

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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VENTURA, CA 93001
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F 6a

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Staff: SPF-VNT
Staff Report: 5-15-96
Hearing Date: June 11-14, 1996
Commission Action:

**RECORD PACKET COPY**STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-95-240

APPLICANT: Los Angeles County
Department of Beaches and Harbors

AGENT: Gregory Woodell

PROJECT LOCATION: 30100 Pacific Coast Highway, City of Malibu; Los Angeles County

PROJECT DESCRIPTION: Construction of a two foot high, approximately 7,000 foot long, retaining wall with a 3 foot high aluminum handrail and 16 access openings along the service road; construction of a storage building within the existing service yard, expansion and paving of the existing service yard, addition to an existing maintenance building, and reconstruction of the two existing concession buildings on Zuma County Beach in the City of Malibu.

Lot Area	74 acres
Building Coverage	1,852 new sq. ft.
Pavement Coverage	16,400 sq. ft.
Landscape Coverage	0 new
Parking Spaces	2080 existing
Zoning	Recreation
Plan Designation	County Park
Project Density	0 dua
Ht abv fin grade	18 feet for buildings

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit Applications 4-91-411 (L.A. Co. Dept. of Beaches and Harbors), 4-92-244 (L.A. Co. Dept. of Beaches and Harbors), and 4-95-122 (L.A. Co. Dept. of Beaches and Harbors).

SUMMARY OF STAFF RECOMMENDATION:

The applicant is requesting a permit to improve the maintenance facilities at Zuma County Beach and construct an approximately 7,000 foot long concrete wall with a railing along the access road, parallel to Pacific Coast Highway. The latter portion of the development has already been completed. The changes to the maintenance facilities will not create adverse visual impacts and will result in the elimination of 24 parking spaces from lot 7; however 37 additional spaces were created in lot 12 when the lot was recently repaved. Thus, there is a net increase of 13 spaces. The wall and railing do not provide sufficient openings for public access from Pacific Coast highway. Staff recommends that the Commission approve this project with special conditions requiring revised plans for additional openings in the railing above the wall, and timing of completion of work to ensure that the openings are put in place in a timely manner.

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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Revised Plans for Pedestrian Access

Prior to the issuance of the permit the applicant shall submit, for the review and approval of the Executive Director, revised plans which illustrate access openings in the railing at a minimum distance of every 100 feet.

2. Condition Compliance

The requirements specified in the foregoing condition that the applicant is required to satisfy as a prerequisite to the issuance of this permit must be fulfilled within 45 days of Commission action. Failure to comply will terminate this permit approval; however, the Executive Director may grant additional time for good cause.

3. Timing of Completion of Work

Within 45 days of the issuance of the coastal development permit, the applicant shall implement the revised pedestrian access plan providing the additional access locations as required under special condition 2.

IV. Findings and Declarations.

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 improvements to Zuma County Beach, in the City of Malibu, including the construction of a storage building within the existing maintenance yard, expansion and paving of the existing maintenance yard, addition to an existing building within the maintenance yard, reconstruction of two existing concession stands, and the construction of a two foot high retaining wall with a 3 foot high railing along the access road parallel to Pacific Coast Highway. The later development has already occurred; no other development proposed has yet occurred.

The proposed changes to the maintenance yard were previously proposed by the applicant under coastal development permit 4-92-244. This permit was approved by the Commission on March 17, 1993 with one special condition which required the applicant to submit revised plans which showed that the 24 parking spaces which would be eliminated by the addition to the maintenance building would be replaced on site. At that time, there was a total of 2040 spaces in the 12 lots and additional parking was required to mitigate the reduction caused by the development. The special condition was never met and the permit subsequently expired.

Prior to coastal development permit application 4-92-244, the Commission approved coastal development permit 5-91-411 for improvements to Zuma County Beach which included the resurfacing and restriping the 12 existing parking lots; refurbishing nine existing restrooms, including demolition of the walls and rebuilding on the same footprint; and remodeling the beach maintenance building. The Commission found that the project would not extend development further seaward than the existing development; that the refurbishing

structures would not increase any structure in height and thereby would not create adverse visual impacts; and there would be no paving of the sandy beach for parking or driveways. One special condition requiring that the applicant waive liability of the Commission for the project was imposed by the Commission. This coastal development permit was issued and the work was completed. The applicant stated that there was 2040 existing spaces at the time of this permit. When the applicant implemented this project, they created a total of 2077 parking spaces, which is an increase of 37 parking spaces.

Currently pending is an additional coastal development permit application (4-95-122) for the after-the-fact placement of two sunshelters adjacent to the existing concession stands and the placement of 2 kiosks. All this development is proposed to be on existing concrete pads; no additional paving or deletion of parking spaces is proposed. This application was postponed from the May 1996 Commission hearing at the request of the Commission.

B. Public Access

This project involves improvements to the maintenance area between parking lots 7 and 8, and will result in changes to the existing parking on lot 7. Also included in this project is the placement of a small retaining wall with railings along Pacific Coast Highway. Both these actions have the potential to reduce public access to and along the shore. 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 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:

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

This project involves the reconstruction of the existing concession stand; the construction of a new storage building, the addition to an existing maintenance building within the maintenance yard adjacent to lot 7; and the construction of an approximately 7,000 foot long, two foot high retaining wall along the access road parallel to Pacific Coast Highway.

The first development does not involve any expansion to the existing footprint of the concession stand or to the concrete patio surrounding the concession stand. This portion of the project creates no impacts to the existing parking area or access to the beach. Therefore, this portion of the development is consistent with the public access sections of the Coastal Act.

The second portion of the development involves the expansion of the maintenance facility with the addition to an existing building, the construction of a new storage shed and the repaving of the parking area inside the maintenance facility. This development will result in the loss of 24 parking spaces in lot 7. A loss of the total parking for Zuma Beach would have a negative impact on public access by reducing the availability of parking for beachgoers. However, the applicant created 37 additional parking spaces when the lot was reconfigured, repaved and restriped under coastal development permit 5-91-411. Therefore, the loss of 24 parking spaces has been offset by the creation of 37 new spaces which resulted in a net gain of 13 parking spaces. As such, this portion of the development is consistent with the public access policies of the Coastal Act.

The final aspect of this development involves the construction of a 7,000 foot long 2 foot high retaining wall with a 3 foot high railing along the access road in the parking lot. This wall parallels Pacific Coast Highway as shown in Exhibit 8. The 2 foot high retaining wall was installed by the applicant to retard erosion from a sloping area between Pacific Coast highway and the parking lot, and improve access to the parking areas. The applicant states that the railing was installed to prevent beachgoers from falling when they step over the concrete wall.

This wall is adjacent to Pacific Coast Highway. Previously, beachgoers parking on Pacific Coast Highway or in other locations outside the beach parking lot could easily access the beach from Pacific Coast Highway. Now beachgoers must climb over the railing, or walk a considerable distance, up to several hundred feet, to access one of the openings to the beach. Along this entire approximately 7,000 foot long stretch, 16 openings allow for an average of one opening every 500 feet. However, several of the openings are further apart than that. This significantly impedes access to a public beach.

