

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 7/2/97
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Staff: Padilla/LB
Staff Report: 7/2/97
Hearing Date: 12/9-12/97
Commission Action: 8/12/97

**RECORD PACKET COPY**STAFF REPORT: REVISED FINDINGS

APPLICATION NO.: 5-97-135

APPLICANT: Los Angeles County Department of Beaches and Harbors and State of California Department of Parks and Recreation

PROJECT LOCATION: Will Rogers State Beach, Venice City Beach, Dockweiler State Beach, Redondo Beach, Torrance Beach, Royal Palms County Beach, and Cabrillo State Beach.

PROJECT DESCRIPTION: Installation of 17 pre-fabricated shelters ("Sunshelters") with benches, and 16 informational kiosks along the beach area. The structures will either be installed on new cement pads or on existing pads. The structures will contain panels for advertising and public service messages. At least one panel on each sunshelter and 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:	Shelter- 112 sq. ft. Kiosk- 9 sq. ft.
Pavement coverage:	approximately 160 sq. ft for shelter.
Ht abv fin grade:	Shelter- 10 ft. Kiosk- 8 ft.

COMMISSION ACTION: August 12, 1997

COMMISSIONERS ON PREVAILING SIDE: Allen, Areias, Flemming, Johnson, Nava, Pavley, Potter, Rose, Tuttle, Wan.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following revised findings in support of the Commission's action on August 12, 1997, denying the permit for the installation of 17 pre-fabricated shelters with benches, and 16 informational kiosks along the beach area.

STAFF NOTE: The proposed project was initially before the Commission at the May 1996 hearing [#5-95-144 (County of Los Angeles)]. The Commission postponed the hearing on this item and asked staff to provide more information about the statutory condition governing the grant of 8 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.

As stated the proposed project was initially before the Commission in May 1996 [#5-95-144 (County of Los Angeles)]. 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 (#5-95-144R). The reconsideration request was granted by the Commission at the October 1996 hearing. Due to the granting of the reconsideration request the project was back before the Commission at the November 14, 1996 hearing, as application number #5-96-219. At the November hearing the Commission postponed the hearing for permit #5-96-219 and directed staff to reschedule the hearing for the January 1997. At the January 1997 hearing in Los Angeles, the project was postponed by the applicant to provide the applicant time to respond to concerns raised by the public. The proposed project was rescheduled for the next local hearing in April 1997.

At the April Commission hearing the applicant requested that the Commission grant a second postponement. The Commission denied the request. Immediately following the denial of the postponement the applicant withdrew the application and stated that they would refile a new application within 30 days.

On May 8, 1997, the applicant resubmitted a new application (#5-97-135) for the same project. A new application (#4-97-101) was also submitted to the South Central District office for the structures within that district's jurisdiction. On August 12, 1997, following public testimony and discussion, the Commission denied both permit applications.

I. STAFF RECOMMENDATION ON REVISED FINDINGS

The staff recommends that the Commission adopt the Revised Findings

MOTION. Staff recommends a YES vote on the following motion:

I move that the Commission adopt the following findings in support of the Commission's denial of permit application 5-97-135.

[Adoption of findings requires a majority vote of the members from the prevailing side present at the meeting, with at least 3 of the prevailing members present and voting (Public Resources Code Section 30315.1)].

Commissioners eligible to Vote on Revised Findings:

Allen, Areias, Flemming, Johnson, Nava, Pavley, Potter, Rose, Tuttle, Wan.

CALIFORNIA COASTAL COMMISSION ACTION:

On August 12, 1997, the Commission adopted the following resolution:

II. Denial

The Commission hereby denies a permit for the proposed development on the grounds that it would not be in conformity with the provisions of Chapter 3 of

the California Coastal Act of 1976 and would prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of the Coastal Act.

III. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description

The County of Los Angeles proposes to install 17 shelters (Sunshelters) with a bench in each one and 16 informational kiosks (directories) along the beach areas from San Pedro in the south to Will Rogers State Beach in the north. Specifically, the applicant is proposing the following:

	<u>Kiosk Installation</u>	<u>Existing Shelters to be Installed</u>	<u>Existing Shelters to be Relocated</u>
Cabrillo	1	2	2
White's Point		1	1
Royal Palms	1		
Torrance	1	1	1
Redondo Beach	1	3	
Dockweiler	3	4	1
Venice	3	2	1
Will Rogers	6	3	1
Total	16	17	7

The applicant has installed 17 sunshelters, prior to obtaining a coastal permit, and is proposing to relocate seven of the sunshelters.

All but three of the sunshelters will be located on pre-existing cement pads that are either bicycle path turnouts or part of existing pedestrian walkways that run alongside sandy beach. The three structures not located on existing pads (one at Cabrillo Beach, one at White's Point, and one at Will Rogers State Beach) require the construction (pouring) of new slabs. The kiosks will be located on existing paved areas that are immediately adjacent to sandy beaches, are owned by the County and are considered part of the beach. The paved areas contain public facilities that support the public's use of the beach. None of the Sunshelters or kiosks are proposed to be located on sandy beach although they will all be on areas that are operated as part of the beach.

The sunshelters will be painted pre-fabricated metal structures consisting of four corner support posts, one side and one rear display panel, and tile roof

(see Exhibit 5). 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 display 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 to this task.

The proposed kiosks are public directories. The kiosks will be four sided. Each side will measure approximately 4.5 feet across and will be approximately 6 feet in height (see Exhibit 6). According to the applicant four sided kiosk will have two public service panels and two panels reserved for advertisements.

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. Advertising placed on either a sunshelter or kiosk is strictly limited and controlled by the Department of Beaches and Harbors to ensure that messages are appropriate for a family recreational environment. The Department of Beaches and Harbors has a standing policy to reject advertising that is critical of government agencies; is political advertising; displays obscene, pornographic or sexually explicit messages; advocates the use of any illegal substance, tobacco, or alcohol; or contains material which is injurious or harmful to the County's business, reputation, or image, or is prone to impair the confidence of patrons of the beaches.

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 revenue generated by advertising 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. The County has indicated that one-hundred percent of the County's share of the revenue will support the Department of Beaches and Harbors in providing beach recreation and maintenance programs/activities and the revenue will be in addition to the County's annual allocation to such programs. This revenue generated by advertising will help support the Department of Beaches and Harbors in providing safe and clean beaches.

One alternative to this program is to use a sponsorship program whereby a small plaque is placed on the structure rather than an advertising panel. While the Commission notes that it takes no position on the issue of sponsorship, it notes too that the Department of Beaches and Harbors, on its own, rejected this option concluding that the income from such a program is minor compared to the amount of income generated from the advertising. Moreover, in addition to the benefit of generating income for the Department,

the contractor, who constructed and installed the sunshelters and kiosks, will be responsible for maintaining these structures and will remove graffiti when necessary. A complete description of the Department of Beaches and Harbors use of the display panels and programs for revenue is included as Exhibit 16.

The proposed structures will be located within the Cities of Los Angeles, Torrance and Redondo Beach. The City of Los Angeles sites will include Cabrillo State Beach, White's Point and Royal Palms County Beach, all within the San Pedro area; Dockweiler State Beach in the Playa del Rey/El Segundo area; Venice Beach; and Will Rogers State Beach in the Pacific Palisades area. For specific locations see Exhibit 2.

The ownership of two of the seven beaches involved under this permit have recently been transferred from the State to the County. The two beaches that were recently transferred are: Redondo Beach and Royal Palms Beach.

The 17 sunshelters and 16 kiosks proposed under this permit application are located within the coastal planning jurisdiction of the South Coast District Office. The County is also proposing to place shelters and kiosks within the jurisdiction of the South Central District Office (Ventura). The coastal permit request (#4-97-101) for those structures is being simultaneously reviewed along with this permit request by the Ventura office.

B. State and Local Approvals

The proposed structures will be located on State, County, and City of Los Angeles owned beaches/property. The County has received approval from both the State and City of Los Angeles.

For those structures located on State owned beaches/property (Dockweiler, Will Rogers and Cabrillo Beach), the County has received approval from the District Superintendent for the Department of Parks and Recreation (See approval letter, Exhibit 8).

The applicant has also received approval from the City of Los Angeles for all structures to be located on City-owned beaches/property within the City of Los Angeles (See approval letter, Exhibit 9). The proposed sites located on City of Los Angeles property include Cabrillo beach and Venice Beach.

The County, pursuant to Section 30601.5 of the Coastal Act, invited the State Parks and the City of Los Angeles, as underlying property owners, to be co-applicants of the original permit application. In a letter dated August 18, 1995, State Parks accepted the County's offer to be co-applicant but has not submitted correspondence reconfirming their position. The City of Los Angeles declined to be co-applicants of the original permit application and has not expressed any desire to be co-applicants of this permit application.

The remaining sites, which include White's Point, Royal Palms, and Torrance Beach, are County owned beaches and do not require local government approval.

C. Public Comment

When the applicant filed the initial Coastal Permit application (#5-95-144) the South Coast District office received 10 letters from residents opposing

the proposed sunshelters and kiosks. The letters are from residents of Redondo Beach, Torrance and Pacific Palisades. During public testimony on permit application #5-95-144, residents from Venice Beach also spoke in opposition to the proposed project. The residents state that the structures will attract graffiti and individuals engaging in unacceptable and criminal behavior. They also state that the beaches should be clear of man-made clutter (see Exhibit 11 for an example of the letters)

The South Coast District office has also received a fax from Mr. Frank P. Angel (see Exhibit 12). Mr. Angel opposes the proposed project on the grounds that Public Resources 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 has asserted that it does not consider the placement of the proposed sunshelters and kiosks as "commercial development". State Parks and Recreation has submitted a letter stating their support of the project (see Exhibit 8) and have also agreed to the County's offer to be co-applicants on the previously submitted coastal permit application (#5-95-144).

Since the denial of Coastal Development Permit application #5-95-144 (County of Los Angeles) the South Coast District office has received a number of letters in support of the County's project. The letters are from California State Senator Robert G. Beverly; California Legislature Assemblymember's Steven Kuykendall and Robert M. Hertzberg; City of Torrance Councilman Mr. Don Lee; and City of Redondo Beach Councilmen Mr. Michael Gin and Mr. Greg Hill and members of the public (see Exhibit 14).

D. Visual Resources

Section 30251 of the Coastal Act states that:

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.

For the proposed structures to be consistent with the visual resource protection policies of the Coastal Act the Commission must find that the structures, individually and cumulatively, are visually compatible with their surroundings and restore or enhance those areas that are visually degraded and do not interfere with coastal views to and along the coastline.

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 (i.e., the views from the first public road out to the ocean or along the coastline) 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 public vistas, such as bluff tops, recreational areas, such as parks and bike paths, and from the sandy beach itself. Each beach in the Los Angeles area, from Will Rogers to the north to Cabrillo Beach to the south, is unique and offers the beach visitor significant coastal viewing opportunities.

Will Rogers Beach contains one of areas last stretches of unobstructed and undeveloped beaches. This area provides views, from along Pacific Coast Highway, of the beach, ocean horizon, Catalina island, and the Santa Monica Mountains. Other areas of Will Rogers Beach, although developed with surface parking lots, concession stands, restroom facilities and lifeguard towers, also provide significant coastal viewing opportunities.

Venice beach is heavily developed with beach improvements and with residential and commercial development built between the first public road and the sea. The residential and commercial development is built adjacent to and just inland of Venice's Ocean Front Walk in the northern portion of Venice. The southern Venice area, where there is no walk, development fronts adjacent to the sandy beach. The two miles of beach is developed with a lifeguard headquarters, lifeguard towers, restrooms, a bikepath and two beach parking lots located on the seaward side of Ocean Front Walk. The beach and Ocean Front Walk provide views of the wide sandy beach, Catalina island, Santa Monica Mountains, and the northern half of Santa Monica Bay's coastline.

Dockweiler State Beach is a long flat stretch of beach, extending from Marina del Rey to the north to Manhattan Beach to the south. The beach is approximately 4 miles long. The beach is a wide flat sandy beach with a few public parking lots dispersed throughout the 4 miles of beach. A bikepath runs parallel to the beach, just seaward of the parking lots. Restrooms and concession stands are also located along the beach. The beach is set below a bluff that rises to approximately 30 feet in height. Vista del Mar, which is the first public road paralleling the coast, is located atop the bluff. Views of the beach and coastline are offered from the beach, bikepath and from Vista del Mar. Landward of Vista del Mar is mostly vacant land with the exception of the Hyperion waste water treatment plant that is located in the area.

Redondo and Torrance Beach contain approximately four miles of wide sandy beach with a large amount of residential development located between the first public road and the sea. Public views are from the beach, bike and pedestrian path, and atop the bluffs where there is no residential development between the public roadway and the beach. The Torrance/Palos Verdes bluffs, which rise to over 100 feet, are also visible from the beach and bike/pedestrian path.

In the San Pedro area of the City of Los Angeles, Paseo del Mar, which is the first public road paralleling the coast and located atop a 100 foot bluff, offers intermittent but significant coastal views along a two mile corridor. Along the undeveloped areas of the bluff views of the rocky beach, ocean, Catalina Island, and San Pedro's 100 foot coastal bluffs are visible. Most of the beach area along Paseo del Mar is undeveloped with the exception of Royal Palms County Beach park. The park is located at the base of the bluffs and provides public parking, restroom facilities and a picnic area. Cabrillo Beach park, within the San Pedro area, is located within the Los Angeles

Harbor and is approximately 2.5 miles south of Royal Palms beach park. Cabrillo Beach park is a developed beach park containing an ocean museum, restrooms, lifeguard station and towers, community center building, parking lot, and a landscaped park. Although there is an extensive amount of development within the park the park provides significant views of the beach, Los Angeles harbor, breakwater, open water, and the San Pedro bluffs.

Under Coastal Act Section 30251 new development should be visually compatible with its setting and should be sited to protect coastal views. The placement of additional structures along the beach will individually and cumulatively contribute to the visual clutter of the beach thereby degrading the scenic quality of the beach and adversely impacting coastal views.

Only a few of the beaches in the South Coast District are pristine undeveloped beaches. The beaches along this area are wide, flat sandy beaches, and generally developed with restrooms, concession stands, lifeguard towers, bike paths and pedestrian walkways. Such structures are necessary ancillary structures to directly support public recreation and safety of the estimated 30 million annual beach visitors that come to the area beaches. The proposed structures, although asserted by the applicant to provide some limited public benefit, are not necessary to support and improve beach access or coastal recreational activities. Public information that the applicant is proposing to place on the kiosks and sunshelters can be placed on existing structures and do not need separate large intrusive structures to place such information. Furthermore, although the beaches contain ancillary structures, existing development on the beach is limited and spread out over the 12 miles of beaches within the Los Angeles area. The spacing of the existing development helps maintain wide open stretches of beach.

The construction and placement of additional structures will individually and cumulatively degrade the scenic visual quality of the beach. One of the many attractions of the beaches are the various coastal views provided on and along the beaches and lack of urban clutter on the beach. The beaches, with their wide open stretches and natural coastal views, offer visitors a respite from the built-out clutter of the urban environment. Because the beaches are generally open areas and have limited development, the placement of these 33 structures on or along the beach will be inconsistent with the surrounding beach or coastal vegetation and will have a significant adverse impact on the visual quality of the beaches. The placement of the proposed sunshelters and kiosks, with four foot by six foot advertisements, on and along these beach areas will not be visually compatible with the character of the surrounding areas and will individually and cumulatively degrade the coastal views.

For those beaches that are relatively underdeveloped, such as Will Rogers, Dockweiler and Royal Palms, sunshelters/kiosks are visually degrading because they intrude into natural, scenic areas. Although these areas have some structures on the beach, they are only those required to support public use, such as concession stands, restrooms, and lifeguard stations. For those beaches that are adjacent to intense development, such as Venice, Redondo Beach and Torrance, the sunshelters/kiosks are just further clutter and degrade the beach by increasing the urbanization of the beach. The placement of the sunshelters/kiosks along these beaches will detract from the visual quality of the beach and the public's overall beach experience. The Commission finds that the proposed project is inconsistent with Section 30251 of the Coastal Act, and therefore is denied.

