

CALIFORNIA COASTAL COMMISSION

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Commission Action:



STAFF REPORT: REGULAR CALENDAR

RECORD PACKET COPY

APPLICATION NO.: 4-97-101

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

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

PROJECT DESCRIPTION: The installation of 5 pre-fabricated shelters with benches on cement slabs (Sunshelters) and 7 kiosks. Four sunshelters are proposed at Zuma County Beach and one sunshelter is at Topanga State Beach. There are two kiosks proposed at Zuma Beach and one kiosk at each of the other five subject beaches listed above. The project also includes the relocation of the sunshelter at Las Tunas Beach and one of the two sunshelters at Topanga State Beach to Zuma Beach; the other sunshelter at Topanga State Beach will be relocated from the sandy beach to an area surrounded by existing pavement. The panels of the sunshelters and kiosks will contain both advertising and public service messages. At least one panel on each sunshelter and at least two panels on each four sided kiosk will be reserved for public service messages. The County's revenue derived from the advertising on the sunshelters and kiosks will go to beach recreation and maintenance programs/activities.

Building coverage:
Pavement coverage:

Shelter: 112 sq. ft.; kiosk: 9 sq. ft.
Approximately 160 sq. ft. for shelter
at Topanga State Beach Site only.

Ht abv fin grade:

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

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

SUBSTANTIVE FILE DOCUMENTS: Malibu Land Use Plan, Coastal Development Permit Application 5-96-219 (L.A. Co. Dept. of Beaches and Harbors and Ca. State Parks and Recreation)

SUMMARY OF STAFF RECOMMENDATION:

This is a partial after-the-fact application for the installation of 5 sunshelters (including the relocation of two sunshelters), and the placement of 7 kiosks on County and State beaches in the Malibu area of Los Angeles

County. Five sunshelters have been put in place. The two sunshelters at Topanga State Beach will both be moved to better locations; one is remaining at Topanga State Beach in a different location, the other will be moved to Zuma Beach. The sunshelter from Las Tunas Beach will also be moved to Zuma Beach. None of the kiosks have been built. The proposed development, with the relocation of three of the sunshelters is consistent with the visual and public access sections of the Coastal Act. Staff recommends that the Commission approve the project with five special conditions requiring the relocation of the sunshelters at Topanga State Beach and Las Tunas Beach in a timely manner; limiting the location of the kiosk at Las Tunas State Beach to within fifteen feet of the lifeguard station; requiring an amendment to the permit for any change to the structures; an agreement, consistent with the County's proposal, to direct revenue to beach recreation and maintenance programs/activities; and the requirement to submit annual reports for a period of five years from the date of the issuance of the permit. Although some of the development has already occurred, review of the proposed project has been based solely on the Chapter Three policies of the Coastal Act. Should the Commission deny the proposed project, resolution and/or removal of the unpermitted developments would occur through enforcement action.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

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

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans

must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Removal of Structures

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

2. Kiosk Location at Las Tunas State Beach

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

3. Future Change

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

4. Use of Revenue Generated by the Sunshelters and Kiosks

A. As proposed by the applicant, one-hundred percent of the County's share of the revenue derived from the advertising on the sunshelters and kiosks (directories) shall be used for beach recreation and maintenance programs/activities. Such funding shall be in addition to the amount of funding that the County allocates annually for beach recreation and

maintenance programs/activities. Any revenue derived from advertising on the sunshelters and kiosks shall not be used as a reason or justification for the County to reduce the level of funding allocated annually to beach recreation and maintenance programs/activities.

B. The permittee shall deposit funds annually with the California Coastal Conservancy which are the equivalent of 10% of the County's revenue derived from the sunshelter/beach information directories (kiosks). These funds shall be placed in a separate interest bearing account administered by the California Coastal Conservancy, and shall be deposited with the Conservancy annually on March 31st. The purpose of this account shall be to make available for use by the general public new accessways and beach areas that are not currently open in Los Angeles County, primarily in the Malibu area, by utilizing funds in the account for new accessway improvements, as well as providing a source of revenue for long term operation and maintenance of those new accessways and newly opened beach areas. These funds shall not be used for the operation and maintenance of existing public beach access and/or public beach areas in Los Angeles County which the County is currently responsible for operating and maintaining.

The expenditure (or disbursement) of those funds will be governed by a Memorandum of Understanding (MOU) between the California Coastal Commission and the California Coastal Conservancy. The MOU will provide that the funds shall only be utilized as agreed to in this special condition.

The permittee shall make the first deposit into the Conservancy account on March 31, 1998, unless the MOU has not been signed, in which case the first deposit must be within 30 days after receiving notice from the Executive Director that the MOU has been signed.

5. Annual Report

The applicant shall submit, for review and approval by the Executive Director, an annual report for a period of five years, beginning from the date of Commission issuance of the permit. The annual reports shall show the total amount of revenue that the County has derived from advertising on the sunshelters and kiosks (directories) over the last twelve months; an accounting of how the revenue has been distributed per year; and the County's overall level of funding allocated for beach recreation and maintenance programs/activities. If there is a decrease in the annual fund appropriations made to the Department of Beaches and Harbors for beach recreation and maintenance programs/activities then the County shall submit evidence that the advertising revenue derived from the structures was not used as a reason or justification to reduce the annual funding for beach recreation and maintenance programs/activities.

STAFF NOTE

The proposed project was initially before the Commission at the May 1996 hearing as coastal development permit application 4-95-112, the Commission postponed the hearing on this item and asked staff to provide more information about the statutory condition governing the grant of eight beaches from the State of California to the County of Los Angeles with respect to the proposed project's consistency or inconsistency with the statutory limitation on placing "commercial development" on beaches. Public Resource Code Section

5002.6, applicable to the grant of eight specified beaches to the County from the State, sets forth the following in subsection (e)(1)(A): "No new or expanded commercial development shall be allowed on the granted real property."

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

So that the Commission may review all written comments received by the South Central Coast District Office, all correspondence regarding this project have been included as Exhibits 13-23 and 25-29. If any additional information becomes available prior to the Commission hearing, staff will provide that information to the Commission.

This coastal development permit request was originally before the Commission in May of 1996 as coastal development permit 4-95-112. The Commission postponed the hearing to the next local hearing for reasons cited below. The permit request was subsequently rescheduled for the July 1996 hearing. At the July 1996 hearing the Commission denied the permit request on a 5-4-2 vote. Subsequent to the denial, the applicant requested a reconsideration of the Commission action [4-95-112R]. The reconsideration request was granted by the Commission at the October 1996 hearing. Due to the granting of the reconsideration request, the project was assigned a new coastal development permit application number: 4-96-179.

The application 4-96-179 was first scheduled for the November 1996 Commission hearing in San Diego. At that time, the Commission postponed the hearing directing staff to reschedule the hearing for the next available local hearing. The January 1997 hearing was the first local (Los Angeles area) hearing. 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 next local hearing was the April 1997 hearing. 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. The current application, 4-97-101, is for the exact development proposed under 4-96-179.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description

The County of Los Angeles Department of Beaches and Harbors is proposing the installation of five sunshelters and 7 information and advertising kiosks (directories); three of these sunshelters are being relocated from their current, unpermitted locations. The sunshelters have already been put into place; none of the kiosks have been installed. Specifically, the applicant is proposing a kiosk in the parking lot of Nicholas Canyon County beach; four sunshelters and two information kiosks at Zuma County Beach, which are to be located adjacent to existing buildings on existing cement slabs; one kiosk at

Point Dume State Beach on an existing cement slab; one kiosk at Malibu Surfrider County Beach in the parking area, but not in an area used for parking; one kiosk and the removal of the sunshelter and cement pad at Las Tunas State Beach; the removal of one sunshelter, the relocation of a second sunshelter, and one kiosk at Topanga State Beach. The sunshelters to be removed from Las Tunas and Topanga State Beaches (See exhibits 24 and 25) will be moved to Zuma Beach. Currently there are two sunshelters at Zuma Beach; the two additional sunshelters from these State Beaches, will be located at the locations identified in Exhibit 25.

The sunshelters will be painted pre-fabricated metal structures consisting of four corner support posts, one side and one rear panel, and a tile roof (See Exhibit 10). The sunshelters will be painted beige, consistent with other County owned and operated beach facilities. The structures will measure approximately 16 feet long by 7 feet wide and 9 feet high. The side and rear panels are two-sided measuring approximately 4 feet by 6 feet. The side panel will be used for advertising and the rear will be used for public service messages on one side and advertising on the other. The side panels are currently being used for advertising. The rear panels, however, do not currently have any advertising or public service messages. The County intends to use the rear panel once a decision is made as to the content of the public service messages. The County has not had the time or resources to allocate this task.

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

The proposed kiosks are public directories. The kiosks will be four-sided; each side will measure approximately 4.5 feet across and will be approximately 6 feet in height (See Exhibit 11 and 12). According to the applicant the four-sided kiosk will have two panels reserved for public service messages. The remaining panels of the kiosks will be used for advertising.

The sunshelters and kiosks will be constructed and maintained by an independent sponsor (contractor). However, the sunshelters and kiosks will be owned by the County of Los Angeles. According to the applicant, once any structure is placed on a County beach the structure becomes the property of the County. As such, the County maintains control over the type of advertising and the amount of public service panels. 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 and maps 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 revenue that is sold on the panels the first year, and graduating to a maximum of 50% by the seventh year, will go to the Department of Beaches and Harbors. The County has indicated that one-hundred percent of the County's share of 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 a safe and clean beach.

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 the amount of income generated from the advertising. Moreover, in addition to the benefit of generating income for the Department, the contactor, who constructed and installed the sunshelter 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 26.

The subject sunshelters and kiosks are located within the City of Malibu and an unincorporated portion of Los Angeles County; both these areas are within the jurisdiction of the South Central Coast office of the Commission. The County of Los Angeles is also proposing a number of sunshelter and kiosks within the City of Los Angeles; this area is under the jurisdiction of the South Coast Commission office. The coastal permit request for those structures is being simultaneously reviewed by the Commission in coastal development permit 5-97-135.

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

Finally, although the County beaches are located within the City of Malibu, for this coastal development permit no local approval is necessary because the City of Malibu has advised the Commission, in writing, that the City is not asserting authority over the proposed development with regard to the Commission's local approval requirements. The applicant is not, therefore, required to obtain approval from the City of Malibu.

B. Public Comment

The South Central Coast District Office has received seven letters from residents in the area. Six of these letters oppose the project citing visual impacts and adversity to advertising on public beaches. One letter supports the project. The applicant has also received a letter of support from the County of Los Angeles Beach Advisory Committee. Two additional letters of

support have been received from California Senator Robert Beverly and California Legislative Assemblyman Steven Kuykedall, and one letter opposing the project has been received from Assemblywoman Bowen. See exhibits 13 through 15, 19-22, and 27.

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

C. Visual Impacts

Section 30251 of the Coastal Act states:

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

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

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

Under Section 30251 of the Coastal Act, new development should be unobtrusive and subordinate to its setting and should be sited to protect coastal views. The visual impact of development can be minimized by design or by siting restrictions. Clustering structures near other existing natural and manmade features such as tree masses, hills or bluffs and existing buildings can minimize the the visual impacts.

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

In the Malibu and Topanga portions of Los Angeles County, the Los Angeles Department of Beaches and Harbors is proposing a total of five sunshelters and the installation of 7 information kiosks. The sunshelters and kiosks, in general, will be placed on paved areas or on non-sandy beach areas adjacent to existing development, such as parking lots.

There are currently five sunshelters installed: two at Zuma County Beach, one at Las Tunas State Beach and two at Topanga State Beach. With the exception of one of the sunshelters at Topanga State Beach, all sunshelters are visible from Pacific Coast Highway. Pacific Coast Highway is a designated scenic highway in the Malibu Land Use Plan.