Section 30211 of the Coastal Act mandates that development not interfere with the public right of access to the beach. Section 30210 of the Coastal Act

requires maximum access to be provided, and finally, Section 30252 of the Coastal Act states that development should maintain and enhance public access to the coast.

The placement of this wall and railing impedes and interferes with access to the beach and does not provide for maximum public access. Previously, beachgoers could access the beach from any point along Pacific Coast Highway; now access is only available at 16 widely spaced locations. Thus, access has been minimized and eliminated, contrary to the mandates of the Coastal Act. The Coastal Act mandates that access be maximized and that development not interfere with access.

In order to maintain maximum public access to the beach and minimize interference with public access consistent with the Coastal Act policies, additional access points must be provided. To achieve this, the Commission finds it necessary to require the applicant to provide additional openings in the railing. These openings should not be more than 100 feet apart. At 100 feet apart, a beachgoer parking directly between the two openings would have a maximum distance of 50 feet to walk to access the beach area. Most beachgoers along any 100 foot stretch would have less to walk as their car would be closer to one opening or another. The Commission therefore finds it necessary to require the applicant to submit revised plans, for the review and approval of the Executive Director, which reflect openings in the railing at every 100 feet. Moreover, since this portion of the project has been constructed, the Commission finds it necessary for the applicant to implement the revised wall plan, adding the additional openings in the railings, within 45 days of the issuance of the permit to ensure that the maximum amount public access is maintained at this beach. The Commission finds that only as conditioned is this project consistent with the public access policies of the Coastal Act.

C. Visual Impacts

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.

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, when applicable. 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.

Zuma County Beach is located adjacent to Pacific Coast Highway, a designated scenic highway in the Malibu LUP. Views from designated scenic highways are to be protected, and development along scenic highways are to be compatible with the area, have low profiles and be sited to protect views of the ocean. Currently there are some existing buildings between parking areas. These include restrooms, concession stands and maintenance buildings. In addition, on the beach there are lifeguard stations. Thus, there is some visual impact created by the existing buildings. However, these buildings provide needed services to the public and have been designed to reduce the visual impacts by maintaining a low profile.

The new construction proposed includes the reconstruction of concession stands, the construction of a new storage building and the addition to an existing maintenance structure. The maximum height of these structures is 18 feet; the current structures on site are 18 feet.

The reconstruction of the two concession stands is proposed in the same location as the existing concession stand. There is no expansion of this building and no increase in height. The Commission finds that the reconstruction of these concession stands will not create adverse visual impacts from Pacific Coast Highway. The storage building is proposed to be located in the maintenance yard and is proposed to be only 10 feet tall. The maintenance building in this yard is 18 feet tall, and is located between the storage building and Pacific Coast Highway. This storage building will be screened from Pacific Coast Highway, for the most part, by the existing maintenance building. The storage building is clustered adjacent to the existing maintenance building and is 8 feet lower than this maintenance building; these factors mitigate any adverse impacts created by created by this construction. Therefore, the storage building does not create a significant adverse impact. The addition to the maintenance structure will increase the bulk of that structure but it will not increase the structure's height. The Commission finds that this addition will not create a significant adverse visual impact.

The final development proposed is the wall and the railing. The wall is below the grade of Pacific Coast Highway and as such is not visible. However, the railing is visible. The Commission finds, however, that this railing is not a solid wall and as such views to the beach can be seen through the railing. Since the views to the ocean are not impacted, there is no significant adverse visual impact created by the presence of the railing.

In conclusion, the Commission finds that there are no significant visual impacts created by this development. The Commission finds that as proposed the project is consistent with Section 30251 of the Coastal Act.

D. Violation

This project includes the after-the-fact request for the construction of a two foot high retaining wall with a three foot high railing along the access road parallel to Pacific Coast Highway.

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):

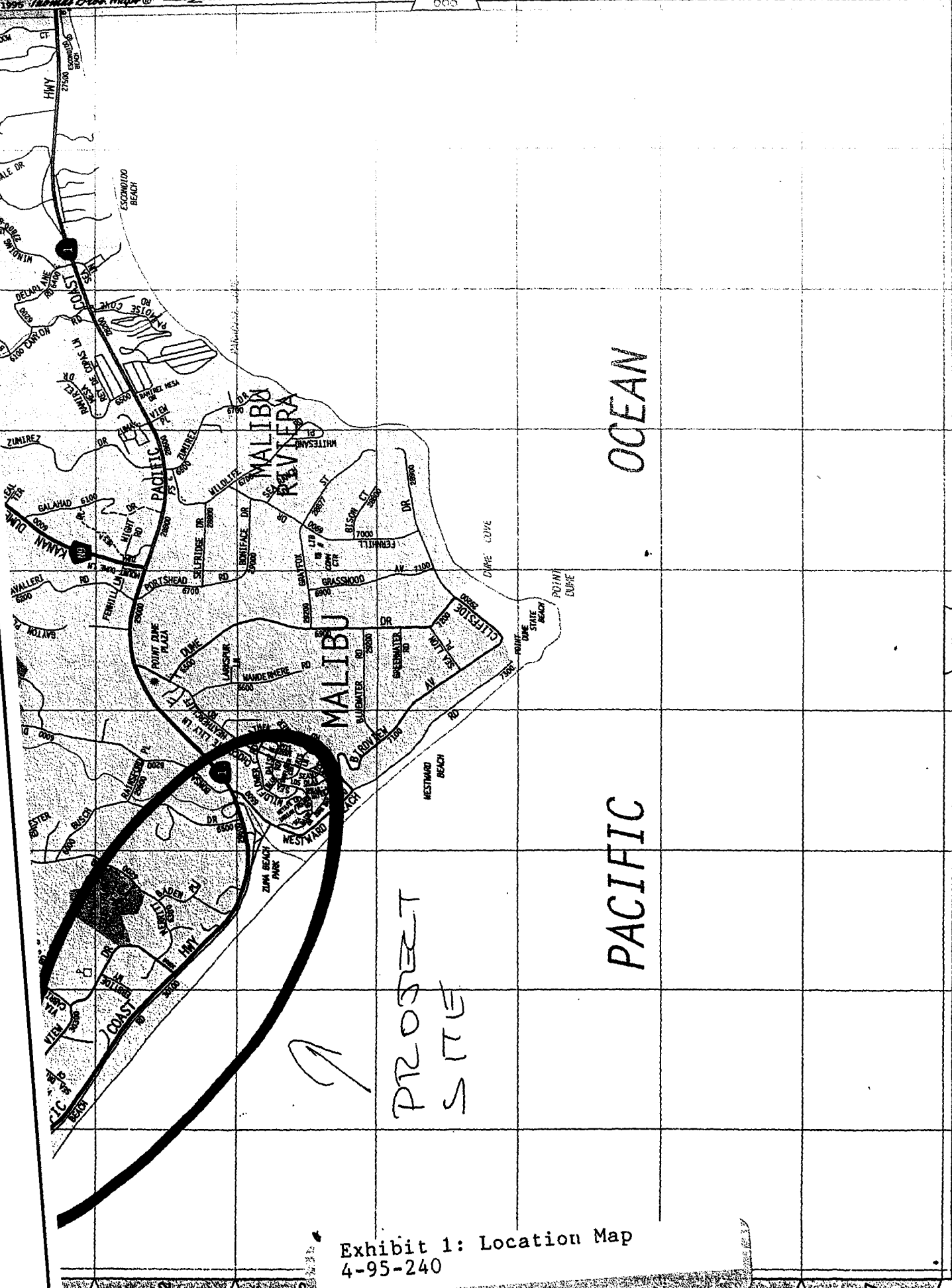
- (a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200 of the division and that the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

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.

