

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

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Hearing Date: January 7-10, 1997  
Commission Action:

STAFF REPORT: REGULAR CALENDAR*W 17 e*

APPLICATION NO.: 4-96-179

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 4 pre-fabricated shelters with benches on cement slabs (Sunshelters) and 7 kiosks. Three 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 of the other five subject beaches listed above. The project also includes the removal of the sunshelter at Las Tunas Beach, the relocation of one sunshelter at Topanga State Beach to Zuma Beach, and the relocation of a second sunshelter at Topanga State Beach from the sandy beach to an area surrounded by existing pavement. The panels of the sunshelters and kiosks will contain both advertising and public service messages. At least one panel on each sunshelter and three sided kiosk and at least two panels on each four sided kiosk will be reserved for public service messages. The County's revenue derived from the advertising on the sunshelters and kiosks will go to beach recreation and maintenance programs/activities.

Building coverage:

Pavement coverage:

Ht abv fin grade:

Shelter: 112 sq. ft.; kiosk: 9 sq. ft.

Approximately 160 sq. ft. for shelter at Topanga State Beach Site only.

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 5-96-219 (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 4 sunshelters (including the relocation of two sunshelters), the removal of a fifth sunshelter and the placement of 7 kiosks on County and State beaches in

the Malibu area of Los Angeles County. Five sunshelters have been put in place; one of these shelters will be removed (Las Tunas State Beach). The two sunshelters at Topanga State Beach will both be moved to better locations; one is remaining at Topanga State Beach in a different location, the other will be moved to Zuma Beach. None of the kiosks have been built. The proposed development, with the relocation and removal of three 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 five special conditions requiring the removal and relocation of the two sunshelters at Topanga State Beach in a timely manner, limiting the location of the kiosk at Las Tunas State Beach to within fifteen feet of the lifeguard station, requiring an amendment to the permit for any change to the structures, an agreement that the revenue will be used for beach maintenance and recreation purposes and the requirement to submit annual reports for a period of five years from the date of the issuance of the permit.

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#### STAFF NOTE - RECONSIDERATION:

This project was scheduled for the November Commission hearing in San Diego. At that time, the Commission postponed the hearing directing staff to reschedule the hearing for the next available local hearing. The January 1997 hearing was the first local (Los Angeles area) hearing.

Prior to the November hearing, at the May 1996 hearing the Commission asked staff to provide more information about the statutory condition governing the grant of eight beaches from the State of California to the County of Los Angeles with respect to the proposed project's consistency or inconsistency with the statutory limitation on placing "commercial development" on beaches. Public Resource Code Section 5002.6, applicable to the grant of eight specified beaches to the County from the State, sets forth the following in subsection (e)(1)(A): "No new or expanded commercial development shall be allowed on the granted real property."

Persons and entities interested in this application appear to disagree on whether this proposed development is "commercial development" as used in the statute. Staff received written comments from the applicant asserting that the proposed project is not inconsistent with the legislation. Staff also received written comments from others, including Assemblywoman Debra Bowen, stating that the development is inconsistent with the Legislation.

So that the Commission may review all written comments received by the South Central Coast District Office, all correspondence regarding this project have been included as Exhibits 13-23. If any additional information becomes available prior to the Commission hearing, staff will provide that information to the Commission.

This coastal development permit request was before the Commission in May of 1996 as coastal development permit 4-95-112. The Commission postponed the hearing to the next local hearing. The permit request was subsequently rescheduled for the July 1996 hearing. At the July 1996 hearing the Commission denied the permit request on a 5-4-2 vote. Subsequent to the denial, the applicant requested a reconsideration of the Commission action [4-95-112R]. The reconsideration request was granted by the Commission at the October 1996

hearing. Due to the granting of the reconsideration request, the project is back before the Commission. The project has been assigned a new coastal development permit application number: 4-96-179.

STAFF NOTE - NEW DEVELOPMENT:

The proposed project includes the proposal for one additional sunshelter at Zuma Beach. This sunshelter is proposed to be removed from Topanga State Beach. Neither the removal of this sunshelter from Topanga State Beach or its subsequent relocation to Zuma Beach were a part of the previous coastal development permit application 4-95-112.

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. Removal of Structures

The applicant agrees that, within 120 days of the issuance of the coastal development permit, the sunshelters and cement pads, including any debris from the demolition, at Las Tunas Beach and Topanga State Beach shall be removed from the site (See Exhibit 6 and 7). The applicant further agrees that the sunshelters and cement pads located at Topanga State Beach will be moved from their present locations as shown in Exhibits 7a and 24 to the location shown in 7b and one of the two locations shown in Exhibit 25. Any debris generated from relocating the cement pads and/or the sunshelters shall be removed by the applicant. At the end of the 120 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.

#### 3. Future Change

The applicant agrees that any changes to the design or project description of any sunshelter or kiosk (directory) will require an amendment from the California Coastal Commission. Such changes include, but are not limited to, a change in the number of display panels or changes that reduce the number of display panels devoted to public service information on any sunshelter or kiosk.

#### 4. Use of Revenue Generated by the Sunshelters and Kiosks

The applicant agrees that one-hundred percent of the County's share of the revenue derived from the advertising on the sunshelters and kiosks (directories) will be used for beach recreation and maintenance programs/activities. Such funding shall be in addition to the amount of funding that the County allocates annually for beach recreation and maintenance programs/activities. Any revenue derived from advertising on the sunshelters and kiosks shall not be used as a reason or justification for the County to reduce the level of funding allocated annually to beach recreation and maintenance programs/activities.

#### 5. Annual Report

The applicant shall submit, for review and approval by the Executive Director, an annual report for a period of five years, beginning from the date of Commission issuance of the permit. The annual reports shall show the total

amount of revenue that the County has derived from advertising on the sunshelters and kiosks (directories) over the last twelve months; an accounting of how the revenue has been distributed per year; and the County's overall level of funding allocated for beach recreation and maintenance programs/activities. If there is a decrease in the annual fund appropriations made to the Department of Beaches and Harbors for beach recreation and maintenance programs/activities then the County shall submit evidence that the advertising revenue derived from the structures was not used as a reason or justification to reduce the annual funding for beach recreation and maintenance programs/activities.

#### 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 the installation of four sunshelters and 7 information and advertising kiosks (directories); the relocation of two of those sunshelters and the removal of a fifth 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; three 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; the removal of one sunshelter, the relocation of a second sunshelter, and one kiosk at Topanga State Beach. The sunshelter to be removed from Topanga State Beach (See exhibits 24 and 25) will be moved to Zuma Beach. Currently there are two sunshelters at Zuma Beach; the third sunshelter, from Topanga State Beach, will be located at one of two locations identified in Exhibit 25.

The sunshelters will be painted pre-fabricated metal structures consisting of four corner support posts, one side and one rear panel, and a tile roof (See Exhibit 10). The sunshelters will be painted beige, consistent with other County owned and operated beach facilities. 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 for public service messages on one side and advertising on the other. The side panels are currently being used for advertising. The rear panels, however, do not currently have any advertising or public service messages. The County intends to use the rear panel once a decision is made as to the content of the public service messages. The County has not had the time or resources to allocate this task.

The sunshelter at Topanga Beach requires the pouring of a concrete pad between the parking area and storm drains; it is not located on sandy beach. The two sunshelters already built at Zuma Beach are proposed on existing cement slabs. The third sunshelter, to be moved from Topanga State Beach, is not proposed on the beach but will require the pouring of a cement slab adjacent to an existing restroom. None of the proposed kiosks will be located on sandy beach areas; all kiosks are proposed on existing cement slabs.

The proposed kiosks are public directories. 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 two public service panels and one panel reserved for advertisement. The four sided kiosk will have two panels reserved for public service messages. The remaining panels of the kiosks will be used for advertising.

The sunshelters and kiosks will be constructed and maintained by an independent sponsor (contractor). However, the sunshelters and kiosks will be owned by the County of Los Angeles. According to the applicant, once any structure is placed on a County beach the structure becomes the property of the County. As such, the County maintains control over the type of advertising and the amount of public service panels. The County has indicated that the public service messages will provide information relating to coastal resources and recreation, such as, information on nearby facilities, local recreation programs, safety issues and educational information regarding coastal resources. The County will provide the sponsor with the information to be used in the public service panels. The applicant further states that 30% of all revenues generated by advertising revenue that is sold on the panels the first year, and graduating to a maximum of 50% by the seventh year, 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 5-96-219.

All development is located on Los Angeles County Beaches. However, the ownership of Topanga State Beach, Las Tunas State Beach, Point Dume State Beach, and Nicholas Canyon State Beach have recently been transferred for the State to the County of Los Angeles.

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. The applicant is not, therefore, required to obtain approval from the City of Malibu.

#### **B. Public Comment**

The South Central Coast District Office has received four letters from residents in the area. Three of these letters oppose the project citing visual impacts and adversity to advertising on public beaches. The fourth letter supports the project. The applicant has also received a letter of support from the County of Los Angeles Beach Advisory Committee. Finally, since the denial of coastal development permit 4-95-112, two additional letters of support have been received from California Senator Robert Beverly and California Legislative Assemblyman Steven Kuykedall. See exhibits 13 through 15 and 19-22.

The South Central Coast District office also received a fax from Frank Angel (See Exhibit 16). Mr. Angel opposes the proposed project on the grounds that Public Resource Code Section 5002.6 prohibits new or expanded "commercial development" on County owned beaches that were transferred to the County from the State. With regards to this issue, California Department of Parks and Recreation does not consider the placement of the proposed sunshelters and kiosks as "commercial development." State Parks and Recreation has submitted a letter to the South Coast Office stating their support of the project. Moreover, Zuma Beach is not a State beach which was deeded to the County; it is a County beach.

### 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.

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.

Under Section 30251 of the Coastal Act, 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 four sunshelters, the removal of a fifth sunshelter, and the installation of 7 information

kiosks. The sunshelters and kiosks, in general, will be placed on paved areas or on non-sandy beach areas adjacent to existing development, such as parking lots.

There are currently five sunshelters installed: two at Zuma County Beach, one at Las Tunas State Beach and two at Topanga State Beach. With the exception of one of the sunshelters 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.

Two of the three sunshelters proposed at Zuma County Beach are located on existing cement slabs and are adjacent to existing buildings (food concession stands and restrooms). The third sunshelter, to be moved from Topanga State Beach, will be placed adjacent to an existing restroom on a cement slab. The sunshelters are located adjacent to structures and the parking area which is separated by the beach by a small wall. The sunshelters are low in profile, and small in size in comparison to the existing buildings, and as such will not obstruct coastal views. Furthermore, the design and color will be consistent with existing development making the structures visually compatible with the surrounding development. 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 and cannot be found consistent with Section 30251 of the Coastal Act, 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 last two sunshelters are currently at Topanga State Beach. The sunshelter located south of Topanga Canyon Boulevard is highly visible from Pacific Coast Highway. There is no other development in close proximity. As with the sunshelter at Las Tunas Beach, this sunshelter creates significant adverse visual impacts. The applicant is proposing to remove this sunshelter and relocate it at Zuma Beach. As with the sunshelter at Las Tunas Beach, in order 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 within 120 days of the issuance of the permit.

The second sunshelter at Topanga State Beach is located 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 and cannot be found consistent with Section 30251 of the Coastal Act. In response to staff's concerns regarding the visual impact of siting the sunshelter in this location, the 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. The relocated sunshelter is consistent with Section 30251 of the Coastal Act. 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 (directories). 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.

As indicated, the sunshelters and kiosks will provide public services. These public services include shade and resting areas and public information/announcements to inform the public of various events and activities that take place along the beach or coastal areas. In addition, the County's share of the revenue that is generated by the marketing program associated with the sunshelters and kiosks will be used by the County to support beach recreation and maintenance programs/activities.

In conclusion, the proposed sunshelters and kiosks, as conditioned by this permit, will not individually or cumulatively adversely impact the visual resources offered from or along the coast. The sunshelters and kiosks are spread out over 27 miles of beach in Los Angeles and as such do not adversely affect the density, relative to the number of structures, of any beach in relation to cluttering the beach areas with visual obstructions. In addition to being clustered adjacent to other structures on the beach, the structures are spaced far enough apart from each other over the length of beaches in Los Angeles that they do not detract from the visual quality of these areas. Furthermore, the County has indicated that they will not add any additional sunshelters or kiosks on these beaches. All structures will be sited to protect views to and along the ocean and other scenic areas and will be visually compatible with the character of the surrounding area. Therefore, the Commission finds that as conditioned the project is consistent with Section 30251 of the Coastal Act.

### C. Public Access and Recreation

This project involves the installation of sunshelters and kiosks on property immediately 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 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 ...

The sunshelters located at Las Tunas State Beach and Topanga State Beach, south of Topanga Canyon Boulevard, in their current locations, blocks parking and access to the beach. These sunshelters are 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 both of these sunshelters which will alleviate the adverse impacts caused by these developments. Without the sunshelter at these sites, public views and parking will not be blocked. In the preceding section, the Commission required that these sunshelters 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.

The 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.

The Coastal Act mandates that oceanfront parcels suitable for recreation be preserved and enhanced to provide such services. Although none of the sunshelters or kiosks will be on sandy beaches, each will be on public areas immediately adjacent to sandy beach. These areas are oceanfront lands that are suitable for recreational purposes and are considered part of the beach. In the Los Angeles there are numerous beaches which have been designated and developed for recreational uses. These beaches, such as the subject beaches, have been developed with concession stands, paved parking lots, restrooms, volleyball courts and playsets, for example. These beaches have been developed specifically for recreational uses as opposed to beaches which are left undeveloped to be protected as natural beaches. All of the sunshelters and kiosks will be located on beaches that are designated for and heavily used for recreation.