Two of the four sunshelters proposed at Zuma County Beach are located on existing cement slabs and are adjacent to existing buildings (food concession stands and restrooms). The two additional sunshelters, to be moved from Las Tunas and Topanga State Beaches, will be placed adjacent to existing restrooms on cement slabs. All the sunshelters are located adjacent to structures and the parking area which are both separated by the beach by a small wall. The sunshelters are low in profile, and small in size in comparison to the existing buildings, and as such will not obstruct coastal views. Furthermore, the design and color will be consistent with existing development making the structures visually compatible with the surrounding development. When viewed from Pacific Coast Highway the sunshelters at this location do not create an adverse visual impact, as such they can be found consistent with Section 30251 of the Coastal Act.

There is a sunshelter at Las Tunas State Beach which the applicant is proposing to relocate to Zuma Beach, as noted above. The sunshelter, placed on the site without a coastal development permit, is located on a coastal bluff and is not located next to any existing development. The only development on Las Tunas Beach is a lifeguard station which is located in the center of this coastal bluff strip, and portable restrooms which are located at the north end of the property. This sunshelter, is located on the top of the bluff and is not clustered with any other development, is highly visible from Pacific Coast Highway, and blocks an otherwise unobstructed view of the ocean. Because this sunshelter does create adverse visual impacts and cannot be found consistent with Section 30251 of the Coastal Act, the applicant has agreed to remove this sunshelter as part of the project description. To ensure that the applicant removes the unpermitted development in a timely manner, the Commission finds it necessary to require the applicant to remove the sunshelter in a timely manner as noted in special condition 1. The applicant is in agreement with this condition.

The last two sunshelters are currently at Topanga State Beach. The sunshelter located south of Topanga Canyon Boulevard is highly visible from Pacific Coast Highway. There is no other development in close proximity. As with the sunshelter at Las Tunas Beach, this sunshelter creates significant adverse visual impacts. The applicant is proposing to remove this sunshelter and relocate it at Zuma Beach. As with the sunshelter at Las Tunas Beach, in order to ensure that the applicant removes the unpermitted development in a timely manner, the Commission finds it necessary to require the applicant to remove the sunshelter within 120 days of the issuance of the permit. The applicant is in agreement with this condition.

The second sunshelter at Topanga State Beach is located on the beach. At Topanga State Beach there is driveway and parking area at the base of the

bluff, at the beach level. These developments are visible from the beach, but not from Pacific Coast Highway. The sunshelter is currently located seaward of the parking lot and driveway on a sandy beach area (Exhibit 7B). This location is visible from the beach, access driveway, picnic area, handicapped parking area and access stairway from the parking lot on top of the bluff. As such, the sunshelter in its present location does create an adverse visual impact and cannot be found consistent with Section 30251 of the Coastal Act. In response to staff's concerns regarding the visual impact of siting the sunshelter in this location, the applicant has agreed to relocate this sunshelter to a less obtrusive location adjacent to the parking area next to a paved area with storm drains (Exhibit 7B). This relocation is part of the applicant's proposal. The relocated sunshelter is consistent with Section 30251 of the Coastal Act. To ensure the applicant removes the unpermitted development in a timely manner, the Commission finds it necessary to require the applicant to remove the sunshelter within 90 days of issuance of the permit as noted in special condition 1. The applicant is in agreement with this condition. Finally, it should be noted that the applicant was proposing a second sunshelter at the top of the bluff. This sunshelter was not built and due to the adverse visual impacts it would cause, the applicant volunteered to remove this sunshelter from the plans.

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

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

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

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

station. Clustering the kiosk adjacent to these existing developments will minimize the visual impact of the proposed development and will not result in a significant adverse visual impact.

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

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

In conclusion, as conditioned by this permit, the visual impacts caused by the proposed sunshelters and kiosks, have been reduced to the extent possible, but some adverse impacts remain. Because the beaches are generally open areas and have limited development, the placement of any type of structure on the beach will be inconsistent with the surrounding sandy beach or coastal vegetation and will have some degree of visual impact. However, the five sunshelters and seven kiosks, proposed under this permit, are spread out over nearly 26 miles of beach in the Malibu portion of Los Angeles County, and as such, do not significantly contribute to cluttering the beach area with visual obstructions on any of the beaches involved in this permit. The beaches are heavily used urban beaches and not pristine - they generally have structures, such as restrooms, showers, lifeguard towers, garbage cans, and parking lots that facilitate public use. In addition to being clustered adjacent to other existing structures on the beach, the structures are spaced far enough apart from each other over the length of beaches in Los Angeles that they do not detract from the visual quality of these areas. Furthermore, the County has indicated that they will not add any additional sunshelters or kiosks on these beaches. All structures will be sited to protect views to and along the ocean and other scenic areas and will be visually compatible with the character of the surrounding area.

The Commission further finds that while the relocation of certain sunshelters so as to eliminate those located on undeveloped sandy beaches areas provides substantial mitigation for the adverse visual impacts that the sunshelters and kiosks will have on those persons going to the beach to recreate, and who wish to have a respite from the highly urbanized, visually congested Los Angeles Area; nevertheless, there remains an inherent adverse visual impact which results from any structure being placed on or adjacent to the beaches.

In response to that concern, the applicant has indicated that this is an important project with public benefits which will actually enhance the recreational experience. As noted previously, the applicant argues that the Commission should consider that Los Angeles County beaches are the most intensely used in the State with approximately 60 million visitors annually, that the sunshelters and kiosks provide necessary amenities for informing the public of needed information and for finding a shady area, and with the advertising will provide a critical source of revenue for improved operation and maintenance of the beaches.

The Commission finds that while there is certainly some merit to the applicants arguments, nevertheless, there remains inherent adverse visual impacts associated with the project. For example, if it were not for the advertising the kiosks could be much smaller. Without advertising, the sunshelters could be designed so as to allow the public to see through them. While the Commission does not believe the remaining visual impacts are so significant as to warrant denial of the project, the Commission does find that the project can be further mitigated. The Coastal Act, in Sections 30210, 30211, 30212.5, 30213, 30220, and 30221 strongly promotes public access and recreational opportunities. This project helps carry out those policies. The applicant is proposing, consistent with special condition 4, to contribute 100% of the revenues generated by the project to beach recreation and maintenance programs/activities. The intent of this condition is to enhance the recreational experience at the beaches by providing improved recreational facilities and maintenance. The Commission finds that some of the revenue must be utilized to open and maintain new accessways and beach areas in Los Angeles County. This will be accomplished by requiring the permittee to deposit 10% of the annual funds derived from the sunshelter/kiosks into a separate account administered by the California Coastal Conservancy. The funds may be expended by the Conservancy, or granted by the Conservancy, to an appropriate public agency or non-profit organization with the provision that funds shall only be utilized for opening new accessways and beach areas and for the operation and maintenance of those new accessways and newly opened beach areas.

For many years the County has stated that they do not have the resources to improve, operate, and maintain additional beach accessways and beach areas. The Commission, on the other hand, has required over the last two decades a number of offers to dedicate public access in Los Angeles County, primarily in the Malibu area. Additionally, El Matador and El Sol beaches remain closed due to lack of funding for necessary improvements and a secure source of revenue for operation and maintenance. Special condition 4 can further mitigate the inherent adverse visual impacts associated with the project by actually providing revenues to open new recreational areas in Los Angeles County for use by the general public. The Commission finds that this is an important part of the project and is proper mitigation taking into account that the project is regional in nature, extending from Malibu to San Pedro.

As to precedent, the applicant has indicated that they have no further plans for significant projects which may lead to further visual degradation of the beach areas. Certainly, they will have other projects over time which are intended to upgrade beach facilities, such as lifeguard facilities, restrooms, landscaping, parking lots, bikeracks, etc. However, in response to Commission concerns, the applicant has stated that they do not plan to have further advertising of this type, with the possible exception of new beach bikeracks.

The Commission therefore finds that the project, when looked at from the broad, regional perspective, is consistent with the visual resource, public access, and recreation policies of the Coastal Act.

D. Public Access and Recreation

This project involves the installation of sunshelters and kiosks on property immediately along the beach at several County and State operated public beaches. As such, the development of this project must be reviewed for compliance with the Coastal Act Sections which address public access and

recreation to ensure that the development of this project will not inhibit the use of these public beaches. The applicable Coastal Act sections are as follows:

Section 30210:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211:

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

Section 30213:

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

Section 30221:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30252:

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

The sunshelters located at Las Tunas State Beach and Topanga State Beach, south of Topanga Canyon Boulevard, in their current locations, blocks parking and access to the beach. These sunshelters are located on the bluff above the beach, an area which is used for public parking and viewing of the ocean. The applicant is proposing to remove both of these sunshelters which will alleviate the adverse impacts caused by these developments. Without the sunshelter at these sites, public views and parking will not be blocked. In the preceding section, the Commission required that these sunshelters be removed in a timely manner. This action will make this portion of the development consistent with the public access policies of the Coastal Act.

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

project, as conditioned, is consistent with the public access sections of the Coastal Act.

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

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

In terms of the proposed advertising, the County of Los Angeles controls the amount and type of public advertising that will appear on the sunshelters and kiosks. All advertising will be reviewed by the County prior to the placement of such advertising on either a kiosk or sunshelter. The County will monitor the type of advertising and has agreed that advertising for alcohol or tobacco products will be prohibited. Page one of Exhibit 26 outlines the types of advertising which is prohibited by the Department of Beaches and Harbors.

Due to budgetary constraints, the County of Los Angeles Department of Beaches and Harbors can not allocate the funds for construction and maintenance of these sunshelters and kiosks. Instead, the County of Los Angeles is proposing to have these sunshelters and kiosks constructed and maintained by an independent sponsor (contractor). Thus, the public receives the sunshelters and public information provided on both the sunshelters and kiosks at no cost to the taxpayers.

In addition, due to the budgetary constraints, the County, over the past years, has developed a marketing program for the beaches to provide alternative sources of funding to support and maintain the County's beach facilities, programs, and activities. The marketing program has included obtaining sponsors that help pay for needed facilities and programs, such as lifeguard towers, lifeguard vehicles, trash receptacles, youth programs, and beach maintenance. These sponsors, in turn, are allowed to place promotional advertisement on those items that are provided or supported by the sponsors.

The County has found that allowing sponsors to place advertising on the items provided by the sponsors has been a successful program. Programs in which the sponsor must provide and maintain a structure and only receive a small logo on the item in return, have not been very successful and do not generate the equivalent income that advertising items do.

The County has proposed, as part of this permit application, that its share of the revenue that is derived from advertising on the sunshelters and kiosks will be directed towards the County's beach recreation and maintenance programs/activities. Moreover, as these sunshelters and kiosks are provided and maintained by the contractor, no County revenue or budget allotments will be required for the maintenance of these structures.

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

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

E. Violation

This project includes the after-the-fact request for the installation of five sunshelters. All five sunshelters were installed without the benefit of a coastal development permit; however, two of these sunshelters will be moved from their current location to approved locations at Zuma Beach.

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.

