CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA 89 SOUTH CALIFORNIA ST., SUITE 200 VENTURA, CA 93001 (805) 641-0142

Filed: 49th Day:

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Staff:

SPF-VNT 43

Staff Report: Hearing Date:

4-12-96 May 7-10, 1996

Commission Action:

D b (VEN.)

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-95-112

APPLICANT: L.A. County Department of Beaches and Harbors AGENT: Dusty Brogan

PROJECT LOCATION: Nicholas Canyon County Beach, Zuma County Beach, Point Dume State Beach, Malibu Surfrider State Beach, and Las Tunas State Beach, in the City of Malibu; Los Angeles County and Topanga State Beach in the County of Los Angeles.

PROJECT DESCRIPTION: The installation of 3 pre-fabricated shelters with benches on cement slabs (Sunshelters) and 7 kiosks. Two sunshelters are proposed at Zuma County Beach and one sunshelter is at Topanga State Beach. There are two kiosks proposed at Zuma Beach and one kiosk at each the other five subject beaches listed above. The project also includes the removal of the sunshelter at Las Tunas Beach, and the relocation of the sunshelter from the sandy beach to an area surrounded by existing paving at Topanga State Beach. The panels of the sunshelters and kiosks will contain both advertising and public service messages.

> Building coverage: Pavement coverage:

Shelter: 112 sq. ft.; kiosk: 9 sq. ft. Approximately 160 sq. ft. for shelter at

Topanga State Beach Site only.

Landscape coverage:

0

Parking spaces: Ht abv fin grade:

Shelter: 10 ft.; kiosk: 8 sq. ft.

LOCAL APPROVALS RECEIVED: California State Parks and Recreation approval for structures on State Beaches.

SUBSTANTIVE FILE DOCUMENTS: Malibu Land Use Plan, Coastal Development Permit Application 5-95-144 (L.A. Co. Dept. of Beaches and Harbors and Ca. State Parks and Recreation)

SUMMARY OF STAFF RECOMMENDATION:

This is a partial after-the-fact application for the installation of 3 sunshelters and 7 kiosks, and the removal of one sunshelter, on County and State beaches in the Malibu area of Los Angeles County. Four sunshelters have been put in place; one of these shelters will be removed (Las Tunas State

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Beach) and one will be relocated (Topanga State Beach). None of the kiosks have been built. The proposed development, with the relocation and removal of two of the sunshelters is consistent with the visual and public access sections of the Coastal Act. Staff recommends that the Commission approve the project with two special conditions requiring the removal and relocation of the two sunshelters in a timely manner, and limiting the location of the kiosk at Las Tunas State Beach to within fifteen feet of the lifeguard station.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local governments having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

- 1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. <u>Compliance</u>. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
- 4. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
- 6. <u>Assignment</u>. 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.

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7. <u>Terms and Conditions Run with the Land</u>. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Removal of Structures

The applicant agrees that, within 90 days of the issuance of the coastal development permit, the sunshelter and cement pad, including any debris from the construction or demolition at Las Tunas Beach shall be removed from the site, and the sunshelter and cement pad, including any debris from the construction or demolition at Topanga State Beach will be relocated to another location at Topanga State Beach as shown in Exhibits 6 and 7B, respectively. Any debris generated from removing the cement pads shall be removed by the applicant. At the end of the 90 days from the date of issuance of the permit, the applicant shall notify the Executive Director of completion of work.

2. Kiosk Location at Las Tunas State Beach

The applicant agrees that the kiosk located at Las Tunas State Beach shall be located within 15 feet of the existing lifeguard station.

IV. <u>Findings and Declarations.</u>

The Commission hereby finds and declares as follows:

A. Project Description and Background

The County of Los Angeles Department of Beaches and Harbors is proposing the installation of three sunshelters and 7 information and advertising kiosks and the removal of one sunshelter. The sunshelters have already been put into place; none of the kiosks have been installed. Specifically, the applicant is proposing a kiosk in the parking lot of Nicholas Canyon County beach; two sunshelters and two information kiosks at Zuma County Beach, which are to be located adjacent to existing buildings on existing cement slabs; one kiosk at Point Dume State Beach on an existing cement slab; one kiosk at Malibu Surfrider County beach in the parking area, but not in an area used for parking; one kiosk and the removal of the sunshelter and cement pad at Las Tunas State Beach; and one sunshelter, which will be relocated, and one kiosk at Topanga State Beach.

The sunshelters will be painted pre-fabricated metal structures consisting of four corner support posts, side and rear panels, and a tile roof (See Exhibit 10). The structures will measure approximately 16 feet long by 7 feet wide and 9 feet high. The side and rear panels are two-sided measuring approximately 4 feet by 6 feet. The side panel will be used for advertising and the rear will be used (in the future) for public service messages on one side and advertising on the other.