As one step toward enhancing the recreation opportunities of these recreational beaches, the County of Los Angeles wants to provide sunshelters

which provide a place for beachgoers to sit out of the sun and rest. The County of Los Angeles is also proposing that these sunshelters provide public service messages. Likewise, the County of Los Angeles is proposing kiosks which will also provide public service messages. These public service messages will provide the County, State, and Local Governments a place to provide visitors to the beach areas public information relating to coastal resources and recreational opportunities in the area. Examples include, but are not limited to, information regarding beach and surf conditions, public "Adopt the Beach" programs, local recreation programs, etc.. Because the sunshelters and kiosks will provide public information relating to coastal resources and recreation, the structures will enhance recreational use of the beach.

In terms of the proposed advertising, the County of Los Angeles controls the amount and type of public advertising that will appear on the sunshelters and kiosks. All advertising will be reviewed by the County prior to the placement of such advertising on either a kiosk or sunshelter. The County will monitor the type of advertising and has agreed that advertising for alcohol or tobacco products will be prohibited.

Due to budgetary constraints, the County of Los Angeles Department of Beaches and Harbors can not allocate the funds for construction and maintenance of these sunshelters and kiosks. Instead, the County of Los Angeles is proposing to have these sunshelters and kiosks constructed and maintained by an independent sponsor (contractor). In addition, due to the budgetary constraints, the County, over the past years, has developed a marketing program for the beaches to provide alternative sources of funding to support and maintain the County's beach facilities, programs, and activities. The marketing program has included obtaining sponsors that help pay for needed facilities and programs, such as lifeguard towers, lifeguard vehicles, trash receptacles, youth programs, and beach maintenance. These sponsors, in turn, are allowed to place promotional advertisement on those items that are provided or supported by the sponsors. The County has proposed, as part of this permit application, that its share of the revenue that is derived from advertising on the sunshelters and kiosks will be directed towards the County's beach recreation and maintenance programs/activities.

As proposed, the project will provide public services and public recreational opportunities, such as funding to support beach recreation and maintenance, public resting areas, and public service messages relating to coastal resources and activities. Thus, the sunshelters and kiosks are consistent with the public recreation policies of the Coastal Act. In order to ensure that this development continues to provide public services and recreational opportunities, consistent with the County's proposal and with the Chapter Three policies of the Coastal Act, the Commission finds it necessary to require the applicant, under special condition 3, to apply to the Coastal Commission for an amendment to the permit for any change to the design or project description of any sunshelter or kiosk. Such changes include, but are not limited to, a change in the number of display panels or changes that reduce the number of display panels devoted to public service information. Generally, a change that eliminates or reduces the sunshelters' or kiosks' function as a source of coastal related information or as a place to rest would require an evaluation as to its consistency with the recreation policies of the Coastal Act.

Furthermore, as proposed by the County, and to ensure that the revenue derived from the advertising on the sunshelters and kiosks benefits public beach use by supporting beach recreation and maintenance programs/activities, condition number 4 requires that, consistent with the County's proposal, one-hundred percent of the County's revenue derived from advertising on the structures is used for such purposes. The County shall submit annual reports for a period of five years, as outlined in special condition 5, demonstrating that the revenue is being used for such purposes and that such additional revenue is an addition to the County's annual funding allocated to the Department of Beaches and Harbors for beach recreation and maintenance and will not be used in-lieu of or supplant the County's funding for such uses. The special conditions will allow the Commission to insure that the revenue derived from the advertising on the structures is allocated and benefits coastal access and recreation within the County owned or operated beaches. Therefore, the Commission finds that only as conditioned will the proposed project be consistent with the public access and recreation policies of the Coastal Act.

D. Violation

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).

F. CEQA

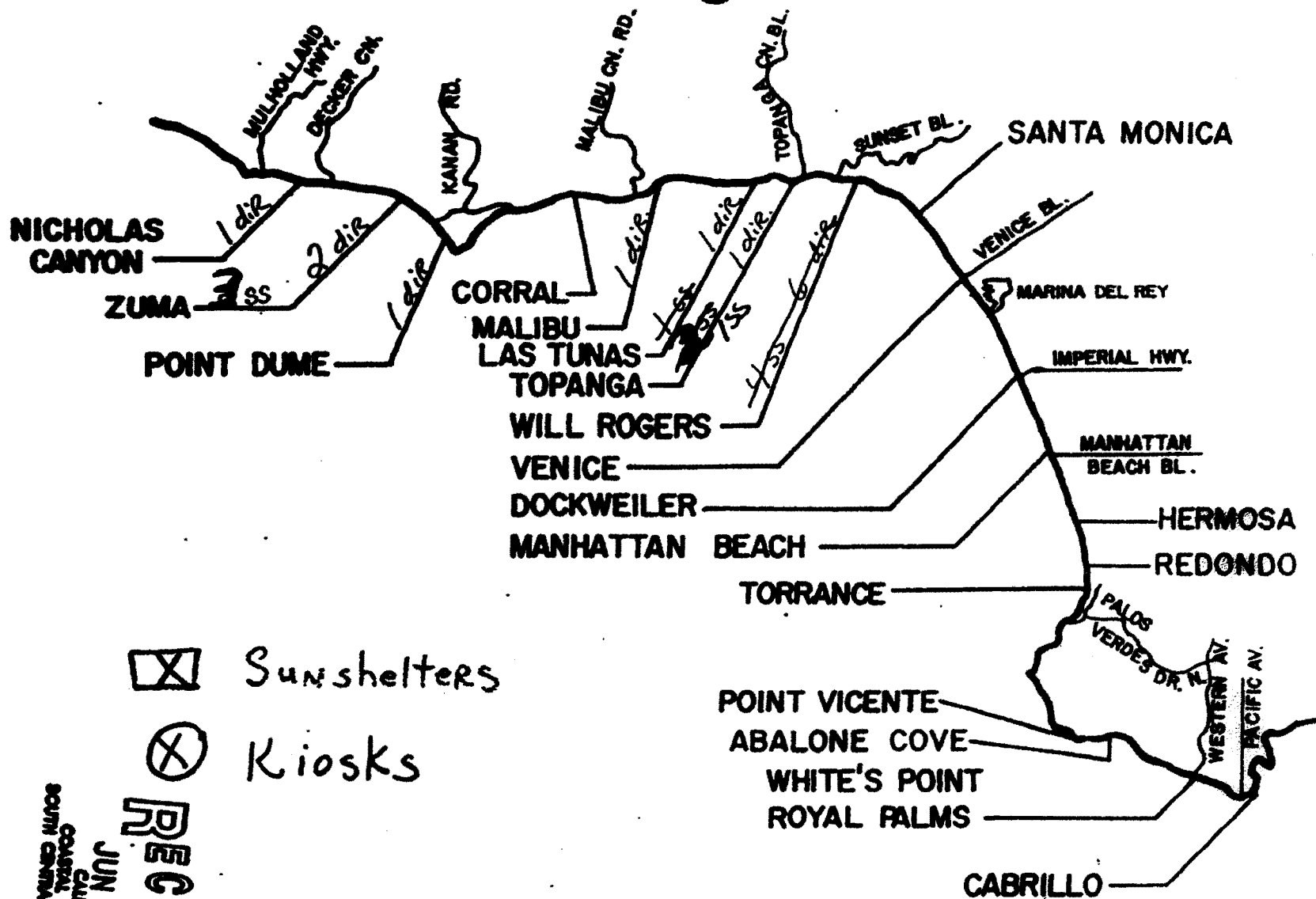
Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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 amendment is found consistent with CEQA and the policies of the Coastal Act.

2181M

4-96-179

Exhibit 1: Location Map  
4-96-179 (L.A. Co.)



☒ Sunshelters

⊗ Kiosks

RECEIVED  
JUN 6 1995  
SOUTHERN CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

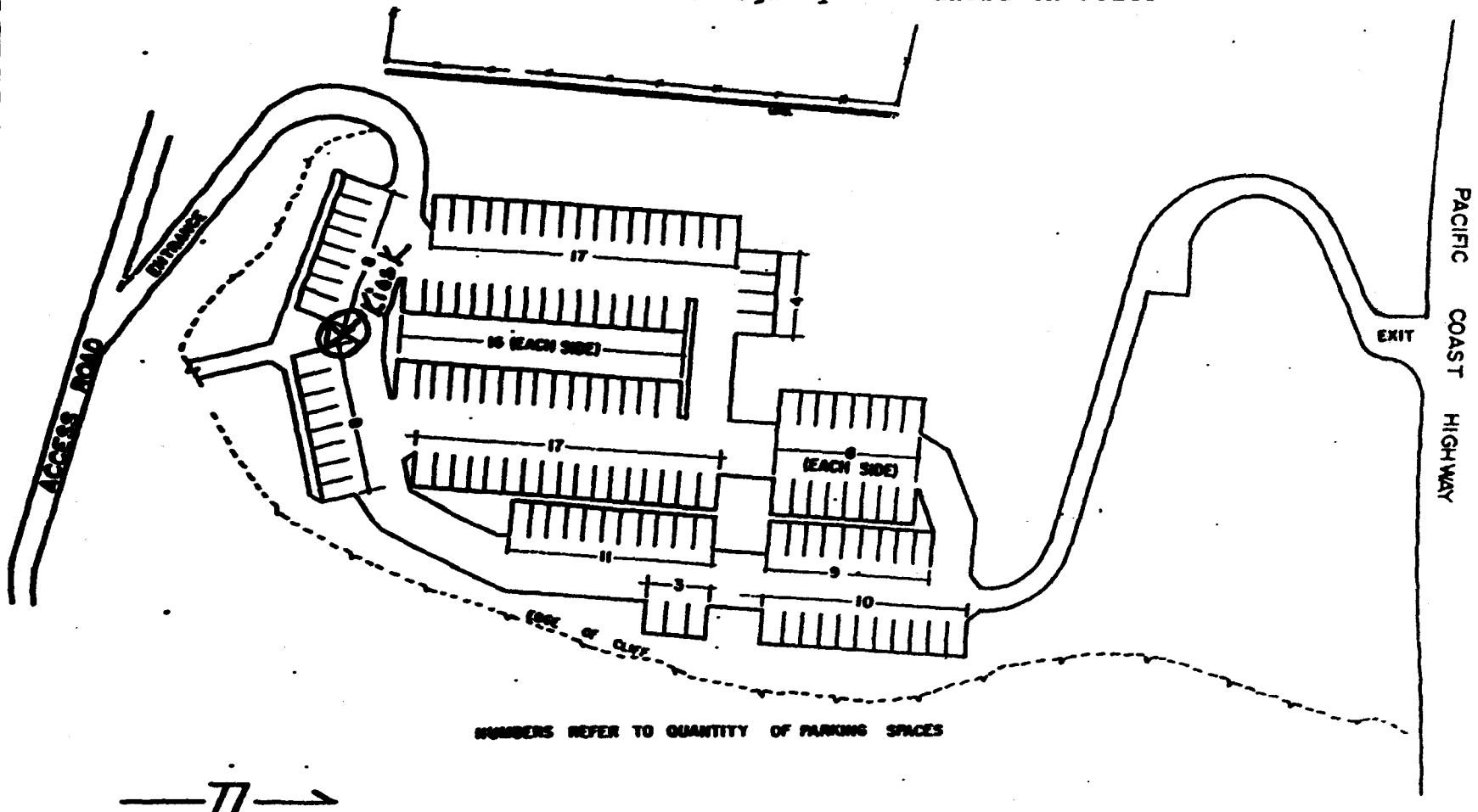
# LOS ANGELES COUNTY BEACHES

# NICHOLAS CANYON COUNTY BEACH PARKING LOT

33850 Pacific Coast Highway

Malibu CA 90265

Exhibit 2: Nicholas Cyn Beach  
4-9-79



NUMBERS REFER TO QUANTITY OF PARKING SPACES

ENTER ACCESS ROAD  
AT 33804 PCH  
(NOT SHOWN)

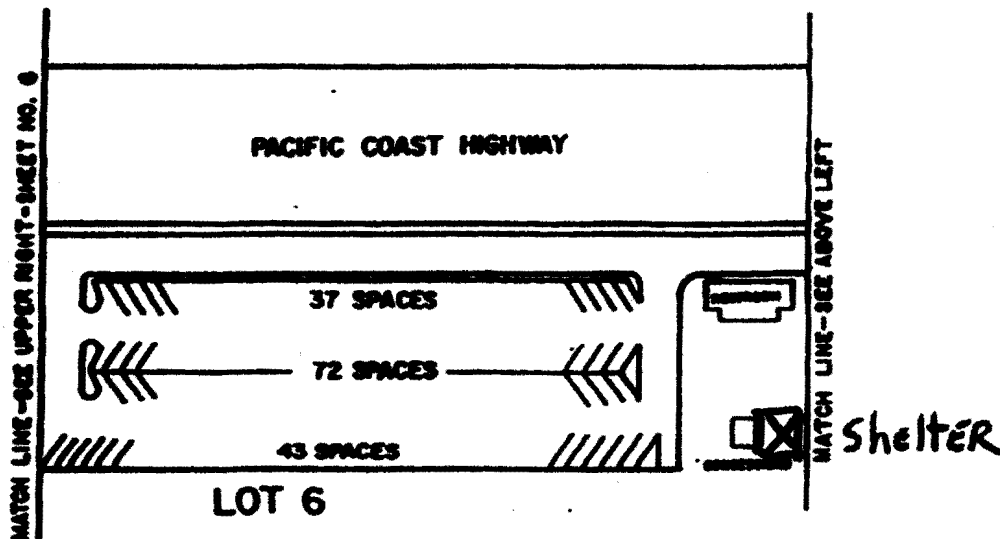
PARKING LOT AREA 51,280 sq. ft.

