

CALIFORNIA COASTAL COMMISSION

SOUTH COAST OFFICE
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Th14f

5-21-0047 (BEL AIR BAY CLUB)

MAY 10, 2021

CORRESPONDENCE

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Capt. David Lumian
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September 4, 2020

Honorable Steve Padilla, Chair
California Coastal Commission
455 Market Street, Suite 228
San Francisco, CA 94105

Re: California Coastal Commission September 10, 2020 Agenda Item #19a (No. 5-19-0243)
Bel-Air Bay Club/Boys and Girls Club Public Access *Fast and Fun* Program

Dear Chair Padilla, Commissioners and staff:

I am writing in support of the Coastal Commission staff's recommendation to approve Bel-Air Bay Club's coastal development permit application. Approval of that permit would result in a substantial, game-changing monetary contribution to the Boys and Girls Club public access *Fast and Fun* Program, providing funding certainty and allowing the program to continue to grow.

It's hard to believe that it's been over two decades since the late Peter Douglas, then the Executive Director of the California Coastal Commission, at a dedication ceremony for California's first affordable boat slipping agreement benefitting the public access sailing program, Fairwind Yacht Club, advised me to start a youth sailing and paddling program in Marina del Rey!

As a former Club kid, I immediately called my local Boys and Girls Club and reached its CEO, JR Dzubak. I also reached out to Fairwind's board. Together we all launched the *Fast and Fun* Program.

The program has been open to hundreds of kids every year from Clubs all over LA reaching every corner of the county. These diverse, minority children come from challenged households and neighborhoods; most are poor, qualify for hot meal programs, and often live in public housing projects.

Over 11,000 kids have accessed the coast through the *Fast and Fun* Program in Marina del Rey. Most of these kids had never been to a beach or a marina before.

Fast and Fun has attracted awards from the American Canoe Association, US Sailing, Boys and Girls Clubs of America and, perhaps most meaningfully, from the California Youth Authority for prevention of delinquency.

A few years after its launch, Mr. Douglas again approached me with the opportunity to expand the Fairwind/Boys & Girls Club sailing/paddling public access program to Channel Islands Marina at

the new Seabridge development in Oxnard. I am happy to report that this program too, remains healthy.

As Chair of the Los Angeles County Small Craft Harbor Commission (which oversees Marina del Rey for the Board of Supervisors), I am proud to such a diverse crowd of black, white, brown, yellow and mixed children come to our harbor from so many different communities and learn to sail and paddle safely.

As an American Sailing Association Instructor Evaluator and an American Canoe Association Instructor Trainer, I am thrilled to have the opportunity to work with the Boys and Girls Club Junior Staff (of which I was one of in my youth) to be trained and certified as instructors. They have all told me that they include their instructor cards in their university applications and report that it helps a lot!

As an American Red Cross Lifeguard/CPR/First Aid Instructor I am proud of this program's safety record.

And as a US Coast Guard credentialed merchant mariner sea captain, I am grateful to help safely expose so many excited, creative, inquisitive kids on their first adventures onto the ocean.

Thank you, Bel-Air Bay Club, for selecting us for this proposed contribution! This will help us continue, expand, and spread this excellent program.

And thank you California Coastal Commission for getting the ball rolling on this important public access program and for continuing to safeguard the public's right to access the coast!

Finally, thank you Peter Douglas! I am sure that he would be as happy as I am about this latest development!

Please adopt your staff's recommendation and approve Bel-Air Bay Club's coastal development permit application.

Sincerely,



Capt. David Lumian

CC: Daniel Nathan
California Coastal Commission
Statewide Planning
455 Market Street, Suite 300
San Francisco, CA 94105-2219

Shannon Vaughn
California Coastal Commission
South Coast District Office
301 E. Ocean Blvd, Suite 300
Long Beach, CA 90802



September 1, 2020

Honorable Steve Padilla, Chair
California Coastal Commission
455 Market Street, Suite 228
San Francisco, CA 94105

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Chief Executive Officer
JR Dzubak

Re: Agenda Item Th19a - No. 5-19-0243 (Bel Air Bay Club)

Dear Chair Padilla, Commissioners and staff,

We are excited to present our coastal access sailing and paddling program. We are also excited about the opportunity to receive support from the California Coastal Commission and the Bel-Air Bay Club. To bring that to fruition, we respectfully request that the Coastal Commission adopt its staff's recommendation to approve Bel Air Bay Club's coastal development permit application. This will allow us to continue, grow and spread the *Fast and Fun Program*.