F. Local Coastal Program

Section 30604(a):

- (a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200 of the division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

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

G. CEQA

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

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

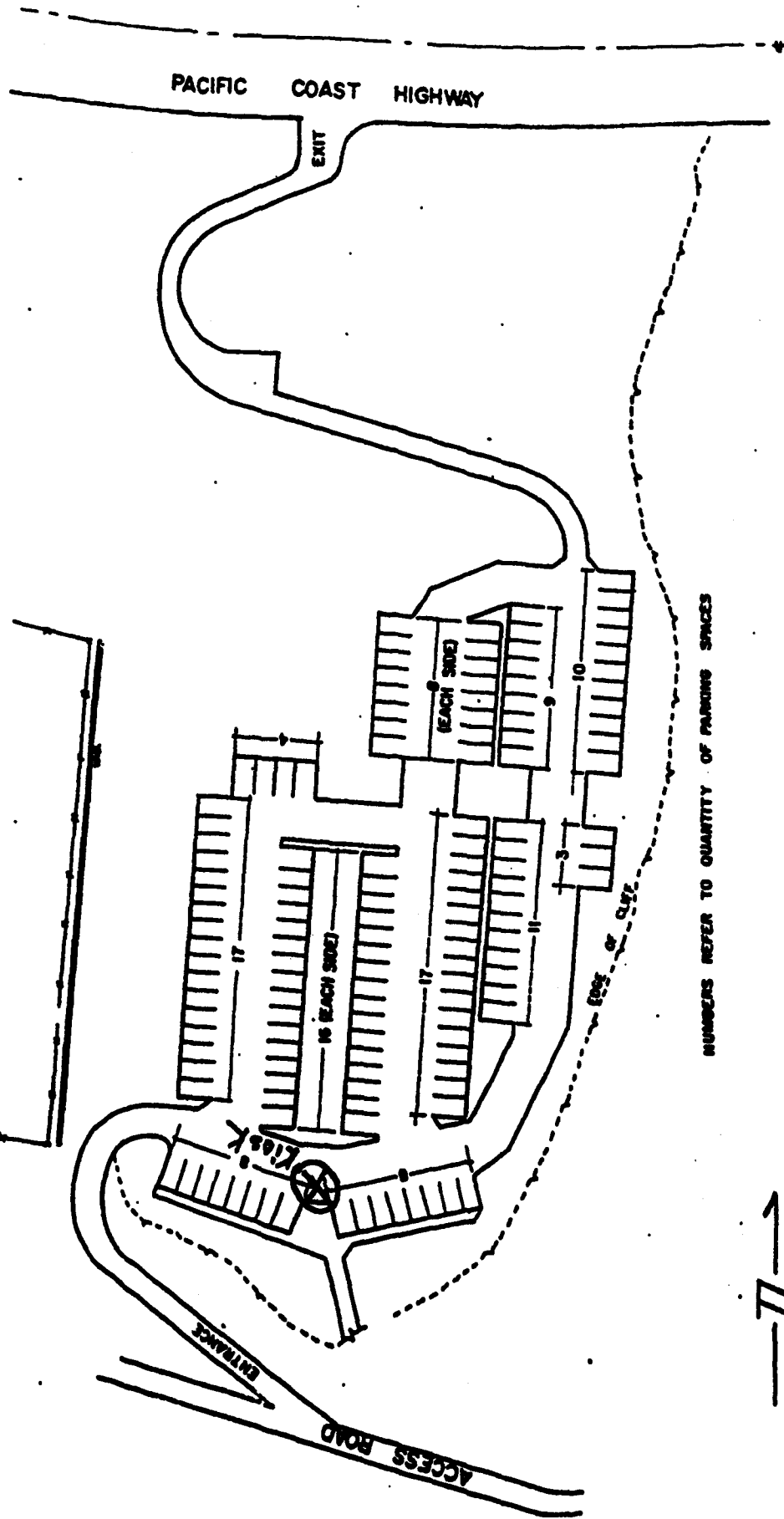
Exhibit 1: Location Map
~~4-05-142~~ (L.A. Co.)
4-26-179



RECEIVED
JUN 6 1995
CARPENA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

LOS ANGELES COUNTY BEACHES

NICHOLAS CANYON COUNTY BEACH PARKING LOT 33850 Pacific Coast Highway Malibu CA 90265



ENTER ACCESS ROAD
 AT 33804 POB
 (NOT SHOWN)

PARKING LOT AREA	51,280 sq. ft.
REGULAR SPACES	135
HANDICAPPED	00
TOTAL	135

NUMBERS REFER TO QUANTITY OF PARKING SPACES

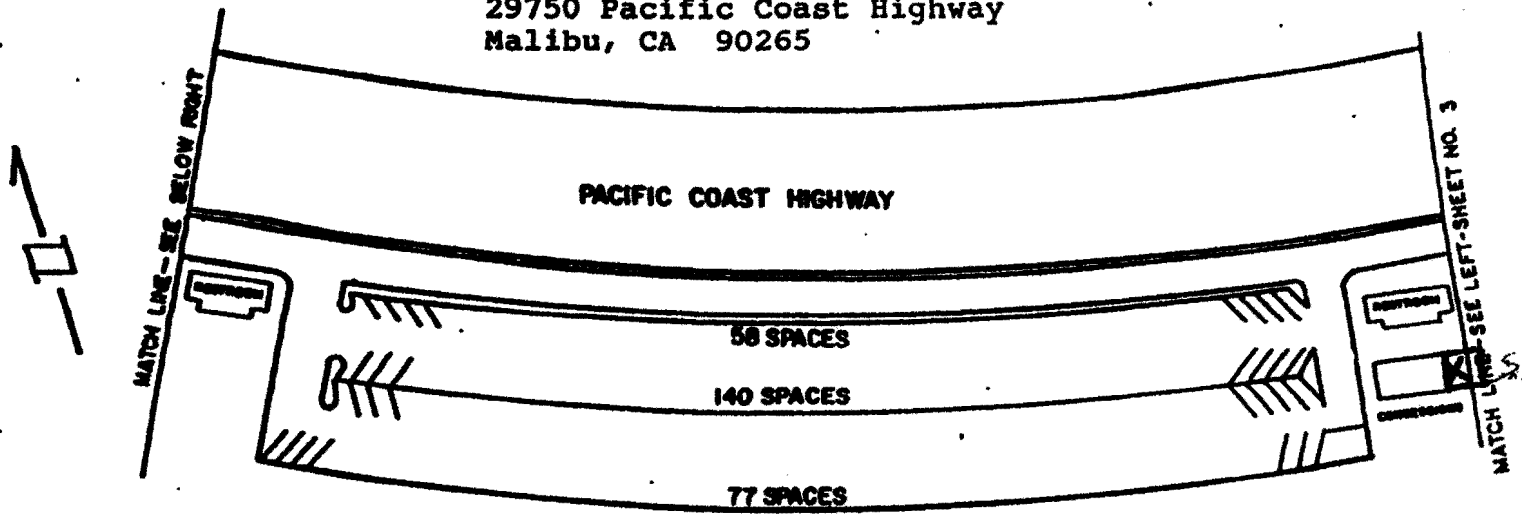


Exhibit 2: Nicholas Cyn Beach
 4-96-179

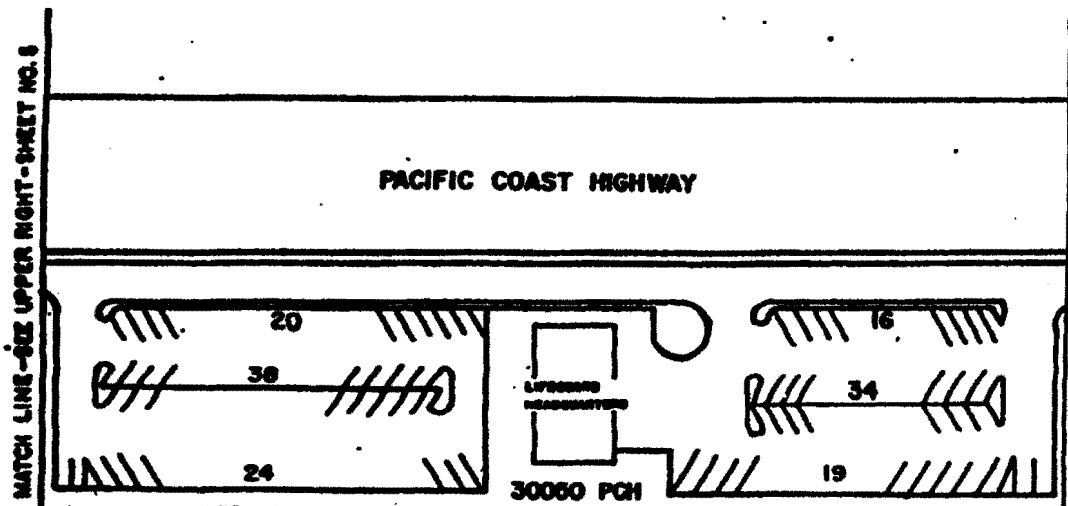
Site Map

**PARKING LOT NO. 2, 3 & 4
ZUMA COUTY BEACH**

29750 Pacific Coast Highway
Malibu, CA 90265



**LOT 2
275 SPACES**



LOT 4 82 SPACES

**LOT 3
69 SPACES**

0 100 200 300
SCALE IN FEET

PARKING LOT AREA 75,040 sq. ft

LOT # 2	
REGULAR SPACES	275
HANDICAPPED	00
TOTAL	275

PARKING LOT AREA 26,450 sq. ft

LOT # 3	
REGULAR SPACES	69
HANDICAPPED	00
TOTAL	69

PARKING LOT AREA 29,400 sq. ft

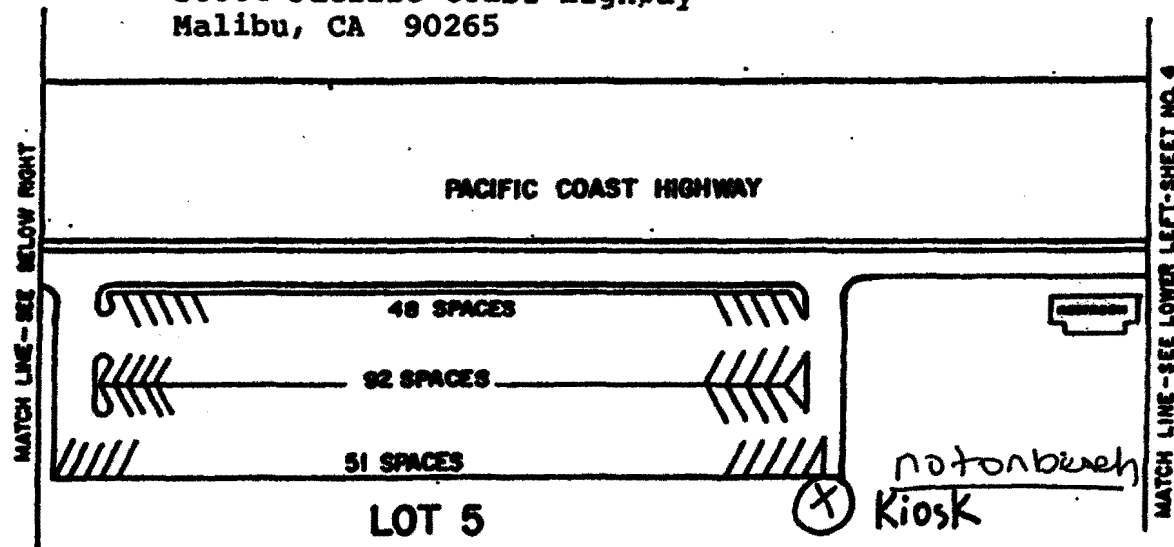
LOT # 4	
REGULAR SPACES	82
HANDICAPPED	00
TOTAL	82