REGULAR SPACES	135
HANDICAPPED	00
TOTAL	135





30064 Pacific Coast Highway  
Malibu, CA 90265

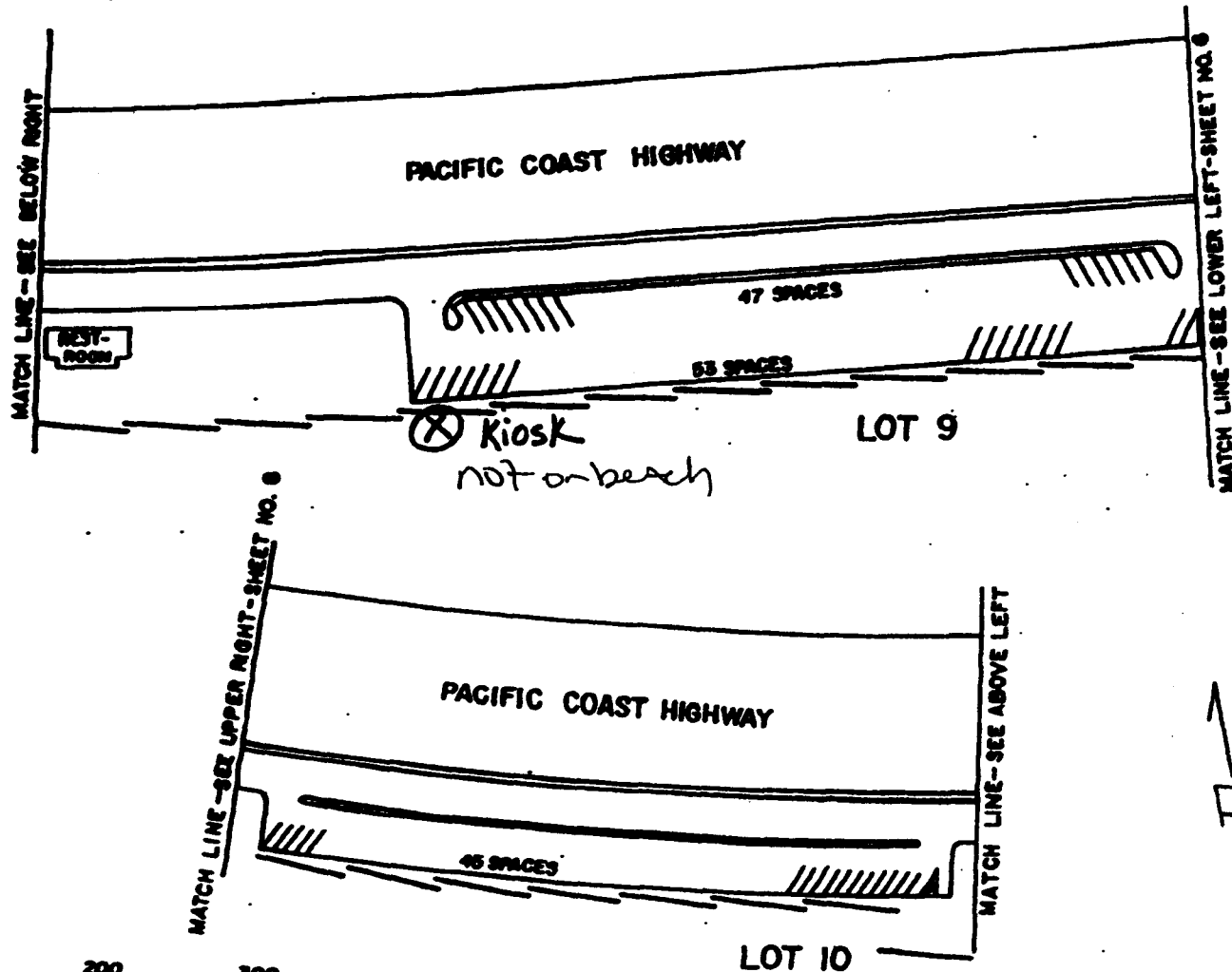


LOT # 6	
REGULAR SPACES	152
HANDICAPPED	00
TOTAL	152

**Exhibit 3b: Zuma County Beach**  
**~~4-9-179~~ 4-9-179**

# **PARKING LOT NO. 9 & 10** **ZUMA COUTY BEACH**

30180 Pacific Coast Highway  
 Malibu, CA 90265

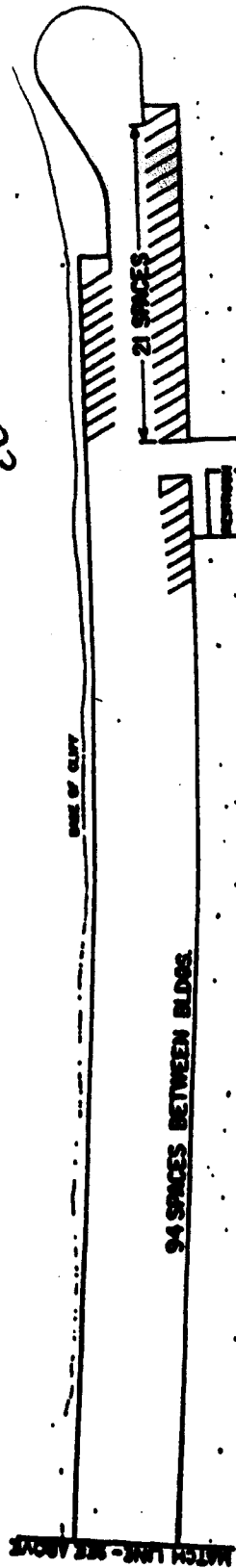
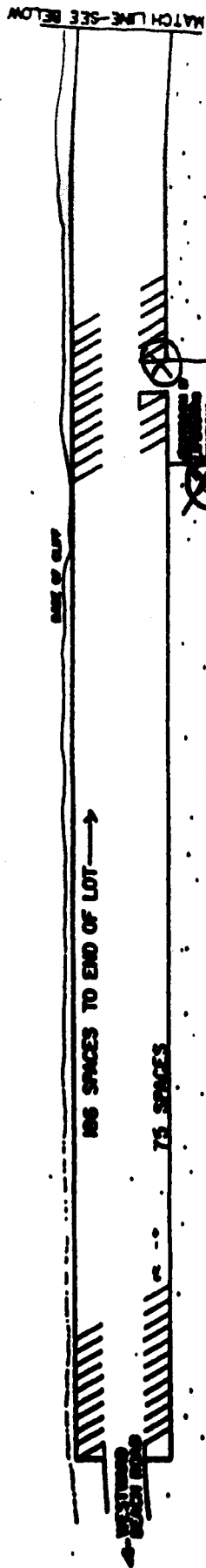


PARKING LOT AREA 28,000 sq. ft.	
<b>LOT # 9</b>	
REGULAR SPACES	100
HANDICAPPED	00
<b>TOTAL</b>	<b>100</b>

PARKING LOT AREA 12,000 sq. ft.	
<b>LOT # 10</b>	
REGULAR SPACES	45
HANDICAPPED	00
<b>TOTAL</b>	<b>45</b>

# POINT DUME STATE BEACH PARKING LOT

7103 Westward Rd. Malibu, CA 90265



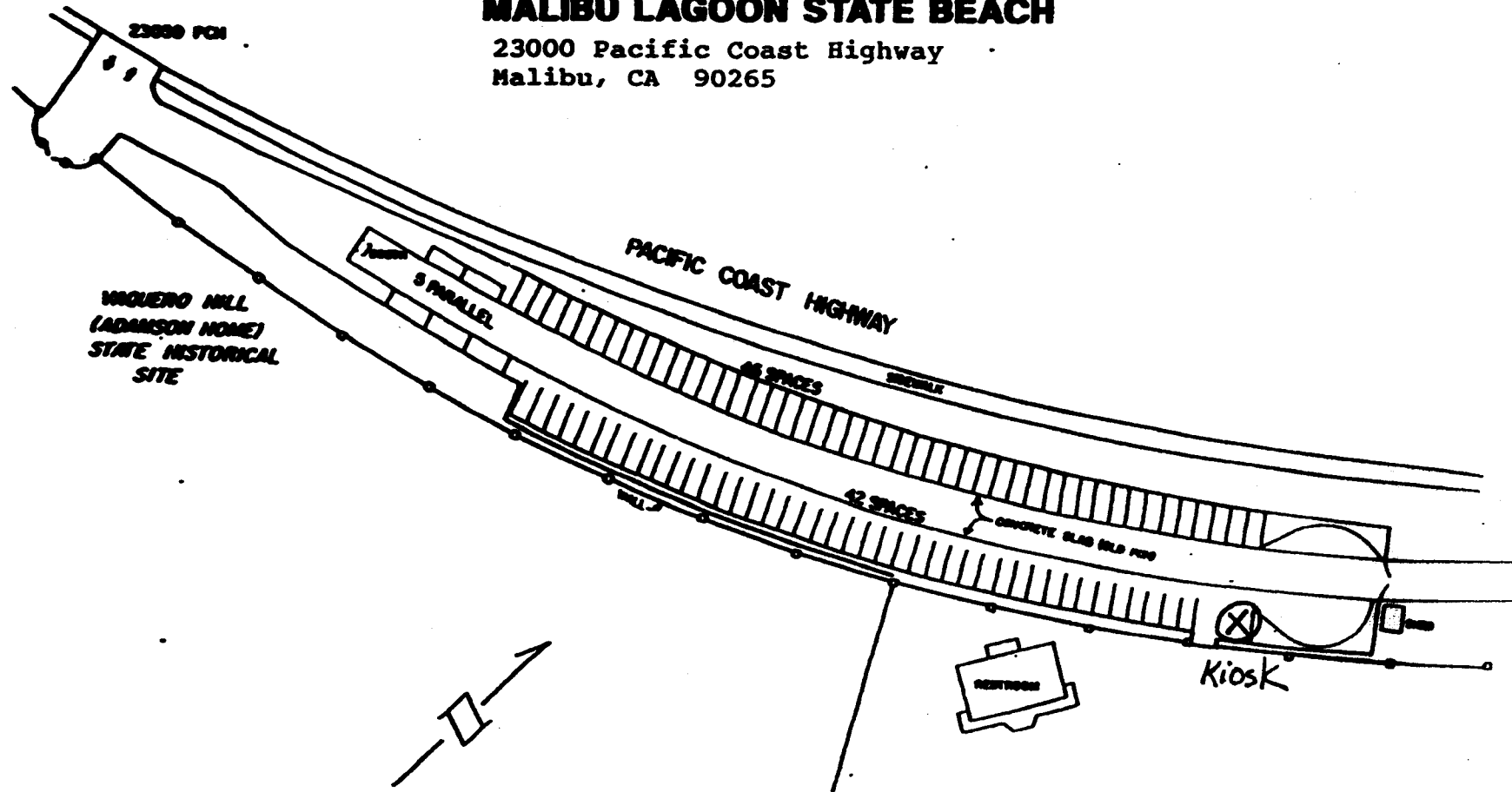
0 50 100 150 200  
SCALE IN FEET

PARKING LOT AREA 186,880 sq. ft.