Twenty years ago, the Boys and Girls Clubs launched the *Fast and Fun Program* to provide access to thousands of under-privileged children to enjoy the coast while learning how to sail, paddle and recreate in Marina del Rey. The kids have come from Boys and Girls Clubs all over Los Angeles County including Venice, Pomona Valley, East Los Angeles, South Los Angeles, San Fernando Valley, Metro Los Angeles, San Gabriel Valley and even Long Beach! The goal of the program has remained the same; to get inner city kids out of the Club and onto the water to enjoy the coast using sailing, paddling and beach games.

It was the late Peter Douglas, California Coastal Commission Executive Director, who at an event in Marina del Rey celebrating the state's first ever affordable boat slip agreement for Fairwind Yacht Club (a public access sailing club), took David Lumian aside and advised him to start this youth program. A few years later, Mr. Douglas again approached Lumian about expanding the Fairwind/Boys & Girls Club program to Oxnard, which also continues to this day. We greatly appreciate the role that Mr. Douglas and the California Coastal Commission have played in supporting our sailing and paddling programs.

This groundbreaking program was co-founded by JR Dzubak, then the CEO of the Venice Boys and Girls Clubs with David Lumian, then Commodore of Fairwind and now the Los Angeles County Small Craft Harbor Commission chair.

Six years ago, JR Dzubak, now CEO of Boys & Girls Clubs of West San Gabriel Valley and Eastside, took the lead, continuing and expanding the program.

*Serving Monterey Park, Alhambra, Montebello, Baldwin Park,
La Puente, Boyle Heights, Lincoln Heights and Surrounding San Gabriel Valley Communities*
328 S. Ramona Ave. Monterey Park, CA 91754 | Tel: 626.573.2831 | Fax: 626.573.0437 | www.ws-gvbgc.org

The Boys & Girls Club of West San Gabriel Valley and Eastside provides the staffing, organization, and STEM (science, technology, engineering and math) curriculum. They also provide instructor training. All of the staff involved with the program become certified as American Sailing Association and American Canoe Association instructors.

The *Fast and Fun Program* serves approximately 800 youth each year and approximately 11,000 youth since its inception. The youth we serve are some of the most vulnerable youth in the city, subject to gang violence, unstable homes, and extreme poverty. Most of these kids have never been to the beach, let alone Marine del Rey!

Of the youth who participate in the program:

34% live in public housing

27% are African American

5% are Asian American

15% are Caucasian

36% are Hispanic

10% are Multi-Racial

6% are Other

1% are Pacific Islander

Approximately 85% qualify for free/reduced school meals and

81% report low to extremely low annual incomes based on HUD income limits for LA County.

53% are male,

47% are female

and 24% are teens.

The goals of the *Fast and Fun* program are: 1) To be outside, *access the coast* and most importantly to HAVE FUN! 2) To learn the fundamentals of sailing, paddle sports and water safety; 3) To study and apply knowledge-base, STEM Education, in real-world scenarios; and 4) To develop positive youth leadership.

Our youth learn safety first and foremost, while learning about water sports as well as STEM (science, technology, engineering, mathematics) curriculum. They also learn about being stewards of the environment. The program uses experiential, hands-on learning to teach youth about paddlesports and sailing so that they can be confident and safe on the water.

Kids are taught to use teamwork, critical thinking, communication and self-esteem to achieve their goals. Through these activities, they set goals, listen to each other and communicate effectively, chart courses, study the wind, learn about velocity, and gain an appreciation for marine life and environmental conservation.

Our Junior Staff are trained to be American Sailing Association and American Canoe Association instructors. As a result many Boys & Girls Club Junior Staff members include their ASA and ACA in-

structor cards right on top of their college applications and credit these certifications in helping them get into the institutions of their choice.

We look forward to spreading this important program of public access boating to other parts of the great state of California. Recently our national organization, Boys and Girls Clubs of America has decided to commit to spreading this program across the region. This grant will help us do that.

We are grateful for the opportunity to present our *Fast and Fun Program* to the Commission. We are also very grateful for the support from the Bel-Air Bay Club. This funding opportunity will be a tremendous investment in the program and ensure its continuation and growth in the future.

Please approve Bel Air Bay Club's coastal development permit application to make this proposed contribution a reality.

Feel free to reach out to me at jdzubak@wsgvbgc.org or (310) 710-8952 with any questions you may have.