The kiosks will be either three-sided or four sided. Each side will measure approximately 4.5 feet across and will be approximately 6 feet in height (See Exhibit 11 and 12). According to the applicant the three sided kiosk will have one public service panel. The four sided kiosk will have two panels reserved for public service messages.

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The applicant further states that 50% of all advertising that is sold on the panels will go to the Department of Beaches and Harbors. This revenue generated by advertising will help support the Department of Beaches and Harbors in providing a safe and clean beach.

The subject sunshelters and kiosks are located within the City of Malibu and an unincorporated portion of Los Angeles County; both these areas are within the jurisdiction of the South Central Coast office of the Commission. The County of Los Angeles is also proposing a number of sunshelter and kiosks within the City of Los Angeles; this area is under the jurisdiction of the South Coast Commission office. The coastal permit request for those structures is being simultaneously reviewed by the Commission in coastal development permit 5-95-144. All development is located on either Los Angeles County or State Beaches. The State parks have been deeded to the County of Los Angeles Department of Beaches and Harbors. Staff from the Commission's office has discussed the proposed developments with State Parks. California State Department of Parks and Recreation is not opposed to the proposed developments and finds the developments consistent with the terms of the grant deeded from California State Parks to the Los Angeles County Department of Beaches and Harbors. Finally, although the County beaches are located within the City of Malibu, for this coastal development permit no local approval is necessary because the City of Malibu has advised the Commission, in writing, that the City is not asserting authority over the proposed development with regard to the Commission's local approval requirements. Commission staff has not therefore, required the applicant to obtain approval's from the City of Malibu.

B. <u>Visual Impacts</u>

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 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. 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.

In the Los Angeles County area the coastline is a visual resource of great variety. Available views include wide flat sandy beaches, rocky beaches, coastal bluffs, the Santa Monica Mountains and the ocean and its horizon.

In some areas, between the first public road and the sea, the scenic viewsheds are unobstructed. In other areas there is intense development between the first public road and the sea. Views to and along the ocean in these areas are generally intermittent as viewed from the first public road or landward of the road. Besides the views offered from the first public road coastal views are also available from areas such as public vistas, such as bluff tops, recreational areas, such as parks, and from the sandy beach itself.

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New development should be unobtrusive and subordinate to its setting and should be sited to protect coastal views. The visual impact of development can be minimized by design or by siting restrictions. Clustering structures near other existing natural and manmade features such as tree masses, hills or bluffs and existing buildings can minimize the the visual impacts.

In order to determine if the proposed structures are consistent with the visual resource protection policies of the Coastal Act the Commission must find that the structures, individually and cumulatively, do not interfere with coastal views to and along the coastline and will not detract from the existing views by visually cluttering the beach.

In the Malibu and Topanga portions of Los Angeles County, the Los Angeles Department of Beaches and Harbors is proposing a total of three sunshelters, the removal of a fourth sunshelter and the installation of 7 information kiosks. There are currently four sunshelters installed: two at Zuma County beach, one at Las Tunas State Beach and one at Topanga State Beach. With the exception of the sunshelter at Topanga State beach, all sunshelters are visible from Pacific Coast Highway. Pacific Coast Highway is a designated scenic highway in the Malibu Land Use Plan.

The two sunshelters proposed at Zuma County Beach are located on existing cement slabs and are adjacent to existing buildings (food concession stands and restrooms). The sunshelters are located adjacent to the parking area which is separated by the beach by a small wall. The sunshelters low profile, and small size in comparison to the existing buildings, and the close proximity to existing development minimize the visual impact of the structure. When viewed from Pacific Coast Highway the sunshelters at this location do not create an adverse visual impact, as such they can be found consistent with Section 30251 of the Coastal Act.

There is a sunshelter at Las Tunas State Beach which the applicant is proposing to remove. The sunshelter, placed on the site without a coastal development permit, is located on a coastal bluff and is not located next to any existing development. The only development on Las Tunas Beach is a lifeguard station which is located in the center of this coastal bluff strip, and portable restrooms which are located at the north end of the property. This sunshelter, is located on the top of the bluff and is not clustered with any other development, is highly visible from Pacific Coast Highway, and blocks an otherwise unobstructed view of the ocean. Because this sunshelter does create adverse visual impacts, the applicant has agreed to remove this sunshelter as part of the project description. To ensure that the applicant removes the unpermitted development in a timely manner, the Commission finds it necessary to require the applicant to remove the sunshelter as noted in special condition 1. The applicant is in agreement with this condition.