E. 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 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 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30252:

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

The sunshelters that have been installed by the applicant will have a direct adverse impact on public access to or along the beach. One of the sunshelters is located within Cabrillo Beach Park and will directly interfere with pedestrian access. The structure is located adjacent to the park's entrance road. It is currently situated on the existing public sidewalk that is used by pedestrians entering the park. As situated the sunshelter blocks a portion of the walkway and will interfere with handicap access along the walkway.

Another sunshelter that will directly impact access is located along Will Rogers State Beach. The sunshelter is situated on the dirt shoulder of Pacific Coast Highway. This shoulder area is used by the public for beach access parking and as a scenic viewing stop for motorists. This parking area

is one of the few undeveloped areas the public can pull off of the highway to park for beach access or scenic viewing. The placement of the sunshelter eliminates one to two parking spaces along this area.

The applicant, however, has agreed to relocate the Cabrillo sunshelter from the sidewalk to an area that will not obstruct pedestrian access along the walkway. The sunshelter located at Will Rogers State Beach will be removed, thus, eliminating the direct adverse impact to public parking in the area. Although the sunshelters and kiosks will not directly block public access along the bicycle/pedestrian paths or eliminate parking spaces within the public parking lots they are inconsistent with the recreation policies of the Coastal Act.

The Coastal Act mandates that oceanfront parcels suitable for recreation be preserved and enhanced to provide such services. All sunshelters and kiosks will be located on public areas immediately adjacent to sandy beach. These areas are oceanfront lands that are suitable for recreational purposes. Most of the public beaches have been designated and developed for recreational uses. These beaches have been developed with facilities that promote and allow for recreational use of the beach, such as, concession stands, paved parking lots, restrooms, volleyball courts, bikepaths and playsets. To the extent there is unoccupied space on these beaches, the Coastal Act mandates that the space be reserved for uses that facilitate recreational use of the beach or that preserve some open space. On beaches where the sand-fronting area is already crowded with public amenities that tend to urbanize the beach, development of the remaining public land with structures that do not serve recreational use of the beach is inconsistent with the Coastal Act.

The County of Los Angeles asserts that the sunshelters by providing a place for beachgoers to sit out of the sun and rest will enhance the recreational opportunities of these beaches. The County of Los Angeles is also asserting that these sunshelters and kiosks by providing public service messages will enhance the recreational opportunities of these beaches. These public service messages will 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. The Commission, however, finds that the sunshelters are not designed to provide a significant source of shade and do not enhance recreational opportunities. Based on photographs of the existing sunshelters, the design affords very little shade for the public. Due to the small area of the roof, shade is projected onto the sunshelter's bench for only a short period of the day. During the majority of the day the bench is in full sun so the purported benefit of providing the public a shaded rest area is not significant. Further, the information the County intends to provide through these structures can be provided in a much less intrusive manner, for example, the information could be placed in or on the outside of existing structures, such as lifeguard towers, restrooms, and concession stands. The information could also be presented in a much smaller format. Rather than placing such information with advertisements that measure 4 feet by six feet the panels could be reduced to a smaller size and placed on less intrusive structures.

Thus, the Commission finds that the sunshelters and kiosks are not structures that facilitate recreational use of the beaches. Instead, they clutter these beaches with additional urban development that is not necessary for the enjoyment or enhancement of the public's recreational experience at the

beach. According to the County one of the purposes of the sunshelters and kiosks is to raise revenue through the placement of advertisements for the County and for the private entity that will construct and maintain the structures. The County indicated that it would spend its share of the revenue toward beach maintenance programs. The Commission finds that even if the County allocates revenues from the sunshelters and kiosks advertisements to beach maintenance this would not directly offset the impacts of these structures even though it would help maintain the beaches. Thus, the proffered mitigation is unrelated to the adverse impact it is intended to offset.

Because of these adverse impacts to coastal access and recreation the Commission finds that the proposed project is inconsistent with Sections 30210, 30211, 30221, 30223 and 30252 of the Coastal Act and is therefore denied.

F. Violation

This project includes the after-the-fact request for the installation of 17 sunshelters and the relocation of 7 sunshelters. All 17 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.

G. Local Coastal Program

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:

(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).

The preceding sections provide findings that the proposed project will not be in conformity with the provisions of Chapter 3. As proposed, the development will create adverse impacts on coastal resources and is therefore inconsistent with the applicable Sections of the Coastal Act.

The proposed project involves three local government jurisdictions and seven separate planning areas. Of of seven separate beach areas proposed for development by this permit the only area with a certified Land Use Plan or

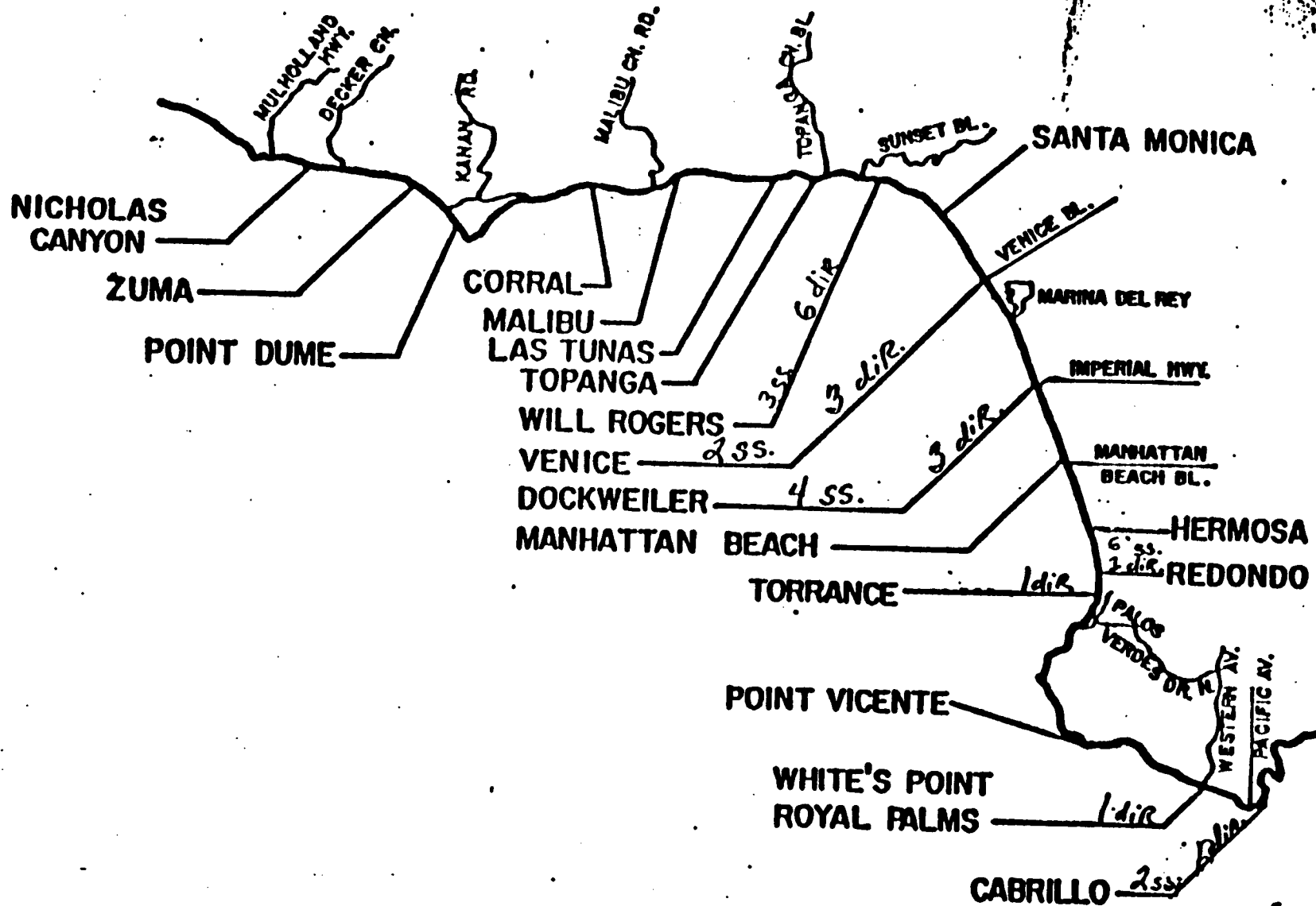
Local Coastal Plan is the San Pedro area (Royal Palms and Cabrillo Beach). San Pedro has a certified Land Use Plan. The Land Use Plan was certified in 1990. The Commission finds that approval of the proposed project will prejudice the various other jurisdictions abilities to prepare Local Coastal Programs consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a). Therefore, the project is denied.

H. 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 is inconsistent with the applicable policies of the Coastal Act. There are feasible alternatives or mitigation measures available, such as reducing the size of the structures and size of the advertisements located on the structures, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found inconsistent with CEQA and the policies of the Coastal Act.

Revised as of 4/11/96
10/25/96



COASTAL COMMISSION

Vicinity Map

EXHIBIT # 1

PAGE OF

LOS ANGELES COUNTY BEACHES

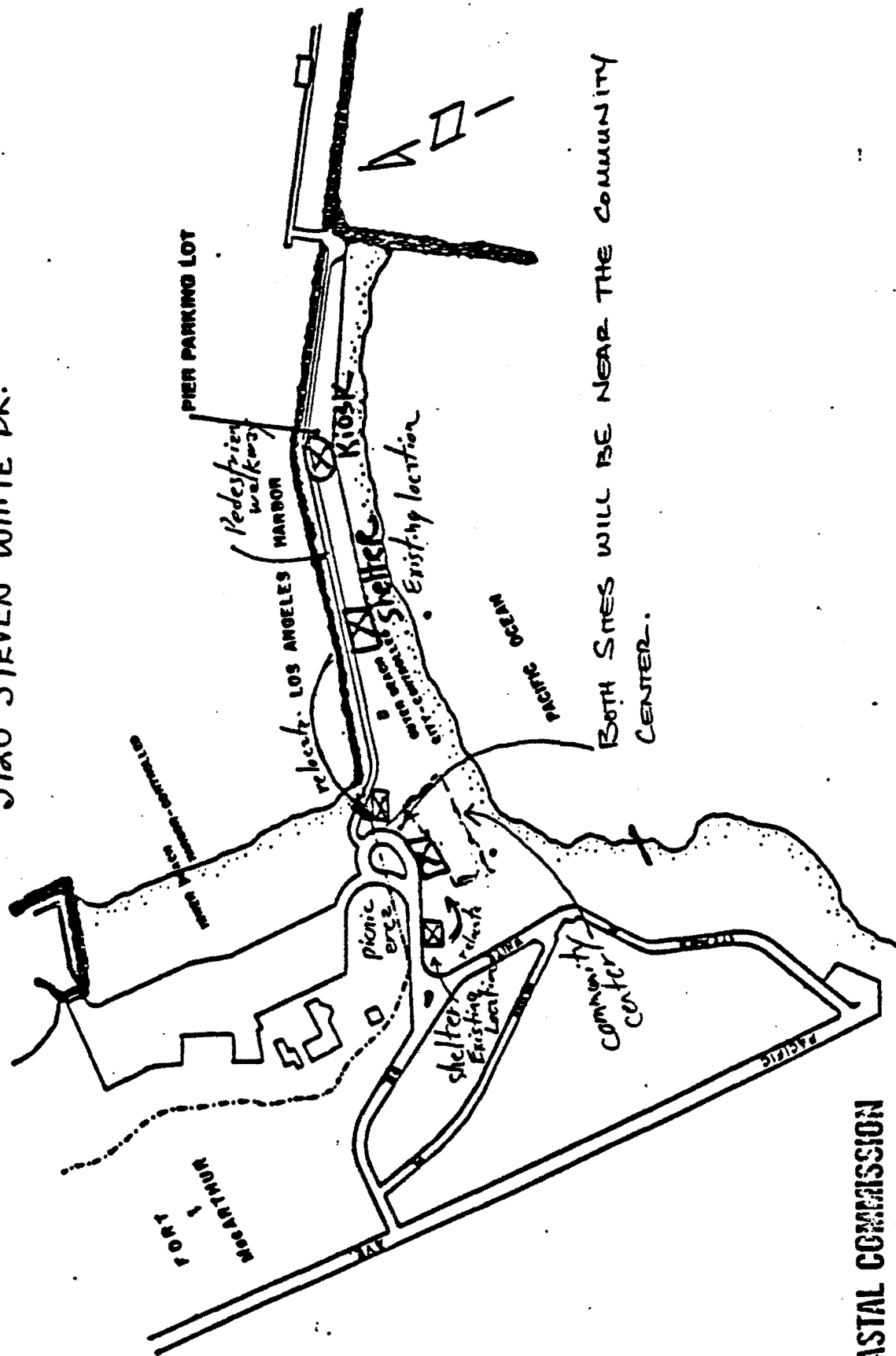
JUN 5 1995

CALIFORNIA
COMMISSION
COAST DESIGN

RECEIVED

EXHIBIT 1

CABRILLO BEACH
3720 STEVEN WHITE DR.



BOTH SITES WILL BE NEAR THE COMMUNITY CENTER.