REGULAR SPACES	376
HANDICAPPED	00
TOTAL	376

# SURFRIDER PARKING LOT MALIBU LAGOON STATE BEACH

23000 Pacific Coast Highway  
Malibu, CA 90265



INGUERO MILL  
(ADAMSON HOME)  
STATE HISTORICAL  
SITE

PACIFIC COAST HIGHWAY

46 SPACES

SIDEWALK

42 SPACES

CONCRETE SLAB OLD FORD

RESTROOM

Kiosk

SCALE IN FEET

PARKING LOT AREA 29,899 sq. ft

REGULAR SPACES	93
HANDICAPPED	00
TOTAL	93

Exhibit 5: Malibu Surfrider Beach  
4-96-179

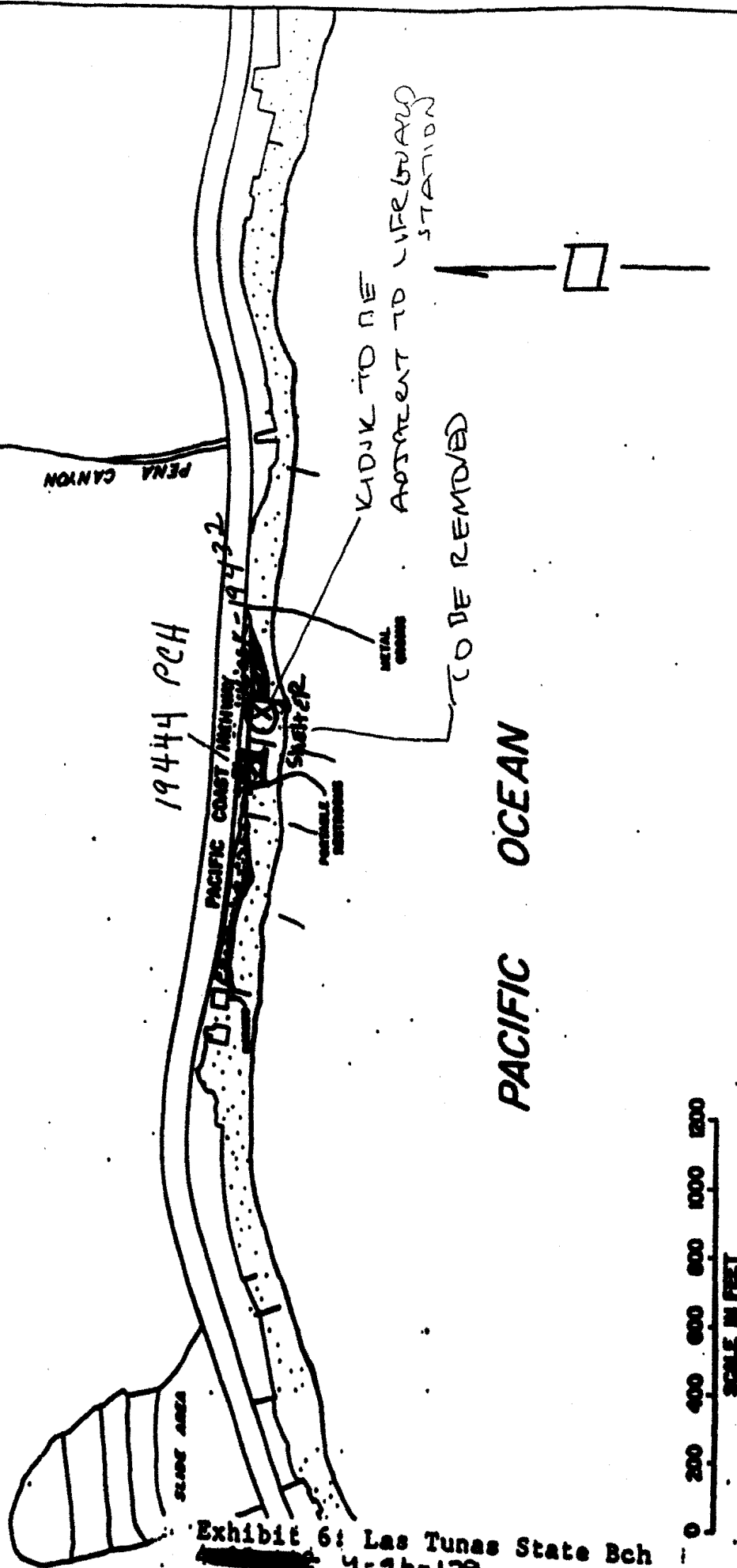


Exhibit 6: Las Tunas State Bch  
4-16-179

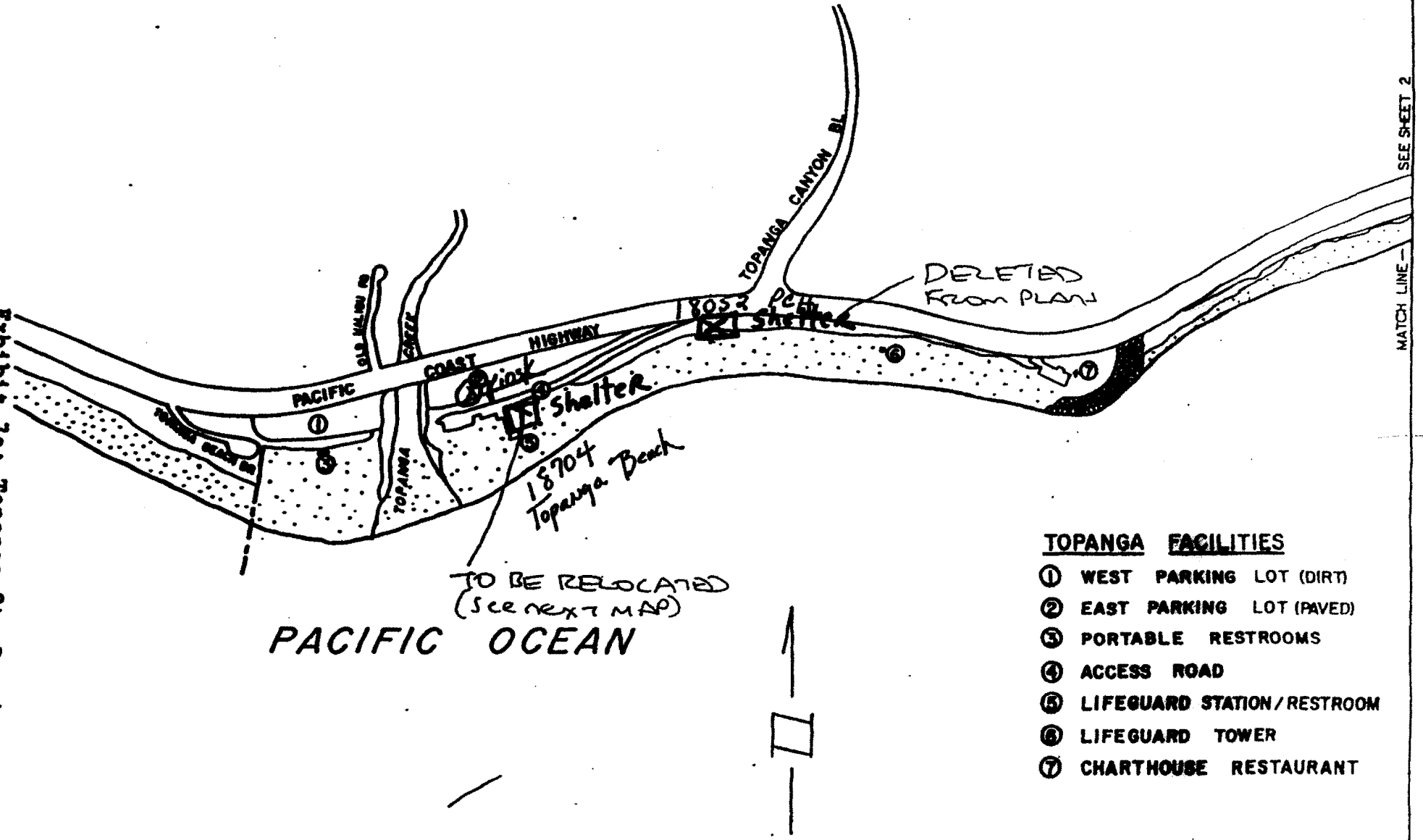
LAS TUNAS STATE BEACH

7/18/84

S. DRIGGS

LoenYi

Exhibit 7a: Topanga St. Beach  
4-96-179



PACIFIC OCEAN

- TOPANGA FACILITIES**
- ① WEST PARKING LOT (DIRT)
  - ② EAST PARKING LOT (PAVED)
  - ③ PORTABLE RESTROOMS
  - ④ ACCESS ROAD
  - ⑤ LIFEGUARD STATION/RESTROOM
  - ⑥ LIFEGUARD TOWER
  - ⑦ CHARTHOUSE RESTAURANT

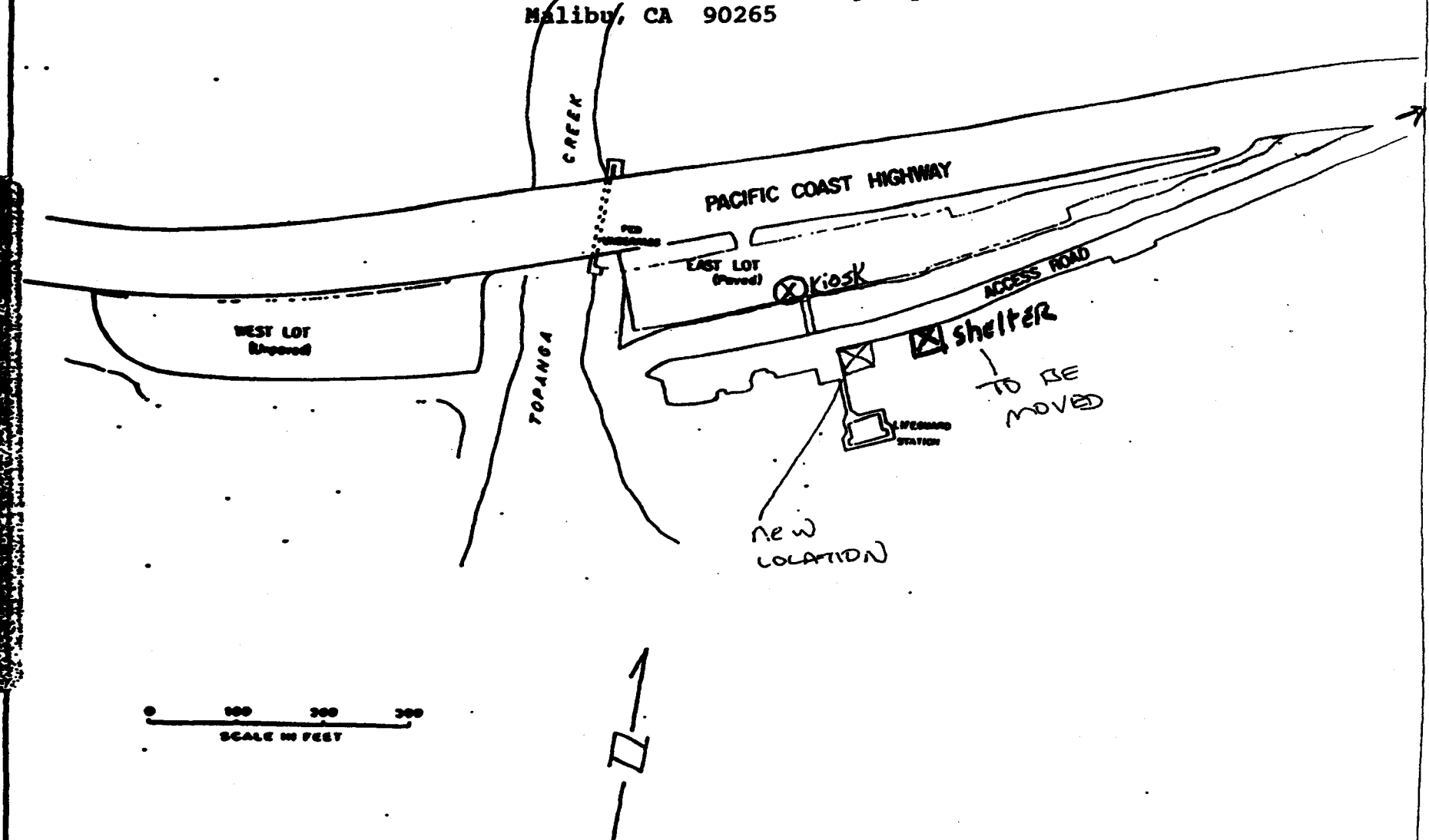
0 200 400 600 800  
SCALE IN FEET

Site

# UNPAVED PARKING LOT TOPANGA STATE BEACH

18700 Pacific Coast Highway  
Malibu, CA 90265

Exhibit 7b: Topanga State Beach  
4-96-179



PARKING LOT AREA 40,480-sq. ft

WEST LOT	
REGULAR SPACES	120
HANDICAPPED	00
TOTAL	120





COUNTY OF LOS ANGELES  
DEPARTMENT OF BEACHES AND HARBORS



STAN WISNIEWSKI  
DIRECTOR

April 9, 1996

KERRY GOTTLIEB  
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 be 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.

**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.

Very truly yours,

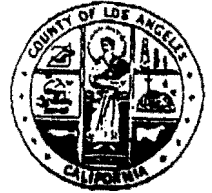
  
James A. Hawcett, Ph.D.  
Chief, Planning Division

COUNTY OF LOS ANGELES  
DEPARTMENT OF BEACHES AND HARBORS



STAN WISNIEWSKI  
DIRECTOR

April 11, 1996



KERRY GOTTLES  
DEPUTY DIRECTOR

JUDITH KENDALL  
DEPUTY DIRECTOR

TO: Al J. Padilla  
California Coastal Commission  
South Coast Area

FROM: Dusty Brogan, Head  
Marketing Section *D. Brogan*

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.g., "don't dump toxic materials in a storm drain because it will end up in our ocean," with pictures to support that quote.)