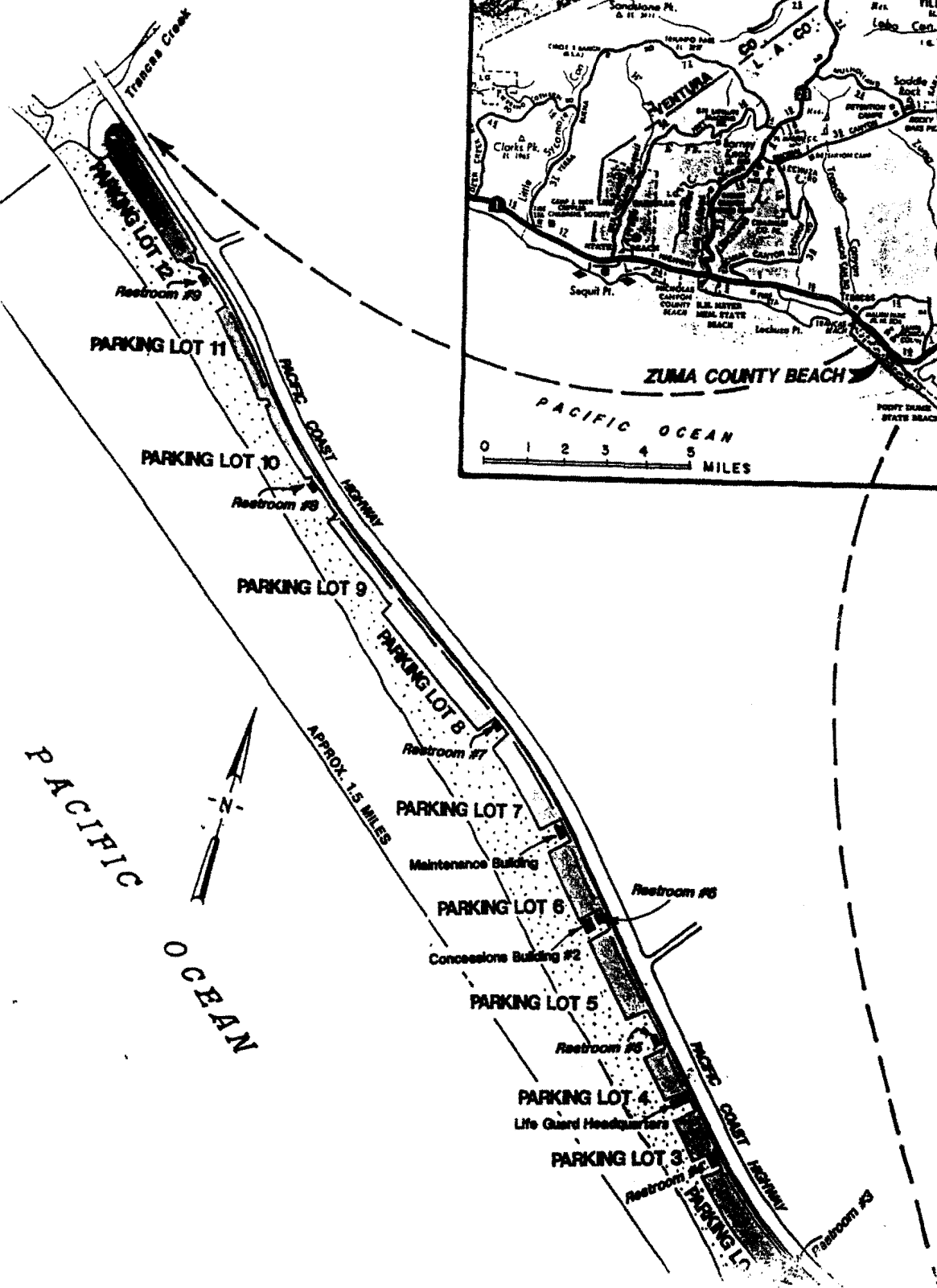
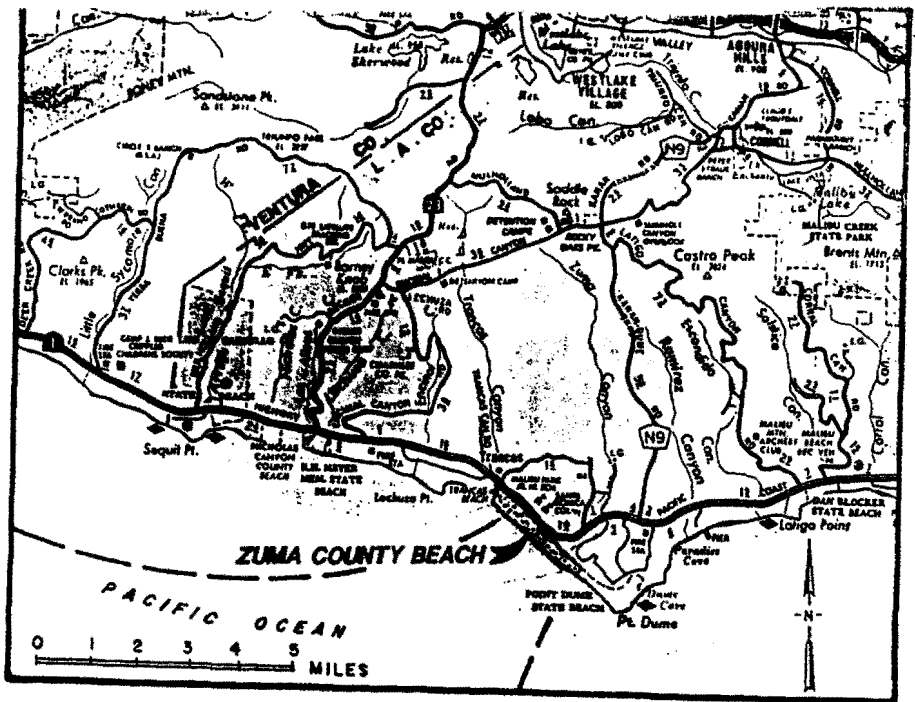
The proposed project, as conditioned, is consistent with the applicable policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed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