COASTAL COMMISSION

Site Plan

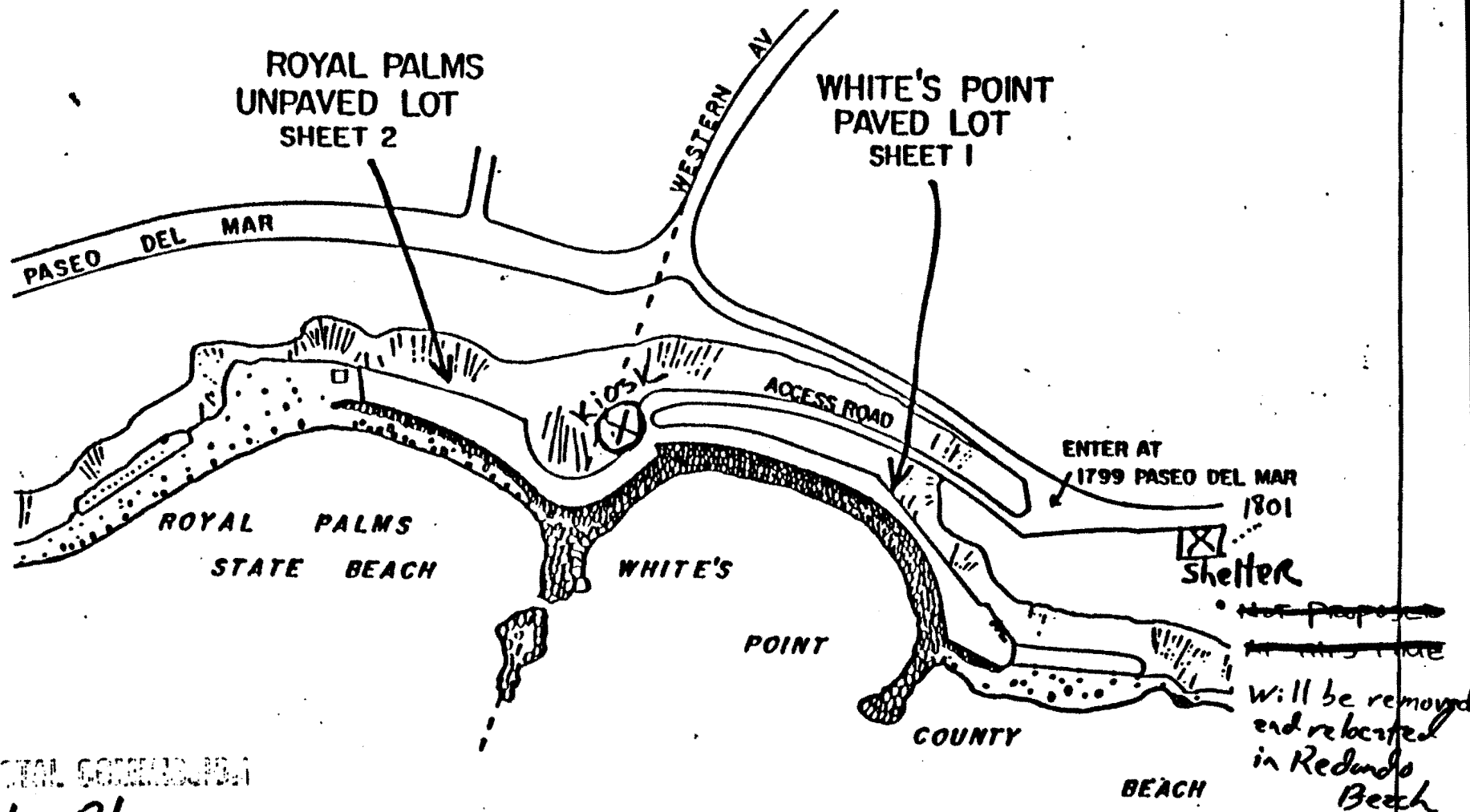
EXHIBIT # 2.a

AC OF

6-97-135

Location

WHITE'S POINT / ROYAL PALMS



COASTAL COMMUNITY

Site Plan

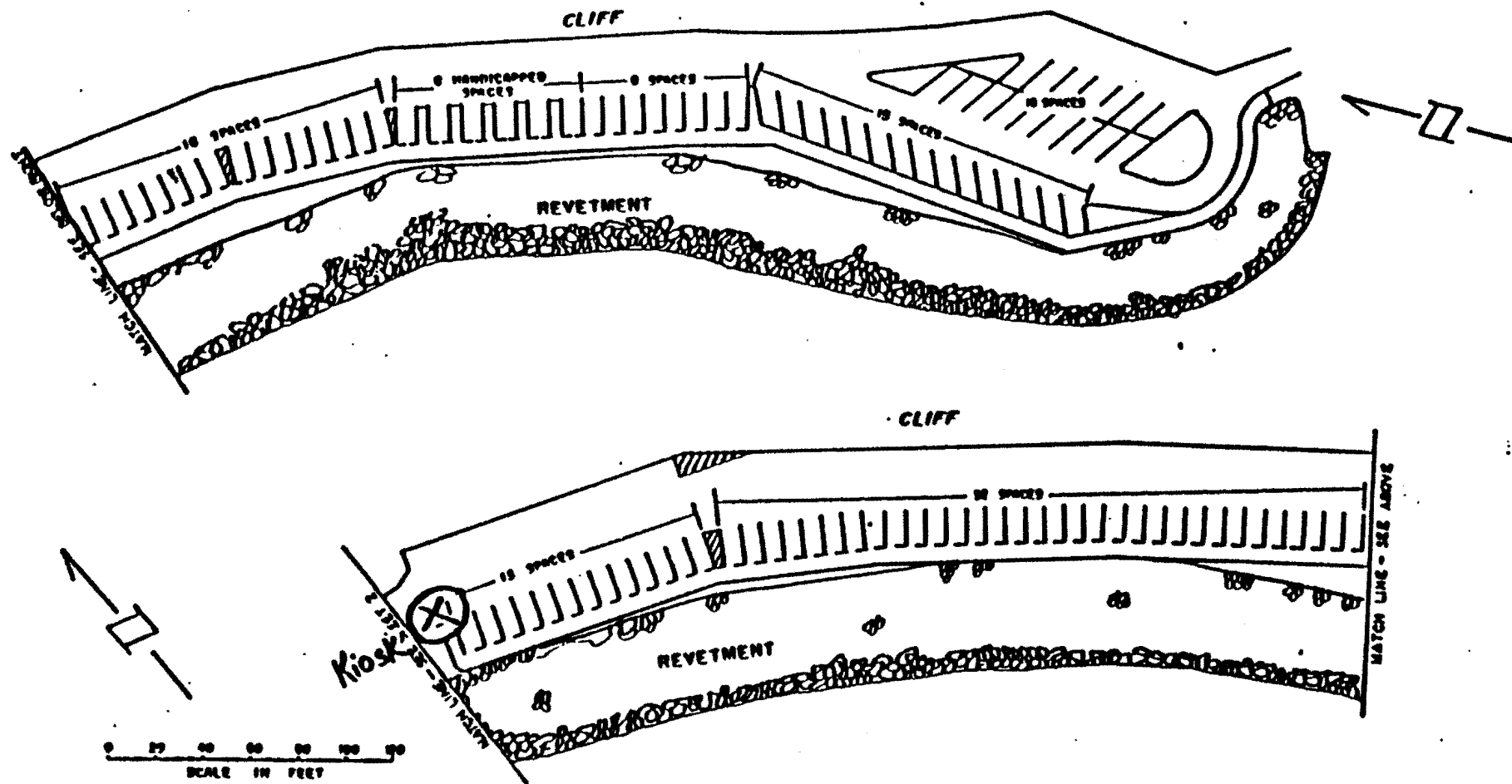
FIGURE # 2.6

PAGE OF

15-07-125

Site

WHITE'S POINT COUNTY BEACH



COASTAL COMMUNITY

Site Plan

EXHIBIT 2.C

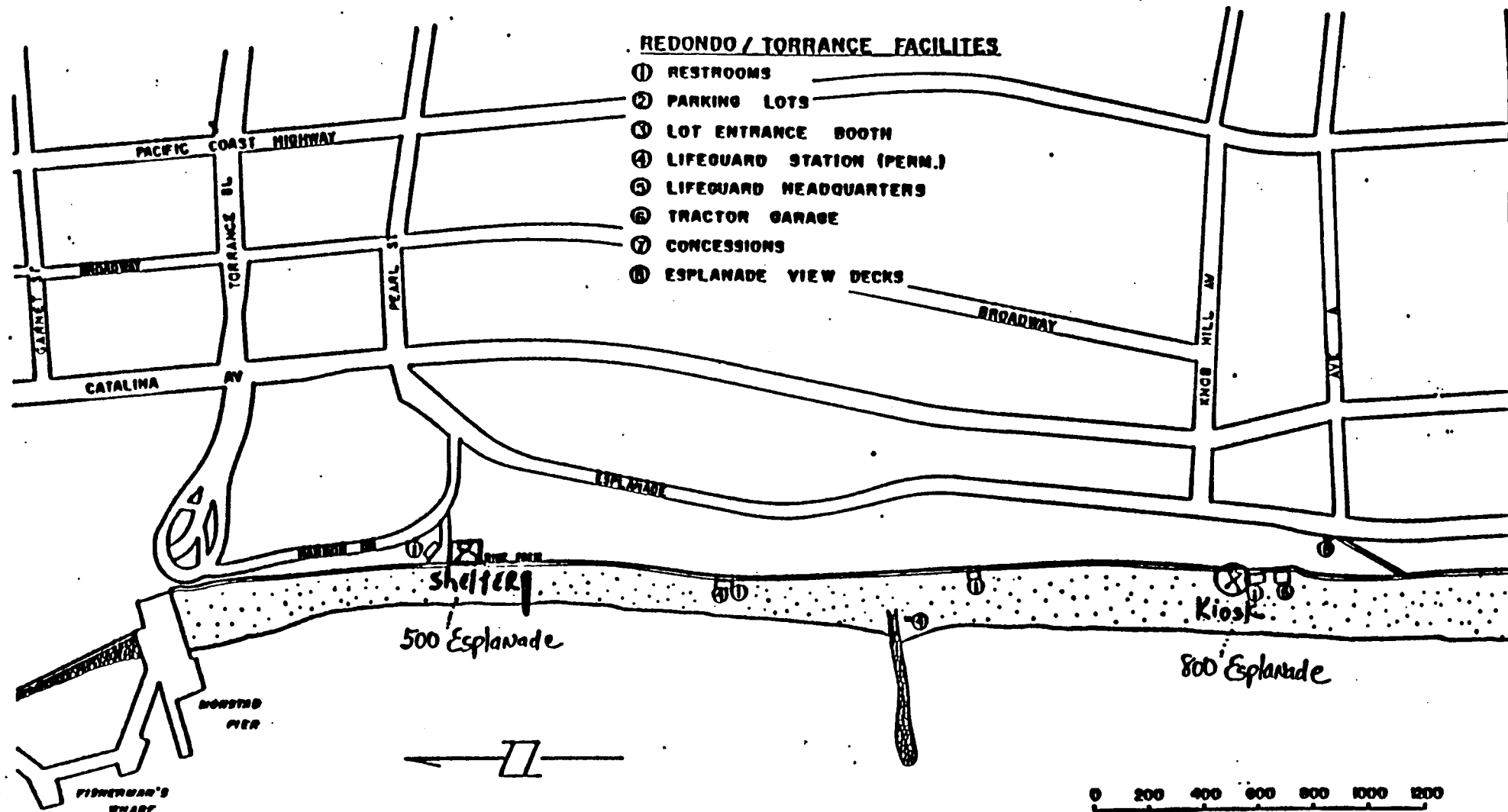
PAC

E-97-125

PARKING LOT AREA 50,050 sq. ft.

REGULAR SPACES	101
HANDICAPPED	06
TOTAL	107

Location - 1



MATCH LINE - SEE SHEET 2

COASTAL COMMUNITY
Site Plan

REDONDO STATE BEACH
NORTHERN SECTION

EXHIBIT # 2.d.

1/2/86

S. DRIGGS

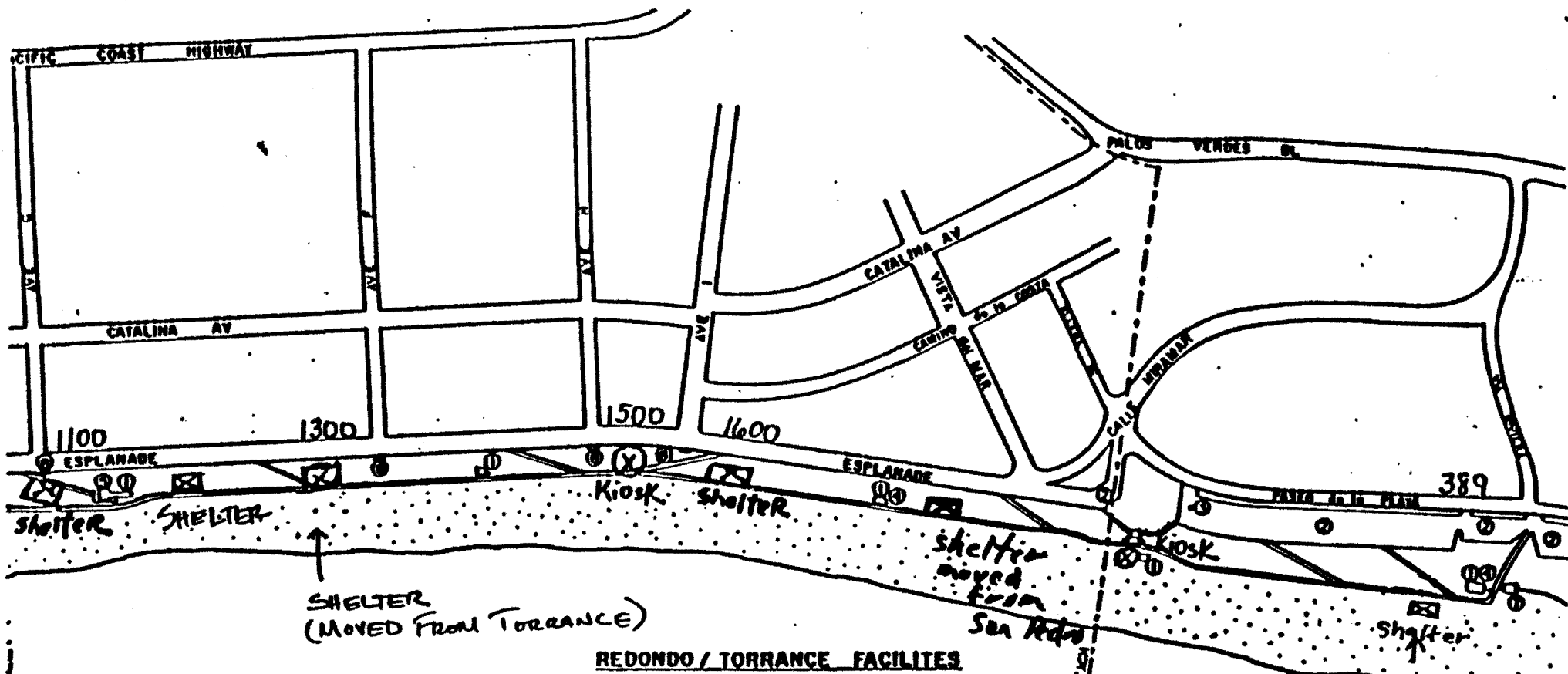
SHEET

Location-2

COASTAL COMMISSION

EXHIBIT # _____

PAGE _____ OF _____



REDONDO / TORRANCE FACILITIES

- ① RESTROOMS
- ② PARKING LOTS
- ③ LOT ENTRANCE BOOTH
- ④ LIFEGUARD STATION (PERM.)
- ⑤ LIFEGUARD HEADQUARTERS
- ⑥ TRACTOR GARAGE
- ⑦ CONCESSIONS
- ⑧ ESPLANADE VIEW DECKS