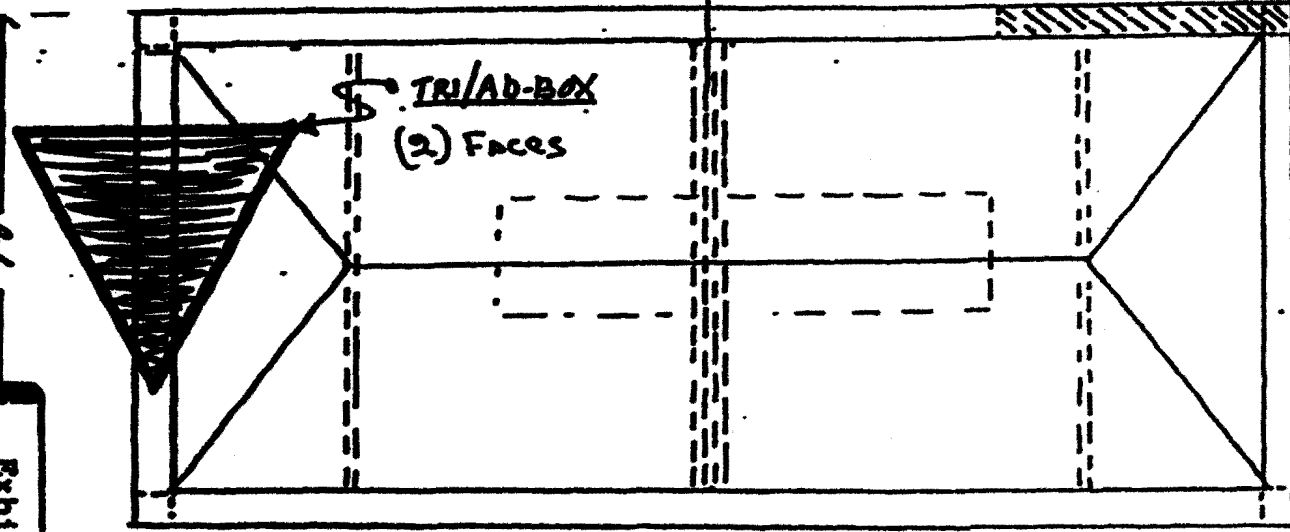
The County will receive 50% of all advertising that is sold on the other two panels. It is estimated that the Beach Information Kiosks will generate approximately \$300,000 annually for the County. This revenue will help to support the Department of Beaches and Harbors in providing a safe and clean beach 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 310/305-9862.

Exhibit 9: Information on Public

Service panels 11-44-76

Exhibit 10: Plan for Sunshelter  
4-96-179



SHELTER CONCEPTS' Pitch/Roof  
Bus Shelter w/ Tri-Ad Box (2)  
Faces & Back, with Back Wall  
Panel (4') for Utility Uses  
SIZE: 16' long X 7' wide X 9'6"  
high.....  
Mfg. by SIGNPAC, INCORPORATED  
Costa Mesa, California

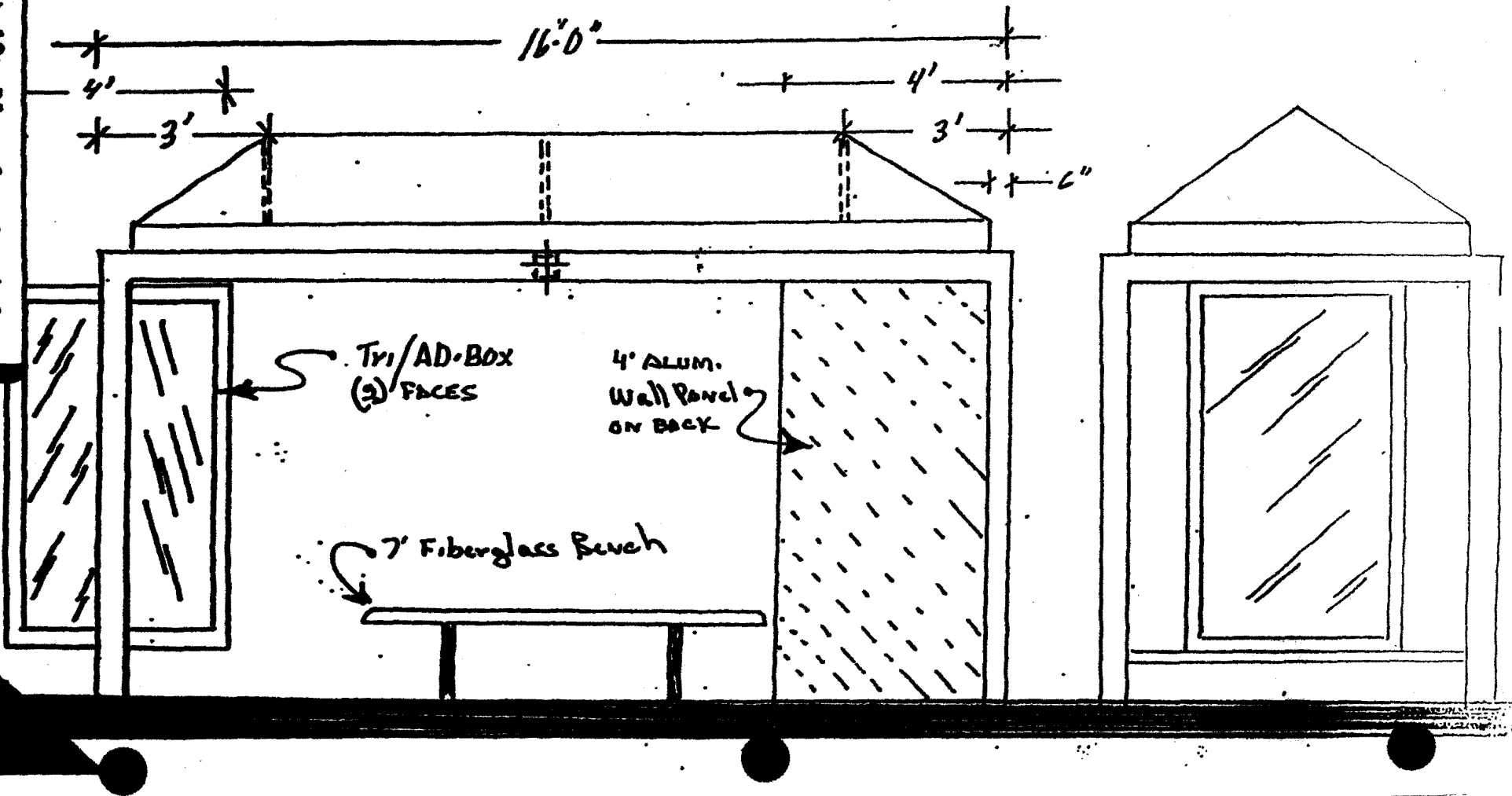
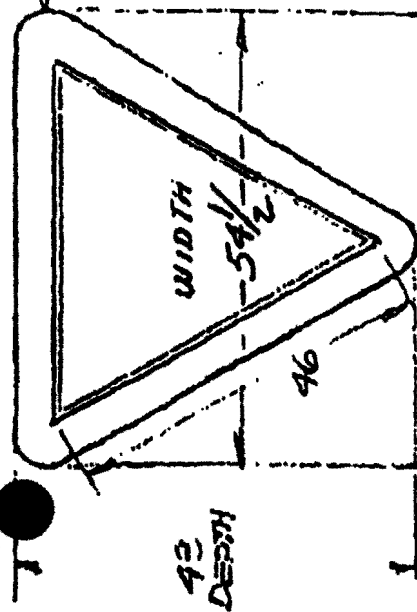


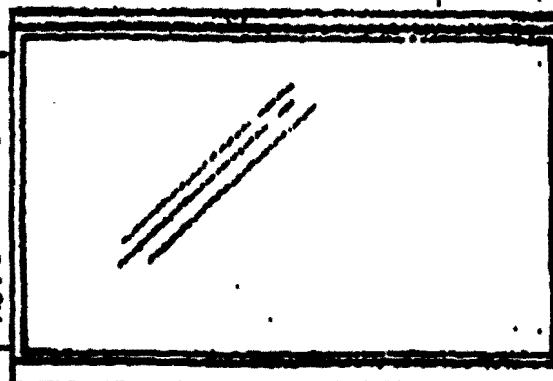
Exhibit 11: Plan for Kiosk

4-46-179

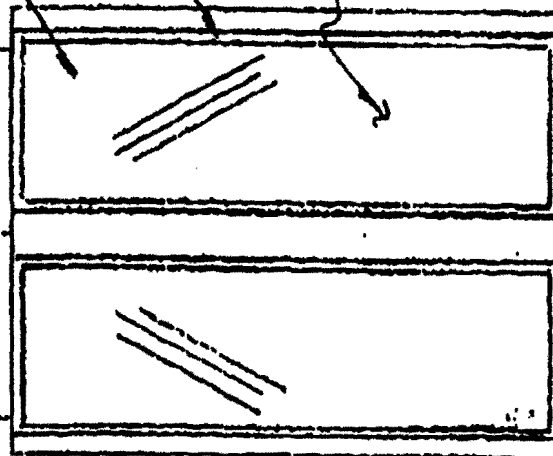
ALUMINUM TO  
EXTENDED TO  
FORM RADIUS  
CORNERS - ALL  
ALUMINUM WELDED  
CONSTRUCTION



BEACH INFORMATION



BEACH INFORMATION



3/16" THICK SAFETY  
GLASS -  
(3 SIDES)

WINDOWS HINGED  
AT TOP WITH  
STAINLESS STEEL HINGES

STANDARD 48X72  
POSTER SIZE

FULL TOP AND  
BOTTOM PLATE

9 - THIS HEIGHT IS ADJUSTABLE  
FROM 1" TO 12"

PAINT: SILICON POLYESTER BATED  
FINISH - DARK BROKE - ALL ITEMS

TOLAR MANN, CHAIRMAN  
501 S. ROSE ST., ANAHEIM CA 92805

APPROVED BY:

SCALE: 1/2" = 12"

DATE: 1-19-95

DRAWN BY: *John*

REVISED

EQUILATERAL 3-SIDED AD BOX

DRAWING NUMBER



Exhibit 12: Example of Kiosk  
4-96-179

RECEIVED

MAY - 3 1996

DATE: May 2, 1996

TO: California Coastal Commission  
89 S. California St. Ste. 200  
Ventura, CA 93001  
(805) 641-0142

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

RE: Permit Number 4-95-112

APPLICANT: L.A. County Dept. of Beaches and Harbors

PROJECT: Installation of Pre-fabricated Shelters and Kiosks at Zuma and Topanga State Beaches

Dear California Coastal Commission,

As residents of Malibu, we wish to voice our objection to the above-mentioned project.

We have reviewed the project proposal package and would like to reference Section IV, paragraph B, wherein it states that development items "...will be visually compatible..." and "...will not detract from the existing views by visually cluttering the beach."

In view of this requirement, we would like to say that the shelters and kiosks, with their bus-terminal-like appearance and multi-sided advertisement messages are not only very *incompatible* with the surrounding area but will visually clutter the beach and detract from the visual resource that is the coastal view. It is obvious that the primary purpose for these cage-like structures is their advertisement value.

Furthermore, it concerns us greatly that the proposed Zuma Beach kiosk located on Lots 9 and 10 (reference Exhibit 3c) will be situated directly in front of our home's deck. Contrary to the proposal's statement that "there are no adverse visual impacts created," there certainly will be impairment of the coastal view for our family and our neighbors.

The proposal also mentions that the L.A. County Dept. of Beaches and Harbors is seeking these permits as partial after-the-fact applications since two sun-shelters have already been installed at Zuma without permitted authorization. We further understand that development has already been accomplished in this area (metal railings along the coastline) without permits. We believe that the County should follow the proper procedures when they wish to develop an area, especially one as delicate and fragile as our coastline.

If L.A. County is concerned about generating revenue, it might be a good idea if they did not spend money installing un-permitted structures that they may have to remove when the public is allowed a vote in the matter.

We would appreciate any consideration you can give to this matter. Keeping the coastline as natural and uncluttered as possible can only enhance the value of these areas.

Sincerely,

  
Irene Grigoriadis and Stephen Casey  
6463 Surfside Way  
Malibu, CA 90265  
(818) 568-3119



Exhibit 13: Letter opposing project  
received 5-3-96  
4-96-179

LAW OFFICES

EDWARD J. ROBERTS

29039 SADDLEBROOK DRIVE  
AGOURA HILLS, CALIFORNIA 91301  
(818) 706-0955

April 23, 1996

Att: Susan Friend, Coastal Program Analyst  
California Coastal Commission  
89 S. California Street, Suite 200  
Ventura, CA 93001

Re: Permit No. 4-95-112

Dear Ms. Friend:

My wife and I strenuously object to the above application of the L.A. County Department of Beaches for permit to blight the beach with sunshelters, kiosks, more concrete, and billboard advertising and messages on the exterior panels of proposed structures.

This proposal is the antithesis of what my wife and I voted for and intended by passing Proposition 20 in 1972. Proposition 20 was intended by the undersigned voters to prevent just this type of eyesore destruction of our natural coastline. We know that the California Coastal Commission would never let us install advertising signs on the sandy public beach, or on a private sandy beach, or even across the street from the public beach on private property even just within sight from the public beach or Coast Highway. I know that the CCC would never let us do it on private property in Malibu even across from the beach in a direction opposite of that in which people look from the highway, beach, or bluffs. Why then would the CCC even consider such an outrageous proposal to destroy California's precious scenic corridor? Any commissioner or staff who would even consider supporting such a proposal is unfit for the position and responsibility, and should be investigated for potential conflicts of interest, and replaced.

Yours truly,

Edward J. Roberts

EJR/kof  
encl.

RECEIVED

APR 29 1996

CALIFORNIA  
COASTAL COMMISSION  
COAST DISTRICT

Exhibit 14: Letter opposing project  
Received 4-29-96  
9-45-79



4.24.96

To: Susan P. Fuenot  
California Coastal Commission  
89 S. California Street, Ste 200  
Ventura CA 93001

From: Ray & Jackie Lahr  
17254 Coastline Drive  
Malibu CA 90265

Subject: Sunshelters and Kiosk Project

We are in favor of projects which beautify  
the beaches and enhance their enjoyment.  
This sounds like one of them.