A
PROJECT
SITE

Exhibit 1: Location Map
4-95-240

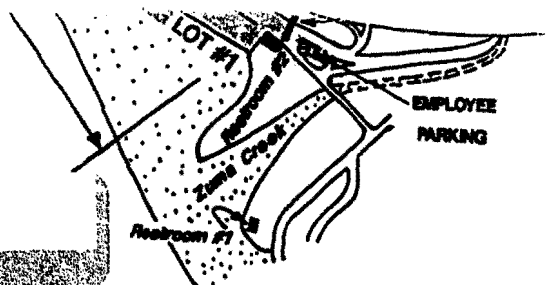
SEE X MAP



PROJECT SITE MAP

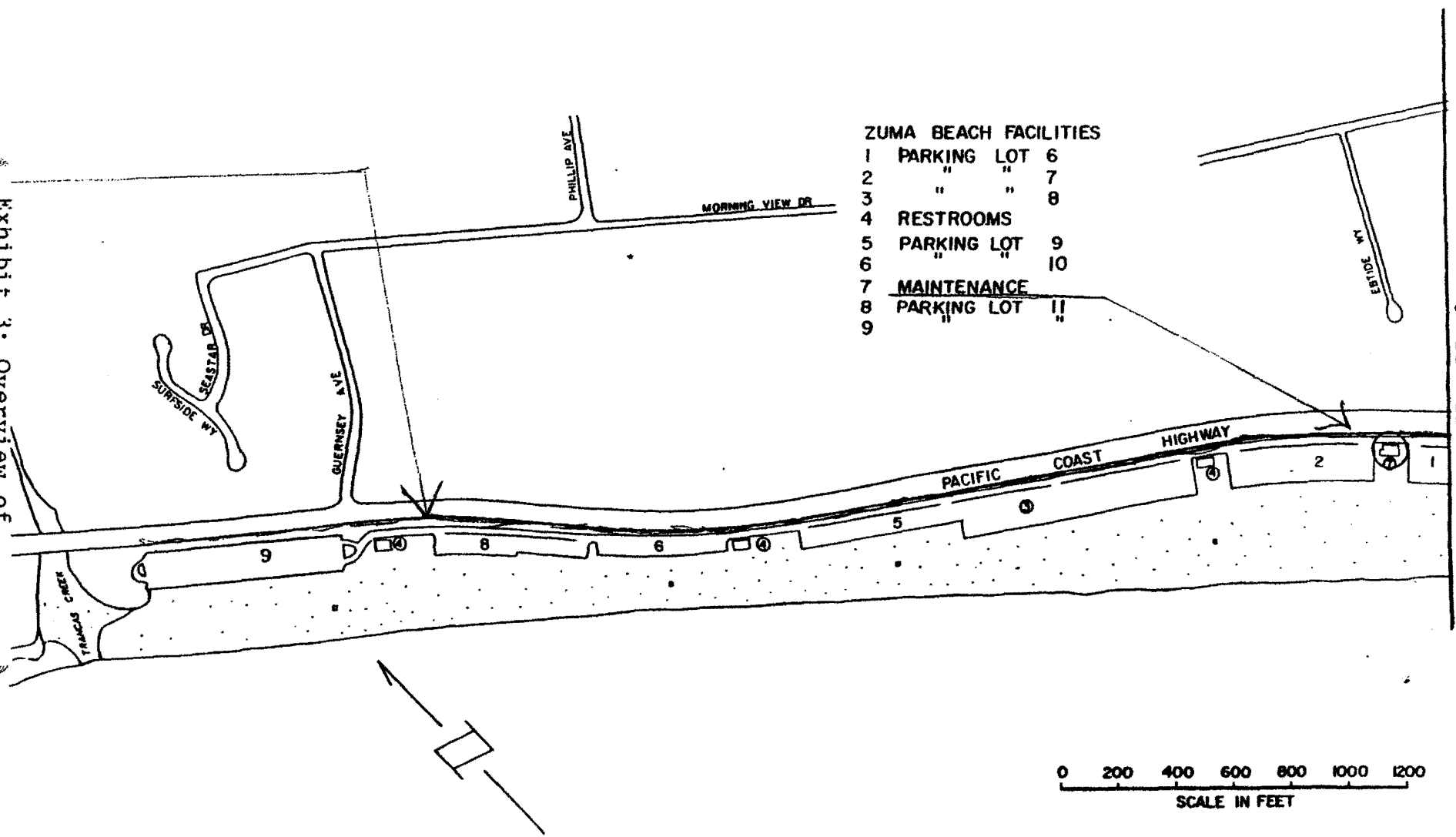
CREEGAN + D'ANGELO
 Engineers • Planners
 SAN ANGE, FAIRFIELD, MONTEREY, PLEASANTON, MARTINEZ, CA