Exhibit 3a: Zuma County beach
4-9-91-179

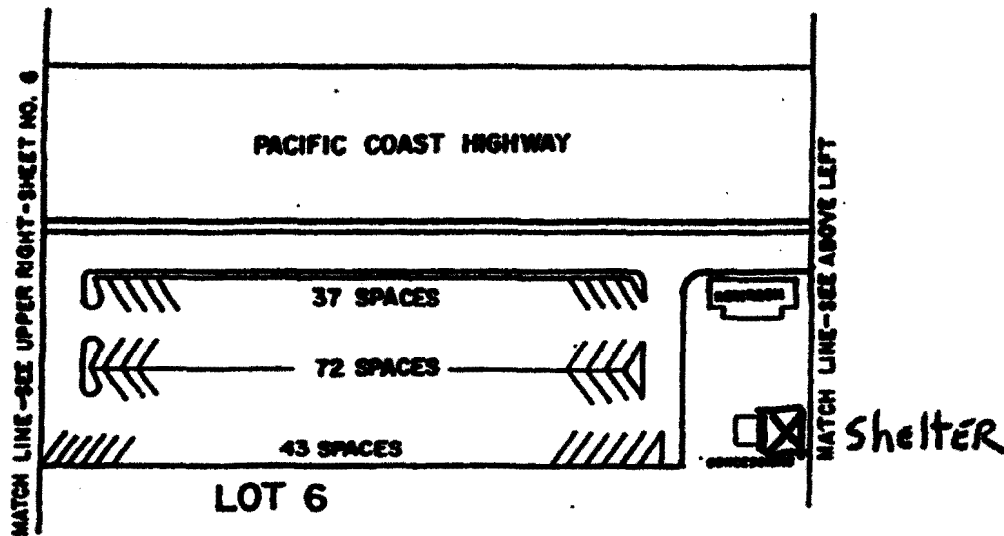
PARKING LOT NO. 5 & 6

ZUMA COUTY BEACH

30064 Pacific Coast Highway
Malibu, CA 90265



0 100 200 300
SCALE IN FEET

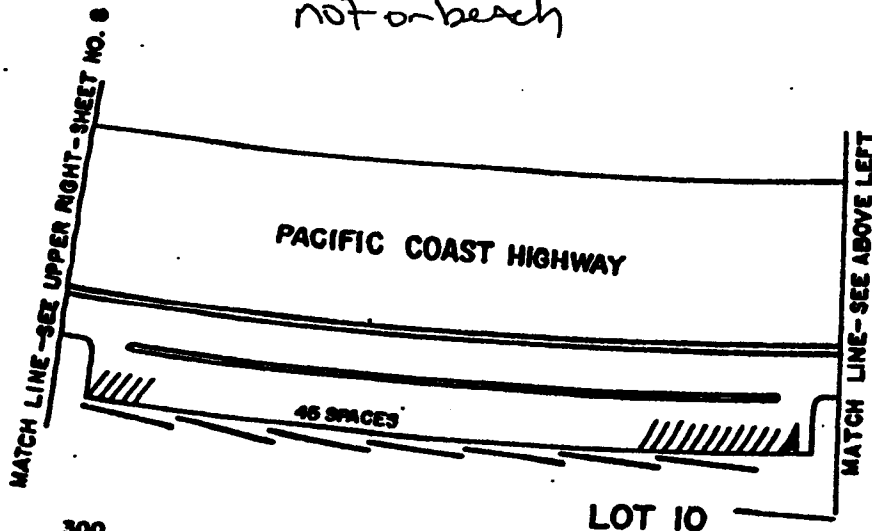
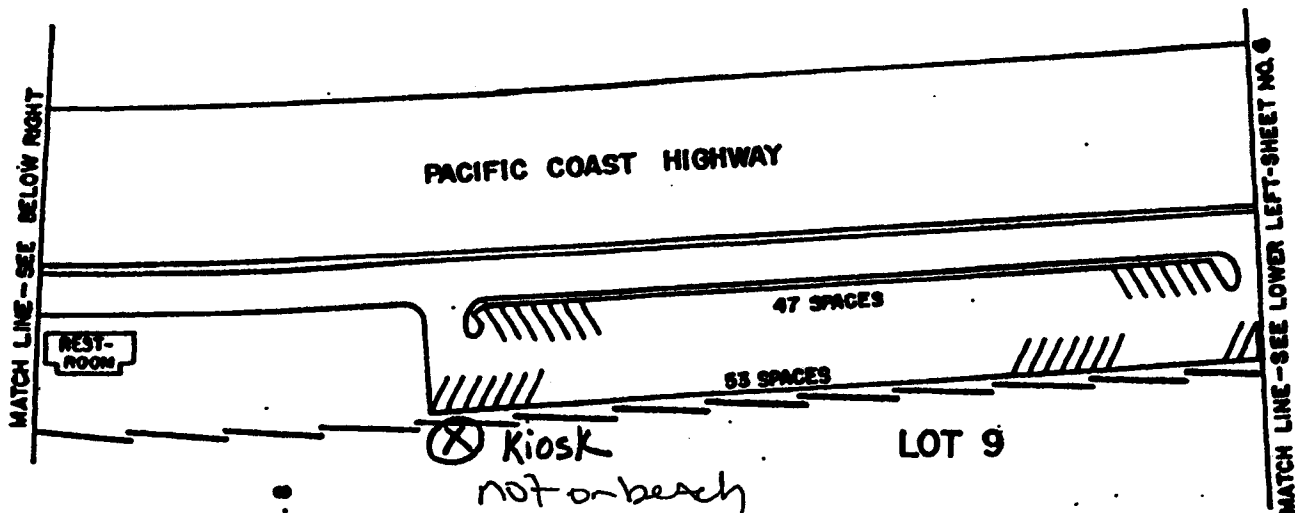