The fourth sunshelter is proposed at Topanga State Beach. This sunshelter is proposed on the beach. At Topanga State Beach there is driveway and parking area at the base of the bluff, at the beach level. These developments are visible from the beach, but not from Pacific Coast Highway. The sunshelter is currently located seaward of the parking lot and driveway on a sandy beach area (Exhibit 7B). This location is visible from the beach, access driveway, picnic area, handicapped parking area and access stairway from the parking lot on top of the bluff. As such, the sunshelter in its present location does create an adverse visual impact. In response to staff's concerns regarding

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the visual impact of siting the sunshelter in this location, the applicant applicant has agreed to relocate this sunshelter to a less obtrusive location adjacent to the parking area next to a paved area with storm drains (Exhibit 7B). This relocation is part of the applicant's proposal. To ensure the applicant removes the unpermitted development in a timely manner, the Commission finds it necessary to require the applicant to remove the sunshelter within 90 days of issuance of the the permit as noted in special condition 1. The applicant is in agreement with this condition. Finally, it should be noted that the applicant was proposing a second sunshelter at the top of the bluff. This sunshelter was not built and due to the adverse visual impacts it would cause, the applicant volunteered to remove this sunshelter from the plans.

In addition to the sunshelters, the applicant is proposing to install seven information and advertising kiosks. The first is at Nicholas Canyon County Beach. At this location, the parking lot is located on the top of the bluff, and there are stairs leading down to the ocean. The kiosk is proposed to be located in the parking lot at the top of the bluff. The kiosk is setback over fifty feet from the top of the bluff and will not be visible from the beach or Pacific Coast Highway. As such, it will not create any adverse visual impacts.

At Zuma County Beach there will be two kiosks. As with the sunshelters, there are proposed to be adjacent to the existing developments on existing cement slabs. There are no adverse visual impacts created by these kiosks. Similarly, the kiosk proposed at Malibu Surfrider beach will also be in the parking lot and will not create any adverse visual impacts. Although it may be visible from Pacific Coast Highway when the lot is empty, the kiosk is adjacent to a wall which already impedes the view of the ocean from certain points along Pacific Coast Highway. Thus a kiosk at this location does not create adverse visual impacts.

There is one kiosk proposed at Point Dume State Beach. This kiosk will be located on the existing cement slab at the restroom facility. The kiosk will not be isolated and will not increase any visual impact which may already exist from the restrooms. Therefore, a kiosk at this location does not create adverse visual impacts.

At Las Tunas State Beach there is one proposed kiosk. As previously mentioned above, this stretch of coastline offers unobstructed views of the beach and ocean. Any development along this section of coast will interrupt or obscure coastal views. There is currently a lifeguard tower and portable restrooms located toward the center of the State Beach on top of the low coastal bluff. The applicant has stated that the kiosk will be located within close proximity to the lifeguard station, but has not given its exact location. In order to ensure that the placement of a kiosk at this location does not create any adverse visual impacts, the Commission finds it necessary to require that the kiosk on this site be located within 15 feet of the existing lifeguard station. Clustering the kiosk adjacent to these existing developments will minimize the visual impact of the proposed development and will not result in a significant adverse visual impact.

At Topanga State Beach, there is one kiosk proposed. This kiosk will be located on the top of the bluff in the parking lot area. The kiosk is proposed to be located adjacent to the existing fencing and landscaping and will not create an adverse visual impact from Pacific Coast Highway.

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In conclusion, the Commission finds that the proposed project, as conditioned, can be found consistent with Section 30251 of the Coastal Act.

C. Public Access and Recreation

This project involves the installation of sunshelters and kiosks along the beach at several County and State operated public beaches. As such, the development of this project must be reviewed for compliance with the Coastal Act Sections which address public access and recreation to ensure that the development of this project will not inhibit the use of these public beaches. The applicable Coastal Act sections are as follows:

Section 30210:

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:

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

Section 30213:

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

Section 30221:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and forseeable 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:

The location and amount of new development should maintain and enhance public access to the coast ...

The sunshelter located at Las Tunas State beach, in its current location, blocks parking and access to the beach. This sunshelter is located on the bluff above the beach, an area which is used for public parking and viewing of the ocean. The applicant is proposing to remove this sunshelter which would alleviate the adverse impact caused by its development. Without the sunshelter at this site, public parking will not be blocked. In the preceding section, the Commission required that this sunshelter to be removed in a timely manner. This action will make this portion of the development consistent with the public access policies of the Coastal Act.

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The three remaining sunshelters and the seven kiosks are located adjacent to existing developments and are not located in any existing parking area. None of the sunshelters or kiosks are located on trails or walkways leading to the beach. There is no public access which will be inhibited or blocked by the developments of these structures. The Commission finds that the proposed project, as conditioned, is consistent with the public access Sections of the Coastal Act.

D. <u>Violation</u>

This project includes the after-the-fact request for the installation of three sunshelters and the removal of a fourth sunshelter already in place. A total of four sunshelters were installed without the benefit of a coastal development permit.

Although unpermitted development may have taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal permit.