Exhibit 2: Project Site
 4-95-240



4-95-240

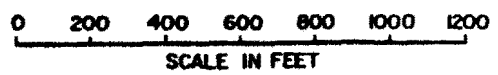
Exhibit 3: Overview of development



ZUMA BEACH FACILITIES

- 1 PARKING LOT 6
- 2 " " 7
- 3 " " 8
- 4 RESTROOMS
- 5 PARKING LOT 9
- 6 " " 10
- 7 MAINTENANCE
- 8 PARKING LOT 11
- 9

MATCH LINE — SEE SHEET 2



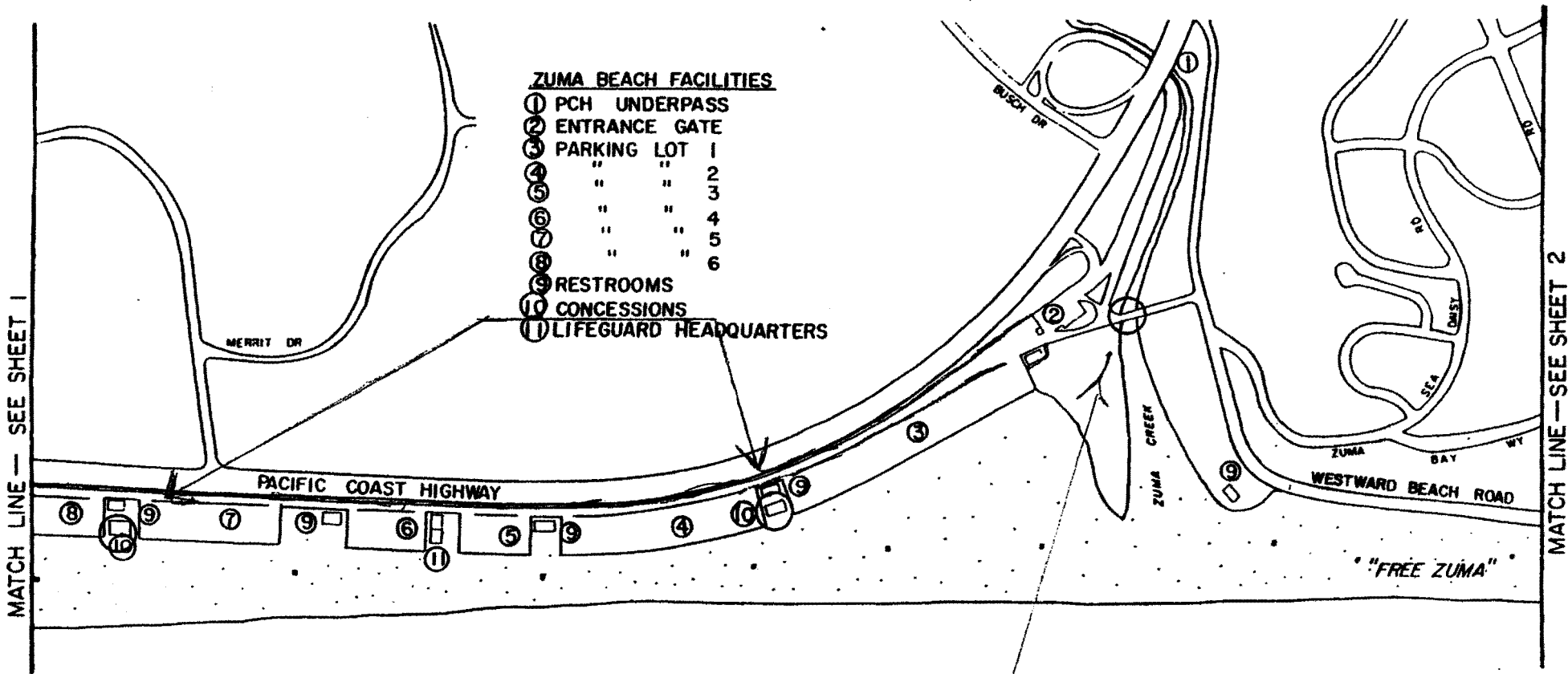
ZUMA COUNTY BEACH
NORTHWESTERN SECTION

1/2/86

S. DRIGGS

SHEET
1
OF 3

LOS ANGELES COUNTY DEPARTMENT OF BEACHES AND HARBORS



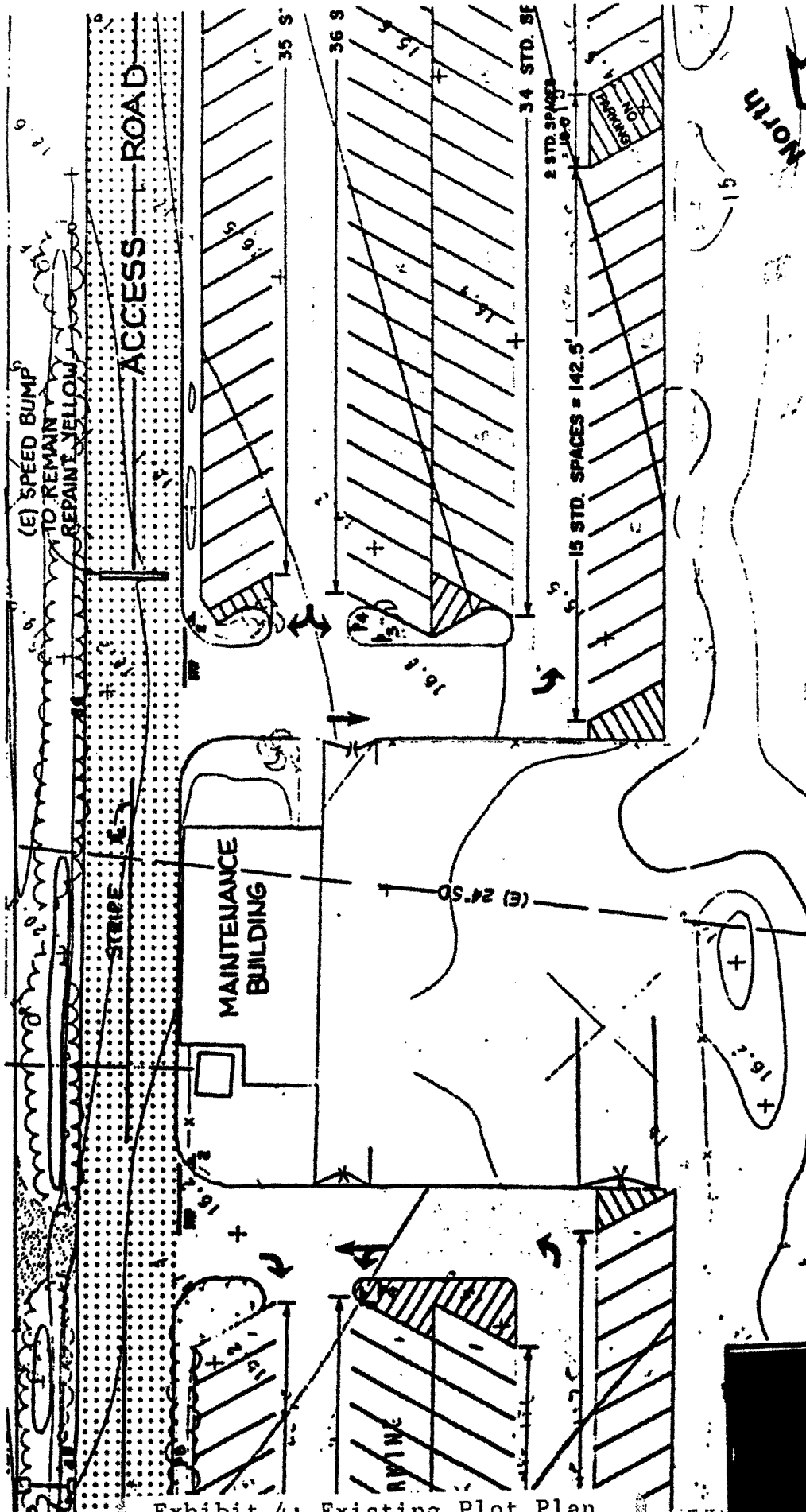
**ZUMA COUNTY BEACH
SOUTHEASTERN SECTION**