PARKING LOT AREA	99,240 sq. ft
LOT # 5	
REGULAR SPACES	191
HANDICAPPED	00
TOTAL	191

PARKING LOT AREA	39,600 sq. ft
LOT # 6	
REGULAR SPACES	152
HANDICAPPED	00
TOTAL	152

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

30180 Pacific Coast Highway
 Malibu, CA 90265



0 100 200 300
 SCALE IN FEET

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

PARKING LOT AREA 12,800 sq. ft.	
LOT # 10	
REGULAR SPACES	45
HANDICAPPED	00
TOTAL	45

Exhibit 3c: Zuma County beach
 4-9-92 4-9-179

7103 Westward Rd. Malibu, CA 90265



PARKING LOT AREA	105,880 sq. ft.
REGULAR SPACES	376
HANDICAPPED	00
TOTAL	376

SURFRIDER PARKING LOT MALIBU LAGOON STATE BEACH

23000 Pacific Coast Highway
Malibu, CA 90265

Vaquero Hill
(Adamson Home)
State Historical Site

PACIFIC COAST HIGHWAY

42 SPACES

42 SPACES

CONCRETE SLAB OLD POND



Kiosk

SCALE IN FEET

PARKING LOT AREA 29,800 sq. ft

REGULAR SPACES 93

HANDICAPPED 00

TOTAL 93

Exhibit 5: Malibu Surfrider Bch
4-96-179

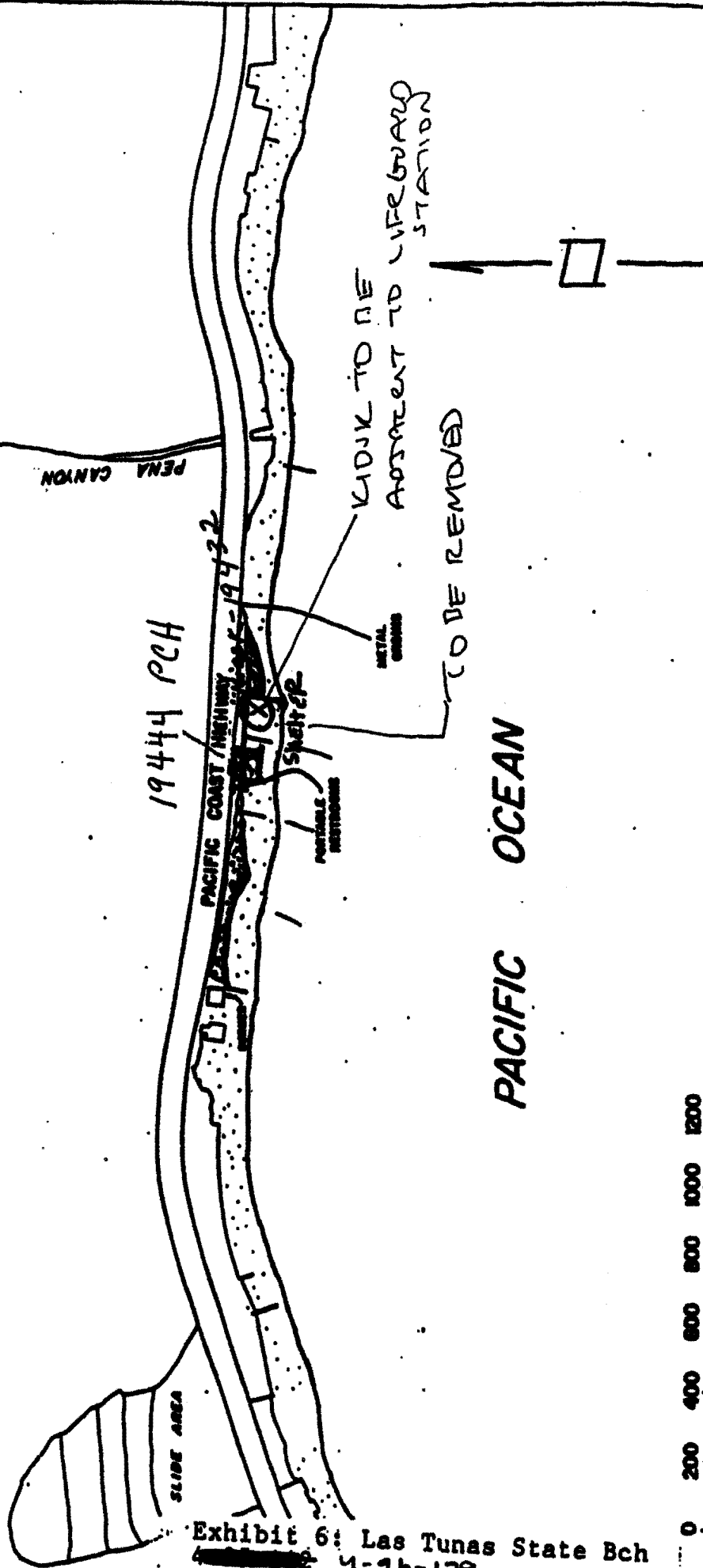


Exhibit 6: Las Tunas State Bch
4-96-179

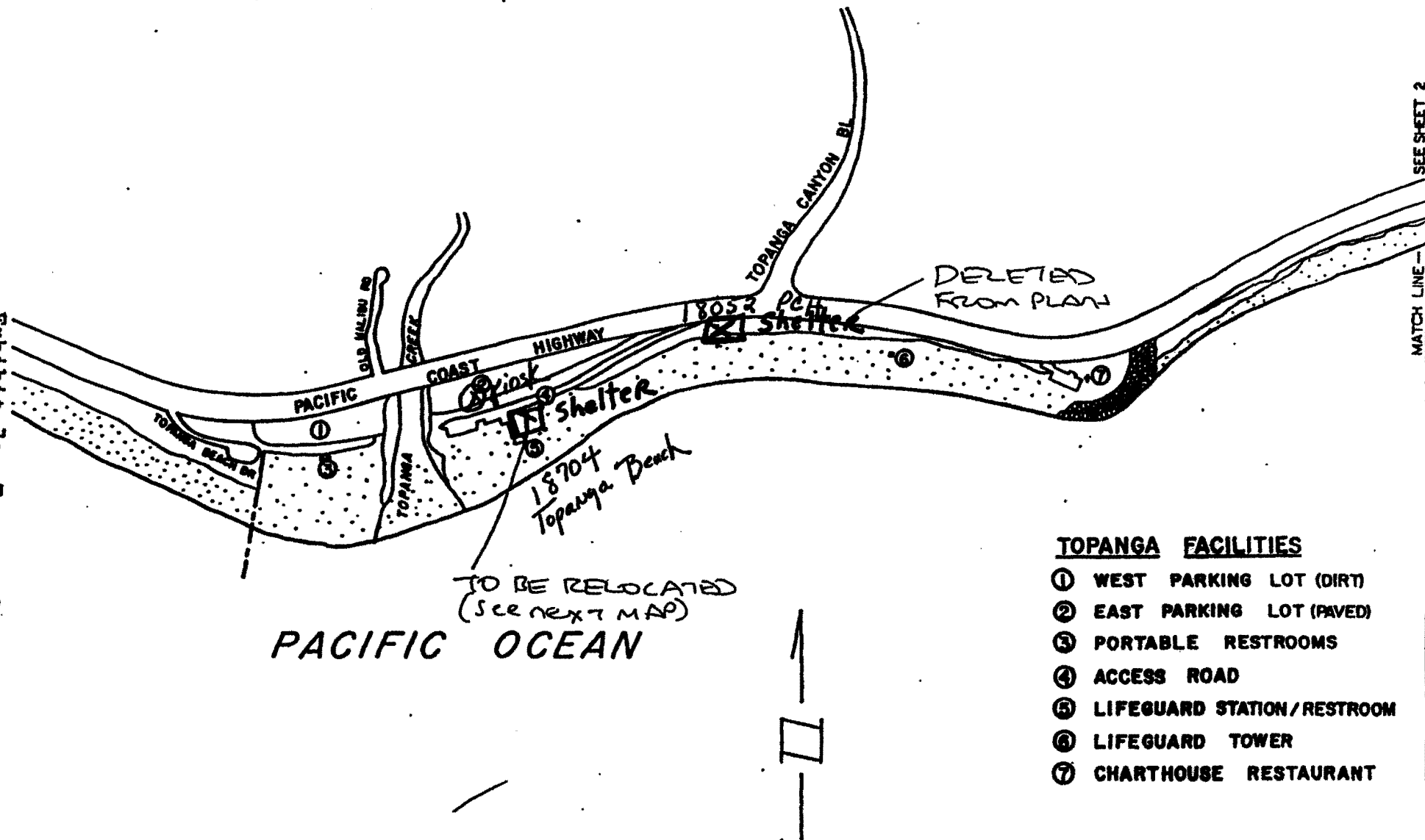
LAS TUNAS STATE BEACH

7/18/84

S. DRIGGS

Location

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



TOPANGA FACILITIES

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

0 200 400 600 800
SCALE IN FEET

TOPANGA STATE BEACH

7/11/84

S. Briggs

SHEET
1
OF 4

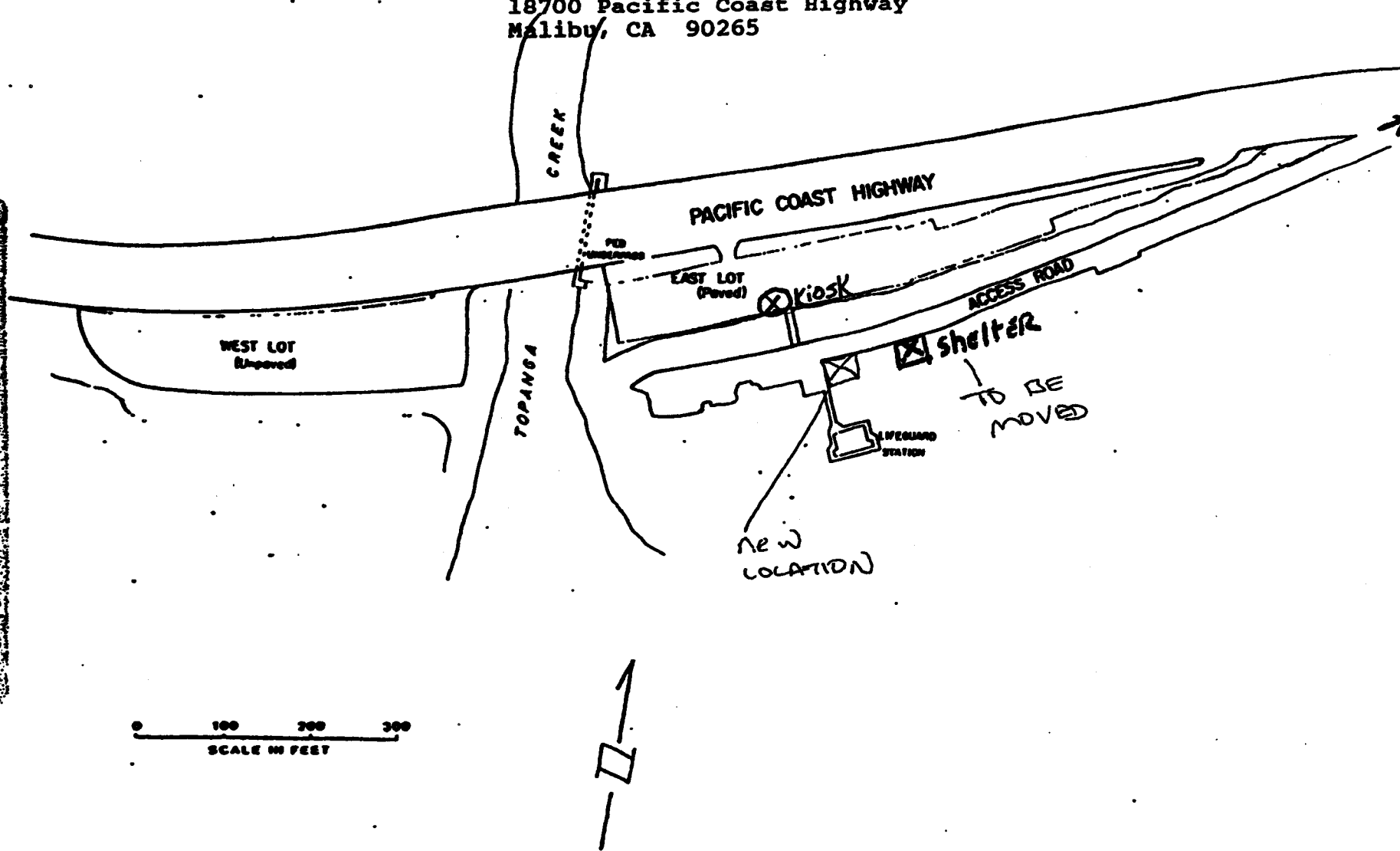
SEE SHEET 2
MATCH LINE -

Site

UNPAVED PARKING LOT TOPANGA STATE BEACH

18700 Pacific Coast Highway
Malibu, CA 90265

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



PARKING LOT AREA 40,480-sq. ft

WEST LOT	
REGULAR SPACES	120
HANDICAPPED	00
TOTAL	120



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

Mrs. Susan Friend:

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

Cabrillo Beach-two location changes.

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

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

White Point-temporary elimination of site.

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

Torrance Beach-location change.

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

Dockweiler Beach-location change.

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

Venice Beach (Rose Ave.)-location change.

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

Pacific Coast Highway-site relocation.

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

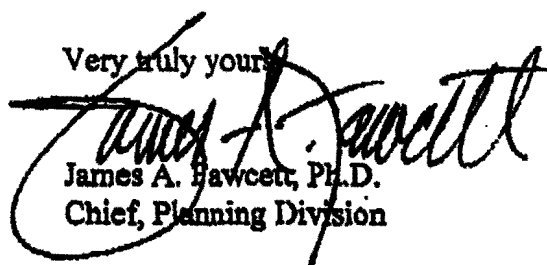
Topanga Beach-two location changes.

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

Las Tunas Beach-site relocation.

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

Very truly yours,



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



STAN WISNIEWSKI
DIRECTOR

COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS



KERRY GOTTLIEB
DEPUTY DIRECTOR

JUDITH KENDALL
DEPUTY DIRECTOR

April 11, 1996

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

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

SUBJECT: COASTAL DEVELOPMENT PERMIT NO. 5-95-144

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

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

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

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

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

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

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

Mfg. by SIGNPAC, INCORPORATED
Costa Mesa, California

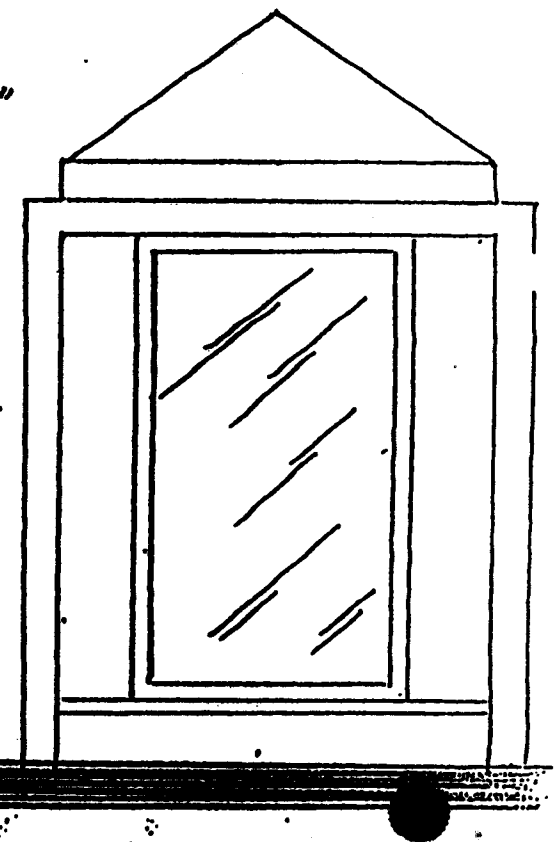
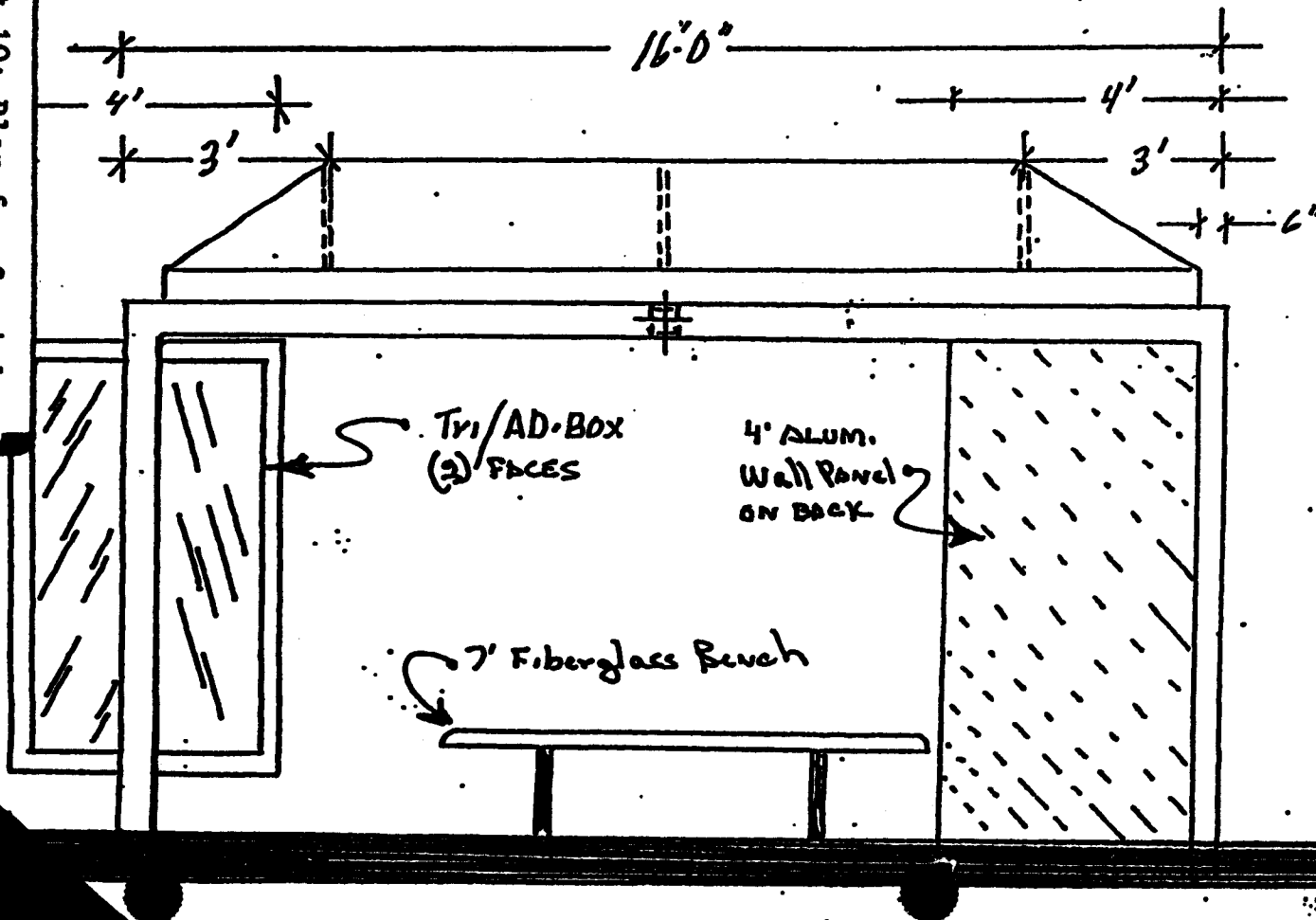
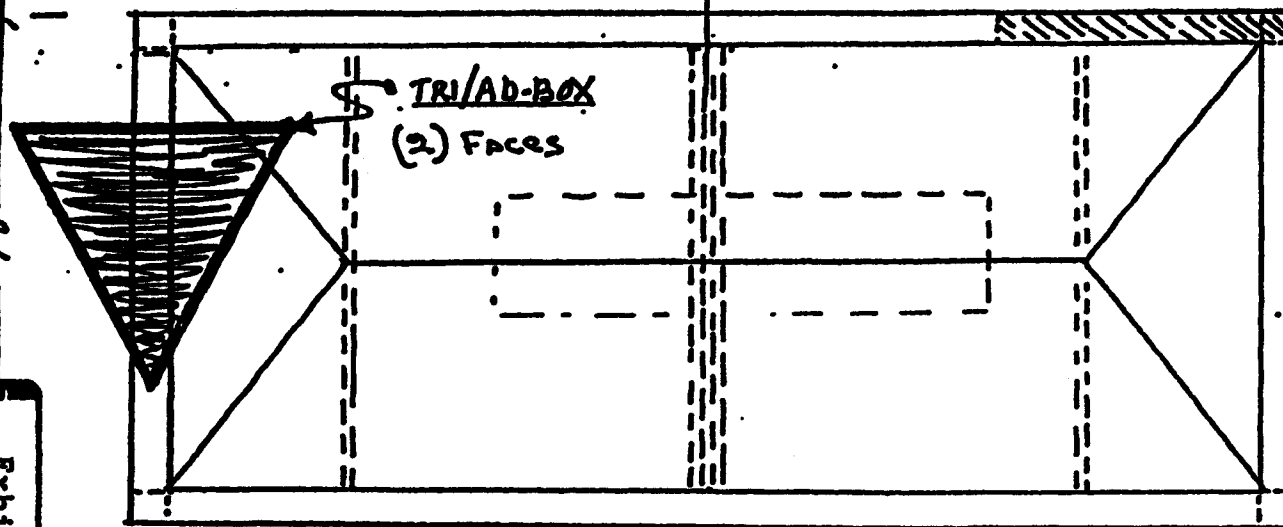
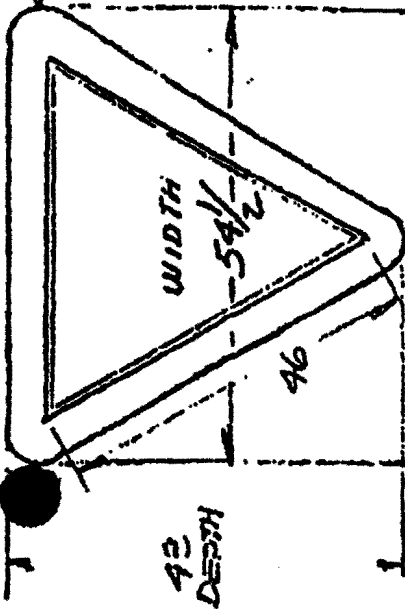