E. Local Coastal Program

Section 30604(a):

(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200 of the 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).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a). In addition, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

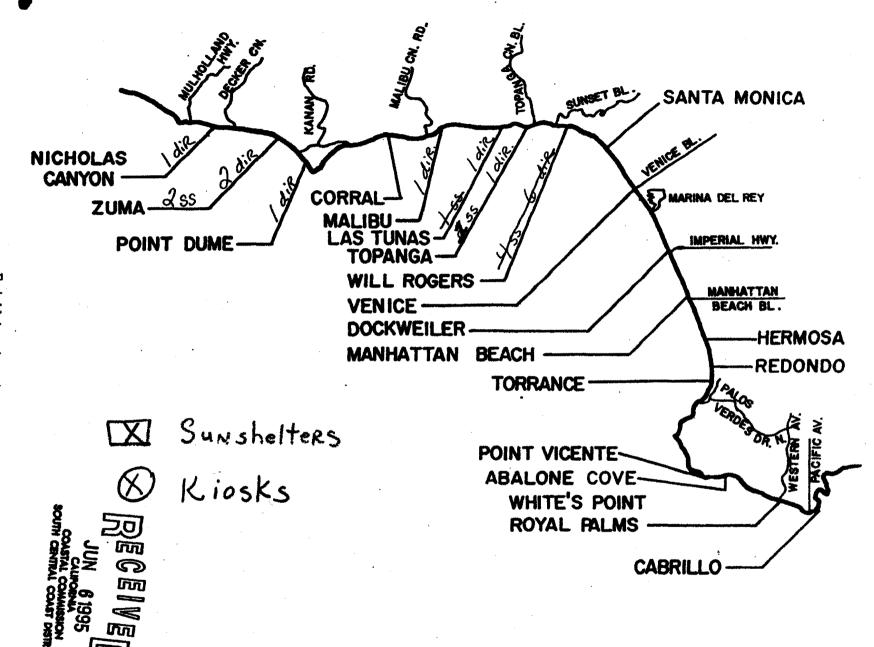
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F. CEQA

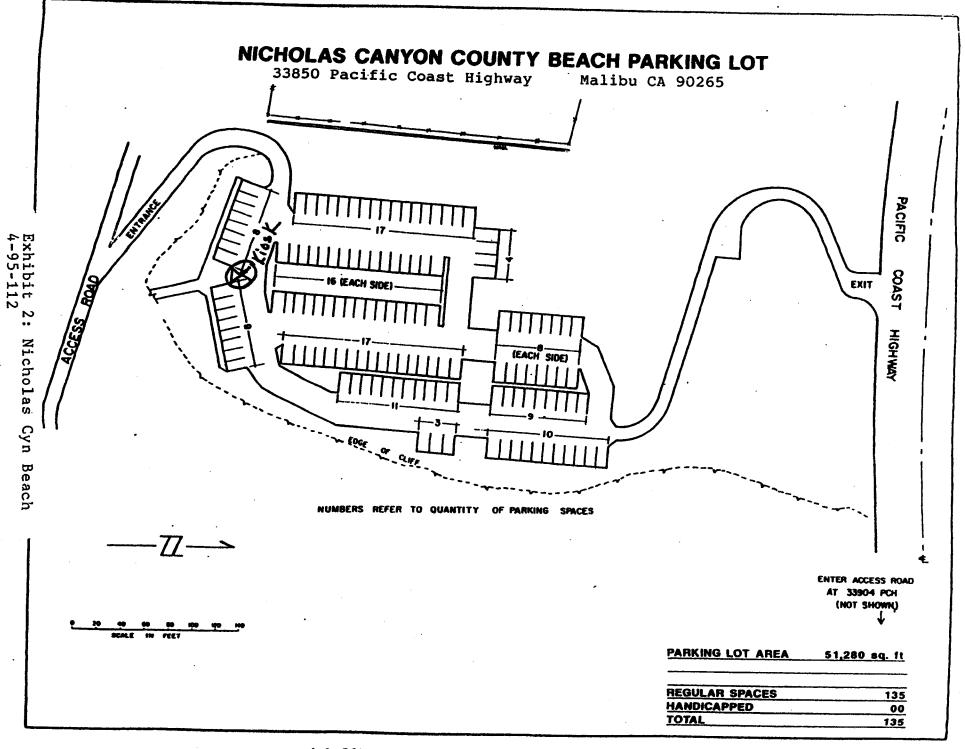
Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

The proposed project, as conditioned, is consistent with the applicable polices of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed amendment is found consistent with CEQA and the policies of the Coastal Act.