1/2/86

S. DRIGGS

LOS ANGELES COUNTY DEPARTMENT OF BEACHES AND HARBORS

SHEET
2
OF 3



ZUMA BEACH

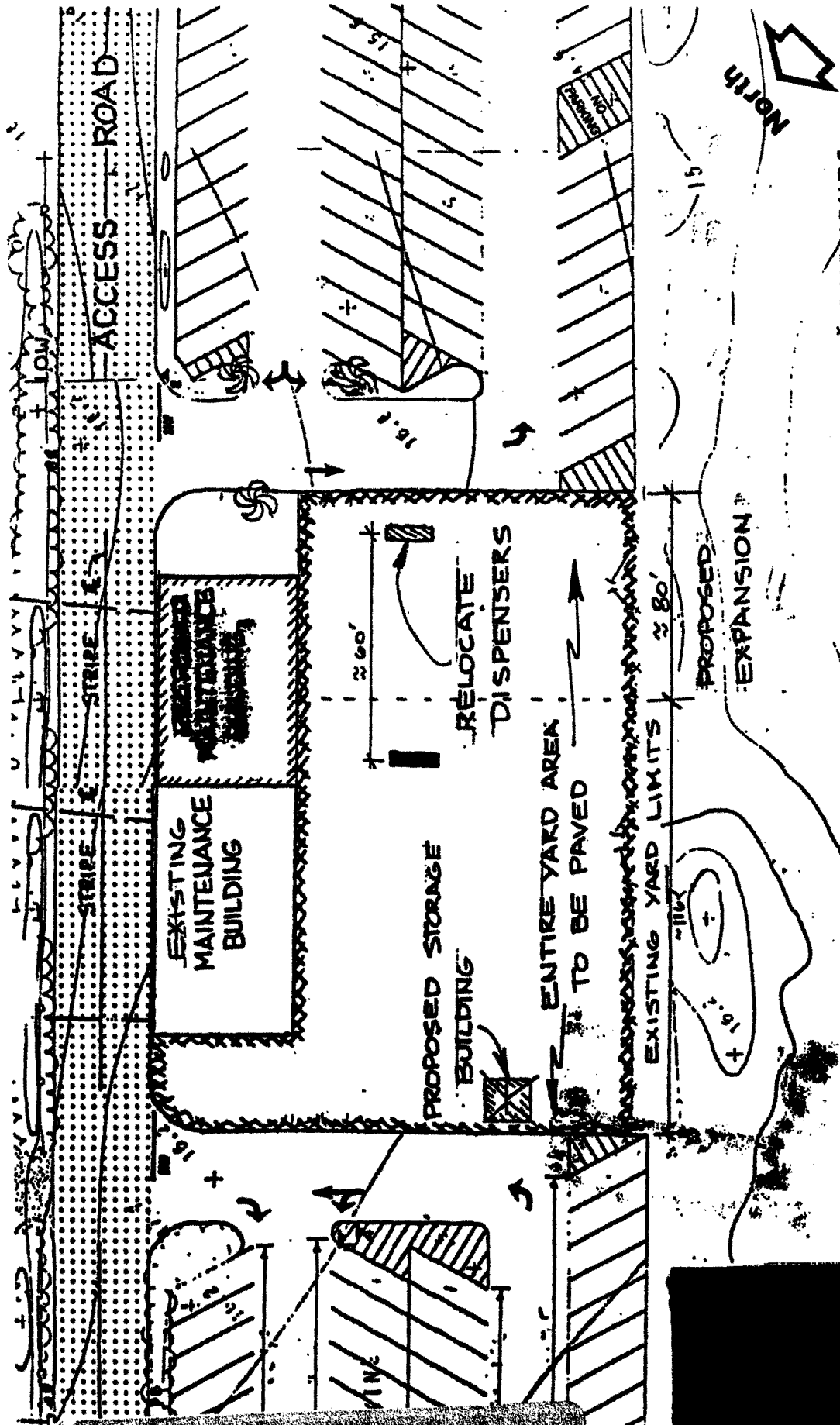
EXISTING MAINTENANCE FACILITY

Not To Scale

CONSTRUCT (N) HEADWALL W/ SIGN, (E) TOP RCP 3'-6" BELOW TIC @ LOT 6.

7/18

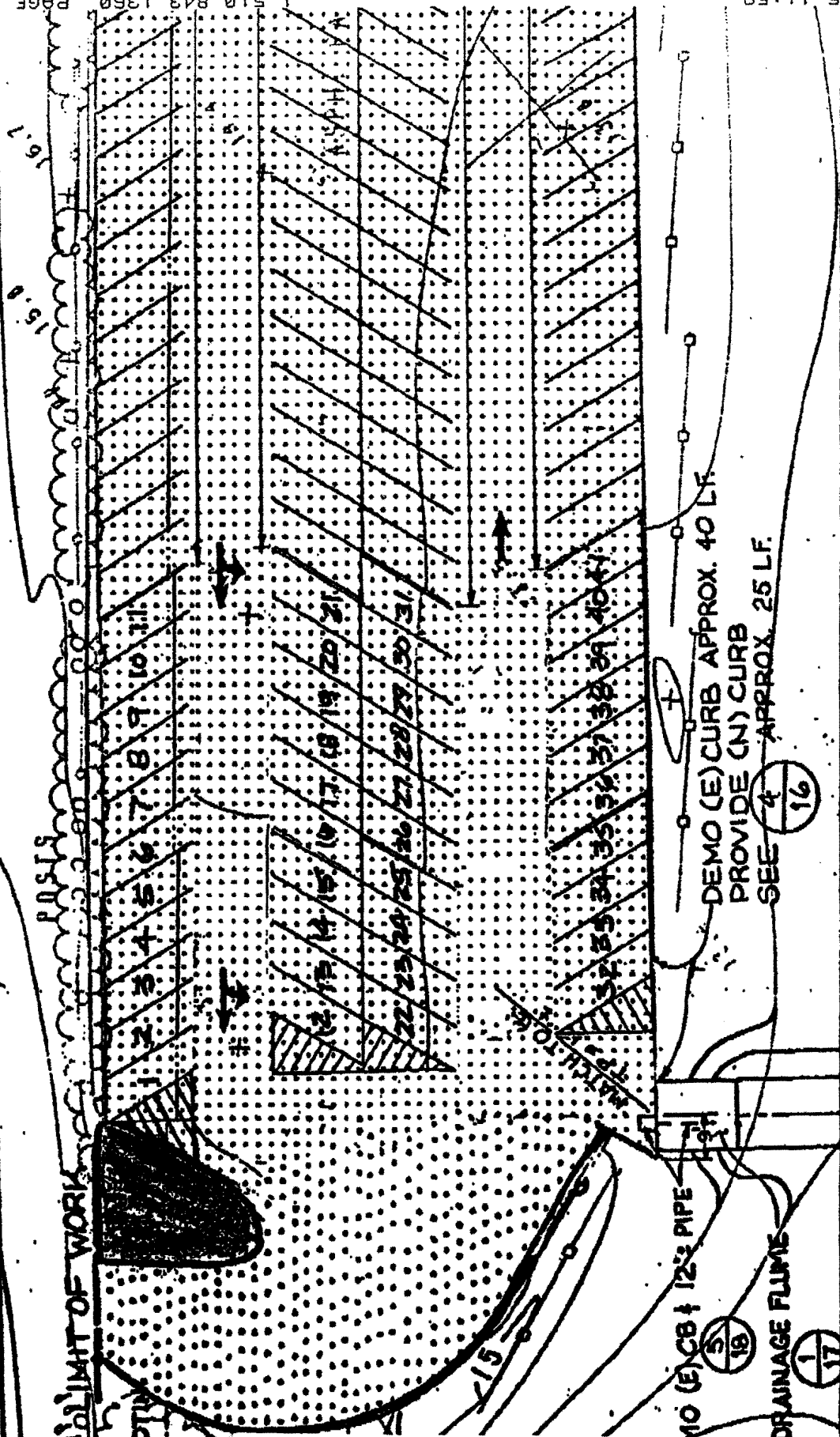
Exhibit 4: Existing Plot Plan
4-95-240 Maintenance Yard



ZUMA MAINTENANCE FACILITY PROPOSED IMPROVEMENTS

Not To Scale

Exhibit 5: Proposed Plot Plan
4-95-240



DEMO (E) CURB APPROX. 40 LF.