Ray Lahr

RECEIVED

APR 26 1996

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Exhibit 15: Letter supporting project  
4-26-96 Received 4-26-96  
4-26-179

# FAX TRANSMISSION

10951 W. PICO BOULEVARD, THIRD FLOOR  
LOS ANGELES, CA 90064-2126  
(310) 470-9897  
FAX: (310) 474-7083

To: Gary Timm Date: May 3, 1996  
Fax #: (805) 641-1732 Pages: 3, including this cover sheet.  
From: Frank P. Angel  
Subject: Sunshelters and kiosks on LA County beaches

## COMMENTS:

Dear Gary:

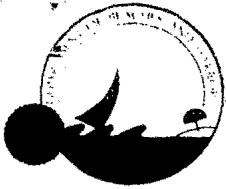
Pursuant to my telephone discussion with Al, I have attached Public Resources Code section 5002.6. You will note that subdivision (e)(1)(A) prohibits any new or expanded commercial development on any of the eight beaches transferred to the County, regardless of size or cost. (Compare subd. (e)(1)(B) (noncommercial development).) My client in this matter, the Sierra Club, lobbied very hard to get this provision included in the beach transfer legislation. (We opposed the transfer to begin with and may challenge it in court.) The obvious purpose of the commercial development prohibition in the legislation was to protect the public shoreline against incremental visual pollution, among other things. Our concern was that beach management by County Beaches and Harbors would depart from State Parks' public interest, resource protection-oriented management philosophy and practices. It sure has. Under State Parks jurisdiction, these new structures -- which incidentally clearly are "development" within the meaning of the Coastal Act -- never would have been allowed to begin with. Also, for purposes of commercial and public service advertising (the averred project objective), environmentally much less intrusive alternatives than sunshelters and kiosks are available (e.g., use of existing structures).

Thanks for taking another hard look at this matter.

  
Frank P. Angel

THE INFORMATION CONTAINED IN THIS FAX TRANSMISSION IS PROTECTED BY THE ATTORNEY-CLIENT AND/OR ATTORNEY WORK PRODUCT PRIVILEGES. IT IS INTENDED ONLY FOR THE USE OF THE RECIPIENT NAMED ABOVE, AND THE PRIVILEGES PROTECTING THIS INFORMATION ARE NOT WAIVED BY THIS FAX TRANSMISSION. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR BY RETURNING THE FAX TRANSMISSION TO US AT THE ABOVE ADDRESS VIA U.S. MAIL.

Exhibit 16: Letter re: commercial Development  
4-26-96 Received 5-2-96  
4-26-179



COUNTY OF LOS ANGELES  
DEPARTMENT OF BEACHES AND HARBORS



STAN WISNIEWSKI  
DIRECTOR

June 12, 1996

RECEIVED

KERRY GOTTLIEB  
DEPUTY DIRECTOR

JUDITH KENDALL  
DEPUTY DIRECTOR

JUN 13 1996

Ms. Susan Friend  
California Coastal Commission  
South Central Coast Area Office  
89 South California Street, Ste. 200  
Ventura, California 93001

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Dear Ms. Friend:

COASTAL DEVELOPMENT PERMIT # 4-94-183 4-95-112

I was the negotiator for the Department of Beaches and Harbors regarding the transfer of eight beaches from the State to the County on September 15, 1995. The negotiator for the State Department of Parks and Recreation was Ken Jones, Deputy Director. Ken and I have discussed the meaning of the words "commercial development", which is prohibited in the deed restrictions contained in AB 909. In our last conversation, which was held on May 9, 1996, Ken said that his department had written to the Coastal Commission in support of our application for a permit, as well as our understanding of what "commercial development" was intended to mean.

It is our belief that the intent of the Legislature, in establishing these restrictions, was to prevent the County from reducing public access to the beaches by building major restaurants, hotels, or other, similar, large "commercial developments". Beaches and Harbors has agreed not to pursue these kinds of developments; however, we have public service programs that generate revenue. The primary function of these programs is to improve public access and safety, as well as to enhance public enjoyment of the beaches. Public parking lots, small concessions (food, skate and bike rentals, etc.) and elements of our marketing program are good examples.

Sun shelters and information directories are not "commercial developments" in the sense that Gladstone's' 4 Fish is. Sun shelters provide shade and comfort, as well as a bench to sit on, which may be critical to someone who suddenly becomes ill because they have been in direct sunlight too long. Our directories will not only provide information on nearby facilities, but will advise the public about safety issues, such as rip currents, as well as convey educational information regarding storm drain runoff and local flora and fauna. Sun shelters and directories are small in size and

Exhibit 17: Letter re: Commercial Development

4-94-183 Received 6-13-96

4-96-179

Ms. Susan Friend  
June 12, 1996  
Page 2

they are not unlike public works, such as picnic shelters, restrooms, tables and barbecues, and security lighting, because they provide a valuable public service. They are not exclusionary, as they enhance public access, rather than limit it, like restaurants and hotels might.

In October, 1995, I requested a definition of "commercial development" in writing from Ken Jones, but he informed me that such a definition should come from the Legislative Counsel or Attorney General. When I contacted them on May 14, 1996, the Legislative Counsel told me that they only provide opinions to legislators. They did research AB 909, however, but found no definitions or notes that would document the Legislature's intent. It should be noted that the sun shelter program was in place prior to the transfer of the State beaches and the drafting of the deed restrictions. Furthermore, AB 909 granted the State Department of Parks and Recreation the right to pursue marketing/advertising agreements, like the sun shelters and information directories. Marketing/advertising programs are excellent examples of public/private partnerships that help meet a growing mandate to develop non-tax dollar funding sources.

If you have any questions regarding this matter, please call me at (310) 305-9573.

Very truly yours,

STAN WISNIEWSKI, DIRECTOR



Dean R. Smith  
Executive Assistant

SW:DRS:be  
C: Dusty Brogan  
Lynn Atkinson



STAN WISNIEWSKI  
DIRECTOR

COUNTY OF LOS ANGELES  
DEPARTMENT OF BEACHES AND HARBORS



KERRY GOTTLES  
DEPUTY DIRECTOR

JUDITH KENDALL  
DEPUTY DIRECTOR

June 20, 1996

RECEIVED

JUN 20 1996

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Ms. Arlene Pinzler, District Deputy  
Assemblywoman Debra Bowen's Office  
18411 Crenshaw Blvd., Suite 280  
Torrance, CA 90504

Dear Ms. Pinzler:

LOS ANGELES COUNTY - SUN SHELTERS  
& BEACH INFORMATION DIRECTORIES

It was requested by your office that Los Angeles County Department of Beaches and Harbors (hereinafter variously "Department" or "County") provide information concerning the Sun Shelter and Beach Information Directories programs that are under permit consideration by the California Coastal Commission. In so doing, I would first like to provide background information on our Department's overall public service marketing program and then focus on the Sun Shelter and Beach Information Directories programs in particular.

Background

The Department has been developing public service marketing programs since the mid eighties in an effort to continue providing quality services to the over 60 million beachgoers visiting County owned or operated beaches each year. Enclosed is a list of all of our current marketing programs in order that you can see the diversity of the various programs and the much-needed revenue and cost avoidance which are achieved through our various public/private marketing agreements.

Ms. Arlene Pinzler  
June 20, 1996  
Page 2

As you are aware, local government has experienced funding cuts for the past six years and our marketing program has allowed the County to continue to maintain the level of services/amenities at our beaches during these difficult times. With the downsizing of government, we found ourselves increasingly unable to maintain in good condition our beach amenities, thereby causing their removal to the detriment of beachgoers' needs. Through our marketing program contracts, private sponsors agree not only to construct and install these amenities, but also to maintain, repair and replace those which have become damaged or destroyed. Additionally, our corporate sponsors enable us to provide much-needed recreational programs for our youth. For instance, if it weren't for our Lifeguard Tower Safety Sign sponsor, the County would be forced to eliminate its successful W.A.T.E.R. (Water, Awareness, Training, Education and Recreation) program, which brings inner-city youth to the beach and teaches them to surf, swim and play with other children from various ethnic and geographic backgrounds at no cost to the participant.

The following is a description of the Sun Shelter and Beach Information Directories programs. I have enclosed a color photocopy of both a picture of a Sun Shelter and a rendering of a Beach Information Directory for your convenience. Specifications for both of these structures are contained on the shop/working drawings also enclosed.

#### Sun Shelter Program

The Department developed the Sun Shelter program in 1992 in response to the flow of medical data being reported concerning the danger of overexposure to the sun. The program was also in response to lifeguards' complaints that people experiencing fatigue on their bikes would stop in the middle of the bike path and cause accidents. Thus, our Sun Shelters with their interior benches were conceived and created to provide an oasis of shade and comfort, as well as a resting place, for those who have grown tired or need a respite from the effects of the sun.

It is interesting to note that Assemblywoman Bowen was then serving as a Board-appointed member of the County of Los Angeles Beach Advisory Committee and was present at the Committee meeting at which this particular program was endorsed. At that time, Assemblywoman Bowen voted along with the rest of her Committee colleagues to unanimously

Ms. Arlene Pinzler  
June 20, 1996  
Page 3

recommend the Sun Shelter program to the Board of Supervisors. At that particular meeting, the tower safety sign, telephone kiosk, and bench and bike rack marketing contracts were also unanimously approved.

It is also important to note that the Sun Shelters had been installed for over three years when the State transferred the eight beaches to the County in 1993. At that time, the County was working with the State of California Department of Parks and Recreation as a co-applicant on the Coastal Commission permit for both the Sun Shelter and Beach Information Directories programs.

There are a total of twenty-two (22) Sun Shelter locations strategically placed along the 31 miles of coastline controlled by the County, seven of which are on beaches transferred from the State. No additional Sun Shelters are contemplated.

For the past two years, we have worked cooperatively with the Coastal Commission staff to evaluate each Sun Shelter location as to its public service value and to make certain that it does not interfere with the public's beach view corridor. As a part of this process, we agreed to relocate eight Sun Shelters to sites preferred/recommended by Coastal Commission staff. As a result of this cooperative effort, Coastal Commission staff were able to give our permit application a positive staff report. The County will implement the staff's recommendations upon receiving permit approval from the Commission.

The sponsor constructed, installed, and maintains the Sun Shelters, guaranteeing that the Sun Shelters will be repaired within 72 hours and are cleaned and the graffiti removed on a routine basis. The Mediterranean design of the Sun Shelter was required by the County and is consistent with the architecture of new beach facilities, e.g., restrooms.

#### Beach Information Directories Program

The concept of the Beach Information Directories grew out of a lifeguard's suggestion to provide facility brochures (with maps included) to beach patrons. We modified the suggestion to incorporate maps on a fixed information kiosk, believing that distributing paper maps would create potential litter problems.

Ms. Arlene Pinzler  
June 20, 1996  
Page 4

The proposed Beach Information Directories will be three- or four-sided kiosks placed in parking lots and next to beach accessways. Each kiosk will contain two public service message panels, one regarding site specific information and the other containing ocean-related educational information. The site-specific panel will contain a map of the beach and the local environs, including the location of beach facilities (i.e., restrooms, accessways) and emergency services (i.e., police, fire, lifeguards), emergency telephone numbers, a beach history, and coastal flora and fauna information. We will be coordinating with organizations such as the American Oceans Campaign, Coastal Commission, and local animal rescue operations to create the contents of the second information panel, to include educational information concerning, for instance, storm drain run-off, rip currents, and what to do if an ocean animal has been washed up on the shore.

Contemplated are a total of twenty-eight (28) Beach Information Directories' sites. Many local government agencies support the Beach Information Directories program and will work with us to design each area's facility map and public service information.

The sponsor will construct and install the Beach Information Directories, including the public service messages, and provide ongoing maintenance. The sponsor will also adapt the design of each Directory to the area's architecture.

### Conclusion

It is the County's intent to provide a safe and enjoyable experience at our beaches for our local users, as well as our tourists. We, too, are concerned about the over-commercialization of our natural resources and, thus, have been quite sensitive to both the location and the totality of our public service programs. We believe we have been creative and respectful in designing public/private partnerships that recognize both the value of our beaches as natural resources and the need to provide amenities to satisfy urban beachgoer demands. These amenities require constant and intensive maintenance due to both natural (i.e., rust) and urban (i.e., vandalism and graffiti) occurrences. Given our fiscal limitations, we believe we have been uniquely successful in meeting user demands during these trying fiscal times.



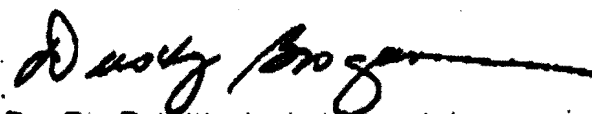
Ms. Arlene Pinzler  
June 20, 1996  
Page 5

We believe our success has been specifically acknowledged by other governmental entities, including the State, as reflected in the very same State legislation which transferred the eight beaches to the County in 1995 and in our being approached by other jurisdictions to provide both marketing information and services to assist them in meeting their local needs. In this regard, we are completing a joint powers agreement with the State, Orange County and various Orange County beach cities to provide marketing services for Orange County beaches, because of their belief that similar marketing efforts will assist these entities in providing services to their residents and visitors. Additionally, in AB 909 (Bowen), the State secured for itself the ability to enter into marketing agreements similar to the County's to assist the State in efforts to secure long-term private funding sources for all units in the State park system, thereby ensuring that these units are preserved and open for public use and enjoyment.