5-97-135

COASTAL COMMISSION

Site Plan

EXHIBIT # 2.e

REDONDO STATE BEACH/ TORRANCE CITY BEACH
SOUTHERN SECTION

1/2/86

S. DRIGGS

LOS ANGELES COUNTY DEPARTMENT OF BEACHES AND HARBORS

SHEET
2
OF 2

Location - 1

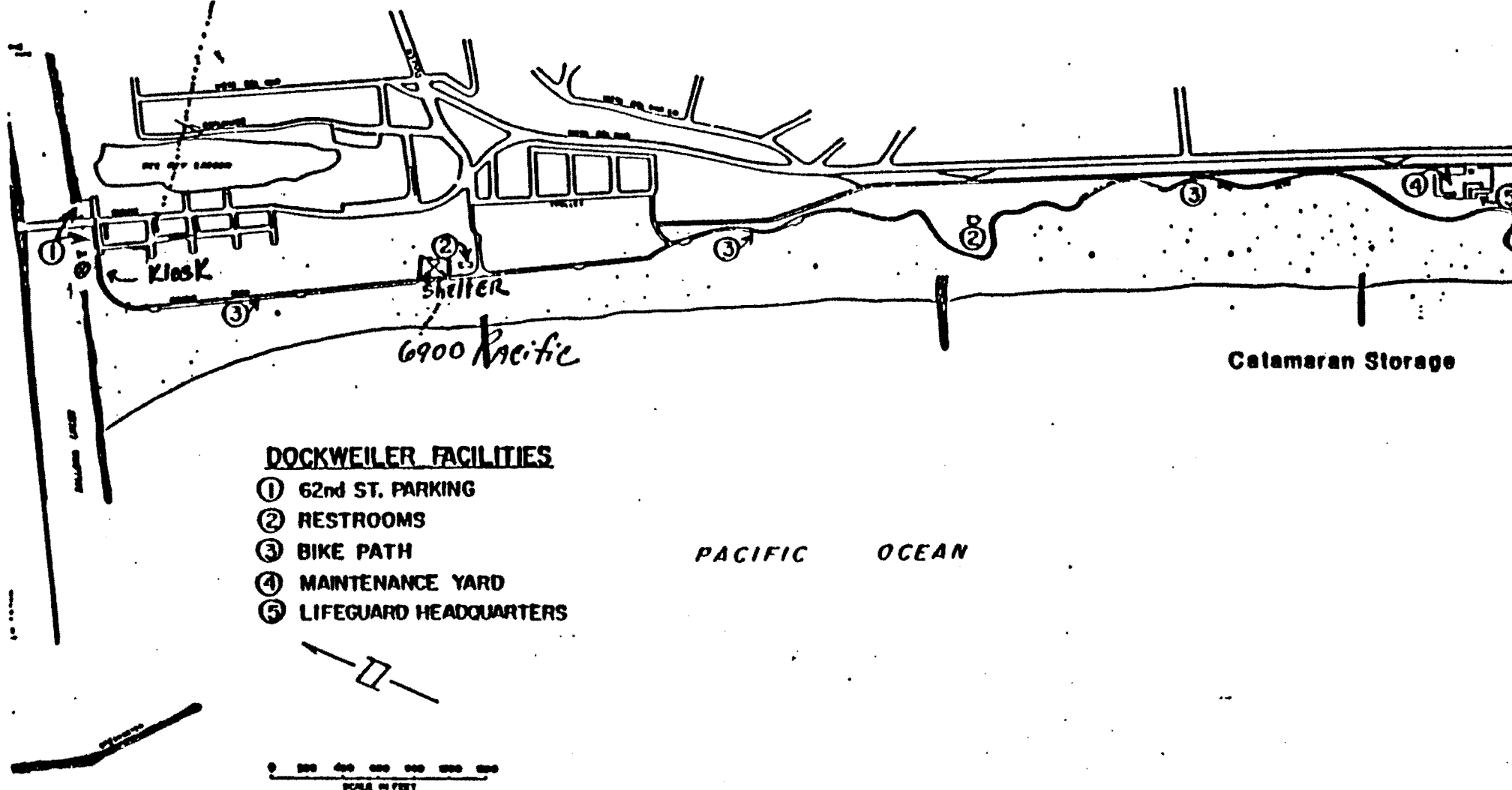
COASTAL OBSERVATION

Site Plan

EXHIBIT # 2.f

PAGE 5-97-135

62nd St



DOCKWEILER FACILITIES

- ① 62nd ST. PARKING
- ② RESTROOMS
- ③ BIKE PATH
- ④ MAINTENANCE YARD
- ⑤ LIFEGUARD HEADQUARTERS

PACIFIC OCEAN

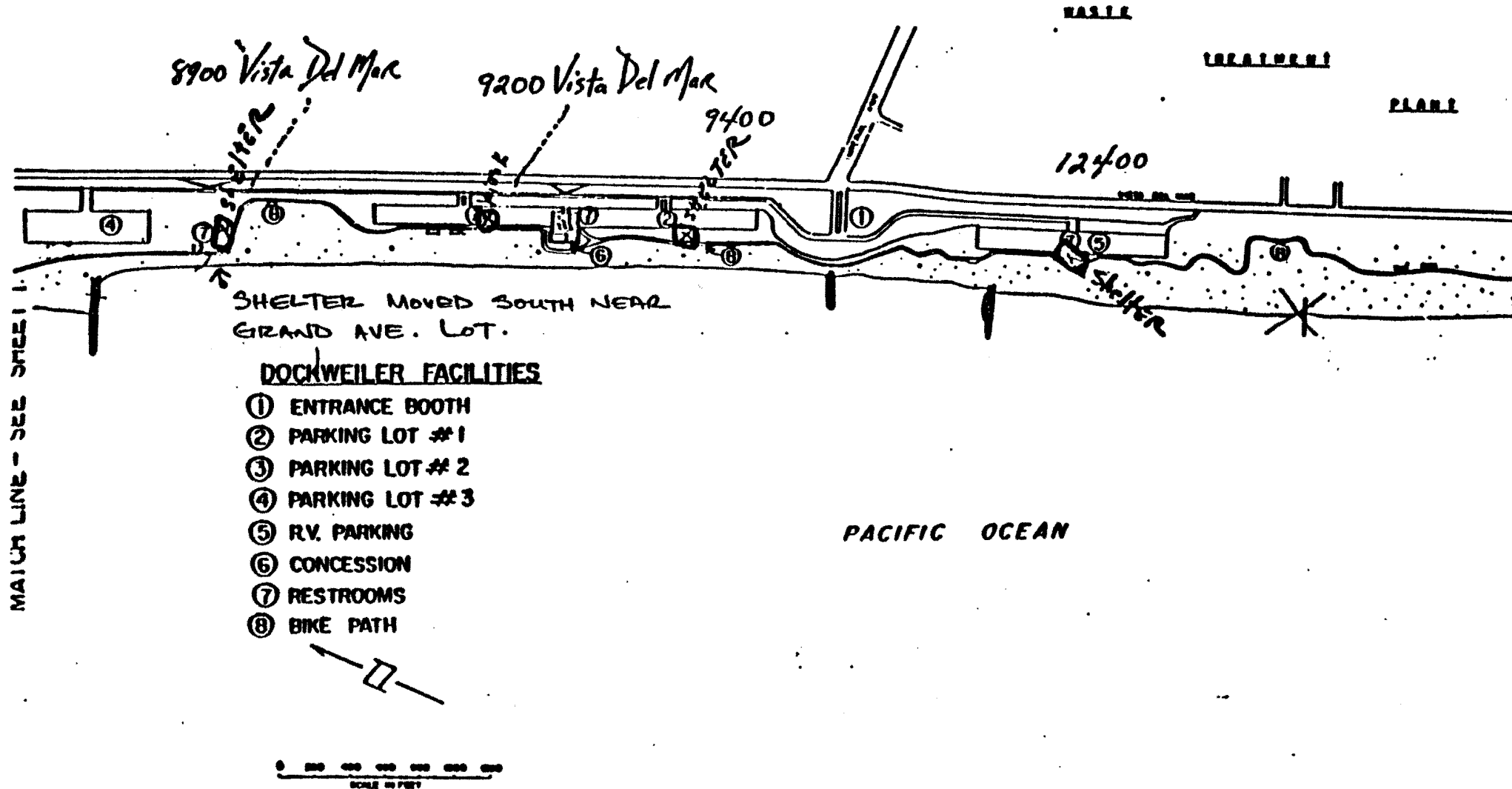
Location - 2

COASTAL COMMUNITY

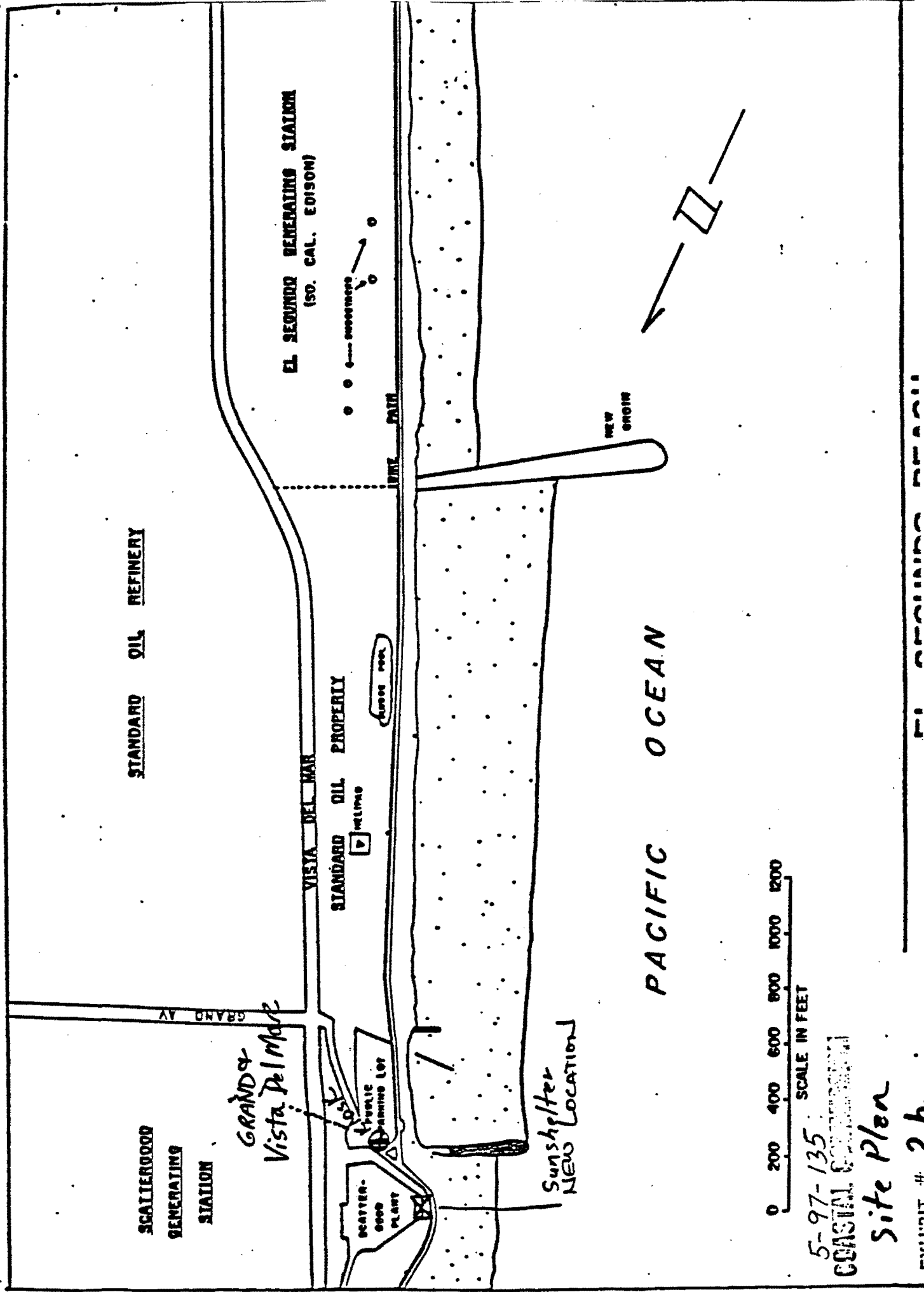
Site Plan

EXHIBIT # 2.9

PAGE 5-97-135



Location - 3



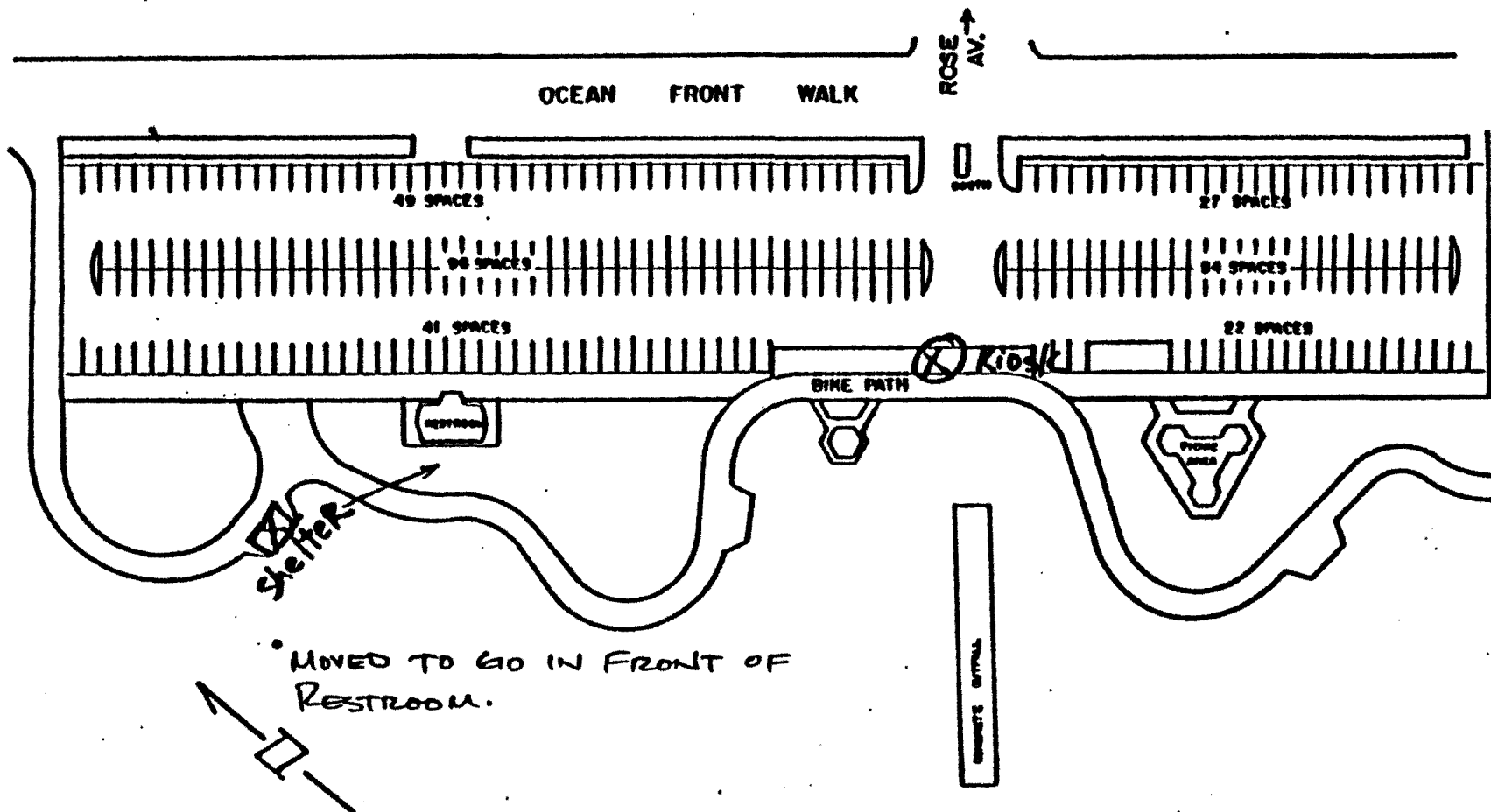
5-97-135
COASTAL COMMUNITY

Site Plan

EXHIBIT # 2 h.

