

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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**F5a**

Staff: A Dobson – LB
Date: April 23, 2015

ADMINISTRATIVE PERMIT

Application No. 5-15-0221

Applicant: Richard Chacker

Project

Description: Install a 240 sq. ft., 8 foot high outdoor storage container on the sand at Torrance Beach for storage of beach-related rental equipment near an existing concession stand.

Project

Location: 387 Paseo de la Playa, Torrance Beach (Los Angeles County)

EXECUTIVE DIRECTOR'S DETERMINATION

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

May 15, 2015, 9:00 a.m.
Santa Barbara Board of Supervisors Chambers
105 E. Anapamu Street
Santa Barbara, CA 93101

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

CHARLES LESTER
Executive Director

By: Amber Dobson
Title: Coastal Program Analyst

STANDARD CONDITIONS

This permit is granted subject to the following 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 the Commission voted on the application. 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. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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.

SPECIAL CONDITIONS: See pages 5 – 6.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. PROJECT DESCRIPTION

The applicant proposes to place a 240 sq. ft., 8 foot high outdoor storage container on the sand at Torrance Beach, immediately adjacent to the existing beach concession stand, Perry's Concession Stand (**Exhibit 1**). The container will store beach related rental equipment, such as bikes and surf boards, available for public use. The storage container will be placed on three 8x8 timber frames. No permanent foundation is needed. The container will be placed on the sand, as far inland as possible (**Exhibit 2**).

Because of the large hill immediately inland of the beach, it would be impractical to place the storage container anywhere else. The adjacent paved parking lot is beyond the large hill and the renters would have to drag the items down the hill to use them on the beach, and then drag them back up the hill to return them. Additionally, there is an existing concession stand here on the beach (operated by the applicant), and the storage container would be placed immediately adjacent to it, therefore it will be within an area of existing development. The container will not require any permanent or concrete foundation and could be easily removed in the future, if necessary due to sea level rise, hazards, etc. **Special Condition 3** prevents shoreline protective devices and requires removal of the container in the event of exposure to hazards and **Special Condition 2** acknowledges the applicant's assumption of risk.

Because the container will be placed as far inland as possible, it will be between the large hill and the sand. It will not impact any public views, inland looking to the ocean. **Special Condition 5** requires specific placement and location of the container. It may have the potential to impact public views from the beach looking inland, which is why **Special Condition 4** contains conditions for visual treatments, including painting the container the same color as the sand and includes provisions for allowable signs placed on the outside of the container. The container shall be sited and designed to match the existing character of the area. **Special Condition 1** requires appropriate BMPs and construction responsibilities for the installation of the container on the sand to protect the marine environment. Lastly, **Special Condition 6** requires permit compliance with the proposal on file and all conditions of this permit.

The container and associated rental equipment will provide additional low-cost visitor serving amenities on this beach, and will enhance public recreation opportunities. The project has local approvals from the County of Los Angeles, Beaches and Harbors Planning Division on November 18, 2014.

The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Torrance does not have a Local Coastal Program. Therefore, the Coastal Commission is the permit issuing entity and the standard of

review is Chapter 3 of the Coastal Act. The certified Local Coastal Program may be used for guidance. The proposed project is consistent with Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP.

B. PUBLIC ACCESS AND RECREATION

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act. The proposed development, as submitted, does not interfere with public recreational use of coastal resources and conforms with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

C. DEVELOPMENT

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future can not be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: follow BMPs for the protection of the marine environment; require an appropriate set-back from the water; prohibit construction of protective devices (such as a seawall) in the future; requirements for removal and relocation in the event of exposure to hazards in the future; and to require that the applicant and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

D. VISUAL RESOURCES

To minimize the project's impact on visual resources, the project has been conditioned to: maintain an exterior color that will blend with the sand and to restrict signage on the exterior of the container. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30251 of the Coastal Act regarding protection of scenic and visual qualities.

E. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (LCP), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project as proposed will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

There are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment.

Therefore, the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Construction Responsibilities, Debris Removal, Treated Wood Materials.

A. Applicant shall not allow discharge of silt or debris into coastal waters as a result of this project. By acceptance of this permit, the applicant agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs:

- a) No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- b) Staging and storage of construction machinery and storage of debris shall not take place on the beach.
- c) Any and all debris resulting from construction activities shall be removed from the beach area on a daily basis and disposed of at an appropriate location.
- d) Machinery or construction materials are prohibited at all times in the subtidal or intertidal zones.
- e) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during project staging, demolition and construction. BMPs shall include a pre-construction meeting to review procedural and BMP guidelines.
- f) The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- g) At the end of the construction period, the permittee shall inspect the project area and ensure that no debris, trash or construction material has been left on the beach or in the water, and that the project has not created any hazard to navigation.

B. Only Alkaline Copper Quaternary (ACQ) treated wood shall be used for the proposed project. All wood shall be inspected on site before use and any pieces found to have visible residues or bleeding of preservative should be rejected. If treated wood has a noticeable odor, then it has not been properly processed or aged and the preservative may not be properly fixed. The wood will be rejected and not used in the proposed project. Timber frames will be constructed offsite and transported to the beach and assembled onsite.

2. Assumption of Risk, Waiver of Liability and Indemnity Agreement Applicable to Applicant

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wave and tidal action; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) and to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees

incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

3. No Future Shoreline Protective Device

A. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-15-0221, and any other future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

B. By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the applicant shall remove the development authorized by this Permit, due to destruction or damage that leaves the storage container unusable or makes it hazardous to the public. In the event that portions of the storage container are flooded, submerged or damaged, the applicant shall remove the container and all associated development from the beach and lawfully dispose of any associated debris in an approved disposal site. Such removal shall require a coastal development permit.