We would welcome your support. If we might provide you with further information or otherwise assist you, please feel free to call me at (310) 305-9562.

Very truly yours,

STAN WISNIEWSKI, DIRECTOR



D. E. Brogan  
Head, Marketing

SW:DEB:ec  
Enclosures

cc: California Coastal Commission

# MARKETING SECTION REVENUE GENERATION FISCAL YEAR 1986-87

PROGRAM	DESCRIPTION	CASH	SAVINGS
Beach Vehicle 30. Cal Ford Dealers Assoc.	Sponsor agrees to provide 40 vehicles to be used in lifeguard operations and youth programs in exchange for the exclusive right to advertise as the "Official Vehicle of LA County Beaches."	\$0	\$310,000
Trash Barrel Adopt-A-Highway	Sponsor provides a minimum of 3,000 and up to 6,000 (55 gallon) trash barrels per year and a cash fee or percentage (whichever is greater) for the right to advertise on the trash barrels; the funding is designated for beach maintenance.	\$80,000	\$50,000
Sunbather Transportation Display, Inc.	Sponsor has the right to sell advertising space on the 22 sunbathers; each sunbather has two ad panels; fee is a guaranteed minimum of \$2500 per shelter plus 30-50% of advertising revenue, presently at 35%.	\$280,000	\$0
Lifeguard Tower Safety Signs Transportation Display, Inc.	Sponsor provides signs that combine 3 safety signs into 1 (5'x 5') sign displayed on the back of lifeguard towers in exchange for the right to sell advertising on a 27"x 54" portion; signs provide funding for the Department's W.A.T.E.R. Youth program.	\$210,000	\$0
Telephone Booth Transportation Display, Inc.	Sponsor has the right to place a 27"x 54" ad on the side panels of telephone booths; revenue is generated from the guaranteed minimum or a percentage of the advertising sales, whichever is larger.	\$84,725	\$0
Lifeguard Uniforms Authentic Fitness Corp.	Sponsor agrees to provide 980 lifeguard uniforms and wholesale pricing on uniforms for the Department's youth programs in exchange for the right to provide itself as the "Official Summer Sponsor of LA County Beach Lifeguards."	\$0	\$52,000
Volleyball Nets Authentic Fitness Corp.	Sponsor will pay a fee for the right to place its name identification on volleyball nets and donate a minimum of 60 nets annually.	\$5,000	\$0
Tire Donations Firestone, Inc.	Sponsor agrees to donate a minimum of 185 tires for 37 lifeguard vehicles in exchange for the right to place name identification on the lifeguard vehicles.	\$0	\$35,000

"Sponsor responsible for construction, installation and on-going maintenance"

# MARKETING SECTION REVENUE GENERATION FISCAL YEAR 1986-87

PROGRAM	DESCRIPTION	CASH	SAVINGS
Free Standing Safety Signs M & D Enterprises (Supplier)	Sponsor pays for the right to place name identification on free standing safety signs.	\$17,800	\$0**
Non-Contracted Vending Machines Supplier (Supplier) M & D Enterprises (Vendor)	Sponsor entitled to sell product on 31 miles of beaches and agrees to sponsor the Free Standing Safety Sign program. Vending Operator pays 35% of gross sales from vending machines.	\$20,000	\$0
Beaches Coca Cola Co. (Proposed)	Sponsor pays a guaranteed fee for the right to place ads on 100 beaches.	\$20,000	\$0**
Beach Vending Machines Contracted Beverages Coca Cola Co. (Supplier) M & D Enterprises (Vendor)	Sponsor entitled to sell soda product on 31 miles of beaches and agrees to sponsor the beach program. Vending Operator pays 35% of gross sales from vending machines and mobile cart.	\$20,000	\$0
Tableboards Avenhurst (Proposed)	Sponsor pays for the right to place name identification in a 12' x 36' space at the bottom of a tableboard that contains daily weather and tide conditions, provides 2,000 cases of water annually for beach operations, in exchange for the right to promote itself as the "Official Bottled Water" of Los Angeles County Beaches/Lifeguards.	\$20,000	\$45,000
Water Vending Machines Avenhurst water (Proposed) Avenhurst Co. (Supplier) M & D Enterprises (Vendor)	Sponsor entitled to sell water on 31 miles of beaches and agrees to sponsor the tableboard program. Vending Operator pays 35% of gross sales from vending machines.	\$30,000	\$0
Beach Rack City-Info (Proposed)	Sponsor pays a guaranteed fee for the right to place ads on 35 beach racks.	\$30,000	\$0**

\*\*Sponsor responsible for construction, installation and on-going maintenance

# MARKETING SECTION REVENUE GENERATION FISCAL YEAR 1986-87

PROGRAM	DESCRIPTION	CASH	SAVINGS
Time and Pump Board the current agreement	Sponsor provides time and temperature gauges for all lifeguard towers and pays for the right to place name identification on the board.	\$0	\$0
Parking Stubs the current agreement	Sponsor pays for the right to place an add-on on the back of the parking stubs handed out at L.A. County Beach parking facilities.	\$0	\$0
900 Line Operating	An \$0.25 per minute charge to telephone customers seeking information on surf conditions, weather, diving conditions, beach events, youth programs, sailing/wind conditions and parking usage.	varies depending on usage	\$0
Total		\$777,225	\$492,000
COMBINED TOTAL			\$1,269,225

WP-209

Sponsor responsible for construction, installation and on-going maintenance

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0001  
916-445-9234

DISTRICT OFFICE  
444 WEST OCEAN BLVD.  
SUITE 707  
LONG BEACH, CA 90802  
310-495-4766

INTERNET ADDRESS  
kuykendall@assembly.ca.gov

Assembly  
California Legislature

STEVEN T. KUYKENDALL

ASSEMBLY MEMBER, FIFTY-FOURTH DISTRICT

MAJORITY WHIP

RECEIVED

COMMITTEES:  
UTILITIES AND COMMERCE  
Vice Chairman  
BUDGET  
Chairman, STATE  
ADMINISTRATION  
SUBCOMMITTEE 4  
BANKING AND FINANCE  
LOCAL GOVERNMENT  
SELECT COMMITTEES:  
Chairman, CALIFORNIA PORTS  
Chairman, INTERNATIONAL  
TRADE  
DEFENSE CONVERSION

October 1, 1996

OCT 7 1996

Commissioners  
California Coastal Commission  
245 W. Broadway, Ste. 380  
Long Beach, CA 90802-4416

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

Dear Commissioners:

Last year, I authored AB 504, which was the forerunner of AB 909 (Bowen), to return eight state beaches to Los Angeles County. I strongly support Los Angeles County Department of Beaches and Harbors' request for reconsideration (Number 5-95-144-R and 4-95-112-R, Agenda items 11(a) and 11(b), Thursday October 10, 1996). This request concerns the Sun Shelters and Beach Information Directories programs.

It is critical that Los Angeles County have flexibility in their operation and administration of beaches and harbors. The revenues generated are a crucial element in the maintenance of our beaches. Proper maintenance encourages increased public access to our coastline; and there is no element of the Coastal Act more important than public access.

Thank you for your serious consideration of this request.

Sincerely,



STEVEN T. KUYKENDALL  
Assemblyman, 54th District

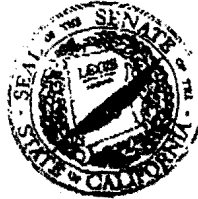
STK:ag

Exhibit 19: Letter from Assemblyman  
4-96-179 Kuykendall

ROOM 5082  
STATE CAPITOL  
SACRAMENTO, CA 95814  
(916) 445-6447

1150 PACIFIC COAST HWY  
SUITE 102  
EDONDO BEACH, CA 90277  
(310) 540-1611

18 SOUTH BEACON STREET  
ROOM 508  
SAN PEDRO, CA  
(310) 540-088



*L.B. - Day*  
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COMMITTEES  
CRIMINAL PROCEDURE  
FINANCE INVESTMENT AND  
INTERNATIONAL TRADE  
ELECTIONS AND  
REAPPORTIONMENT  
GOVERNMENTAL ORGANIZATION  
RULES VICE CHAIRMAN

JOINT COMMITTEES  
FISHERIES AND AQUACULTURE  
LEGISLATIVE AUDIT  
LEGISLATIVE BUDGET  
RULES

**RECEIVED** California State Senate

OCT 2 1996

ROBERT G. BEVERLY  
SENATOR  
TWENTY-SEVENTH DISTRICT

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

SEP 30 1996

September 27, 1996

Mr. Louis Calcagno, Chairman  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, California 94105

Dear Mr. Calcagno:

The California Coastal Commission is scheduled to address the future of the eleven sun shelters located on Los Angeles County beaches during the upcoming October 1996 meeting.

As a member of the Legislature for almost three decades, I have represented the coastal areas where these shelters are located. I would urge that the shelters and the modest advertising be continued.

I have heard no complaints from any elected official or other constituent on this issue. The shelters offer a spot for beachgoers and cyclists to both enjoy the view and to rest. The structures themselves do not block any views and advertising revenues help support important beach cleanup and equipment maintenance.

Sincerely,

*Robert G. Beverly*

ROBERT G. BEVERLY

RGB:mim

Exhibit 20: Letter from Senator Beverly  
4-96-179

RECEIVED

JUL - 1 1996

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

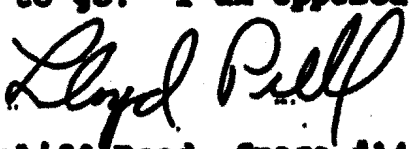
June 28, 1996

California Coastal Commission  
South Central Coast Area  
89 South California Street, Suite 200  
Ventura, CA 93001

RE: Permit Number 4-95-112

I am in receipt of your June 24, 1996 notice of a hearing on the above-noted permit, wherein the L.A. County Department of Beaches and Harbors is proposing to install sunshelters and kiosks at various beaches in (mostly) the City of Malibu. The intent is to include, with the structure, both commercial and public service messages.

I feel the benefits derived from the installation of the shelters is very much outweighed by the negatives of commercial advertising on public beaches. It appears to me that the main thrust of this project is to provide income to Beaches and Harbors, and though I realize the tremendous cost of maintaining our public beaches, we should not forget that the main objective is to provide clean and attractive recreation areas for everyone. Commercial advertising is the wrong way to go. I am opposed to this project.

  
Lloyd Prell  
29500 Heathercliff Road, Space #142  
Malibu, CA 90265  
(310) 589-1980



COUNTY OF LOS ANGELES  
DEPARTMENT OF BEACHES AND HARBORS



TAN WISNEWSKI  
DIRECTOR

July 3, 1996

KERRY GOTTLIEB  
DEPUTY DIRECTOR

JUDITH KENDALL  
DEPUTY DIRECTOR

RECEIVED

JUL - 5 1996

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Mr. Peter Douglas, Executive Director  
California Coastal Commission  
45 Fremont Street  
Suite 200  
San Francisco, CA 94105

Dear Mr. Douglas:

The County of Los Angeles Beach Advisory Committee (COLABAC) is writing to formally communicate its support for the LA County Department of Beaches and Harbors public service efforts to provide Sun Shelters and Beach Information Directories along L.A. County beaches.

COLABAC is a citizens' advisory committee appointed by the Board of Supervisors to advise on issues pertaining to the operation of County beaches. COLABAC is comprised of twenty members appointed by the Supervisors, representing a broad cross-section of communities from throughout the County. It is required by LA County Code Section 2.132 that every beach marketing agreement pass through COLABAC for review before it is voted on by the Board. Thus, we are in a position to scrutinize every agreement from an aesthetic, social and business point of view to ensure that only those programs appropriate for and needed by the public are implemented on County beaches.

We have carefully reviewed both the Sun Shelter and Beach Information Directories programs and found that they offer tremendous benefits for the 50-60 million annual visitors to L.A. County beaches. The Sun Shelters give beach visitors an opportunity to escape the strong, constant and sometimes harsh sun they encounter. As you know, many people use the beach area for walking, jogging, biking, roller skating, swimming and other types of physical activity. They get hot, tired, worn out and sometimes just need a place to rest out of the sun. With the exception of the lifeguard towers, there are practically *no shaded areas* along the beaches. People sometimes come unprepared to the beach and can suffer from fatigue or sunburn. Thus the Shelters provide a convenient and useful escape from the sun for those who need it.

The Beach Information Directories will offer an important and needed public education resource for beach visitors. They will help our beach users locate the beach services and phone numbers they need and want to use. The County will also be able to deliver important educational messages to the public on issues such as beach safety, beach cleanliness and recycling. Providing timely information in international symbols is also an intangible yet important benefit for the large numbers of foreign visitors and tourists who are unfamiliar with the area. We know that these Directories will help them get the most out of their beach visit.



Mr. Peter Douglas

July 3, 1996

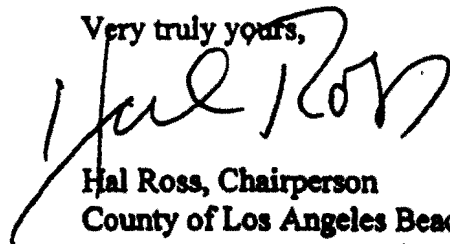
Page 2

Overall we believe that these two programs provide an example to the public of a local government that cares about their needs and is responsibly and proactively working to meet them.