PROVIDE (N) CURB

SEE 4 APPROX. 25 LF.

16

10 (E) CB + 12\"/>

19

(N) DRAINAGE FLUME

17

REVISED PLAN
"B" +41

Exhibit 6: Additional Parking
4-95-240 Lot 12



STAN WISNIEWSKI
DIRECTOR

COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS

May 15, 1996



KERRY GOTTLIEB
DEPUTY DIRECTOR

JUDITH KENDALL
DEPUTY DIRECTOR

TO: Susan Friend, Analyst
California Coastal Commission

FROM: Gregory Woodell
Planning Specialist

SUBJECT: ZUMA BEACH PARKING LOT CAPACITY

At your request, I have reviewed the files and determined the following facts:

- ◆ The 1991 parking lot contract for Zuma Beach shows a total of 2,040 spaces over 12 lots.
- ◆ In 1991, Beaches & Harbors applied for a coastal permit to rebuild the 12 parking lots at Zuma Beach which had a recorded capacity of 2,040 parking spaces.
- ◆ In 1992, Beaches & Harbors applied for a coastal permit requesting permission to rebuild the Zuma maintenance yard, which would take 27 parking stalls out of use. To compensate for the loss of the 27 spaces, Zuma #12 was redesigned to provide an additional 37 parking spaces, bringing the post construction parking capacity to 2,077 spaces, thus creating 10 more spaces than the lots had prior to construction.

The redesign acts as mitigation for the loss of 27 spaces due to the anticipated reconstruction of the maintenance yard, giving an overall increase of 10 spaces. Therefore, this project will not cause a loss in public parking spaces, but a gain of 10 spaces.

As requested, I have ordered a half size set of the parking lot plans which I should have by Monday, May 20.

GW:gw

c: James A. Fawcett
Wayne Schumaker
Phil Patton
COSPER/ZM/ZM

Exhibit 7: Letter from County
4-95-240 regarding parking

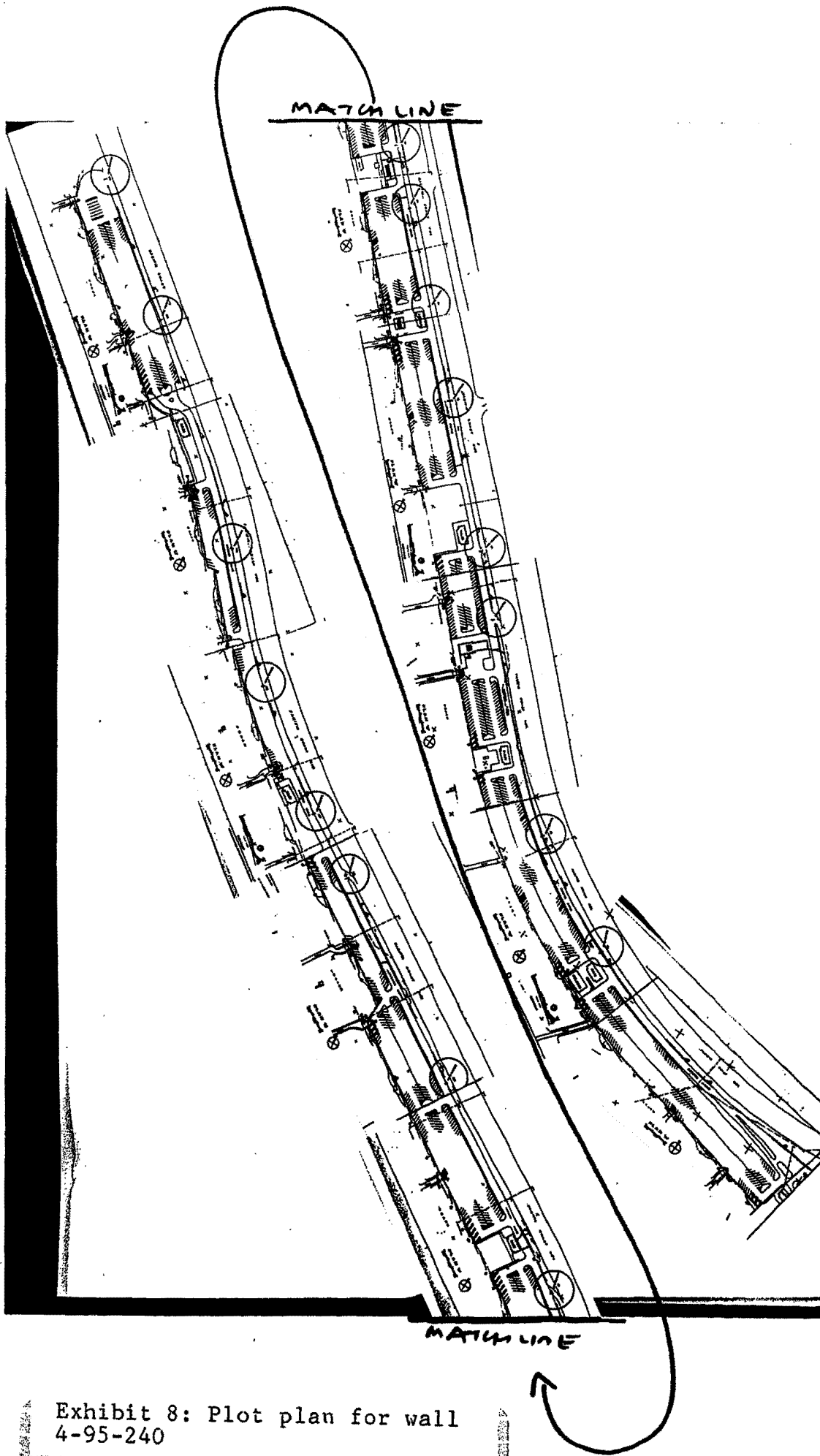
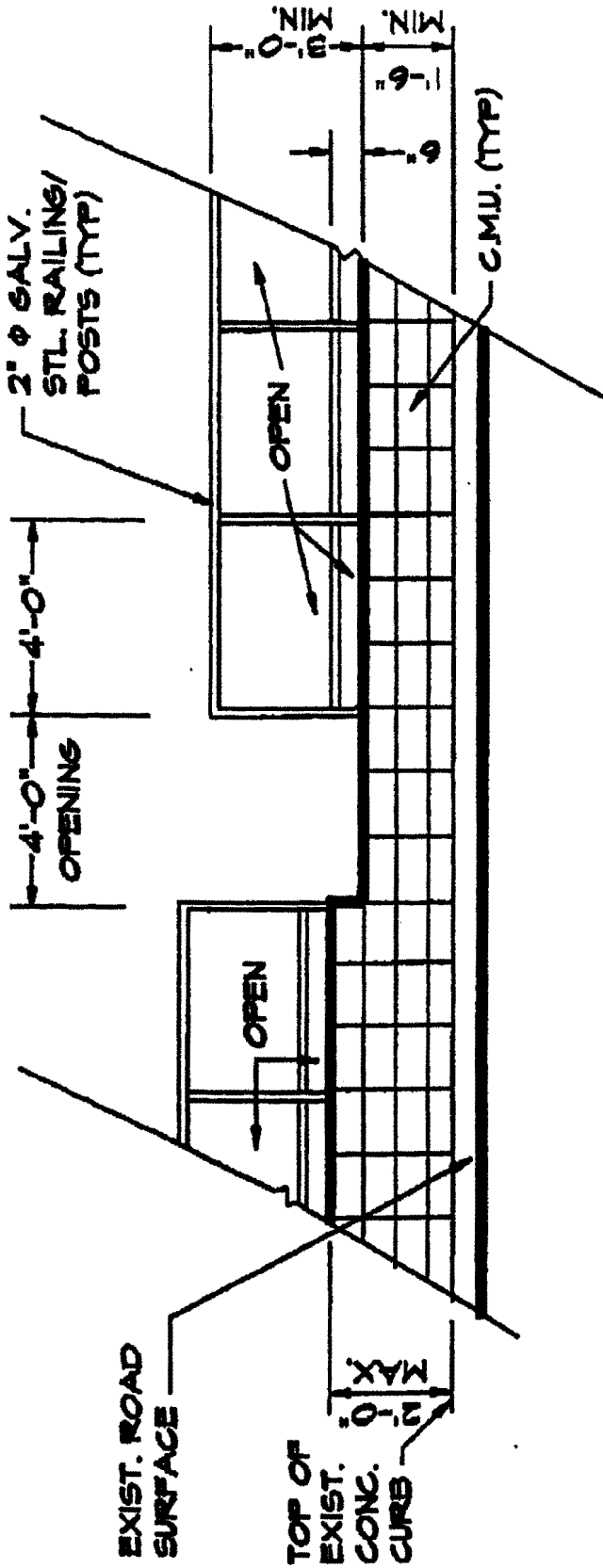