Sincerely,



JR Dzubak
Chief Executive Officer

CC: Daniel Nathan
California Coastal Commission
State Wide Planning
455 Market Street, Suite 300
San Francisco, CA 94105-2219

Shannon Vaughn
California Coastal Commission
South Coast District Office
301 E. Ocean Blvd, Suite 300
Long Beach, CA 90802

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RICHARD BLOOM
CHAIR, BUDGET SUBCOMMITTEE NO. 3 ON RESOURCES & TRANSPORTATION
ASSEMBLYMEMBER, FIFTIETH DISTRICT

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E-MAIL
assemblymember.bloom@assembly.ca.gov

September 8, 2020

The Honorable Chair & Commissioners
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

SENT VIA EMAIL TO DANIEL.NATHAN@COASTAL.CA.GOV

RE: No. 5-19-0243 / Bel Air Bay Club, 16800 Pacific Coast Highway (Item Th19a)

Dear Chair Padilla, Vice Chair Brownsey, & Honorable Commissioners:

I write in support of Bel Air Bay Club's coastal development permit application for temporary sand berming, which I understand the Coastal Commission is scheduled to consider at its meeting this month. I understand the sand berms are necessary to protect portions of the Club during extreme high tides, are an infrequent occurrence, have no impact on the beach and actually help facilitate public access during these periods by providing a protected path of dry sand when the beach otherwise is inundated.

Addressing climate change and sea level rise have been, and continue to be, at the core of my legislative agenda, as I know it is front and center in the Commission's efforts. This is reflected in the Staff recommendation by focusing on soft armoring solutions, such as temporary sand berming, while also ensuring that Bel Air Bay Club plans for the future and investigates feasible alternatives to berming long-term.

Approval of the permit also would result in Bel Air Bay Club funding the Boys and Girls Club's Fast and Fun Sailing Program for over eight years, as stated in the Staff Report. Through this contribution, the Boys and Girls Club will be able to continue to advance this program, which allows underserved youth, many of whom have never been to the beach, to gain marine education, introduction to STEM aquatics, marine life exploration, stewardship, and boating education.

For these reasons and those articulated in the Staff Report, I respectfully request that the Commission approve the Bel Air Bay Club's coastal development permit application.

Thank you for your consideration.

Sincerely,

RICHARD BLOOM
Assemblymember, 50th District



California State Senate

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SENATOR
BENJAMIN ALLEN

TWENTY-SIXTH SENATE DISTRICT

DISTRICT OFFICE
2512 ARTESIA BLVD., SUITE 320
REDONDO BEACH, CA 90278
TEL (310) 318-6994
FAX (310) 318-6733



September 9, 2020

Honorable Chair Padilla and Commissioners
California Coastal Commission
455 Market Street, Suite 228
San Francisco, CA 94105

Re: Item Th19a (No. 5-19-0243 – Bel Air Bay Club, 16800 Pacific Coast Highway)

Dear Chair Padilla and Honorable Commissioners:

I am writing in support of Coastal Commission Staff's recommendation to approve the CDP application by Bel Air Bay Club to install temporary sand berms during extreme high tide and swell events to protect portions of the Club at 16800 Pacific Coast Highway.

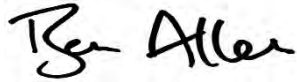
According to the Staff Report, the temporary sand berms would be used only infrequently, but when used, they would protect the Club's structures from inundation, while also improving coastal access by providing the public with safe passage behind the berm when the beach otherwise is completely wet. And unlike other forms of shoreline protection, the berms would have no impacts to the beach profile or sand supply.

In addition to addressing these short-term needs, the Staff report also requires Bel Air Bay Club to engage in long-term planning both to better understand how sea level rise may impact its facilities and to analyze whether there are alternatives to protect those facilities without the need for berming. The recommendation also requires the Club to fulfill fifteen additional requirements as a condition of the permit, including monitoring for the effects on sensitive species and preserving public access.

As discussed in the Staff report, your staff and Bel Air Bay Club also have worked cooperatively to resolve issues associated with the Club's prior historical berming through the Club's contribution of \$382,500 to the Boys and Girls Club's Fast and Fun Sailing Program. This is an exciting program that teaches young people from various underserved communities throughout the County about sailing, aquatics, and marine life. Many of the program's participants had never previously been to the beach or the ocean. The Club's contribution to this program, as a requirement of its permit, would ensure the program's funding for many years to come.

Thank you for your attention to this matter and please don't hesitate to reach out to my office at (310) 318-6994 if you would like to discuss further.

Sincerely,

A handwritten signature in black ink that reads "Ben Allen". The signature is written in a cursive, slightly stylized font.