Exhibit 10: Plan for Sunshelter
4-96-179

ALUMINUM
EXTRUDED TO
FORM RADIUSED
CORNERS - ALL
ALUMINUM WELDED
CONSTRUCTION



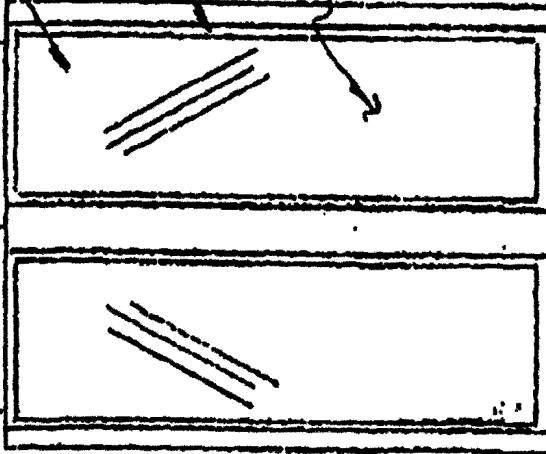
3/16" THICK SAFETY
GLASS -
(3 SIDES)

WINDOWS HINGED
AT TOP WITH
STAINLESS STEEL HINGES

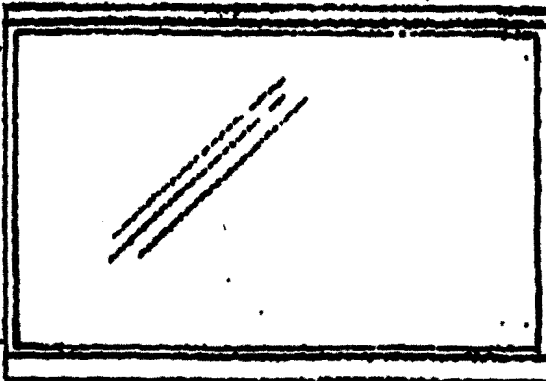
STANDARD 48X72
POSTER SIZE

FULL TOP AND
BOTTOM PLATE

BEACH
INFORMATION



BEACH
INFORMATION



2 1/2" DIA
5/8" = PARTS

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

TOLAR MANUFACTURING, INC., 11111
501 S. ROSE ST., ANAHEIM CA 92805

APPROVED BY:

SCALE: 1/2" = 12"

DATE: 1-19-95

DRAWN BY: *[Signature]*
REVISED

EQUILATERAL 3-SIDED AD BOX

DRAWING NUMBER

PAINT: SILICON PESTER BATED
FINISH - DARK BRONZE - ALL ITEMS



Exhibit 12: Example of Kiosk
4-96-179

RECEIVED

MAY - 3 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

DATE: May 2, 1996

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

RE: Permit Number 4-95-112

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

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

Dear California Coastal Commission,

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

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

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

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

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

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

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

Sincerely,

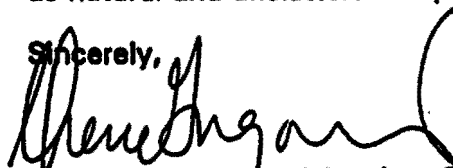

Irene Grigoriadis and Stephen Casey
6463 Surfside Way
Malibu, CA 90265
(818) 568-3119



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

LAW OFFICES
EDWARD J. ROBERTS

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

April 23, 1996

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

Re: Permit No. 4-95-112

Dear Ms. Friend:

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

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

Yours truly,

Edward J. Roberts

EJR/kcf
encl.

RECEIVED

APR 29 1996

CALIFORNIA
COASTAL COMMISSION
COAST DISTRICT

Exhibit 14: Letter opposing project
Received 4-29-96
4-26-96

4.24.96

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

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

Subject: Sunshelters and Kiosk Project

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

Ray Lahr

RECEIVED

APR 26 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Exhibit 15: Letter supporting project
4-25-96 Received 4-26-96
4-26-179

FAX TRANSMISSION

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


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

COMMENTS:

Dear Gary:

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

Thanks for taking another hard look at this matter.


Frank P. Angel

THE INFORMATION CONTAINED IN THIS FAX TRANSMISSION IS PROTECTED BY THE ATTORNEY-CLIENT AND/OR ATTORNEY WORK PRODUCT 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 16: Letter re: commercial Development

4-22-96 Received 5-2-96

4-26-179



COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS



STAN WISNIEWSKI
DIRECTOR

June 12, 1996

RECEIVED

KERRY GOTTLIEB
DEPUTY DIRECTOR

JUDITH KENDALL
DEPUTY DIRECTOR

JUN 13 1996

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

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dear Ms. Friend:

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

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

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

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

Exhibit 17: Letter re: Commercial Development

4-95-112 Received 6-13-96

4-96-179

Ms. Susan Friend
June 12, 1996
Page 2

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

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

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

Very truly yours,

STAN WISNIEWSKI, DIRECTOR



Dean R. Smith
Executive Assistant

SW:DRS:be
C: Dusty Brogan
Lynn Atkinson



STAN WISNIEWSKI
DIRECTOR

COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS



KERRY GOTTLIEB
DEPUTY DIRECTOR

JUDITH KENDALL
DEPUTY DIRECTOR

June 20, 1996

RECEIVED

JUN 20 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

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

Dear Ms. Pinsler:

LOS ANGELES COUNTY - SUN SHELTERS
& BEACH INFORMATION DIRECTORIES

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

Background

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

Ms. Arlene Pinzler
June 20, 1996
Page 2

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

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

Sun Shelter Program

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

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

Ms. Arlene Pinzler
June 20, 1996
Page 3

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

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

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

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

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

Beach Information Directories Program

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

Ms. Arlene Pinzler
June 20, 1996
Page 4

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

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

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

Conclusion

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

Ms. Arlene Pinzler
June 20, 1996
Page 5

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

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

Very truly yours,

STAN WISNIEWSKI, DIRECTOR



D. E. Brogan
Head, Marketing

SW:DEB:ec
Enclosures

c: California Coastal Commission

MARKETING SECTION REVENUE GENERATION FISCAL YEAR 1986-87

PROGRAM	DESCRIPTION	CASH	SAVINGS
Beach 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 4,000 (55 gallon) trash barrels per year and a cash fee or percentage (whichever is greater) for the right to advertise on the trash barrels; the funding is designated for beach maintenance.	\$80,000	\$50,000
Sunbather Transportation Display, Inc.	Sponsor has the right to sell advertising space on the 22 sunbathers; each sunbather has two ad panels; fee is a guaranteed minimum of \$2500 per ad panel 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 5') 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.	\$84,725	\$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 provide 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**
Tire 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

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

MARKETING SECTION REVENUE GENERATION
FISCAL YEAR 1986-87

PROGRAM	DESCRIPTION	CASH	SAVINGS
Free Standing Safety Signs M & D Enterprises (Sponsor)	Sponsor pays for the right to place name identification on free standing safety signs.	\$17,500	\$0**
Non-Carbonated Vending Machines Snapple (Sponsor)	Sponsor entitled to sell product on 31 miles of beaches and agrees to sponsor the Free Standing Safety Sign program. Vend Operator pays 35% of gross sales from vending machines.	\$20,000	\$0
M & D Enterprises (Vendor)			
Benches Coca Cola Co. (Proposed)	Sponsor pays a guaranteed fee for the right to place ads on 100 benches.	\$20,000	\$0**
Soda Vending Machines Carbonated beverages Coca Cola Co. (Sponsor)	Sponsor entitled to sell soda product on 31 miles of beaches and agrees to sponsor the bench program. Vend Operator pays 35% of gross sales from vending machines and mobile cart.	\$20,000	\$0
M & D Enterprises (Vendor)			
Tideboards Aronhead (Proposed)	Sponsor pays for the right to place name identification in a 12"x 36" space at the bottom of a chalkboard that contains daily weather and tide conditions, provides 2,000 cases of water annually for beach operations, in exchange for the right to promote itself as the "Official Bottled Water Sponsor of Los Angeles County Beaches/Lifeguards".	\$50,000	\$45,000
Water Vending Machines Aronhead water (Proposed) Aronhead Co. (Sponsor)	Sponsor entitled to sell water on 31 miles of beaches and agrees to sponsor the tideboard program. Vend Operator pays 35% of gross sales from vending machines.	\$30,000	\$0
M & D Enterprises (Vendor)			
Blue Rock City-Info (Proposed)	Sponsor pays a guaranteed fee for the right to place ads on 35 bike racks.	\$30,000	\$0**

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

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
800 Line Operating	An \$0.85 per minute charge to telephone customers seeking information on surf conditions, weather, diving conditions, beach events, youth programs, sailing/hind conditions and parking usage.	varies depending on usage	\$0
Total		\$777,225	\$492,000
COMBINED TOTAL			\$1,269,225

WP:mp

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

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

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

INTERNET ADDRESS
kuykendall@assembly.ca.gov

**Assembly
California Legislature**

STEVEN T. KUYKENDALL

ASSEMBLY MEMBER, FIFTY-FOURTH DISTRICT

MAJORITY WHIP

RECEIVED

OCT 7 1996

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

October 1, 1996

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

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Dear Commissioners:

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

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

Thank you for your serious consideration of this request.