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LOS ANGELES COUNTY BEACHES



SCALE IN FEET

69 SPACES

REGULAR SPACES

HANDICAPPED

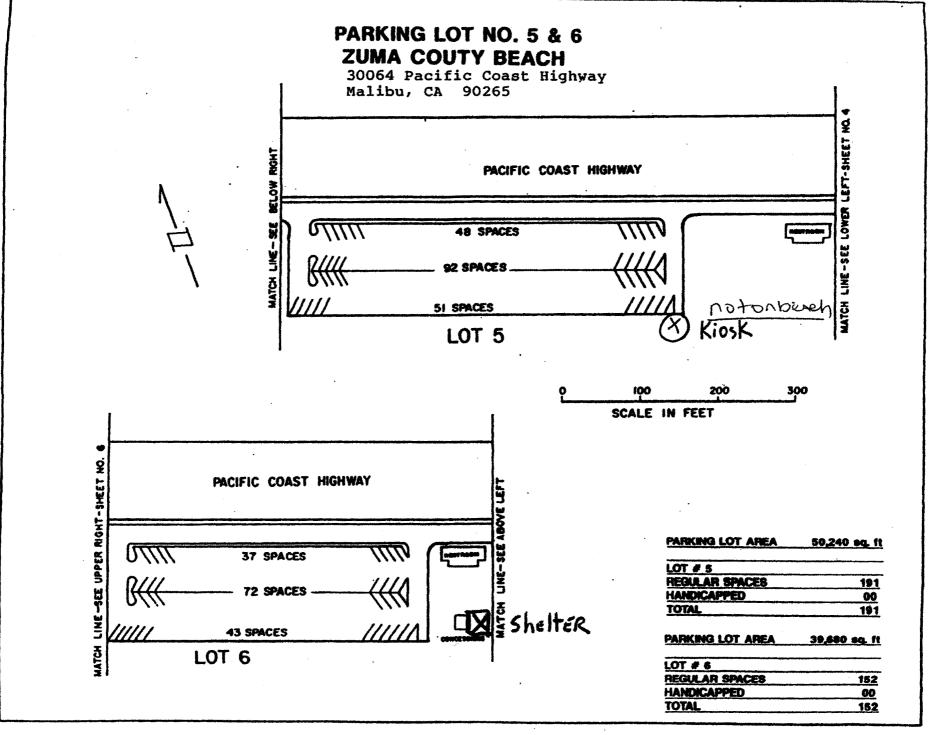
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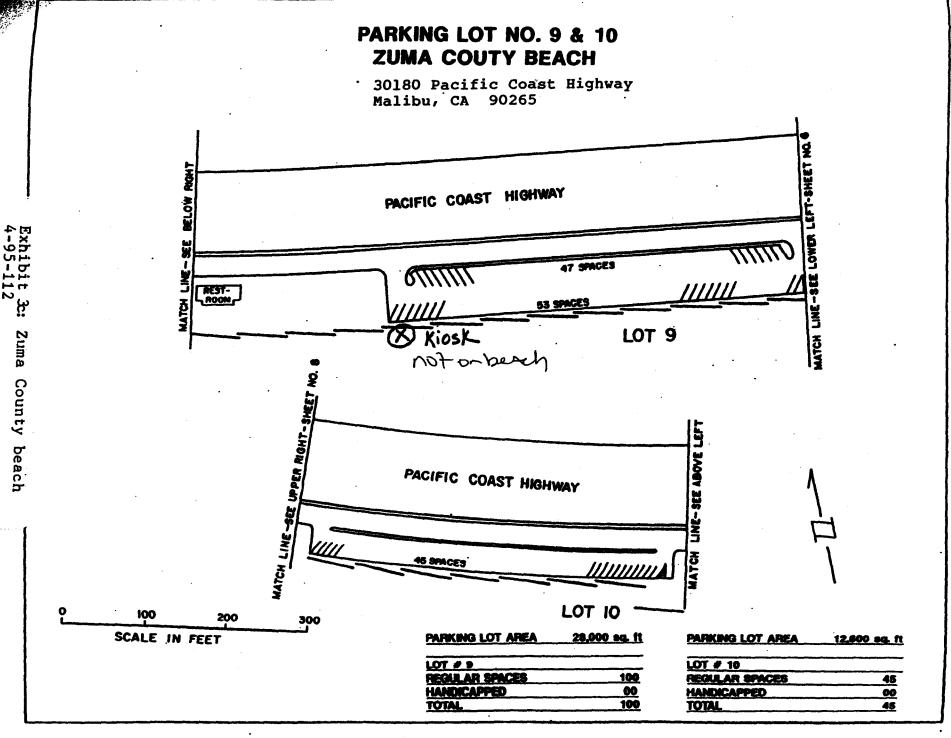