Ben Allen

26th Senate District, California

CDP APPLICATION NO. 5-21-0047

APPLICANT: BEL-AIR BAY CLUB (BABBC)

16800 PACIFIC COAST HIGHWAY, PACIFIC PALISADES

CCC HEARING

May 13, 2021

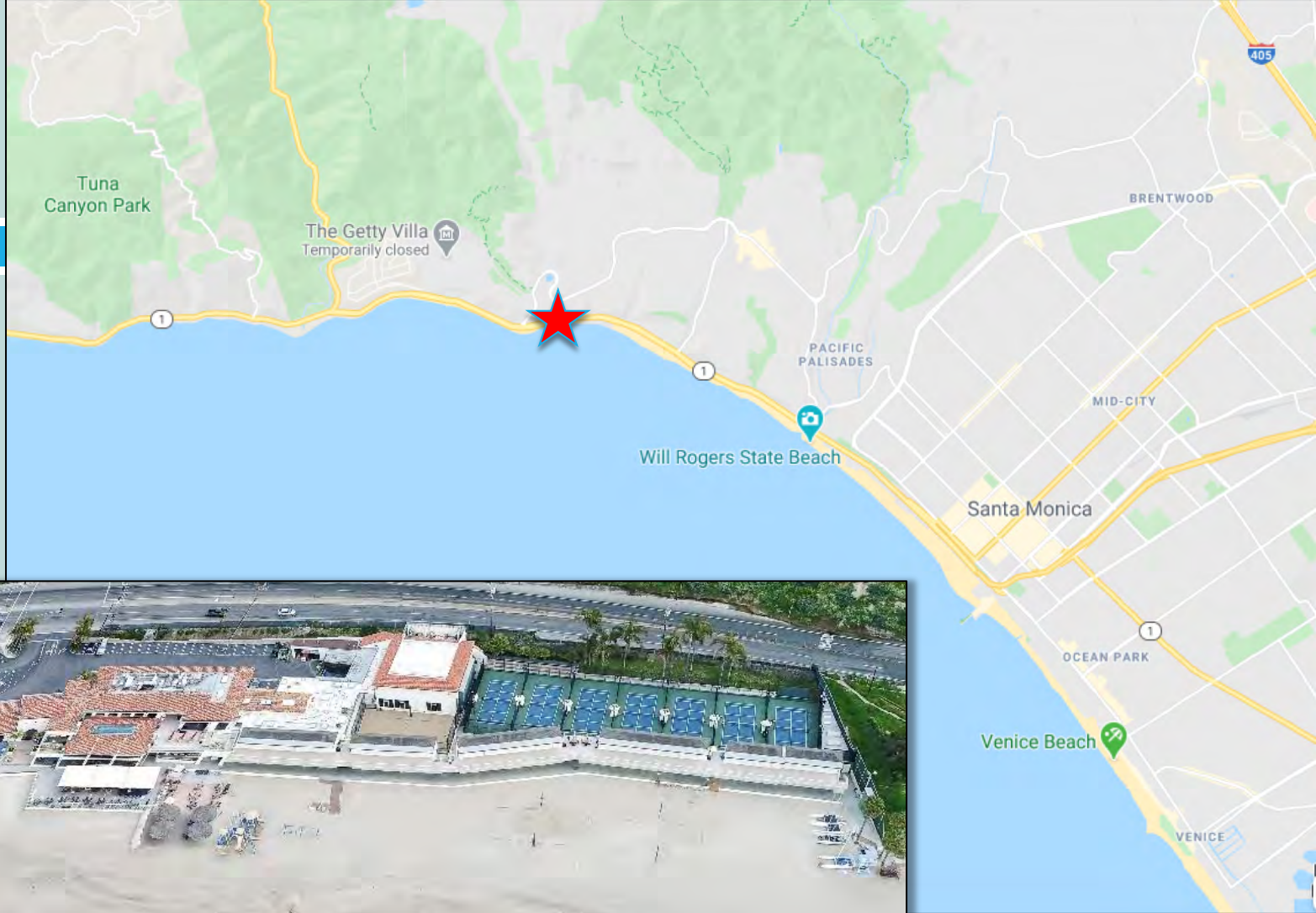
ITEM # Th14f

A copy of these briefing materials has been provided to CCC staff.