4. Visual Treatment. By acceptance of this permit, the applicant agrees that: the exterior color of the storage container shall be compatible with the adjacent sand color and the proposed color shall be verified through submittal of a color board and/or paint chips; the paint chosen shall not be highly reflective nor have an unusually high gloss; the visual treatment shall be maintained through-out the life of the structure.

The applicant further agrees that: signage shall not interfere with existing coastal access or public views; the signage displayed on the storage container shall occupy space on the front of the container only; only 1 sign is permitted; the sign shall not exceed 7 x 2.5 feet in size; the content of the sign shall represent the rental equipment use and concessions available onsite and shall not be used for other advertising uses. No signage shall be sized, placed or otherwise designed in a manner that would have an adverse visual impact. Any changes to the signs as approved by the Executive Director in accordance with Special Condition 4, including but not limited to their content, color, materials, or location, shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

Within 60 days following completion of the project, the permittee shall submit color photographs documenting the appearance of the structure and sign as seen from the beach.

5. Placement and Location. By acceptance of this permit, the applicant agrees to place the storage container as far inland as possible on the beach. The storage container shall not be placed in a location that blocks public trails or prohibits public access.

6. Permit Compliance. All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. Any deviation from the approved

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plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

PROJECT LOCATION

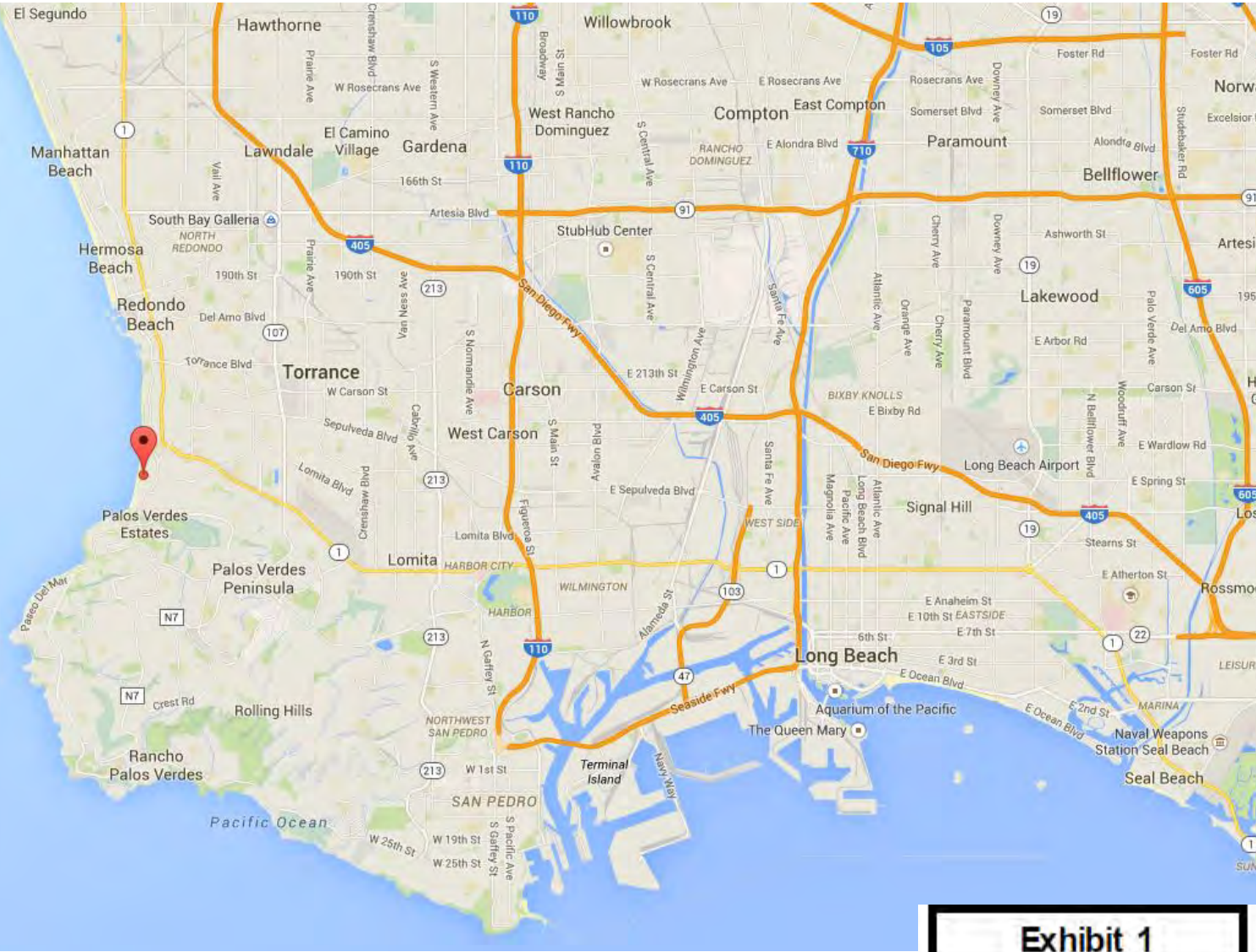


Exhibit 1



California Coastal Commission

PROJECT SITE



Existing Concession Stand

Approximate Location of New Storage Container

Example of Signage



7 feet long by 2.5 feet tall



Exhibit 3



California Coastal
Commission