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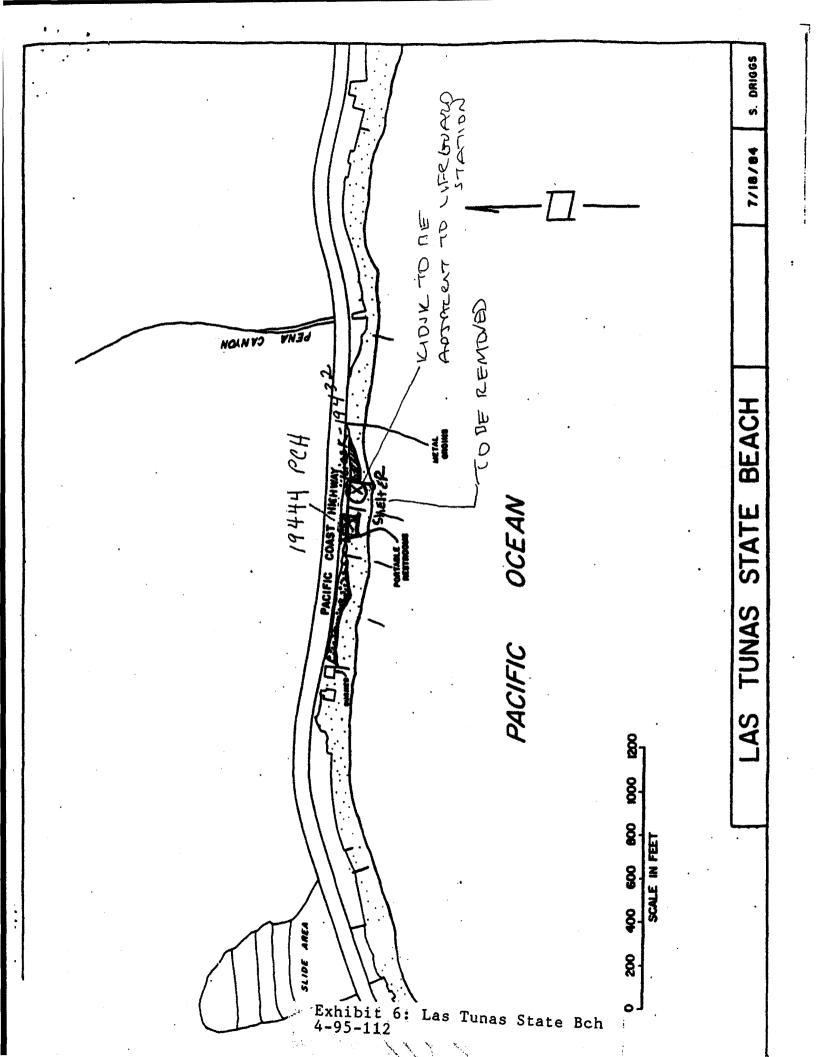
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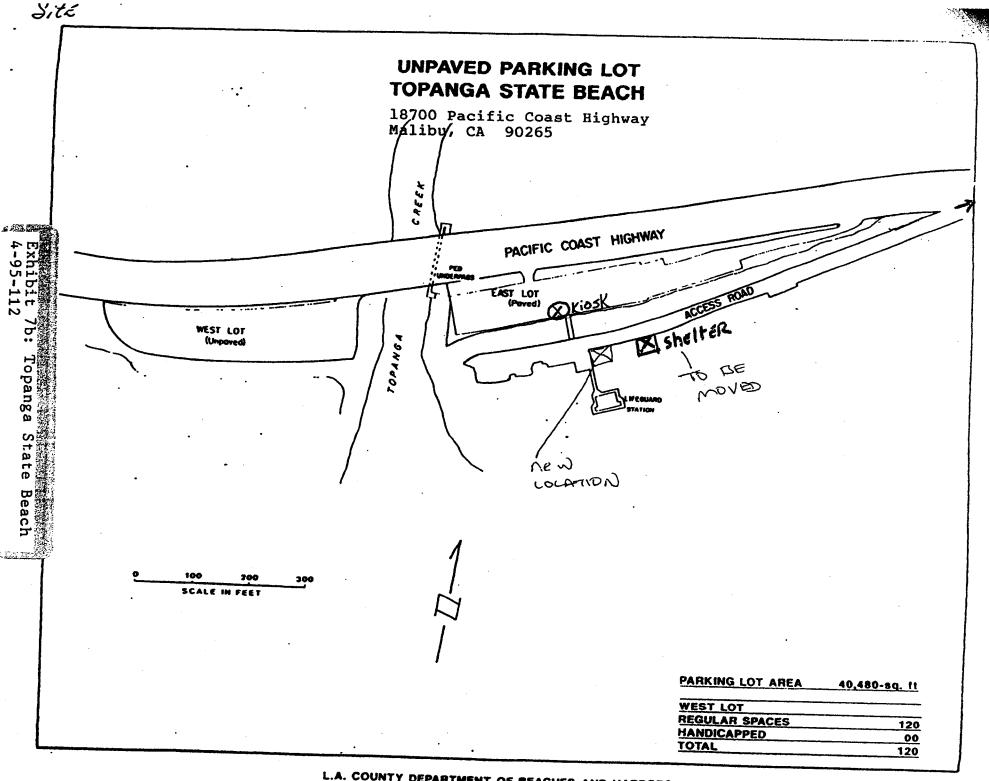
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STAN WISNIEWSKI