Sincerely,



STEVEN T. KUYKENDALL
Assemblyman, 54th District

STK:ag

Oct 24, 96

9:34 NO.002 P.02

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

611 SO PACIFIC COAST HWY
SUITE 102
REDONDO BEACH, CA 90277
(310) 540-1611

538 SOUTH BEACON STREET
ROOM 508
SAN PEDRO, CA 90731
(310) 548-0651



L.B. - Dwy
Copy 10

COMMITTEES
CRIMINAL PROCEDURE
FINANCE INVESTMENT AND
INTERNATIONAL TRADE
ELECTIONS AND
REAPPORTIONMENT
GOVERNMENTAL ORGANIZATION
RULES VICE CHAIRMAN

JOINT COMMITTEES
FISHERIES AND AQUACULTURE
LEGISLATIVE AUDIT
LEGISLATIVE BUDGET
RULES

RECEIVED California State Senate

OCT 2 1996

ROBERT G. BEVERLY
SENATOR
TWENTY-SEVENTH DISTRICT

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

SEP 30 1996

September 27, 1996

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

Dear Mr. Calcagno:

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

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

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

Sincerely,

Robert G. Beverly

ROBERT G. BEVERLY

RGB:mlm

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

RECEIVED

JUL - 1. 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

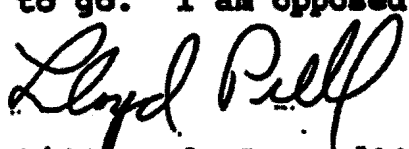
June 28, 1996

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

RE: Permit Number 4-95-112

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

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


Lloyd Prell
29500 Heathercliff Road, Space #142
Malibu, CA 90263
(310) 589-1980



COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS



STAN WISNIEWSKI
DIRECTOR

July 3, 1996

RECEIVED

KERRY GOTTLIEB
DEPUTY DIRECTOR

JUDITH KENDALL
DEPUTY DIRECTOR

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

JUL - 5 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dear Mr. Douglas:

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

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

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

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

Mr. Peter Douglas

July 3, 1996

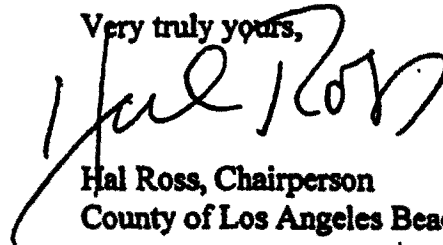
Page 2

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

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

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

Very truly yours,



Hal Ross, Chairperson
County of Los Angeles Beach Advisory Committee

cc: Susan Friend ✓
Al Padilla

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001
(916) 445-6889

3411 CRENSHAW BLVD.
SUITE 200
TORRANCE, CA 90504
(310) 609-4831

mailto:abowen@assembly.ca.gov

Assembly California Legislature

DEBRA BOWEN

ASSEMBLYWOMAN, FIFTY-THIRD DISTRICT

Representing the communities of El Segundo, Hermosa Beach,
Loyola, Manhattan Beach, Miramar, Redondo Beach, Torrance, Venice & Westchester
Palms del Mar, Redondo Beach, Torrance, Venice & Westchester

COMMITTEES:
VICE CHAIR, JUDICIARY
PUBLIC SAFETY
HUMAN SERVICES

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

Post-It® Fax Note	7671	Date	7.10.96	Pages	3
To	Frank Angel	From	Sven		
Co/Dept.		Co.			
Phone #		Phone #	916-442-8183		
Fax #	310-474-7083	Fax #			

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.

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

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

As you'll note, AB 909 added Public Resources Code 5002.6 (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

Mr. Louis Calzagno, Acting Chairman

July 8, 1996

Page 3

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

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

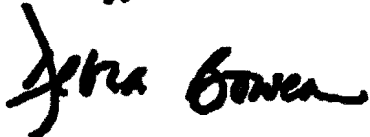
My biggest concern in authoring AB 909 was that when the \$4.5 million subsidy runs out in 1998, Los Angeles County would be back in front of the Legislature, demanding that the development restrictions be loosened so that the County could raise money. But L.A. County hasn't waited three years to make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

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

For all of these reasons, I urge you to reject Permit Number 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,

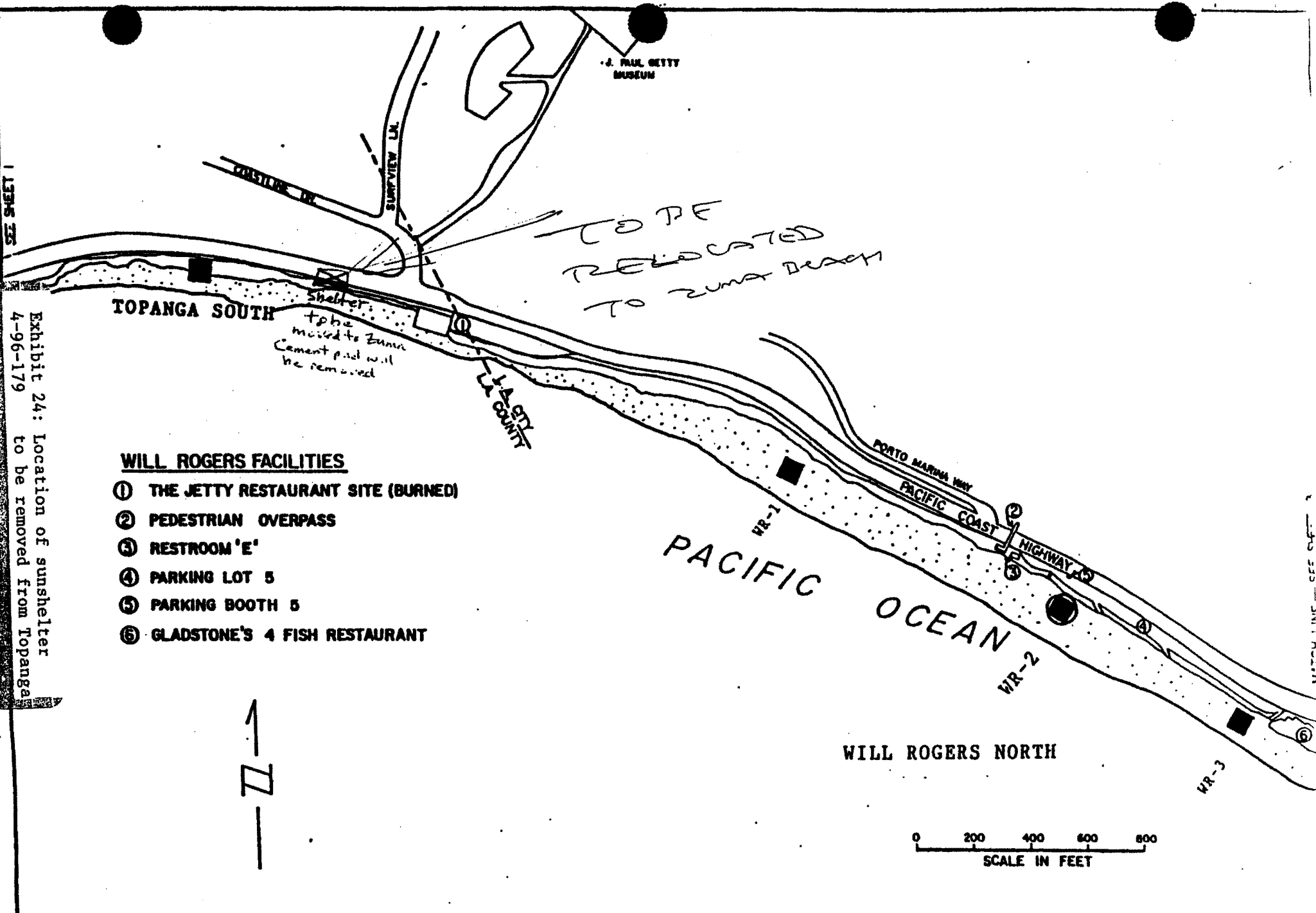


Debra Bowen
Assemblywoman, 53rd District
(D-Torrance/Marina del Rey)

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

SEE SHEET 1

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



WILL ROGERS FACILITIES

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

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

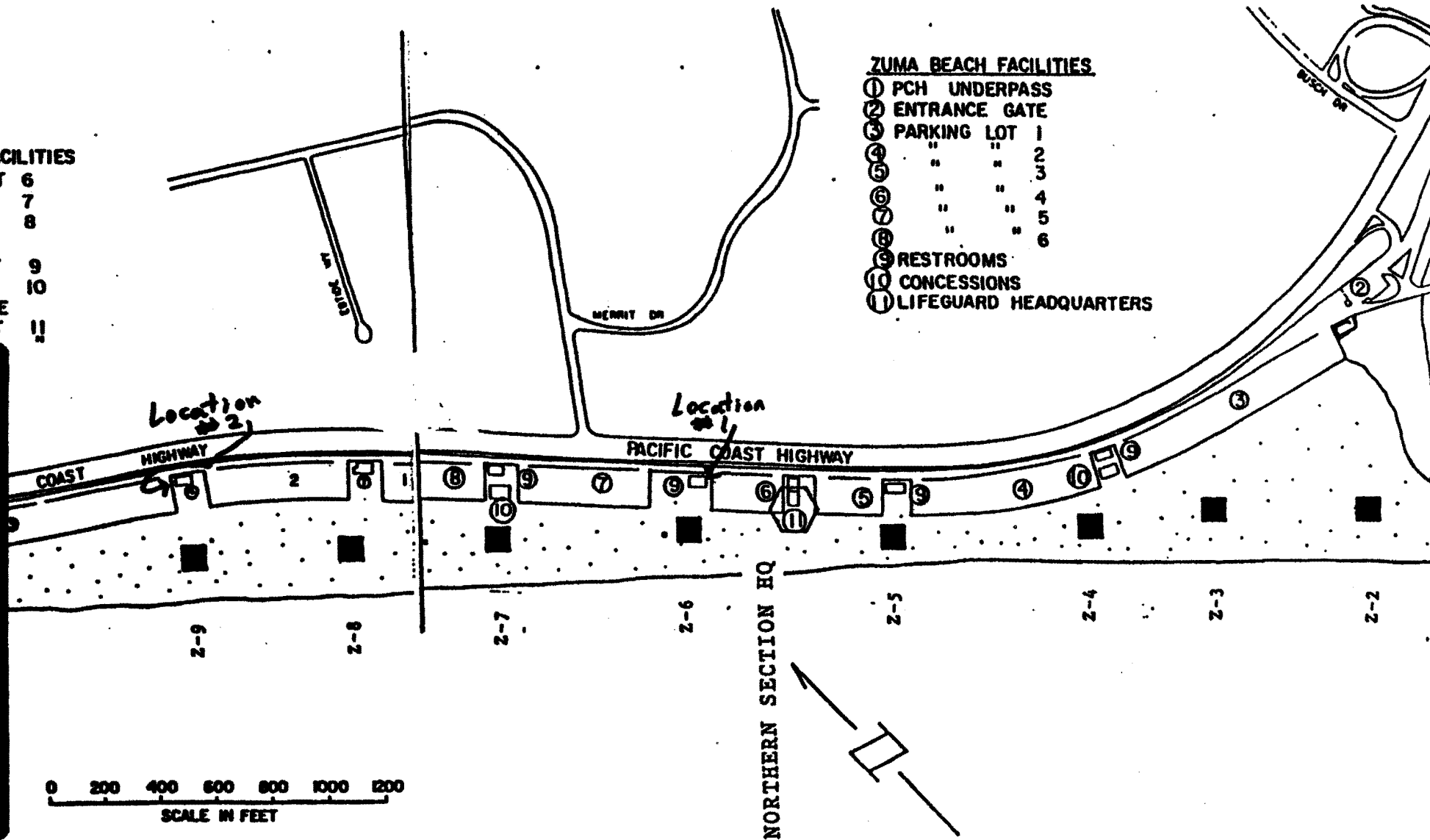
BEACH FACILITIES

PARKING LOT 6
 " 7
 " 8
 RESTROOMS
 PARKING LOT 9
 10
 MAINTENANCE
 PARKING LOT 11

ZUMA BEACH FACILITIES

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

Exhibit 25: Locations of the
 4-96-179 relocated sunshelters



SUPPLEMENT #1

**Los Angeles County Beaches and Harbors Department
Application for Coastal Development Permit for
Sun Shelters/Beach Information Directories
for beaches from Nicholas Canyon to Topanga**

Submitted May 1997

SECTION II, Question 2: *Description of development* **Page 1 of 4**

I. Actual Structures

1. Installation of prefabricated Sun Shelters at the beaches pursuant to the listing on page 4 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 4 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.