Last of all, we have recognized the fiscal benefits of these programs. The sponsors will construct, install and maintain in a clean manner the Directories and Sun Shelters at no cost to the County. They will also provide the County with revenue from the advertising that will go towards supporting the upkeep of the beaches. Because the County has been suffering from a string of budget crises and cannot afford to provide any new services, this original and novel approach has been developed to enhance public use of the beaches.

Let us emphasize that the COLABAC is convinced that these two programs are an exceptional public service which will be provided at no cost to the taxpayer. Therefore, please communicate our support for these efforts to the Coastal Commission at its next meeting.

Very truly yours,



Hal Ross, Chairperson  
County of Los Angeles Beach Advisory Committee

cc: Susan Friend ✓  
Al Padilla

JUL 10 '96 01:41PM ASSEMBLY WOMAN BOWEN

P.1

STATE CAPITOL  
P.O. BOX 942418  
SACRAMENTO, CA 95824-0001  
(916) 445-8589

411 CRENSHAW BLVD.

TOLENTINO, CA 95834  
(916) 445-8589

NOT RECORDED/RECORDED

# Assembly California Legislature

DEBRA BOWEN

ASSEMBLY WOMAN, 19TH DISTRICT

Legislative Office, 411 Crenshaw Blvd., Suite 200, Sacramento, CA 95834  
Phone: (916) 445-8589, Fax: (916) 445-8589

July 8, 1996

Mr. Louis Calagno, Acting Chairman  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219  
FAX: (415) 904-5400

Dear Mr. Chairman:

I am writing to urge you and your fellow commissioners to unanimously reject Permit Number 5-95-144, which would allow Los Angeles County to install 16 pre-fabricated shelters and 16 informational kiosks along the beach area.

Last September, the state agreed -- over my initial objections -- to turn over the title to eight state-owned beaches to Los Angeles County at the County's insistence. That transfer was accomplished via Assembly Bill 909 (Bowen), Chapter 472, Statutes of 1995.

During the negotiations over the title transfer, I was very concerned about the potential to both commercialize the beaches and to commercially develop the property. I was, and still am, opposed to such commercialization, which is why AB 909 was specifically drafted in the manner that it was.

I note with some surprise a memo from your South Central Coast Commission staff to all Coastal Commissioners that references options by Ms. Patricia Megason and Mr. Ken Jones, both with the state Department of Parks & Recreation. The portion of the memo that I find to be the most misleading is as follows:

"Ms. Megason and Mr. Jones confirmed to the Commission staff that the intent of the statute was to prohibit the development of restaurants and other similar projects which would result in the sale of a product on the beach. It was not the Legislature's intent to prohibit the continued marketing that Los Angeles County practices with the use of advertisement on structures on the beach. They consider the proposed kiosks and shelters as marketing structures and are not a commercial development according to their interpretation."

I was also involved in the negotiations over the beach transfer issue and, with all due respect to the Commission staff, Ms. Megason, and Mr. Jones, I am the author of Assembly Bill 909, which accomplished the transfer. I can tell you without reservation that it was my intent and the intent of the Legislature to prohibit any and all commercial development, including that which L.A.

COMMITTEES:  
VICE CHAIR, JUDICIARY  
PUBLIC SAFETY  
HUMAN SERVICES

Post-It Fax Note	7671	Date	7.10.96	Page	3
To	Karl Engel	From	Sue...		
Co/Dept.		Co.			
Phone		Phone	916.442.8183		
Fax	310.474.7083	Fax			

Mr. Louis Calcano, Acting Chairman  
July 8, 1996  
Page 2

County is now proposing. The concept of commercialization was discussed over and over again, and I repeatedly emphasized my opposition to allowing the eight beaches that were the subject of AB 909 to be commercialized with billboards and advertisements.

As you'll note, AB 909 added Public Resources Code 5002.6 (c)(1)(A) to state that:

"No new or expanded commercial development shall be allowed on the granted real property."

Placing a permanent sunshelter or kiosk-type of structure that generates revenue on these lands, whether it is for a private company or for the County coffers, is commercial development. Therefore, the proposal contained in Permit Number 5-95-144 is in violation of PRC 5002.6.

I'm sure you're aware of the fact that Los Angeles County has a detailed marketing plan to generate revenue from the beaches. I don't object to a majority of those proposals because in those cases, either the county is receiving something that it would otherwise have to pay for (garbage cans, vehicles, tires, lifeguard uniforms, etc.) in exchange for a small advertisement, or the advertising is incidentally mentioned on items that already exist or have to be on hand (lifeguard towers, parking ticket stubs, bike racks, etc.). That's why the language of AB 909 was not written to prohibit these types of arrangements and why these types of marketing and sponsorship arrangements were encouraged by the bill.

However, in the case of the kiosks and sunshelters, it appears to me that the primary reason they are being installed is to sell advertising space. The County isn't receiving anything for free that it would otherwise have to pay for to maintain the beach, nor are these items critical to the safe and efficient operation of the beach. The kiosks, for example, are cash cows, commercialization with a completely unnecessary "map" of the beach and information regarding the flora and fauna that are indigenous to the area. That's why I object to the proposal that's currently before you and why AB 909 was written to explicitly prohibit this type of development.

It's my understanding that on Venice Beach, the proposed sunshelters with commercial advertising will replace historical pagodas that were allowed to deteriorate by the County. This is in contravention to the wishes of many community members who worked on a comprehensive plan to restore the oceanfront, which has been approved by a Los Angeles city commission and will soon be for you for review. Why weren't the pagodas maintained or replaced? I understand one reason is because the pagodas had a tendency to be vandalized, but one would assume that advertising billboards will be subject to more vandalism attacks than the pagodas, not fewer.

Los Angeles County, in its proposal to you, has argued that the revenue generated by these billboards is necessary for it to maintain the proper level of service on the beaches and to keep them clean for tourists and visitors. Of course, this is the same argument that every governmental

Mr. Louis Calzagno, Acting Chairman

July 8, 1996

Page 3

entity, whether it's local, state, or federal, uses to justify every tax, every fee, and every assessment.

This demand for more revenue to maintain the current standards on the beach is in direct contradiction to what the County assured me just last September, which was that it would not commercialize the beaches in order to provide the level of service that the public is used to. Furthermore, the state provided the County with a \$4.5 million subsidy when it acceded to the County's demand for the beaches. For the County to now threaten that the beaches will be littered with hypodermic needles and the like if it doesn't get the revenue that these billboards will generate a mere ten months after agreeing to the conditions imposed by AB 909 is disturbing.

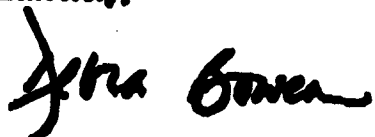
My biggest concern in authoring AB 909 was that when the \$4.5 million subsidy runs out in 1998, Los Angeles County would be back in front of the Legislature, demanding that the development restrictions be loosened so that the County could raise money. But L.A. County hasn't waited three years to make this demand. It's waited a mere ten months to attempt to avoid the commercialization restrictions imposed by the Legislature, seeking the California Coastal Commission's imprimatur on its plan to turn the beaches into cash cows.

I know I don't have to remind Commission members that Los Angeles' beaches are a major economic resource, drawing tourists from around the world who pour millions of dollars into local businesses each year. People don't go to the beaches to soak up more advertising or to be bombarded by billboards. They go to the beaches in part to get away from the commercialization that invades their daily lives.

For all of these reasons, I urge you to reject Permit Number S-95-144.

Thank you for your attention to this matter. I look forward to appearing before you at your meeting on July 11, 1996.

Sincerely,



Debra Bowen  
Assemblywoman, 53rd District  
(D-Torrance/Marina del Rey)

cc: Members, California Coastal Commission  
Mr. Peter Douglas, Executive Director  
Mr. Jeff Stamp, Legislative Coordinator  
Los Angeles County Board of Supervisors

1 1/2 IN. = 100 FT.

Exhibit 24: Location of sunshelter  
4-96-179 to be removed from Topanga

J. PAUL BETTY  
MUSEUM

TO BE  
RELOCATED  
TO ZUMA BEACH

Shelter  
to be  
moved to Zuma  
Cement pad will  
be removed

TOPANGA SOUTH

LA CITY  
LA COUNTY

**WILL ROGERS FACILITIES**

- ① THE JETTY RESTAURANT SITE (BURNED)
- ② PEDESTRIAN OVERPASS
- ③ RESTROOM 'E'
- ④ PARKING LOT 5
- ⑤ PARKING BOOTH 5
- ⑥ GLADSTONE'S 4 FISH RESTAURANT

PACIFIC OCEAN

WILL ROGERS NORTH

0 200 400 600 800  
SCALE IN FEET



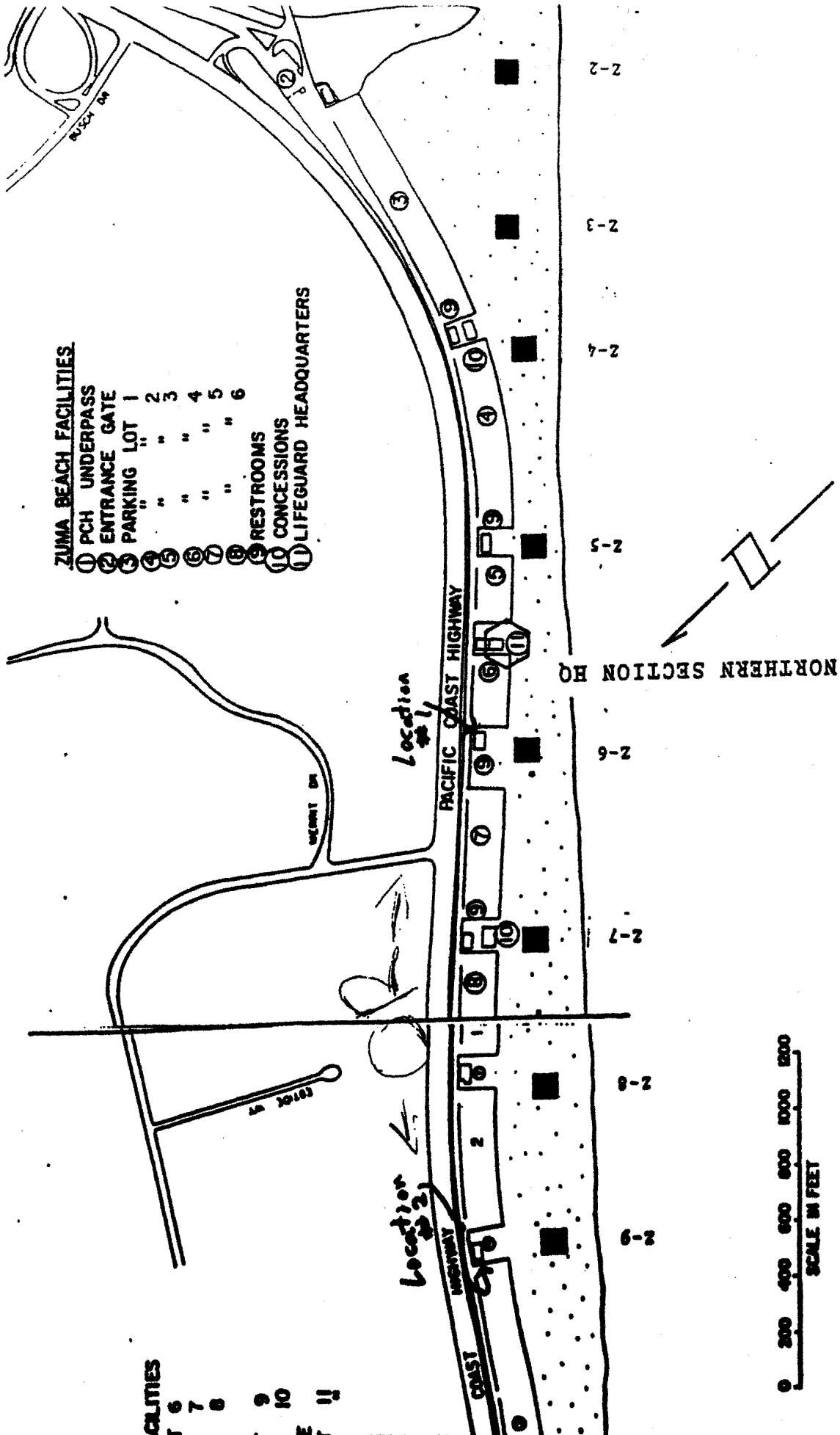
**WILL ROGERS STATE BEACH  
BETWEEN TOPANGA & SUNSET**

7/8/85

S. DRIGGS

L.A. COUNTY DEPT. OF BEACHES & HARBORS

SHEET  
2  
OF 4



**ZUMA BEACH FACILITIES**

- ① PCH UNDERPASS
- ② ENTRANCE GATE
- ③ PARKING LOT 1
- ④ " " " "
- ⑤ " " " "
- ⑥ " " " "
- ⑦ " " " "
- ⑧ " " " "
- ⑨ RESTROOMS
- ⑩ CONCESSIONS
- ⑪ LIFEGUARD HEADQUARTERS

- EACH FACILITIES
- ING LOT 6
- " 7
- " 8
- ROOMS
- ING LOT 9
- 10
- NTENANCE
- ING LOT 11

Location #1

Location #2

NORTHERN SECTION HQ



4-96-179  
Exhibit 25: Location for relocated sunshelter. Only one location will be used.