastal Act.

As conditioned, the subject development within the Pacific Palisades area is consistent with Chapter 3 of the Coastal Act. As such, approval of the project, as conditioned by

the Commission, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. California Environmental Quality Act

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of coastal development permit applications to be supported by findings showing the approval, as conditioned, 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 which the activity may have on the environment. The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c)).

In this case, the County of Los Angeles Department of Regional Planning is the lead agency. The County of Los Angeles determined that the proposed project is categorically exempt from CEQA pursuant to CEQA Guidelines, Sections 15302 (Class 2), per Notice of Exemption dated September 28, 2022.

The findings in this staff report, incorporated herein by reference, have analyzed the relevant coastal resources issues raised by the subject proposal. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect, individual or cumulative, that the development may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

Coastal Development Permit and Adopted Staff Report (August 9, 2024) for 5-91-141-A12.

“Preliminary Geotechnical Investigation, 17300 Pacific Coast Highway, Pacific Palisades, Los Angeles County, California 90272” by GeoSoils, Inc. dated June 7, 2023.

“Revised Wave Runup & Coastal Hazard Report for 17300 Pacific Coast Highway, Pacific Palisades, Los Angeles County, CA.” by GeoSoils Inc. dated March 8, 2023.

State of California Sea-Level Rise Guidance Update (OPC 2024).

Update to the Coastal Commission Sea Level Rise Policy Guidance (CCC 2024).

Option to Enter Into Concession Agreement With PCH Beach Associates, LLC and Los Angeles County, Approved by the Los Angeles County Board of Supervisors September 27, 2022.

Joint Powers Agreement Between the City of Los Angeles and the County of Los Angeles Providing for Lifeguard and Maintenance Services to be Rendered by the County on Beaches Within the City, May 20, 1925.

Amendment to County/L.A. City Joint Powers Agreement for the Operation of Certain Beaches Within the City, August 18, 1987.

California Stormwater Quality Association Handbook, and the applicants' September 18, 2025.