Site Map

ROSE AVENUE PARKING LOT VENICE CITY BEACH



0 40 80 120 160 200
SCALE IN FEET

5-97-135

CG TOTAL

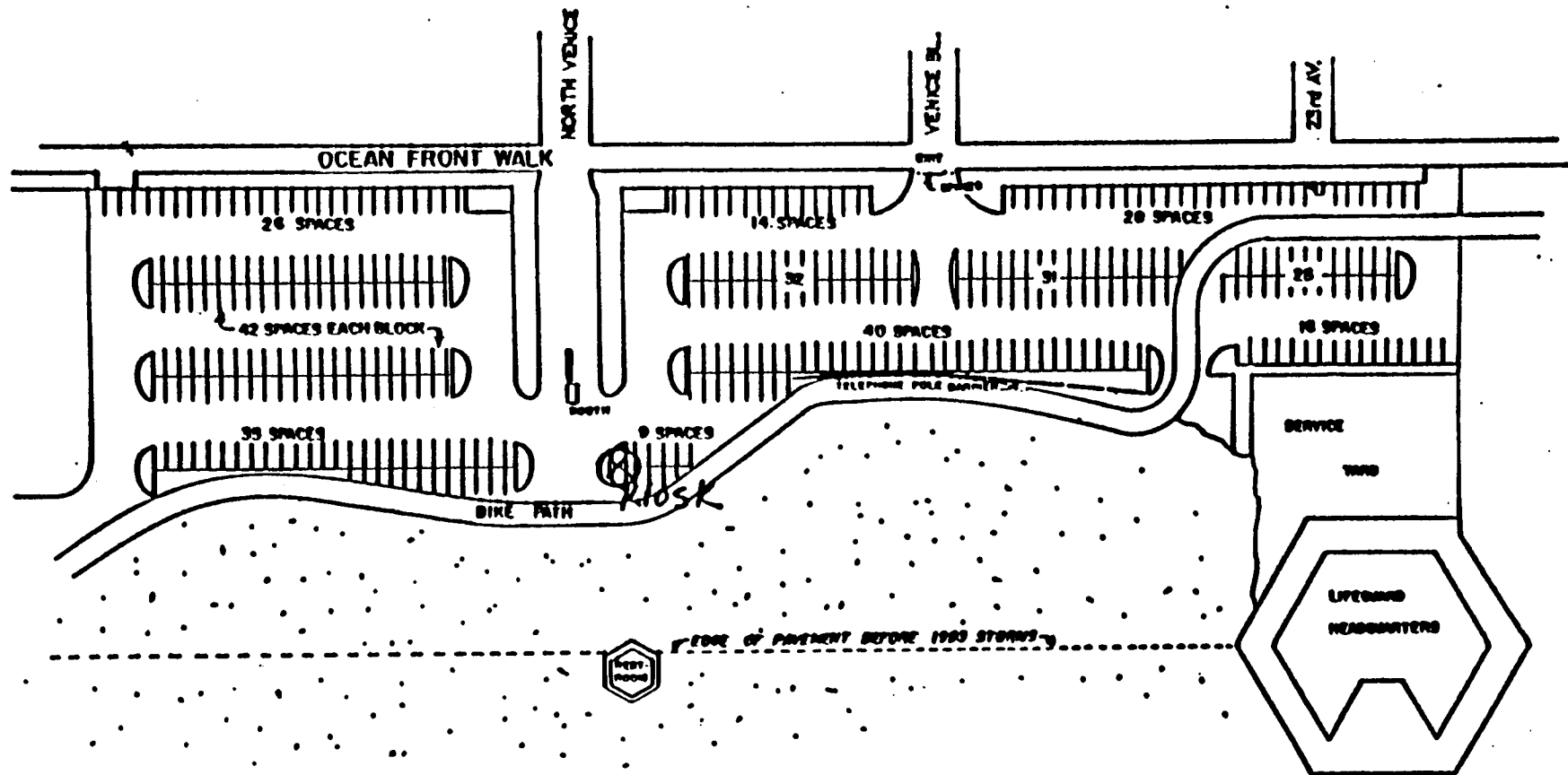
PARKING LOT AREA 96,200 sq. ft.

REGULAR SPACES	209
HANDICAPPED	00
TOTAL	209

Site Plan

SITE

VENICE BOULEVARD PARKING LOT VENICE CITY BEACH



0 40 80 120 160 200
SCALE IN FEET

5-97-135

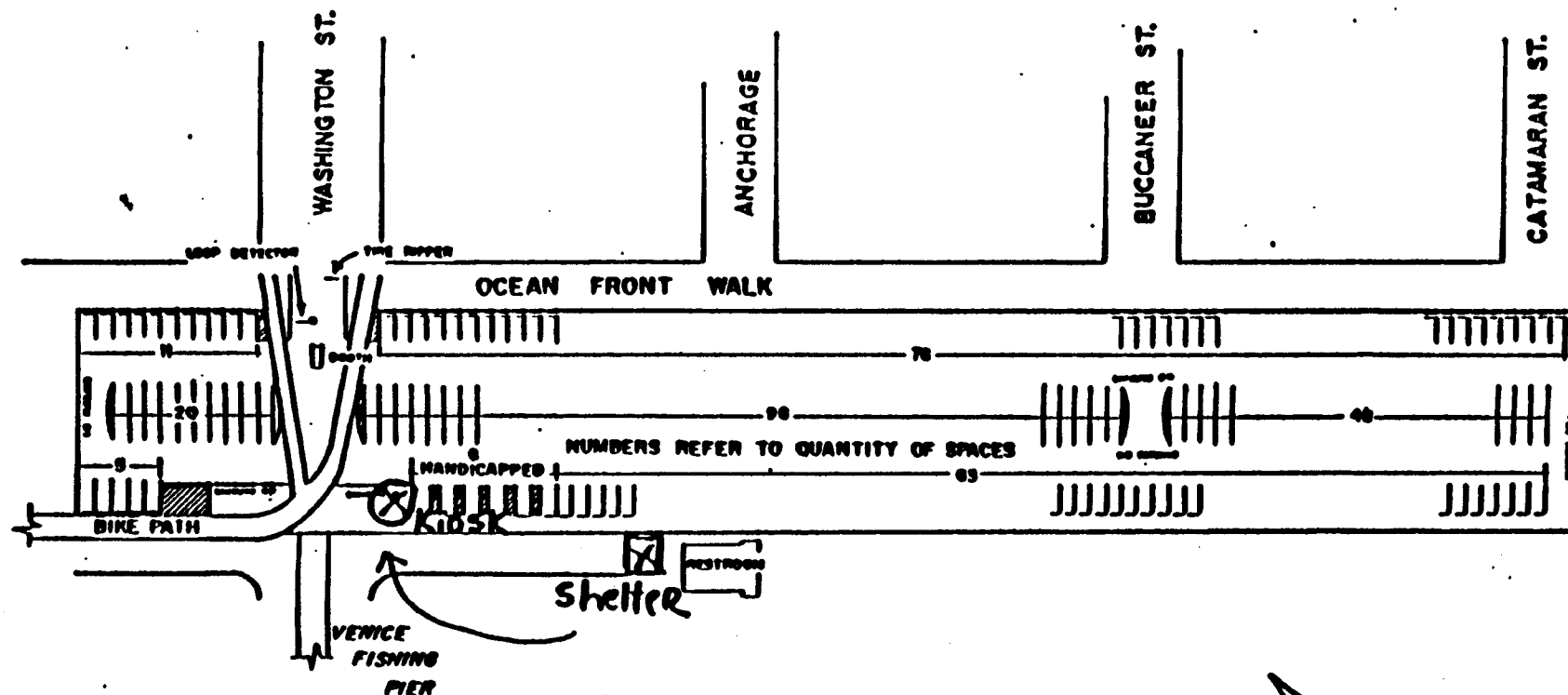
Site Plan

2.j.

PARKING LOT AREA 139,520 sq. ft.

REGULAR SPACES	340
HANDICAPPED	00
TOTAL	340

**WASHINGTON ST. PARKING LOT
VENICE CITY BEACH**



5-97-135
COMM. GEN. 100-100

Site Plan

EXHIBIT # 2k

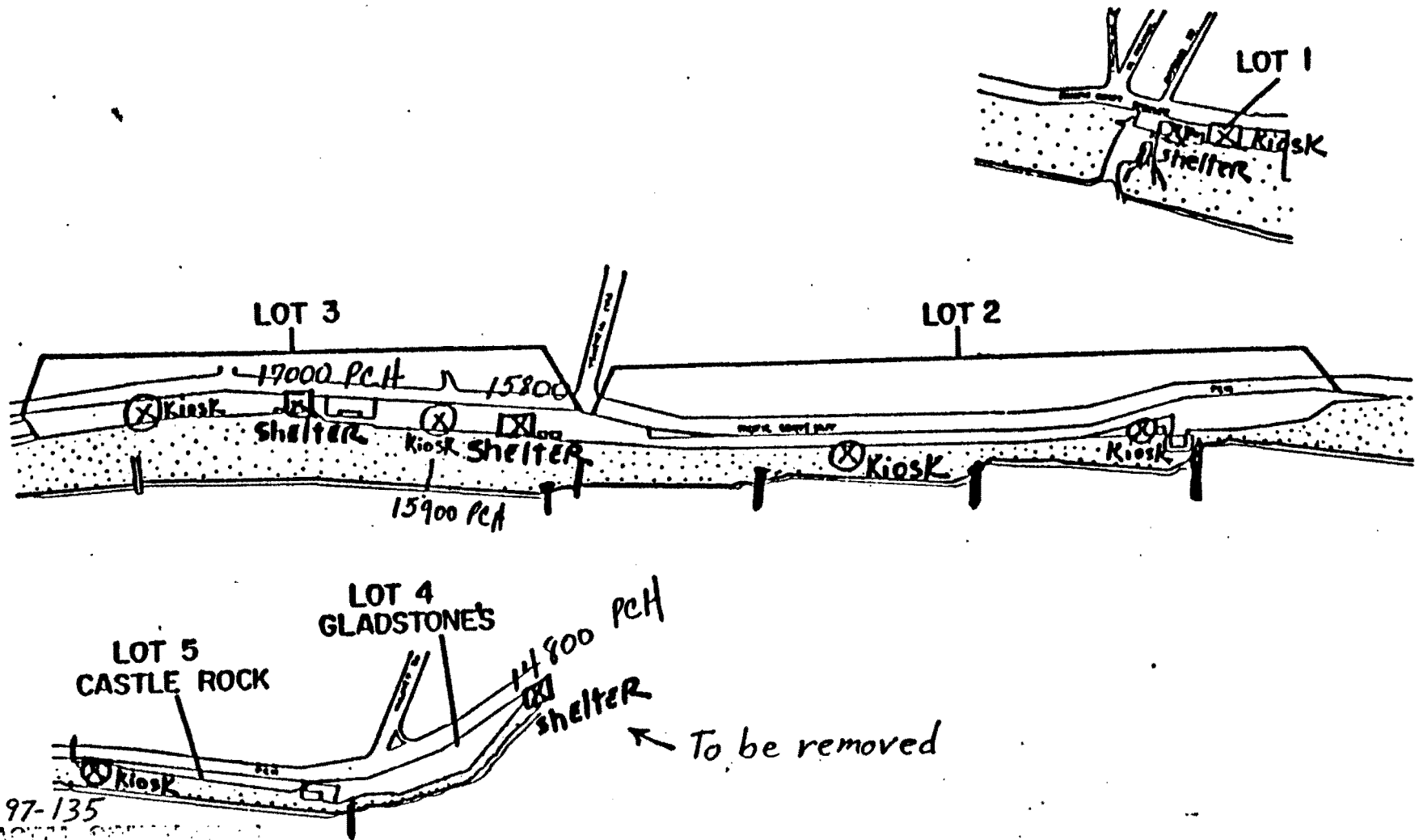
PAGE OF



PARKING LOT AREA	100,000 sq. ft.
<hr/>	
REGULAR SPACES	319
HANDICAPPED	08
TOTAL	326

Location

PARKING LOT LOCATION WILL ROGERS STATE BEACH



5-97-135

COASTAL COMMUNITY

Site Plan

EXHIBIT # 2.1

PAGE 07



STAN WISNIEWSKI
DIRECTOR

COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS

April 9, 1996



KERRY GOTTLIEB
DEPUTY DIRECTOR

JUDITH KENDALL
DEPUTY DIRECTOR

California Coastal Commission
245 W. Broadway, Suite 380
Long Beach, Ca. 90802

Mr. Al Padilla:

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.

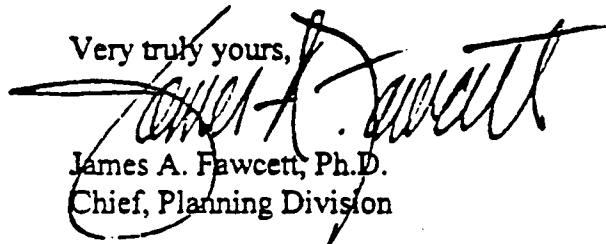
Topanga Beach-two location changes.

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. Fawcett, Ph.D.
Chief, Planning Division

5-97-1351
COASTAL COMMISSION

EXHIBIT # 3a

PAGE OF



**COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS**



STAN WISNIEWSKI
DIRECTOR

April 11, 1996

KERRY GOTTLIEB
DEPUTY DIRECTOR

JUDITH KENDALL
DEPUTY DIRECTOR

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

FROM: Dusty Brogan, Head
Marketing Section *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.a., "don't dump toxic materials in a storm drain because it will end up in our ocean," with pictures to support that quote.)

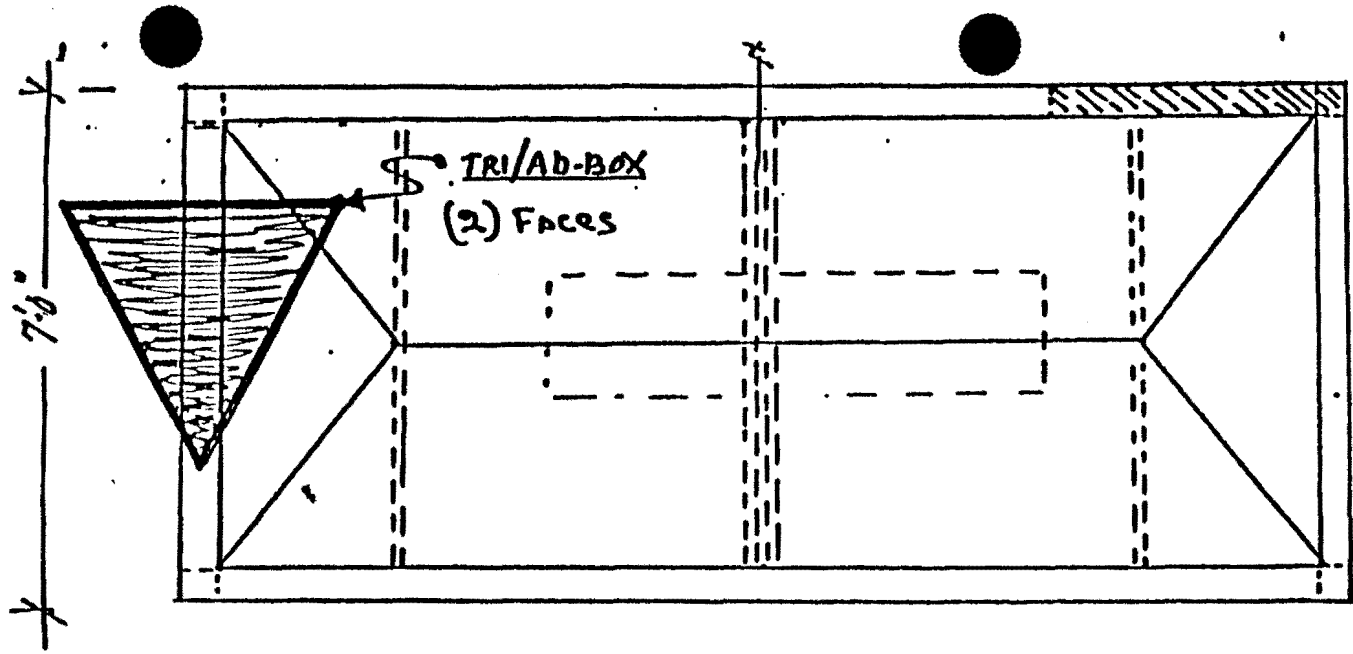
The County will receive 50% of all advertising that is sold on the other two panels. It is estimated that the Beach Information Kiosks will generate approximately \$300,000 annually for the County. This revenue will help to support the Department of Beaches and Harbors in providing a safe and clean beach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

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

5-97-125
COASTAL COMMISSION
*Letter Describing
Info/Ad Panels*

EXHIBIT # 4

PAGE OF



SHELTER CONCEPTS' Pitch/Roof
 Bus Shelter w/ Tri-Ad Box (2)
 Faces & Back, with Back Wall
 Panel (4') for Utility Uses