Project Site

2

- ❖ BABC constructed in 1927
- ❖ Club facilities renovated in 2004 (CDP A-5-PPL-02-162/5-02-099)



Revised Project Description

3

Current application limited to:

- Follow-up authorization of temporary sand berms constructed pursuant to emergency permits between Dec. 2018 and Dec. 2020 for purpose of protecting against wave uprush and inundation during periods of extreme high tide and/or swell events.
- Resolution of enforcement matter related to unpermitted berming
 - ▣ \$382,500 Contribution to Boys & Girls Club of West San Gabriel Valley to fund “Fast and Fun” sailing program
 - ▣ Program provides coastal access opportunities to youth from underserved communities
 - ▣ Funds approximately 50% of program every year for seventeen years
 - ▣ New security guard protocols to enhance public access

Temporary Berm History

4

- ❑ After receiving CDPs to berm from 1992-2000, BABC's application to further extend approval was deemed complete, but never agendized.
- ❑ 2004 CCC staff report for club improvements acknowledged ongoing berming, its need and benefits to public access.
- ❑ Over next several years, BABC and CCC staff continued discussions regarding berm monitoring program, and BABC submitted monitoring reports annually since 2010.
- ❑ In 2018, during groin repair CDP process, CCC notified BABC that berming required new CDP.
- ❑ In March 2019, BABC filed CDP application for berming.
- ❑ In the interim, emergency permits allowed berming to continue, as needed.

Permit Background

5

- **March 2019:** BABC applies for CDP to continue historic sand berming practices, including temporary sand berming between upcoast and downcoast groins to protect against wave and swell caused inundation of club facilities, protect public access, and provide dry sand lateral passage.
- **March 2019 – September 2020:** BABC works with CCC staff on application completeness, including alternatives analysis for least impactful berming and long-term adaptation studies.
 - Prior application request supported by Senator Allen, Assemblymember Bloom and Supervisor Kuehl
- **September 2020 – March 2021:** After extensive coordination with CCC staff and analysis of groin success and resultant beach accretion, BABC determines it no longer needs to continue temporary sand berming and revises project description to exclude future sand berming activities.
- **May 2021:** Current request now only includes follow-up CDP to emergency berming permits and resolution of enforcement.

Groins Helping to Widen Narrow Beach

6

- Former property owner built four groins circa 1925; three remain today (two exposed, one buried)
- In 2020, BABC substantially repaired groins to restore their effectiveness and widen the public beach, pursuant to CDP 5-17-1009
- Repaired groins are expected to mitigate sea level rise and tidal impacts over time
- CCC has found groins promote coastal access by widening public beach

Sea Level Rise Adaptation

7

- BABC studying long term response to anticipated sea level rise affecting club facilities:
 - ▣ Monitoring condition of existing groins and effectiveness at building beach
 - ▣ Analyzing relocation of various club amenities
 - ▣ Preparing “Berm Alternatives Analysis and Adaptation Plan”

Fast and Fun Sailing Program

8



- As part of this project, BABC to contribute \$382,500 to Boys and Girls Club of West San Gabriel Valley to fund “Fast and Fun” sailing program
- Boys & Girls Club of West San Gabriel Valley provides introductory recreational sailing opportunities to underserved, inner-city youth
- Program teaches young people principles of sailing and water safety while building confidence, leadership, and teamwork
- For many participants, this is their first experience on a boat and for some their first visit to the beach
- BABC contribution supported by Senator Allen and Assemblymember Bloom

Support of Staff Recommendation

9

- Staff recommending approval with six (6) special conditions, including:
 - 1) Make monetary contributions to Boys and Girls Club of West San Gabriel Valley's Fast and Fun sailing program;
 - 2) Implement Security Guard Protocol;
 - 3) Submit Baseline Beach Profile and Intertidal Invertebrate Survey;
 - 4) Submit Berm Alternatives Analysis and Adaptation Plan;
 - 5) Obtain all other necessary local, state, and federal authorizations; and
 - 6) Indemnify the Commission
- BABC supports the Staff Recommendation.

Conclusion

10

BABC respectfully requests Commission approval of the proposed project as conditioned by Staff.