DIRECTOR

COUNTY OF LOS ANGELES DEPARTMENT OF BEACHES AND HARBORS



KERRY GOTTLIEB April 9, 1996 DEPUTY DIRECTOR

JUDITH KENDALL DEPUTY DIRECTOR

California Coastal Commission 89 South California Street 2nd Floor Ventura, Ca. 93001

Mrs. Susan Friend:

This letter is to bring forth the changes made to the Coastal Permit Application submitted by the Department of Beaches and Harbors. These amendments were made in an effort to conform with the guidelines set forth by the California Coastal Commission.

Cabrillo Beach-two location changes.

The first location is near the lifeguard headquarters. This site will be moved approximately 75 yards north to blend in with the old museum and an existing picnic area. A cement pad will be built along the sidewalk. This will eliminate view obstruction.

The second location is near the entrance and blocks the beach view of people coming in. This site will me moved approximately 50 feet south in front of the old museum near the lightpost. No additional cement will be necessary.

White Point-temporary elimination of site.

The White's Point location has been put on hold until redevelopment is completed. Once construction is completed a site that meets the Coastal Commission's guidelines will be selected.

Torrance Beach-location change.

The site near the lifeguard tower will be moved to the east side of the bike path, so as not to obstruct the view of those using the bike path. It will also be moved north to an existing pad at Avenue E.

Dockweiler Beach-location change.

The site north of Imperial Highway will be moved south near the Grand Avenue parking lot. It will be placed between a Hyperion Plant utility yard and the bike path on an existing pad.. This will eliminate view obstruction.

Venice Beach (Rose Ave.)-location change.

The site will be moved directly across the bike path to the east side. A cement pad will be constructed in front of the restrooms at Rose Avenue. This will eliminate view obstruction as it pertains to bike path users.

> Exhibt 8: Proposed changes to project -95-112

Pacific Coast Highway-site relocation.

The site just south of Sunset Boulevard near Gladstone's will be relocated to Redondo Beach. The site selected is just south of Avenue D on an existing pad. View obstruction will be eliminated.

Topanga Beach-two location changes.

The site will be moved approximately 25 feet north near an existing walkway and cement pad so as not to block the view or take up beach space. A cement pad will be constructed. The second site identified on the map, along the bluffs, will be eliminated completely.

Las Tunas Beach-site relocation.

This site will be relocated to Redondo Beach on an existing pad at Avenue B. View obstruction will be eliminated.

James A. Hawcett, Ph.I

Chief, Planning Division



COUNTY OF LOS ANGELES DEPARTMENT OF BEACHES AND HARBORS



STAN WISNIEWSKI DIRECTOR

April 11, 1996

KERRY GOTTLIEB DEPUTY DIRECTOR

JUDITH KENDALL DEPUTY DIRECTOR

TO:

.Al J. Padilla

California Coastal Commission

South Coast Area

FROM:

Dusty Brogan, Head

Marketing Section 84

ad Alborb

SUBJECT:

COASTAL DEVELOPMENT PERMIT NO. 5-95-144

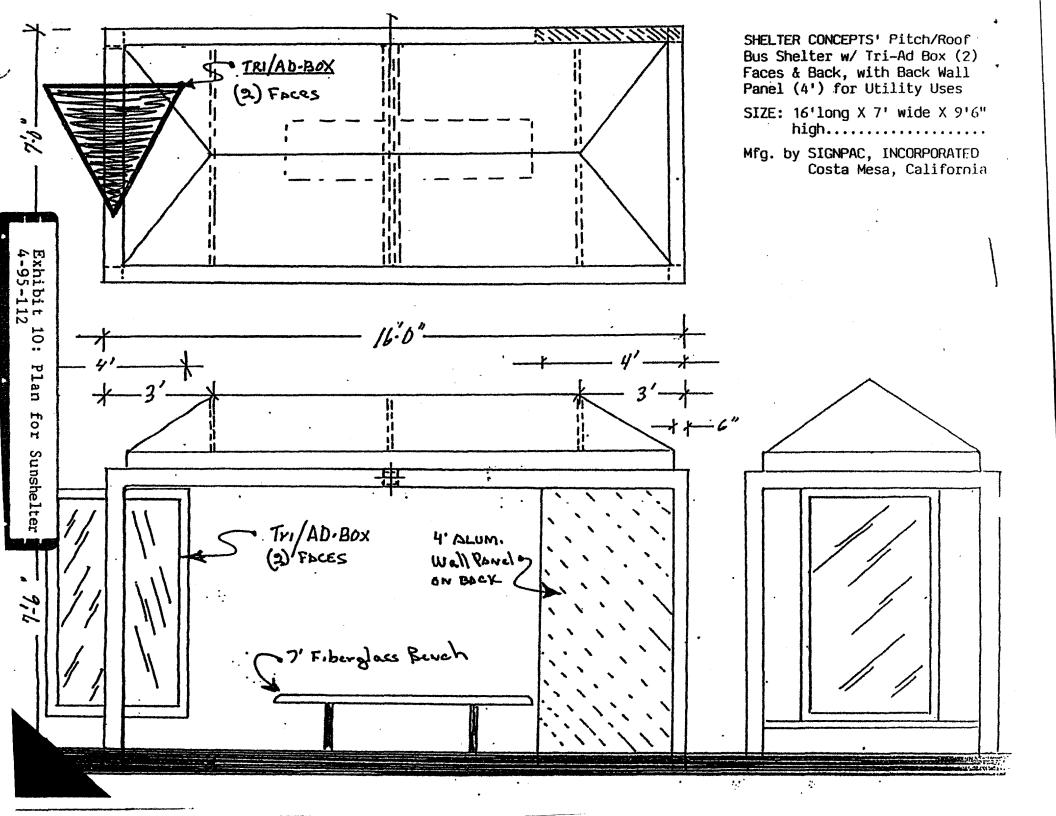
This memorandum is to provide the information that you have requested with regard to the public service panels on the Beach Information Kiosks.