SUPPLEMENT #1

**Los Angeles County Beaches and Harbors Department
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SECTION II, Question 2: *Description of development*
Page 2 of 4

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,

SUPPLEMENT #1

**Los Angeles County Beaches and Harbors Department
Application for Coastal Development Permit for
Sun Shelters/Beach Information Directories
for beaches from Nicholas Canyon to Topanga**

Submitted May 1997

SECTION II, Question 2: *Description of development* Page 3 of 4

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

SUPPLEMENT #1

**Los Angeles County Beaches and Harbors Department
Application for Coastal Development Permit for
Sun Shelters/Beach Information Directories
for beaches from Nicholas Canyon to Topanga**

Submitted May 1997

SECTION II, Question 2: *Description of development*
Page 4 of 4

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.

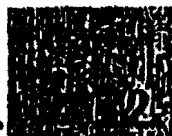
V. Locations of Sun Shelters and Directories

What follows is a list of the locations for the Beach Information Directories and Sun Shelters. The locations are the same as those listed in California Coastal Commission (CCC) Development Permit Application #4-96-179, and the Department will include all of the CCC staff location recommendations from that Application.

BEACH	Proposed DIRECTORIES	Proposed SUNSHELTERS	NOTES (For Placement, ID, and and site maps)
Nicholas Canyon	1	NONE	_____
Zuma	2	4	Two Sun Shelters are at Zuma Beach. An additional two Sun Shelters will be relocated from Las Tunas and Topanga Beaches
Point Dume	1	NONE	_____
Malibu Surfrider	1	NONE	_____
Las Tunas	1	NONE	The existing Sun Shelter will be relocated to Zuma
Topanga	1	1	The existing Sun Shelter will be relocated to Zuma
TOTALS	7	5	

HELP RESTORE SANTA MONICA BAY

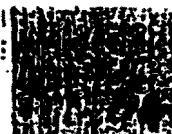
LITTER ISN'T JUST UGLY — IT KILLS.



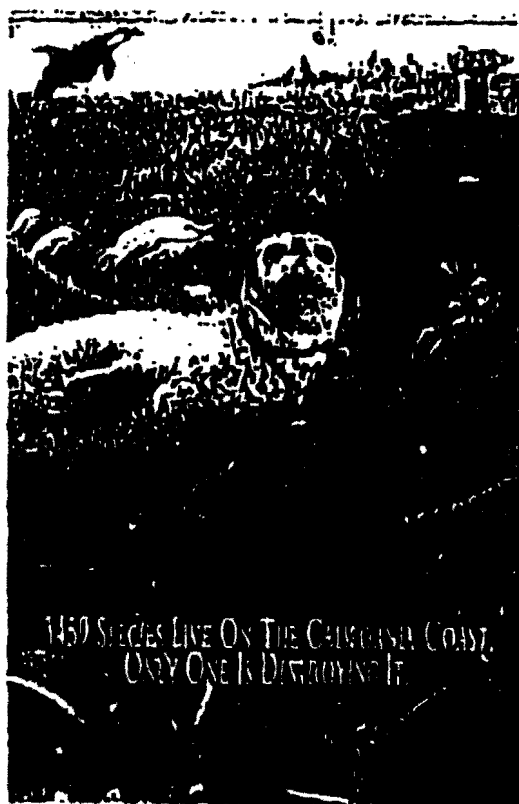
Trash left on our beaches is a deadly trap — animals get entangled in it or eat it, causing serious injury or even death.



IN THE GUTTER MEANS ON THE BEACH



The problem begins at home. Gutters carry trash and pollutants from your yard and street to storm drains and then untreated — directly into the sea.



RECYCLING'S A SOLUTION TO OCEAN POLLUTION

Bottles, cans, motor oil, yard waste and much more — recycle them to help keep our beaches and the Bay clean!



PUT TRASH IN ITS PLACE.

RESCATEMOS LA BAHIA.

LIEBE DIE UMWELT

SAVE THE COAST — BUY A PLATE

Get a whole of a plate for your car and help support beach cleanup and coastal conservation programs.
CALL 1-800-COAST 4 U



Santa Monica Bay Restoration Project



U.S. Environmental Protection Agency



California Coastal Commission



Department of Conservation,
Division of Recycling

Don't Trash
The Bay
Recycle Today!



recycle these here

HELP OUR ADOPT-A-BEACH
GROUPS KEEP THE BEACH
CLEAN:

Palmdale School
Sacred Street Elementary
Inner City Elementary
LA High School

Adopta Una Playa
¡Recicla Ahora!

Shutz Der Strand
Recycle Alles!

La Bahía no solo se ve tan viva
sino que también la necesitamos
¡llame 310 800 8800

Die drack soll nicht auf dem strand
liegen. Kom mit diese heute der
sauberen die Welt.
anruf 310 776 8808

Recycle These Here:

Plastic

Aluminum Cans

Glass Bottles

Redondo Beach Recycling: Make It Second Nature...Because There Isn't One

3.5 x 5 proportion

scale 2" = 1'

Combined version (not to be displayed as is)

ATTACHMENT 1

STATE CAPITOL
P.O. BOX 942849
ACRAMENTO, CA 94248-0001
(916) 445-8528

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

Email: bowen@assembly.ca.gov

**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, Palos Verdes Estates,
Playa del Rey, Redondo Beach, Torrance, Van Nuys & Westchester

cc: T. Henry *Jason T.*
L.B. CHAIRWOMAN
NATURAL RESOURCES
G. Tamm
Ven. MEMBER
BANKING & FINANCE
S.S. BUDGET
L.L. ENVIRONMENTAL SAFETY
& TOXIC MATERIALS
HIGHER EDUCATION
WATER, PARKS & WILDLIFE

April 7, 1997

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

RECEIVED

APR 11 1997

COASTAL COMM.
SOUTH CENTRAL COAST DIST.

APR 08 1997

CALIFORNIA
COASTAL COMMISSION

Dear Chairman Arcias:

I am writing to urge you and your fellow Commissioners to reject permit application numbers 4-96-179 and 5-96-219, which seek to allow Los Angeles County to install or move 19 pre-fabricated sun shelters and build 23 information kiosks that include advertising posters that may be up to four feet by six feet in size. I would also like to urge you to reject L.A. County's attempt to petition the Commission to postpone a decision on this matter for another month or two.

As I first stated to the Commission in July 1996, when the Commission denied these applications before granting the County reconsideration in October, I believe these kiosks and sun shelters violate the restrictions placed on "commercial development" — as agreed to by the County — by my Assembly Bill 909 of 1995. Although L.A. County doesn't like the restrictions and is now proposing to ignore them or interpret them differently, I can tell you without reservation that it was my intent and the intent of the Legislature to prohibit all commercial development, including the very type of commercial development that L.A. County is now proposing.

I'm told that at your Commission meeting this week, L.A. County will petition the Commission to postpone a vote on this issue once again. I would like to urge you and your colleagues to deny such a postponement. It has been over a year since the County first put some of these shelters up in violation of AB 909 and Commission permit regulations, and it's been nine months since the Commission denied L.A. County's application. The County was granted reconsideration last October, but refused to take the matter up at that time. It asked for a postponement when the item was up at the January hearing, because it was hoping for a "friendlier" Commission. All of the Commission posts are now filled and it's time for a final vote on this matter to take place.

Commission staff has informed my staff that L.A. County is now negotiating with the Commission to "mitigate" the impact of these billboards by earmarking some of the revenue from these advertisements to purchase and maintain coastal access pathways in Malibu. I support improving the public's access to our coast, but I am vehemently opposed to this funding mechanism. To allow the County to erect billboards in violation of AB 909 and Commission permitting requirements in order to generate revenue to open accessways should not be permitted. You cannot, and should not, attempt to mitigate something that is prohibited by law.

Mr. Rusty Arcias

April 7, 1997

Page 2

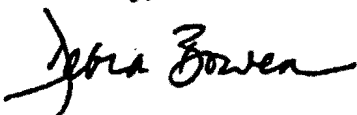
I know the County continues to argue that it is "losing" \$50,000 a month by not being able to install these billboards. By that logic, every developer who applies to build something that isn't permitted by law or the Commission is "losing" money. This is patently ridiculous. One can't "lose" money on something that one never has the right to build. I hope that the Commission will not buy the argument that without these billboards in L.A. County, it will "lose" the percentage of revenue that may be earmarked for its coffers!

As I've stated in previous letters to the Commission on this issue, I have no quarrel with the County's desire to provide visitors with information about beach amenities and I understand the desire to have shade available for beachgoers and bicyclists. Neither of these objectives, however, requires larger than life advertising where the billboards come between the viewshed from the first roadway to the ocean. For example, in Malibu, a ride along the Pacific Coast Highway now takes in ads for jeans and movies, as well as ocean views. I know this because I saw some of these structures during a drive along the coast on Sunday night.

I respectfully urge you to reject permit application numbers 4-96-179 and 5-96-219 and to reject further attempts by L.A. County to delay this issue any longer. It's time for the County to live within the restrictions imposed by AB 909, even if it now disagrees to the conditions that it once agreed to in 1995. It's also time to give the citizens who object to this L.A. County proposal and have already prepared for three prior Coastal Commission meetings a final decision on the matter.

As always, I am available to answer any questions that you or your fellow commissioners may have.

Sincerely,



Debra Bowen, Chairwoman
Assembly Natural Resources Committee
(D-Torrance/Marina del Rey)

cc: Members, California Coastal Commission
Mr. Peter Douglas, Executive Director
Mr. Jeff Stump, Legislative Coordinator
Ms. Dusty Brogan, L.A. County Department of Beaches & Harbors

Harriet Kimble Wrye, Ph.D., Psychology, Inc.

17711 Porto Marina Way, Pacific Palisades, CA 90272

Tel: (310) 454-0687; Fax: (310) 454-9464; E mail 74243,134

RECEIVED

April 1, 1997

APR 04 1997

**Ms. Susan Friend
California Coastal Commission
South Coast Area
89 South California Street, Suite 200
Ventura, CA 93001**

**COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT**


Dear Ms. Friend,

As a homeowner of 25 years standing in the Castellamare area of Pacific Palisades, I appreciate that your office has brought to my attention the L.A. County Department of Beaches application # 4-96-179. California's coastline, within the urban landscape of Los Angeles, is one of the few remaining resources where uninterrupted, undeveloped views may be enjoyed within the city. As a homeowner overlooking that view for all these years, I would say it is crucial that it be protected for future generations. As a psychologist, I believe that our society tends toward over-stimulation and over-commercialization.

The proliferation of shopping malls and billboard and TV advertising contribute more than enough to this trend without egregiously littering the beauty of the beaches for advertising. If beachgoers need shade, they can bring an umbrella, and take it home when they leave, leaving the beach as it was.

I strongly urge you and the California Coastal Commission to oppose this application. It represents erosion of everything the Coastal Commission has been charged with protecting.

Sincerely,



**Harriet Kimble Wrye, Ph.D.
Homeowner**

TO California Coastal Commission,
● To whom it My Concerns

RECEIVED

APR 02 1997

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

As a homeowner on Las Tunas
Beach I greatly Object to
~~this~~ these Sunshades & Kiosks
to be placed at Las Tunas
Beach -

● We pay dearly for our privacy
& Paftey & I feel that this
would attract even more
people - Since this beach has
become more Public there has been
an increase in crime along our
stretch of beach - I strongly
Object to this plan -

Ronda Collins



COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS



STAN WISNIEWSKI
DIRECTOR

KERRY GOTTLIEN
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) 821-8948
(310) 305-9505 13837 FLJI WAY, MARINA DEL REY, CALIFORNIA 90292
INTERNET: <http://www.co.la.ca.us/beaches>

Exhibit 30: Letter from County
4-97-101