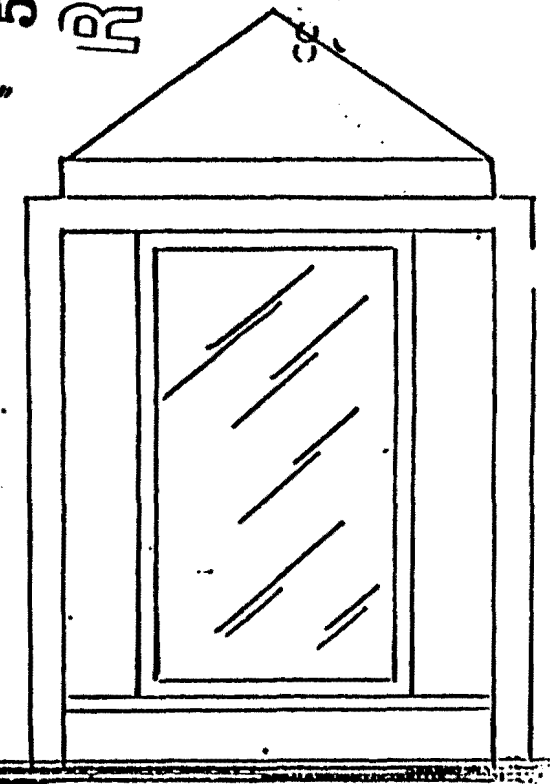
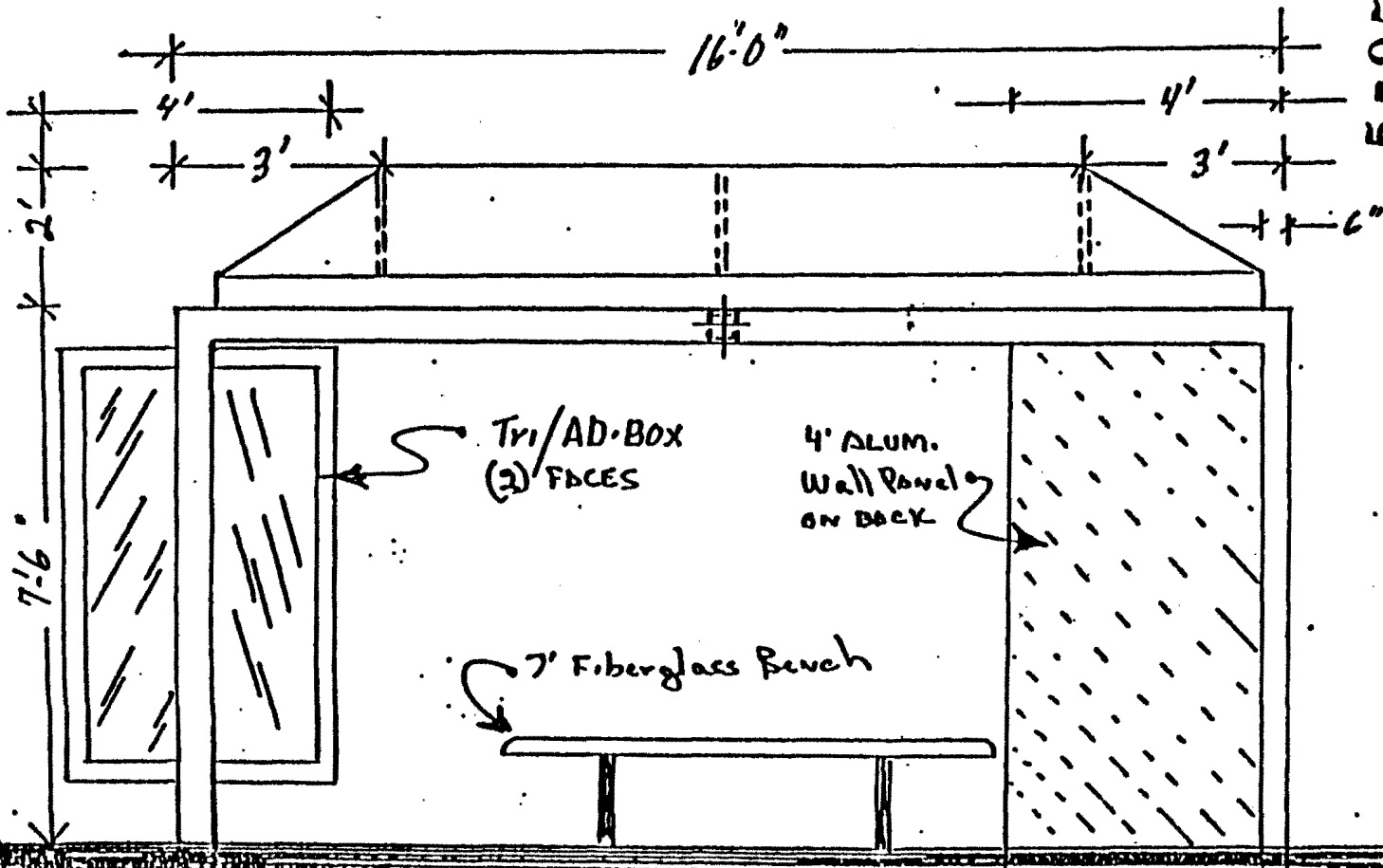
SIZE: 16' long X 7' wide X 9'6"
 high.....

Mfg. by SIGNPAC, INCORPORATED
 Costa Mesa, California

5-95-144
 RECEIVED

COASTAL COMMISSION
 Diagram of
 Sunshelter

EXHIBIT # 5
 PAGE OF
 5-97-135



3-SIDED KIOSKS

COASTAL COMMISSION

Diagram of
Kiosk

EXHIBIT # 6

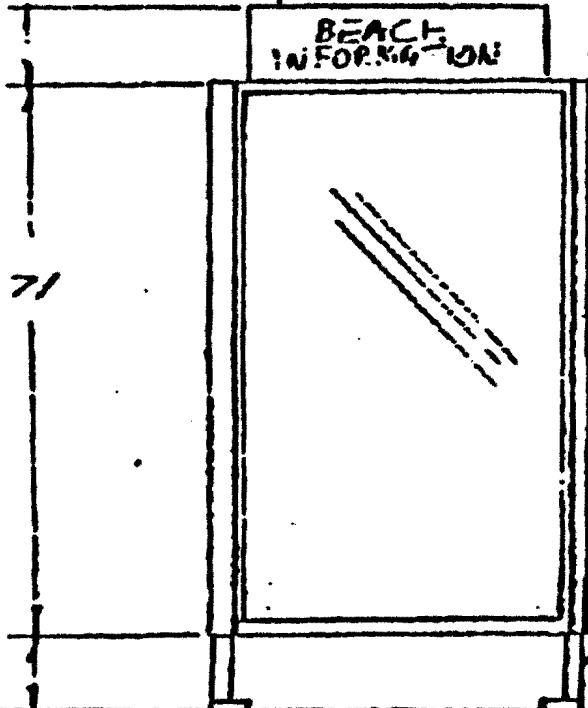
PAGE 5-97-135 OF

RECEIVED

SEP 29 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

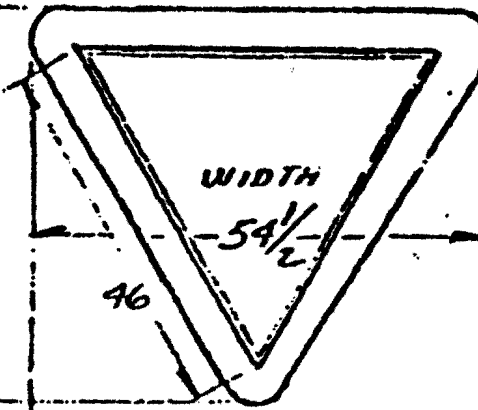
8



5-95-144

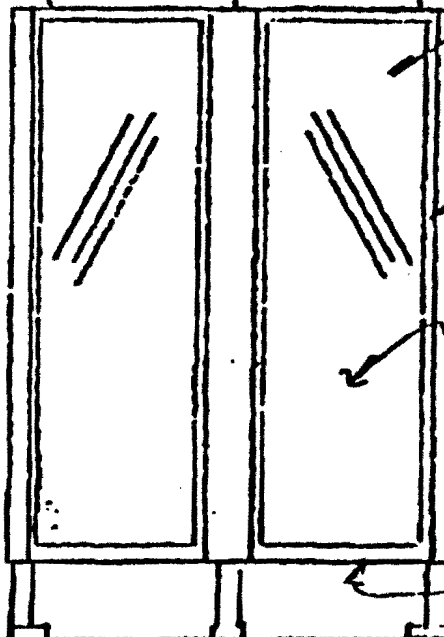
2 1/2" DIA
5/8" PORTS

42
DEPTH



ALUMINUM
EXTRUSION TO
FORM RADIUSED
CORNERS. ALL
ALUMINUM WELDED
CONSTRUCTION

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 BAKED
FINISH - DARK BRONZE - ALL ITEMS

TOLAR MINNIE, INC. INC.
501 S. ROSE ST. ANAHEIM CA 92805

SCALE: 1/2" = 12"

DATE: 1-19-95

APPROVED BY:

DRAWN BY: *Luko*

REVISED

EQUILATERAL 3-SIDED AD BOX



COASTAL COMMISSION

*Photograph of typical
kiosk*

EXHIBIT # 7

PAGE 5 OF 135

DEPARTMENT OF PARKS AND RECREATION

Santa Monica Bay District
2600 The Strand
Manhattan Beach, CA 90266
(310) 796-5620

RECEIVED

AUG 22 1995

August 18, 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Mr. Al J. Padilla, Coastal Program Analyst
California Coastal Commission South Coast Area
245 W. Broadway, Suite 380
P.O. Box 1450
Long Beach, CA 90802-4416

Dear Mr. Padilla,

Re: California Coastal Commission Permit Application #5-95-144

The State of California Department of Parks And Recreation is aware of California Coastal permit application #5-95-144, submitted by the County of Los Angeles Department of Beaches and Harbors. It is our understanding that this application is for the placement of Sunshelters and Beach Information Kiosks as described in the permit application. The Santa Monica Bay District of the California Department of Parks and Recreation has been invited by The Department of Beaches and Harbors to be a co-applicant on the Coastal permit #5-95-144 to which we have agreed.

Since these Sunshelters and Information Kiosks are either public serving facilities or provide public safety information, and they are to be located in areas which are intended for public use facilities, they are consistent with those units' general plans and/or are consistent with the specified purpose of that unit as defined by the classification of that unit.

To my knowledge, the Department of Parks and Recreation has no local coastal plan for these units. The City of Manhattan Beach does possess an LCP. If you have any questions please call me at (310) 796-5624.

Sincerely,



Ron P. Schafer
District Superintendent
Santa Monica Bay District

COASTAL COMMISSION
State Parks & Rec.
Letter

cc: Dusty Brogan, County of Los Angeles, Beaches and Harbors

EXHIBIT # 8

PAGE OF

5-97-135

BOARD OF RECREATION AND
PARK COMMISSIONERS

STEVEN L. SOBOROFF
PRESIDENT

LEROY CHASE
VICE PRESIDENT

HERMAN LEAVITT
P. JUAN SANTILLAN
LISA SPECHT

CITY OF LOS ANGELES
CALIFORNIA



RICHARD J. RIORDAN
MAYOR

DEPARTMENT OF
RECREATION AND PARKS
200 NO. MAIN ST.
13TH FLOOR
LOS ANGELES, CALIF. 9001

(213) 847-2579
FAX - (213) 820-0280

JACKIE TATUM
GENERAL MANAGER

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FEB 13 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

February 8, 1996

Mr. Al J. Padilla
Coastal Program Analyst
California Coastal Commission
P.O. Box 1450
Long Beach, CA 90802-4416

Dear Mr Padilla:

Venice Beach and Cabrillo Beach - Project No. 1019B
Coastal Permit Application #5-95-144

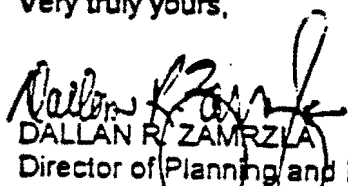
The Department of Recreation and Parks has reviewed the California Coastal Permit application (5-95-144) submitted by the County of Los Angeles Department of Beaches and Harbors for the installation of sunshelters and beach information directories. Staff has approved "in concept" the plans for the sunshelters and understands the placement of some of the sunshelters are on Department property.

The County Department of Beaches and Harbors invited the Department to be a co-applicant on the Coastal Permit application. The Department has declined to participate at this time. However, since operation of various portions of the beaches has shifted jurisdiction in the past, it should be noted that this Department may, in the future, be required to submit similar permit applications.

The Department of Recreation and Parks does support the placement of the Sunshelters and Beach information directories, as proposed on the attached map, on Department property. The facilities serve the public at no cost to either the County or the Department.

Should you have any additional questions, please contact Kathleen Chan, Project Manager, at (213) 485-5671.

Very truly yours,


DALLAN R. ZAMRZLA
Director of Planning and Development

DRZ:KC:ic

cc: Dave Gonzales
Assistant General Manager
Pacific Region

COASTAL COMMISSION
City of Los Angeles
Letter

EXHIBIT # 9

PAGE OF

5-97-135




STAN WISNIEWSKI
DIRECTOR

COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS

June 12, 1996

RECEIVED

JUN 13 1996

EXHIBIT NO. 1
APPLICATION NO. 5-97-135
Letter from County Beaches and Harbors
 California Coastal Commission
KERRY GOTTlieb DEPUTY DIRECTOR
JUDITH KENDALL DEPUTY DIRECTOR

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

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

Ms. Susan Friend
June 12, 1996
Page 2

EXHIBIT NO. 1

APPLICATION NO.

5-97-135



California Coastal Comm

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:ba
C: Dusty Brogan
Lynn Atkinson

RECEIVED

APR 30 1996

April 23, 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

California Coastal Commission
South Coast Area
245 W. Broadway, Suite 380
P. O. Box 1450
Long Beach, CA 90802-4416


Permit Number: 5-95-144

As residents and homeowners on the Esplanade in Redondo Beach, we are opposed to the construction of kiosks and shelters anywhere along the coast. These proposed structures will become a magnet for graffiti taggers, gangs, deadbeats, etc. (further, they will require constant maintenance).

The beach should be clear of all man made clutter. People go the beach to enjoy its natural beauty, not to read about the latest movie or beer advertisement. How about asking local companies to sponsor planting and maintenance of palm trees along the bike path.

John M. Thibault

318 Palmdale Blvd #208
Palmdale CA 93550

EXHIBIT NO. 1
APPLICATION NO. 5-97-138
Letter from Resic Opposing Project
 California Coastal Commission

FAX TRANSMISSION

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

To: Chuck Damm/Al Padilla

Date: May 3, 1996

Fax #: (310) 590-5084

Pages: 3, including this cover sheet.

From: Frank P. Angel

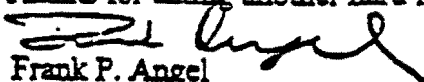
Subject: Sunshelters and kiosks on LA County beaches

COMMENTS:

Dear Chuck and Al:

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 PRIVILEGE(S). 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 NO.

APPLICATION NO.

5-97-135

Letter from Mr.
Angel

is located, and mailed to every person who has filed a request for notice of the hearing with the commission. If the notice of hearing is published in a weekly newspaper, it shall appear therein on at least two different days of publication; and if in a newspaper published more often, there shall be at least five days from the first to the last day of publication, both days included. The content of the notice of hearing shall substantially comply with the requirements of Section 11246.5 of the Government Code.

Copies of the department's inventory of features, in the case of a hearing on classification or reclassification, or copies of the department's general plan, in the case of a hearing on approval of the plans, shall be made available to the public at . . . the department's appropriate regional and district office on the last date of publication of the notice.

The hearing shall be held by the commission in, or within a radius of 100 miles of, the City of San Diego, Los Angeles, San Francisco, San Bernardino, Eureka, Redding, Fresno, Ukiah, Monterey, San Luis Obispo, Santa Barbara, or Sacramento, whichever is closest to the unit affected, not less than 80 days, nor more than 60 days, after the last date of publication of the notice. . . . The hearing shall be conducted in the manner specified in Section 11346.8 of the Government Code. The vote of each individual member of the commission on each matter of classification or reclassification and of approval of the department's general plan shall be recorded when the final decision of the commission is announced.

(Amended by Stats.1967, c. 56, § 150; Stats.1990, c. 1027 (A.B.3319), § 1, eff. Sept. 19, 1990.)