Thank You

Bel-Air Bay Club



ARMBRUSTER GOLDSMITH & DELVAC LLP

LAND USE ENTITLEMENTS □ LITIGATION □ MUNICIPAL ADVOCACY

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May 4, 2021

VIA EMAIL

Chair Padilla and Honorable Commissioners
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

Agenda Item Th14f

Re: No. 5-21-0047 Bel Air Bay Club (16800 Pacific Coast Highway)

Dear Chair Padilla and Honorable Commissioners:

We are writing on behalf of Bel Air Bay Club (“BABC” or “Club”) in support of the Staff Report recommending approval of a follow-up authorization CDP for temporary sand berms previously approved under emergency permits to protect against wave uprush and inundation of BABC’s facilities during extreme high tide and/or swell events at 16800 Pacific Coast Highway in the City of Los Angeles, which the Coastal Commission is scheduled to consider on May 13, 2021.¹

The Staff Report also recommends approval of BABC’s proposed monetary contribution to the Boys and Girls Club of West San Gabriel Valley’s Fast and Fun Sailing Program, which serves youth from underserved communities, to resolve enforcement associated with prior unpermitted berming. State Senator Ben Allen and State Assemblymember Richard Bloom support this proposed contribution, as reflected in their letters attached to the Staff Report.²

We appreciate Commission Staff’s hard work in bringing forth this follow-up authorization and its cooperative efforts in working with BABC to develop long-term adaptation planning that no longer involves the use of temporary sand berms for the protection of Club facilities. Exhibit A to this letter provides additional information in support of the Staff Report.

Background

Bel Air Bay Club is located on one of the narrowest stretches of beach in the Santa Monica Bay. In 1925, groins were constructed to widen the beach, which BABC has formally maintained since 2003, pursuant to a lease with the State Lands Commission. Although most of the Club is

¹ The subject CDP would only complete the Commission’s authorization of the prior berming conducted under the emergency permits. No new berming or other development is proposed or would be approved under this CDP.

² These support letters were submitted in September 2020, prior to BABC modifying its application to exclude future sand berming. Los Angeles County Supervisor Sheila Kuehl also submitted a letter supporting that prior application.

These materials have been provided to Coastal Commission Staff

Chair Padilla and Honorable Commissioners

May 4, 2021

Page 2

protected from coastal hazards, the center portion of the Club, including a lanai and other Club amenities, are occasionally exposed to extreme high tide and swell events.³

Since the 1980s, BABC created sand berms about twelve times a year to protect these portions of the Club from inundation during these events, using sand on the beach. This berming also created a dry sand area for the public to pass landward of the berms on BABC property when the beach otherwise was inundated. When the event was over, the berm was removed and the sand was returned to its original borrow area, with no impact to the beach profile or sand supply.

After receiving CDPs to berm from 1992-2000, BABC's application to extend that approval was deemed complete in 2002 by Commission staff but never agendized for a hearing. Meanwhile, in 2003, BABC entered into a lease with the State Lands Commission to maintain the beach in front of the Club for the benefit of the public, which allows the Club to berm, subject to permitting. In 2004, BABC obtained a CDP for Club improvements, which acknowledged in its findings the ongoing berming, its need and its benefits to public access. Over the next several years, BABC had periodic discussions with Commission staff regarding an appropriate berm monitoring program, so that its CDP application could be agendized for a hearing. Since 2010, BABC submitted to Commission staff annual monitoring reports prepared by GeoSoils Inc., which demonstrated that the seasonal berming activities had no impact on the down coast beach, the beach profile, or the amount of sand on the beach.

In 2018, the Coastal Commission approved a CDP for BABC to repair the above-mentioned groins, as their effectiveness had diminished with nearly a century of wear and tear. During the 2018 groin repair permitting process, Commission staff notified BABC that its berming required a new CDP, which BABC promptly requested in its March 2019 application. During the application completeness process, BABC worked with Commission staff to develop a berm design that was the least impactful to coastal resources and a long-term adaptation analysis regarding potential alternatives to berming. Meanwhile, Commission staff granted BABC emergency permits to continue berming, as needed, until the CDP application could be brought to hearing.

In early 2020, BABC completed the groin repair. Since then, the groins have been successful at widening the beach, both enhancing coastal public access and decreasing the risk to Club facilities associated with extreme high tide and swell events. In early 2021, after analyzing the increased beach accretion created by the repaired groins and discussions with Commission staff, BABC determined it could cease temporary sand berming. BABC therefore revised its application to exclude future berming and to address only this follow-up authorization for the previously issued emergency permits and resolution of the enforcement action.

³ Also, during these periods, there is very little to no dry sand for the public to use to cross the beach and, as stated in the Staff Report, "lateral public access may become impeded and even hazardous."