Exhibit 8: Plot plan for wall
4-95-240

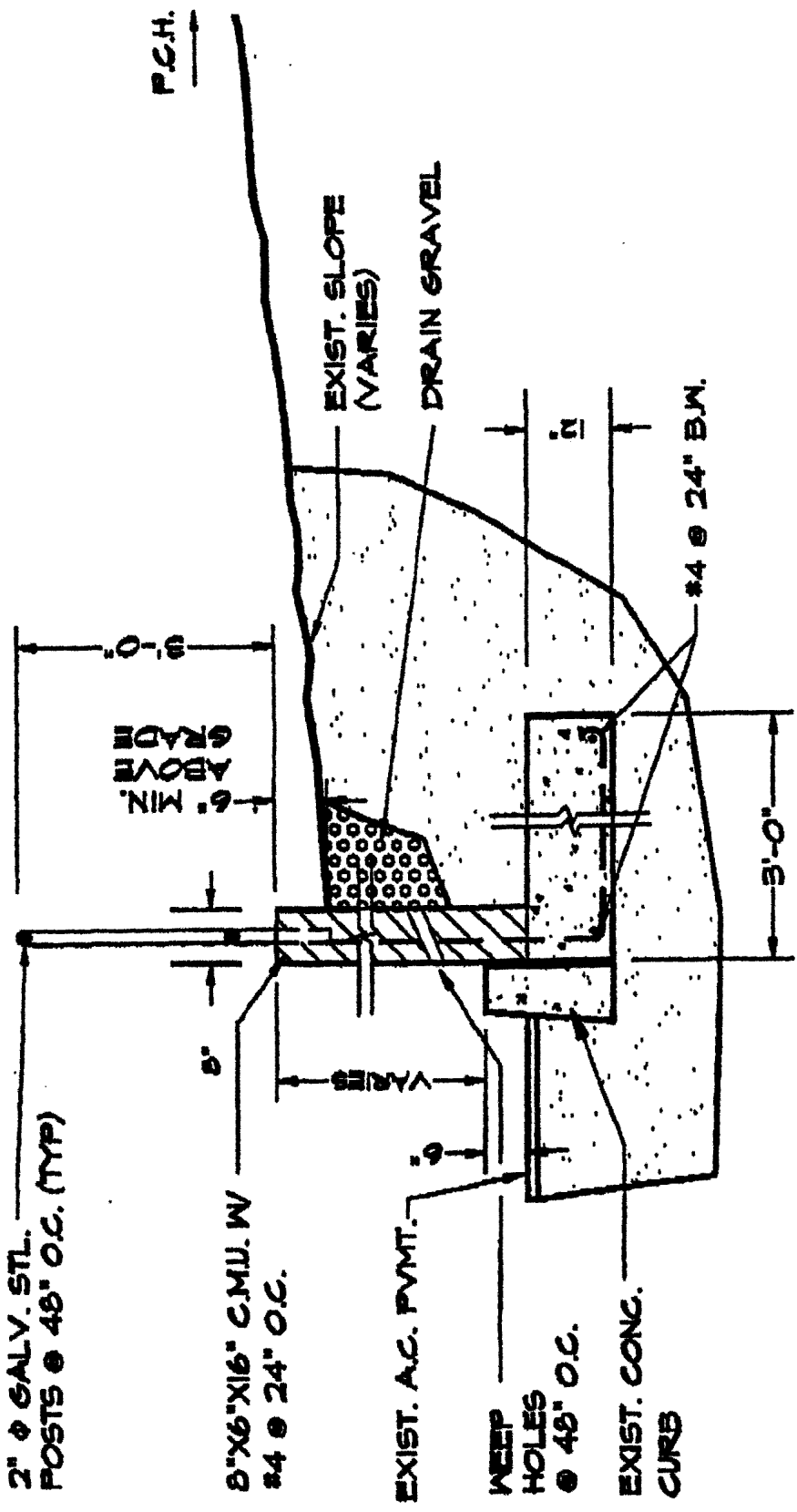


8

TYPICAL RETAINING WALL ELEVATION

SCALE: 3/8" = 1' - 0"

Exhibit 9: Wall Detail
4-95-240



33

TYPICAL RETAINING WALL SECTION

SCALE: 1/2" = 1'-0"

Exhibit 10: Wall Cross Section
4-95-240