Historical and Statutory Notes

1967 Legislation

The 1967 amendment substituted "commission" for "State Park and Recreation Commission" throughout the section, "more often" for "often" in the third sentence of

the first paragraph, "Section 11246.5" for "Section 11424" near the end of the first paragraph, and "Section 11246.8" for "Section 11425" in the third paragraph; and made other non-substantive changes to maintain this code.

§ 5002.5. Los Angeles County, grant of specified beaches from the State; conditions; reservations

(a) Notwithstanding any other provision of law, and upon the adoption of a resolution of acceptance pursuant to subdivision (b), the director shall grant to the County of Los Angeles, at no cost to the county, in trust for the people of the State of California, and subject to the conditions set forth in this section, all of the rights, title, and interest of the State of California in lands, and improvements thereon, generally described as follows, and more particularly described in the deed:

- (1) Parcel 1. Approximately 2.83 acres of unimproved land, known as Las Tunas State Beach.
- (2) Parcel 2. Approximately 21.21 acres of improved land, known as Topanga State Beach.
- (3) Parcel 3. Approximately 46.24 acres of improved land, being a portion of Manhattan State Beach.
- (4) Parcel 4. Approximately 26.03 acres of improved land, known as Redondo State Beach.
- (5) Parcel 5. Approximately 18.07 acres of improved land, known as Royal Palms State Beach.
- (6) Parcel 6. Approximately 30.64 acres of improved land, being a portion of Point Dume State Beach.
- (7) Parcel 7. Approximately 15.12 acres of unimproved land, known as Dan Blocker State Beach, and which includes Lango Shores.
- (8) Parcel 8. Approximately 10.50 acres of improved land, being a portion of Malibu Lagoon State Beach, known as Surf Rider Beach.

(b)(1) The grant in trust for the people of the State of California made pursuant to subdivision (a) shall be made upon the express condition that the County of Los Angeles shall use, operate, and maintain the granted lands and improvements thereon for public recreation and beach purposes in perpetuity, and shall comply with all restrictions specified in each deed and prescribed in subdivision (c). The county shall not make or permit any other use of the granted lands and improvements. Any violation of this prohibition or any violation of subdivision (c) shall constitute a breach of conditions for purposes of paragraph (2) of this subdivision.

(2) Upon a material breach of any condition of a grant made pursuant to this section which is determined by a court of competent jurisdiction to have been made intentionally, the State of California shall terminate the interest of the County of Los Angeles in the granted lands and improvements pursuant to Chapter 5 (commencing with Section 885.010) of Title 5 of Part 2 of Division 2 of the Civil Code. Upon exercise of the state's power of termination in accordance with Section 885.050 of the Civil Code, all rights, title, and interest of the County of Los Angeles in the granted lands and improvements shall terminate and revert to, and rest in, the state, and the county shall, within 30 days from the date of that judgment, pay to the state an amount equal to funds received by the county annually from the appropriation under subdivision (a) of Item 3630-105-616 of the Budget Act of 1995 or from any subsequent appropriation received from the state specifically for the operation or maintenance of the granted lands and improvements. However, in no event shall that payment exceed the sum of one million

Additions or changes indicated by underlining; deletions by asterisks . . .

five hundred thousand Recreation Fund.

(3) Notwithstanding paragraph (2) and r

(c) Any operating s to any of the real pr terminated by operat

(d) There is hereby subdivision (a) all min surface rights of sub

(e) The transfer of (a) shall be subject t

(1)(A) No new or

(B) Any project f not exceed an estimate as adjusted annually Services. Any sub projects that provide and enhancement of operation, and maint

(b). The per-project amount specified in division of the proje whole of an action ti extension or betterm

(C) Notwithstanding commit a provision (project number SL for noncommercial

(2) The grant is For purposes which pledging the security for borrow for the public reer

(f) As an alternat each condition set for injunction for specif

(g) On and after J Los Angeles Fire D waters within the Co an alternative sourc

(h) This section sh adopts a resolution i accordance with this (Added by Stats.199

Operation of: see subd. (h).

§ 5003.02. Repeals

The repealed section, related to a recreational Beach.

Additions

EXHIBIT NO. 12
APPLICATION NO. 5-97-135

PUBLIC RESOURCES CODE

notice of the hearing with the
 after, it shall appear therein on at
 more often, there shall be at least
 led. The content of the notice of
 11346.5 of the Government Code.
 of a hearing on classification or
 a of a hearing on approval of the
 a appropriate regional and district

a of 100 miles of the City of San
 y, Fresno, Ukiah, Monterey, San
 the unit affected, not less than 30
 onse. * * * The hearing shall be
 nament Code. The vote of each
 reclassification and of approval of
 n of the commission is announced.
 § 1, eff. Sept. 19, 1990.)

Section 11346.5 for "Section 11328"
 first paragraph, and "Section 11346.5"
 in the third paragraph, and made
 the changes to maintain this code.

a State; conditions; reservations
 tion of a resolution of acceptance
 of Los Angeles, at no cost to the
 to the conditions set forth in this
 lands, and improvements thereon.
 deed:

own as Las Tunas State Beach.
 as Topanga State Beach.
 portion of Manhattan State Beach.
 Redondo State Beach.
 as Royal Palms State Beach.
 portion of Point Dume State Beach.
 as Dan Blocker State Beach, and
 a portion of Malibu Lagoon State

be pursuant to subdivision (a) shall
 shall use, operate, and maintain the
 beach purposes in perpetuity, and
 ed in subdivision (e). The county
 movements. Any violation of this
 ach of conditions for purposes of

ment to this section which is
 tionally, the State of California
 granted land and improvements
 Part 2 of Division 2 of the Civil
 with Section 885.050 of the Civil
 granted lands and improvements
 within 30 days from the date of
 by the county annually from the
 budget Act of 1995 or from any
 operation or maintenance of the
 ment exceed the sum of one million
 as by asterisks * * *

PUBLIC RESOURCES CODE

§ 5003.02
 Repealed

five hundred thousand dollars (\$1,500,000). The returned funds shall be deposited in the State Parks and Recreation Fund.

(3) Notwithstanding Section 885.050 of the Civil Code, the state's power of termination pursuant to paragraph (2) shall remain in effect in perpetuity.

(c) Any operating agreement between the State of California and the County of Los Angeles pertaining to any of the real property described in subdivision (a), in existence at the time of the grant, shall be terminated by operation of law upon the conveyance of the real property to the County of Los Angeles.

(d) There is hereby excepted and reserved to the State of California from the grants made pursuant to subdivision (a) all mineral deposits, as defined in Section 6407, which lie below a depth of 500 feet, without surface rights of entry.

(e) The transfer of all rights, title, and interest in the lands and improvements described in subdivision (a) shall be subject to the following restrictions, which shall be specified in each deed:

(IXA) No new or expanded commercial development shall be allowed on the granted real property.

(B) Any project for new or expanded noncommercial development on the granted real property shall not exceed an estimated cost limitation for each project of two hundred fifty thousand dollars (\$250,000), as adjusted annually to reflect the California Construction Index utilized by the Department of General Services. Any authorization for new and expanded noncommercial development shall be limited to projects that provide for the safety and convenience of the general public in the use and enjoyment of, and enhancement of, recreational and educational experiences, and shall be consistent with the use, operation, and maintenance of the granted lands and improvements as required pursuant to subdivision

(b). The per-project limitation in this paragraph shall apply in the aggregate, so that not more than the amount specified in this subparagraph may be expended for the project as a whole, regardless of any division of the project into phases or parts. For purposes of this subparagraph, "project" means the whole of an action that constitutes the entirety of the particular type of new construction, alteration, or extension or betterment of an existing structure.

(C) Notwithstanding subparagraph (B), the deed for the conveyance of Royal Palms State Beach shall contain a provision that allows for the implementation of the state-approved local assistance grant (project number SL-19-003) to the County of Los Angeles already approved in the Budget Act of 1988 for noncommercial development to rehabilitate the existing park infrastructure at that state beach.

(2) The granted lands and improvements may not be subsequently sold, transferred, or encumbered. For purposes of this section, "encumber" includes, but is not limited to, mortgaging the property, pledging the property as collateral, or any other transaction under which the property would serve as security for borrowed funds. Any lease of the granted lands or improvements shall only be consistent with the public recreation and beach purposes of this section.

(5) As an alternative to the exercise of the power of termination for a material breach of conditions, each condition set forth in this section shall be enforceable as a covenant and equitable servitude through injunction for specific performance issued by a court of competent jurisdiction.

(g) On and after June 30, 1998, it is the intent of the Legislature that any application by the County of Los Angeles Fire Department to secure state funding support for boating safety and enforcement on waters within the County of Los Angeles shall be given priority consideration by the Legislature, unless an alternative source of funding is secured prior to that date which serves the same or similar purposes.

(h) This section shall become operative only if the Board of Supervisors of the County of Los Angeles adopts a resolution accepting the fee title grants, in trust for the people of the State of California, in accordance with this section, of the lands and improvements described in subdivision (a).

(Added by Stats.1995, c. 472 (A.B.909), § 1, eff. Sept. 15, 1995.)

Operative Effect

Operation of this section is contingent on adoption of a resolution by the county supervisors.

see subd. (h).

§ 5003.02 Repealed by Stats.1993, c. 46 (S.B.339), § 1

Historical and Statutory Notes

The repealed section, added by Stats.1993, c. 1614, § 7, related to a concession contract for Santa Monica State Beach.

Additions or changes indicated by underline; deletions by asterisks * * *

EXHIBIT NO. 1

APPLICATION NO.

5-97-135



STAN WISNIEWSKI
DIRECTOR

COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS



KERRY GOTTLES
DEPUTY DIRECTOR

JUDITH KENDALL
DEPUTY DIRECTOR

June 20, 1996

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.

EXHIBIT NO. 13
APPLICATION NO. 5-92-135
County's Letter to Assemblywoman
Pg 9 of 8
California Coastal Commission

EXHIBIT NO. 13
APPLICATION NO. 5-97-135
County's Letter to Assemblywoman Bowen
P9 of 8
California Coastal Commission

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

EXHIBIT NO. 1
APPLICATION NO. 5-97-135
County's Letter Assemblyman
 California Coastal Commission

Ms. Arlene Pizkier
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.

EXHIBIT NO. 1
APPLICATION NO. 5-97-135
County's Letter Assemblyman Bay
pg 9 of
 California Coastal Commission

Ms. Arlene Pinxler
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.

EXHIBIT NO. 1
APPLICATION NO. 5-92-135
County's Letter Assemblymember B...
California Coastal Commission

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
D. E. Brogan
Head, Marketing

SW:DEB:ec
Enclosures

c: California Coastal Commission

MARKETING SECTION REVENUE GENERATION FISCAL YEAR 1996-97

PROGRAM	DESCRIPTION	CASH	SAVINGS
Beech Vehicle So. 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.	\$60,000	\$50,000
Sunshelter Transportation Display, Inc.	Sponsor has the right to sell advertising space on the 22 sunshelters; each sunshelter has two ad panels; fee is a guaranteed minimum of \$2500 per shelter plus 30-50% of advertising revenue, presently at 35%.	\$200,000	\$0**
Lifeguard Tower Safety Signs Transportation Display, Inc.	Sponsor provides signage that combines 3 safety signs into 1 (5'x 6') sign displayed on the back of lifeguard towers in exchange for the right to sell advertising on a 27"x 54" portion; signage provides 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.	\$94,725	\$0**
Lifeguard Uniform Authentic Fitness Corp.	Sponsor agrees to provide 900 Lifeguard uniforms and wholesale pricing on uniforms for the Department's youth programs in exchange for the right to promote itself as the "Official Swimwear 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**
The Donation 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

EXHIBIT NO. 13
APPLICATION NO. 5-97-135
County's Letter to Assemblyman Porter

all changes must be made to the original document and submitted to the County Clerk's Office for review and approval.

MARKETING SECTION REVENUE GENERATION FISCAL YEAR 1996-97

PROGRAM	DESCRIPTION	CASH	SAVINGS
Time and Temp Board No current agreement	Sponsor provides time and temperature passes for all lifeguard towers and pays for the right to place name identification on the board.	\$0	\$0
Parking Stubs No current agreement	Sponsor pays for the right to place an ad coupon on the back of the parking stubs handed out at L.A. County Beach parking facilities.	\$0	\$0
900 Line Operating	An \$0.85 per minute charge to telephone customers seeking information on surf conditions, weather, diving conditions, beach events, youth programs, sailing/land conditions and parking. varies depending on usage		\$0
Total		\$777,225	\$492,900

COMBINED TOTAL

\$1,269,225

WP:mp

EXHIBIT NO. 13
APPLICATION NO. 5-97-135
County's Letter to Assessor pg. 8 of 8

MARKETING SECTION REVENUE GENERATION FISCAL YEAR 1996-97

PROGRAM	DESCRIPTION	CASH	SAVINGS
Time and Temp Board No 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 No current agreement	Sponsor pays for the right to place an adcoupon on the back of the parking stubs handed out at L.A. County Beach parking facilities.	\$0	\$0
900 Line Operating	An \$0.85 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	\$0
Total		\$777,225	\$492,000

COMBINED TOTAL

\$1,269,225

VP:wp

EXHIBIT NO. 13
APPLICATION NO. 5-97-135
County's Letter to Assemblyman Brown 09 of 8

ROOM 5082
STATE CAPITOL
SACRAMENTO, CA 95814
916 445 6447
611 SO. PACIFIC COAST HWY
SUITE 102
REDONDO BEACH, CA 90277
310 540 1611
438 SOUTH BEACON STREET
ROOM 508
SAN PEDRO, CA 90731
310 548 0651



California State Senate

ROBERT G. BEVERLY
SENATOR
TWENTY-SEVENTH DISTRICT

Received at Commission
Meeting

OCT 10 1996

From: _____

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 1966 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

COMMITTEES
GOVERNMENT PROCEDURE
FINANCE, INVESTMENT AND
INTERNATIONAL TRADE
ELECTIONS AND
REAPPORTMENT
GOVERNMENTAL ORGANIZATION
RULES, JUDGE CHAIRMAN
JOINT COMMITTEES
FISHERIES AND AQUACULTURE
LEGISLATIVE AUDIT
LEGISLATIVE BUDGET
RULES

Department of Coastal & Harbors	
SEP 30 '96	
Director	<i>Has City</i>
Exec Asst	" "
Asst Mgmt	
Planning	
Admin Svcs	
Safety/San	
Human Res	
Comly Svcs	

EXHIBIT NO. <i>142</i>
Application Number <i>5-97-135</i>
<i>Letters support-</i> <i>ing Project</i>
California Coastal Commission

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 95898-0001
916-445-8234

DISTRICT OFFICE
444 WEST OCEAN BLVD.
SUITE 701
LONG BEACH, CA 90807
310-495-4766

INTERNET ADDRESS
http://www.assembly.ca.gov

Assembly California Legislature

STEVEN T. KUYKENDALL
ASSEMBLY MEMBER, FIFTY-FOURTH DISTRICT
MAJORITY WHIP

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

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

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 Directorics 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 NO.	146
Application Number	5-97-135
California Coastal Commission	

COUNCILMEMBER
GREGORY C. HILL
DISTRICT 2



TELEPHONE
(310) 372-117

CITY OF REDONDO BEACH CALIFORNIA

415 DIAMOND STREET
POST OFFICE BOX 270
REDONDO BEACH, CALIFORNIA 90277-0270

October 1, 1996

Mr. Peter Douglas, Executive Director
California Coastal Commission
245 W. Broadway, Suite 380
Long Beach, CA 90802-4416

Dear Mr. Douglas:

I am writing in support of reconsideration of Coastal Commission Application Nos. 4-95-112 and 5-95-144, requesting a Coastal Development Permit for sun shelters and beach information directories along Los Angeles County's coastline.