Chair Padilla and Honorable Commissioners

May 4, 2021

Page 3

Staff Recommendation

In addition to providing the follow-up authorization to BABC's prior emergency sand berm permits, adoption of the Staff Report would ensure Coastal Act consistency and the protection of coastal resources through the following special conditions of approval:

- **Resolution of Enforcement (Special Condition 1 and Special Condition 2).** BABC will contribute \$382,500 to the Boys and Girls Club of West San Gabriel Valley's Fast and Fun Sailing Program, which provides introductory recreational sailing opportunities to youth from underserved communities, fully funding the program over the next 8.5 years. A new Commission-staff approved security guard protocol also is required to ensure BABC staff interactions with the public are protective of coastal access.⁴
- **Baseline Beach Profile and Intertidal Invertebrate Survey (Special Condition 3).** BABC will conduct beach profile and intertidal infaunal invertebrate surveys to provide a baseline record should there ever be a need for future berming activities on this beach.
- **Alternatives Analysis and Adaptation Planning (Special Condition 4).** BABC will submit for Executive Director review and approval a Berm Alternatives Analysis and Adaptation Plan that evaluates and recommends long-term alternatives to berming.

For these reasons and those set forth in the attached Exhibit A, BABC respectfully requests that the Coastal Commission adopt the Staff Report and approve the follow-up CDP at its meeting on May 13, 2021.

Sincerely,



David A. Goldberg

cc: Shannon Vaughn, Coastal Program Manager, California Coastal Commission
Daniel Nathan, Planner, California Coastal Commission
Andrew Willis, Enforcement Supervisor, California Coastal Commission
Jordan Sanchez, Enforcement Officer, California Coastal Commission
Eric Shelby, Bel Air Bay Club
Christopher McGranahan, Bel Air Bay Club
Tonia McMahon, Moffatt & Nichol
Susan McCabe, McCabe & Company

⁴ As discussed in Exhibit A to this letter, BABC continues to believe its staff's communication with members of the public on June 11, 2020 regarding applicable COVID-19 County health orders for beach usage were appropriate and well-intentioned. Nevertheless, BABC agreed with Commission enforcement staff that the fact the communication was not favorably received justified the need for a Commission staff-approved communications protocol to ensure all BABC staff interactions with the public on the beach are both protective of and promote coastal access.

Exhibit A
SUPPLEMENTAL INFORMATION IN SUPPORT OF STAFF REPORT

I. TEMPORARY SAND BERMING HISTORY AND PRIOR PERMITTING EFFORTS

Since the early 1980s, BABC has installed temporary sand berms on average twelve times per year during extreme high tides or combined high tide and heightened ocean swell events for the protection of certain Club facilities. After these high tide and swell events were over, the berms were flattened, and the beach profile restored, with no loss of beach sand. The berms also have facilitated public access during these events by providing the only dry sand for safe passage in this portion of narrow beach landward of the berms across BABC property.

After being informed by Coastal Commission staff in 1991 that berming required a CDP, BABC applied for and obtained CDP 5-92-108 on November 17, 1992 for a two-year term. BABC subsequently obtained three amendments to the CDP extending the term in two-year increments each, until November 17, 2000. Although not mentioned in the chronology provided on page 12 of the Staff Report, in 2001, BABC again applied for an extension of its berming CDP. After deeming the application complete in late 2002 and tentatively scheduling the application for a hearing in early 2003, Commission staff ultimately did not agendize the application for hearing and instead requested additional information about the impacts of temporary berming.

BABC and Commission staff then engaged in periodic discussions regarding the temporary sand berming, primarily focused on the extent to which berming impacted the beach profile and the contours of a monitoring program to evaluate whether such impacts were occurring. While these discussions were ongoing, in 2004, the Commission approved a CDP for improvements to the Club (A5-PPL-02-162/5-02-099) (“Club Improvements CDP”). That CDP acknowledged that the berming was an ongoing practice⁵, included conditions of approval related to public access and signage that would apply when the berms were in place⁶, and found that the berm provided supplemental shoreline protection for those Club facilities not protected by its seawall⁷, as well as protection for public access landward of the berm during high tide conditions.⁸

Following the issuance of the Club Improvements CDP and over the next several years, BABC continued to follow up with Commission staff to satisfy its information requests regarding an appropriate berm monitoring program, so that its CDP application could be agendized for a hearing. Moreover, since 2010, BABC submitted to Commission staff annual monitoring reports prepared by GeoSoils Inc., which demonstrated that the seasonal berming activities had no impact on the down coast beach, the beach profile, or the amount of sand on the beach.

⁵ Club Improvements CDP, at pages 8, 19, 21, 26, 34, 35, 37, 38 and 40.

⁶ Club Improvements CDP, Special Condition 5.A(1) & 5.A(2)(a)(ii).

⁷ Club Improvements CDP, at page 37.