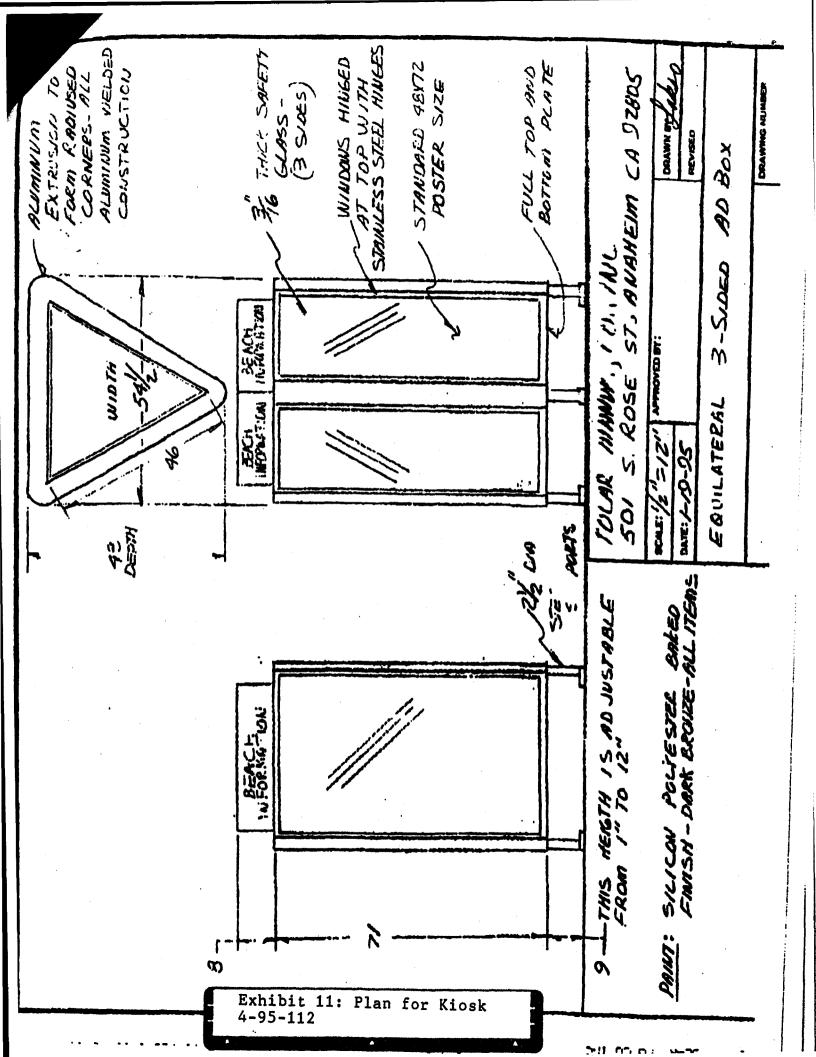
There will be a four sided and a three sided kiosk. The site location will determine the type of kiosk that will be used. There are access ways that are narrow and it will be necessary to place a three sided kiosk at those locations; however, where space is available, a four sided kiosk will be used.

The three sided kiosk will have one public service panel and the four sided kiosk will have two public service panels. The public service panels will provide the beach visitor with a map of the facility, along with various emergency and public service phone numbers and information regarding the flora and fauna that are indigenous to the area. We are going to work with the individual communities in developing the information for its public service panels. We have also been approached by agencies that are interested in placing public education information on the panels (e.a., "don't dump toxic materials in a storm drain because it will end up in our ocean," with pictures to support that quote.)

The County will receive 50% of all advertising that is sold on the other two panels. It is estimated that the Beach Information Kiosks will generate approximately \$300,000 annually for the County. This revenue will help to support the Department of Beaches and Harbors in providing a safe and clean beach in an urban environment for 60 million visitor a year. The vandalism and heavy usage of the Los Angeles County beaches have been mitigated by our various marketing programs.

I want to thank you for all of your information and the support you have provided in the competition our coastal permit application. If you have any questions, please feel free to call me at 310/305-9562.







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