The shelters have been on the beach in the local area for several years with little or no negative criticism. In fact, they are widely used by strollers, rollerbladers, and bikers to rest or to escape the sun.

As proposed, the directories will be helpful to beach visitors by listing unique features of each beach, safety and emergency suggestions, and other pertinent information in addition to tasteful advertising.

Also as proposed, any revenues generated to the Department of Beaches and Harbors will be used for maintenance of the County beaches.

I urge you to consider permitting the requested development of sun shelters and beach information directories.

Sincerely yours,

GREG HILL
Councilman, District 2

EXHIBIT NO.	14c.
Application Number	5-97-135
California Coastal Commission	

Johnson, Co. of Los Angeles Department of Beaches and Harbors

COUNCILMEMBER
MICHAEL A. GIN
DISTRICT 3



CITY OF REDONDO BEACH CALIFORNIA

415 DIAMOND STREET
POST OFFICE BOX 270
REDONDO BEACH, CALIFORNIA 90277-0270

October 2, 1996

Mr. Peter Douglas, Executive Director
California Coastal Commission
245 W. Broadway, Suite 380
Long Beach, CA 90802-4416

Dear Mr. Douglas:

I would like to concur with Councilman Greg Hill's support of reconsideration of Coastal Commission Application Nos. 4-95-112 and 5-95-144, requesting a Coastal Development Permit for sun shelters and beach information directories along Los Angeles County's coastline.

The shelters have provided an excellent resource for the beach communities. The beach visitors enjoy using the sun shelters and find the information directories to be very useful. We have not experienced any negative criticism about them.

As proposed, the directories will be helpful to beach visitors by listing unique features of each beach, safety and emergency suggestions, and other pertinent information in addition to tasteful advertising.

Also as proposed, any revenues generated to the Department of Beaches and Harbors will be used for maintenance of the County beaches.

I urge your consideration for permitting the requested development of sun shelters and beach information directories.

Sincerely yours,

MICHAEL A. GIN
Councilman, District 3

EXHIBIT NO.	14d.
Application Number	5-97-135
California Coastal Commission	

Johnson, Co. of Los Angeles Department of Beaches and Harbors



CITY OF TORRANCE

DON LEE
COUNCILMAN

September 26, 1996

RECEIVED

OCT 1 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Peter Douglas, Executive Director
California Coastal Commission
245 W. Broadway, Suite 380
Long Beach, CA 90802-4416

Dear Mr. Douglas:

I am writing in support of reconsideration of Coastal Commission Applications Nos. 4-95-112 and 5-95-144, requesting a Coastal Development Permit for Sun Shelters and Beach Information Directories along Los Angeles County's Coastline.

The Sun Shelters have been an asset to our beaches in the Redondo-Torrance area for several years and provide an escape from the sun and a place to rest for many bikers, rollerbladers, and those with strollers.

The Directories, 100-square foot wooden signs, will provide much needed safety suggestions, listing emergency telephone numbers and other pertinent information. The directories will also highlight features of each beach, and will offer tasteful advertising.

The Sun Shelters and Directories will provide an important public service as well as generate revenues to offset the costs of maintenance of our beaches. I urge you to support reconsideration of the above Coastal Commission Applications.

Sincerely,

Don Lee
Councilman

DH:dma

EXHIBIT NO.	14e.
Application Number	5-97-135
California Coastal Commission	

Exhibit #14.f.
5-97-135

SACRAMENTO OFFICE
STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001
PHONE: (916) 445-7644
FAX: (916) 323-8459

DISTRICT OFFICE
6150 VAN NUYS BLVD., SUITE 305
VAN NUYS, CA 91401
PHONE: (818) 376-4040
FAX: (818) 902-0764

INTERNET ADDRESS
hertzbrm@assembly.ca.gov

Assembly California Legislature

ROBERT M. HERTZBERG
ASSEMBLYMEMBER, FORTIETH DISTRICT

COMMITTEES
CHAIR
PUBLIC SAFETY
MEMBER
HEALTH
HOUSING & COMMUNITY
DEVELOPMENT
INTERNATIONAL TRADE
& DEVELOPMENT
LOCAL GOVERNMENT



July 11, 1997

RECEIVED
JUL 18 1997

CALIFORNIA
COASTAL COMMISSION

Rusty Areias, Chairman
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Permit Application for Sun Shelter and Beach Information Directory Programs

Dear Mr. Areias:

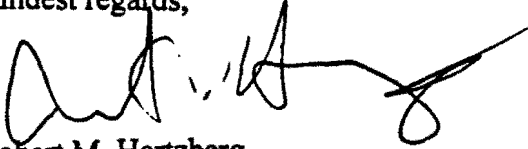
I am writing in support of the permit application that has been submitted by the Department of Beaches and Harbors, County of Los Angeles, for its Sun Shelter and Beach Information Directory Programs.

It is my understanding that much of the controversy surrounding these programs centers on the definition of "commercial development." In my view, these programs do not constitute commercial development as it has been historically used within the context of the Coastal Act (i.e., real estate development). Legislative approval of Assembly Bill 909 (Chapter 472, Statutes of 1995), through which the transfer to Los Angeles County of the previously state-owned beaches was accomplished and where the programs are to be partially sited, has to be viewed in the context of the historical definition of commercial development. When the members of the Legislature approved AB 909, it was with this historical definition in mind and, as a result, that is the definition which must be applied to AB 909. Any other definition of "commercial development" requires that the statute include the types of "development" that are specifically to be excluded under the provisions of the statute.

I have a keen interest in this issue due to being Chair of the Los Angeles County Marketing Task Force when Los Angeles County's Marketing Implementation Plan was adopted. The Sun Shelter Program has provided clean retreats from the sun, as well as resting places for local users and tourists. In addition, the Beach Information Directory Program will provide useful information regarding the beaches and important public education information (e.g., how to survive if caught in a rip current). Finally, the programs provide needed revenue to offset the costs of maintaining the beaches and providing inner city youth programs on the beach.

Your attention to this request is appreciated. If you or your staff should have any questions regarding this request, please contact Christopher Carlisle of my staff at 916/445-7644.

Kindest regards,

A handwritten signature in black ink, appearing to read 'Robert M. Hertzberg', with a long horizontal stroke extending to the right.

Robert M. Hertzberg
Assemblymember, 40th District

RMH:cc

cc Speaker Cruz Bustamante

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001
(916) 445-8528

18411 CRENSHAW BLVD.
SUITE 280
TORRANCE, CA 90504
(310) 523-4831

Email: bowen@assembly.ca.gov

Long Beach

**Assembly
California Legislature**

DEBRA BOWEN

ASSEMBLYWOMAN, FIFTY-THIRD DISTRICT

Representing the communities of El Segundo, Hermosa Beach,
Lomita, Manhattan Beach, Mar Vista, Marina del Rey, Palms Verdes Estates,
Playa del Rey, Redondo Beach, Torrance, Venice & Westchester

COMMITTEES:
VICE CHAIR, JUDICIARY
PUBLIC SAFETY
POLICE SERVICES

RECEIVED

ALL
EXHIBIT NO. 13
Application Number
5-97-135
Letter from
Debra Bowen
California Coastal Commission

July 8, 1996

Mr. Louis Calcagno, 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 opinions 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 mis-leading 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 sunshelters 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.

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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 (e)(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

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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.

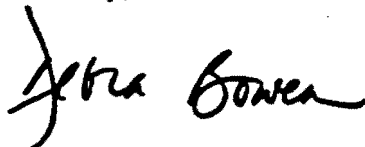
My biggest concern in authoring AB 909 was that when the \$4.5 million subsidy runs out in 1998, Los Angeles County would be back in front of the Legislature, demanding that the development restrictions be loosened so that the County could raise money. But L.A. County hasn't waited three years to make 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 5-95-144.

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 Stump, Legislative Coordinator
Los Angeles County Board of Supervisors

SUPPLEMENT #1

**Los Angeles County Beaches and Harbors Department
Application for Coastal Development Permit for
Sun Shelters/Beach Information Directories
from Will Rogers State Beach to Cabrillo Beach**

EXHIBIT NO.	16
Application Number	5-97-135
Applicant's Project	Description and Purpose
California Coastal Commission	
Submitted May 1997	

SECTION II, Question 2: *Description of development*
Page 1 of 5

I. Actual Structures

1. Installation of prefabricated Sun Shelters at the beaches pursuant to the listing on page 5 of this Supplement #1. They will have two advertising panels and one public service panel. The public service panel will be located on the inside of the Sun Shelter wall that faces outward towards beach visitors who pass by its front.
2. Installation of prefabricated Beach Information Directories at the beaches pursuant to the listing on page 5 of this Supplement #1. Unlike the Sun Shelters, these have not yet been installed. The Directories will only be 4-sided structures with 2 panels dedicated to public service messages and 2 panels dedicated to advertising.

II. Use of Display Panels

The advertising placed on the Shelters/Directories must first meet Beaches and Harbors approval and will be strictly limited and controlled to ensure there are only messages appropriate for a family recreational environment. The Department has a standing policy to reject the following types of material: 1. material that is critical of government agencies, 2. political advertising, 3. advertisements for indecent, obscene, pornographic or sexually explicit materials, 4. materials advocating the use of any illegal substance, tobacco or alcohol products, and 5. any materials which the County deems injurious or harmful to its business, its reputation or public image, or prone to impair the confidence of patrons of the Los Angeles County beaches. All revenues generated from the ad panels on the Sun Shelter and Beach Information Directories will be used for beach maintenance and recreation.

The public service panels will have maps of the local beach area, listing of important facilities and phone numbers, information about beach safety (such as how to escape from a rip tide) and messages about coastal/sea life preservation. An example of such preservation messages to be placed in the public service panels on the Shelters and Directories is found in Attachment 1 to this Supplement, which is a request from the California Coastal Commission's Public Education Section. This Department will also solicit information about coastal conservation/preservation issues from the Surfrider Foundation, Heal the Bay, American Oceans Campaign and other environmental groups.

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III. Why Not Sponsorships?

It has been recommended that the Department pursue a "sponsorship" program, whereby a small plaque with the sponsor's logo and/or message can be placed on the structure, rather than one that incorporates display advertising panels. Quite simply, "sponsorship" programs are not as successful and do not provide the kind of contributions that this Department must receive in order to maintain present maintenance service levels. In this regard, we have experienced difficulty in attracting sponsors for our "sponsorship" programs and have found that advertising display panels generate from 4 to 10 times more revenue than sponsorship identification.

For instance, we have a "sponsorship" program for beach benches whereby our current sponsor pays an average of \$20-30,000 per year for the right to place a 12-inch round logo in the center back of the 105 benches. As another example, the State Adopt-A-Highway "sponsorship" program provides solely alternative labor for the clean-up of particular areas of highway and, thereby, offers merely a labor cost savings to the State. In contrast, our Sun Shelter program provides not only ongoing maintenance of and graffiti removal on the Sun Shelters – in other words, labor cost savings similar to the State's – but also the amenities themselves (at a cost savings of \$13,500 each), as well as a current annual contribution of about \$250,000, rising by an estimated \$40,000 to \$100,000 each year hereafter due to increased County participation in gross receipts. And, this is all received for only 22 Sun Shelters (in the combined South Central and Southern Districts) in contrast to 105 benches.

As another example of the difficulties with "sponsorship" programs, we have had in place since 1995 a "sponsorship" program to repaint our lifeguard towers pursuant to renderings donated by local artists. Sponsors are expected to provide funding for the building (estimated \$20,000) and painting of these towers, as well as a \$1,500 fee to the County for each tower. In exchange, the sponsor will receive name identification on the tower in a 2' x 2' area. We have yet to receive one contribution.

The revenue received from our marketing programs is of great importance because of the high costs involved in keeping these beaches open for public use. Although our current Departmental costs are just covered by revenues from parking, concession and marketing sources, the far more substantial amount of money it costs to lifeguard these same beaches are not included in our costs. Additionally, even as to our own Department,

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Submitted May 1997

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service levels are kept constant and costs are kept down because of two important factors: 1. close to 250,000 annual hours of no-cost labor are provided by alternative labor resources (i.e., General Relief workers, Court Referrals and Sheriff's Inmates); and, 2. our marketing programs, similar to our Sun Shelter and Beach Information Directories programs, not only provide beachgoer amenities without cost, but also provide ongoing maintenance (including graffiti removal) and replacement of these amenities, along with monetary contributions. Without the free labor and the beachgoer amenities and their upkeep, as well as the monetary contributions, our Department would not be able to sustain present maintenance service levels.

Therefore, to sum it up, "sponsorship" programs provide a smaller public benefit, generate significantly less revenue and often require the County to spend money to provide and maintain the structures.

IV. Capital Improvement Dollars

It has been indicated that we have Proposition A ("Safe Neighborhood Parks") dollars to fund capital improvement projects on our beaches and, thus, that we have a means by which to fund our beachgoer amenities without private assistance. Yes, the Department does have Proposition A funding to spend on upgrading existing and building new beach facilities. It is also true, however, that we have capital improvement needs that exceed the revenues available to the Department through Proposition A.

Moreover, Proposition A funding may be utilized **for capital improvement projects only, not for maintenance and operation of our beaches**. Our past experience has shown that we are without the ongoing and necessary resources to maintain, preserve and replace our beachgoer amenities on an as-needed basis. Prior to our marketing programs, we were forced to take more and more of our beachgoer amenities off of our beaches due to the substantial rusting and general deterioration of these amenities which naturally occur in the beach environment and because of our inability to provide ongoing maintenance, particularly as to graffiti and other vandalism.

Through our marketing programs, the private sector has been tapped successfully to provide not only initial construction, but also ongoing maintenance and replacement of our beachgoer amenities, thereby preserving them for continued usage throughout the years. In addition and no less important, our marketing programs also provide actual cash

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contributions by which we are able to fund current maintenance service levels and, thereby, keep our beaches safe and clean for our over 60 million annual visitors.



COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS



STAN WISNIEWSKI
DIRECTOR

KERRY GOTTLIEB
CHIEF DEPUTY

July 7, 1997

Mr. Charles Damm, Deputy Director
California Coastal Commission
3111 Camino Del Rio North, Suite 200
San Diego, California 92108

Subject: Coastal Commission Application for Coastal Development Permit for Sun
Shelter and Beach Information Directories Programs

Dear Chuck:

I have attached page 1 of Supplement #2 to our Coastal Commission application for a Coastal Development Permit for our Sun Shelter and Beach Information Directories programs. You will see that with respect to Question #4, we have indicated:

"Further access could be provided by utilizing a portion of the revenues derived from the Sun Shelter/Beach Information Directory programs. At the suggestion of Coastal Commission staff, the Director agreed to recommend to the Los Angeles County Board of Supervisors that 10% of the County's revenue derived from the Sun Shelter/Beach Information Directories programs be given to the Commission toward opening up additional accessways to Los Angeles County beaches. These accessways have evidently been created and granted to the Commission by private developers but have not been opened to the public due to lack of funds for maintenance and upkeep."

Because we believe that our willingness to dedicate a portion of the revenue received from these proposed programs to the Commission for beach accessways was perceived as a County attempt to "buy" Commission votes, we are unwilling to bring this recommendation forward as our own and make it part of our requested programs. However, to the extent staff wishes to condition approval of our application upon such a dedication, we will be more than willing to recommend to our governing body, the Los Angeles County Board of Supervisors, that this condition be accepted.


Please advise if we can provide you with any additional information.

Very truly yours,

Stan Wisniewski
Stan Wisniewski, Director

SW:KG:kg
Attachment

FAX: (310) 621-6345
(310) 305-9505 13837 FIJI WAY, MARINA DEL REY, CALIFORNIA 90292
INTERNET: <http://www.co.la.ca.us/beaches>

EXHIBIT NO.
APPLICATION NO.
5-97-135
County Letter Requir ing Revenue for Accessways
 California Coastal Commission