⁸ Club Improvements CDP, at page 40. Staff also clarified in the Addendum to the Club Improvements CDP Staff Report that “[t]he assumption of risk special condition shall not be construed to prohibit any future repair and maintenance activities to the seawall permitted pursuant to this permit, or to any other existing shoreline protective device **or the use of temporary sand berms.**” (Club Improvements CDP Adopted Findings, at page 12 of Addendum.) (Emphasis added.)

Exhibit A
SUPPLEMENTAL INFORMATION IN SUPPORT OF STAFF REPORT

Considering this history, including BABC's discussions with Commission staff, good faith efforts to have its application agendaized for a hearing, and annual monitoring report submissions, the Club was surprised to receive the December 7, 2018 Notice of Violation. Nevertheless, BABC has worked diligently with the Commission's enforcement staff towards resolution of the NOV and has appreciated staff's cooperative approach to date.

II. RESPONSE TO ALLEGED PUBLIC ACCESS VIOLATION

The Staff Report discusses a report Commission staff received from a member of the public on June 11, 2020 that BABC security guards told members of the public that the entire beach was private and that they needed to leave. As noted in the Staff Report, BABC does not agree with this characterization of the exchange its staff had with individuals that day and maintains that its employee neither told the beachgoers they were on private property, nor that they must leave the beach. Rather, the Club's employee politely informed the beachgoers, who were sitting on the beach and without masks, that the Los Angeles County Department of Public Health Order in effect at that time prohibited sitting, gathering, and sunbathing on the beach. As part of this exchange, the Club's employee provided them with a copy of the Los Angeles County Department of Beaches and Harbors "Beach Responsibly" flyer explaining the County's beach rules, which at that time only permitted walking or running on the sand, required at least six feet of physical distancing and that face coverings be worn at all times when out of the water and around others. BABC's employee did not seek to enforce the County's Public Health Order, but rather only educate the beachgoers regarding the then applicable rules and restrictions.

As stated in the Staff Report, based on its investigation of the matter, Commission staff informed BABC that it does not accept BABC's account of the events. BABC continues to believe its staff's communication with the beachgoers was appropriate and well-intentioned. Nevertheless, BABC agreed with Commission enforcement staff that the fact the communication was not favorably received justified the need for a Commission staff-approved communications protocol to ensure all BABC staff interactions with the public on the beach both protect and promote coastal access. BABC therefore engaged in productive discussions with Commission enforcement staff regarding the contours of such a protocol and fully supports Special Condition 2 requiring that this protocol be submitted for review and approval by Commission staff.



BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

KENNETH HAHN HALL OF ADMINISTRATION
500 W. TEMPLE ST. SUITE 821, LOS ANGELES, CALIFORNIA 90012

SHEILA KUEHL
SUPERVISOR, THIRD DISTRICT

May 6, 2021

Chair Padilla and Honorable Commissioners
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

Re: Item Th14f - No. 5-21-0047 (Bel Air Bay Club, 16800 Pacific Coast Highway)

Dear Chair Padilla and Honorable Commissioners:

I am writing to urge support of the Coastal Commission staff's recommendation to approve the CDP application by the Bel Air Bay Club (BABC) for a follow-up authorization to previously issued emergency permits for temporary sand berms in front of its property at 16800 Pacific Coast Highway and to resolve enforcement related to prior berming.

For nearly twenty years, the Bel Air Bay Club has assisted the County in maintaining a clean and safe public beach, including providing lifeguard services for the public, pursuant to its lease with the State Lands Commission. In 2004, I supported the Club's application to improve its facilities because it also included much-needed improvements in public access along Pacific Coast Highway.

In September 2020, I wrote to you in support of BABC's CDP application to continue temporary sand berming to provide protection against wave uprush and flooding of Club facilities during extreme high tide and swell events. Since that time, I understand that BABC has, through its cooperative efforts with Commission staff and due to a widening beach resulting from the Club's successful groin repair, concluded that it no longer needs to construct temporary sand berms.

I am also pleased to see that Commission staff and BABC have worked to address the enforcement matter referenced in the Staff Report, which would result in BABC making a substantial contribution to the Boys and Girls Club's Fast and Fun Sailing Program. This is a wonderful program that provides introductory sailing opportunities and exposure to the coast to youth from underserved communities throughout the County.

Thank you for your consideration of this letter. I urge the Commission to adopt the staff recommendation.

Sincerely,

A handwritten signature in black ink, reading "Sheila Kuehl". The signature is fluid and cursive, with the first name "Sheila" being more prominent than the last name "Kuehl".

Sheila Kuehl
Supervisor, Third District