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CALIFORNIA COASTAL COMMISSION

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Staff: A. Padilla
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Hearing Date: 8/12-15/97
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-97-135

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

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

PROJECT DESCRIPTION: Installation of 17 pre-fabricated shelters ("Sunshelters") with benches, and 16 informational kiosks along the beach area. The structures will either be installed on new cement pads or on existing pads. The structures will contain panels for advertising and public service messages. At least one panel on each sunshelter and two panels on each four sided kiosk will be reserved for public service messages. The County's revenue derived from the advertising on the sunshelters and kiosks will go to beach recreation and maintenance programs/activities.

Building coverage: Shelter- 112 sq. ft. Kiosk- 9 sq. ft.
Pavement coverage: approximately 160 sq. ft for shelter.
Ht abv fin grade: Shelter- 10 ft. Kiosk- 8 ft.

LOCAL APPROVALS RECEIVED: State Parks and Recreation approval, County Approval in Concept, City of Los Angeles approval.

SUMMARY OF STAFF RECOMMENDATION:

This is a partial after-the-fact application for the installation of sunshelters on City, County and State beaches in the Los Angeles County area. Seventeen sunshelters have been put in place; of these, the County proposes to keep ten in place and relocate seven. None of the kiosks have been installed. The proposed development, with the relocation of seven 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 special conditions requiring timely implementation of the proposal to relocate seven sunshelters and conditions consistent with the County's proposal to direct advertising revenue to beach recreation and maintenance programs/activities, consistent with the County's proposal; and a 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 3 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 NOTE: The proposed project was initially before the Commission at the May 1996 hearing [#5-95-144 (County of Los Angeles)]. The Commission postponed the hearing on this item and asked staff to provide more information about the statutory condition governing the grant of 8 beaches from the State of California to the County of Los Angeles with respect to the proposed project's consistency or inconsistency with the statutory limitation on placing "commercial development" on beaches. Public Resources Code section 5002.6, applicable to the grant of eight specified beaches to 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. To date, staff has received written comments from the applicant asserting that the proposed project is not inconsistent with the legislation. Staff has also received written comments from others, including Assemblywoman Debra Bowen, stating that the proposed project is inconsistent with the legislation.

So that the Commission may review all written comments received by the South Coast District office all correspondence regarding this project have been included as Exhibit No. 4, 8 through 15. If any additional information becomes available prior to the Commission hearing, staff will provide that information to the Commission.

As stated the proposed project was initially before the Commission in May 1996 [#5-95-144 (County of Los Angeles)]. The Commission postponed the hearing to the next local hearing. The permit request was subsequently rescheduled for the July 1996 hearing. At the July 1996 hearing the Commission denied the permit request on a 5-4-2 vote. Subsequent to the denial the applicant requested a reconsideration of the Commission action (#5-95-144R). The reconsideration request was granted by the Commission at the October 1996 hearing. Due to the granting of the reconsideration request the project was back before the Commission at the November 14, 1996 hearing, as application number #5-96-219. At the November hearing the Commission postponed the hearing for permit #5-96-219 and directed staff to reschedule the hearing for the January 1997. At the January 1997 hearing in Los Angeles, the project was postponed by the applicant to provide the applicant time to respond to concerns raised by the public. The proposed project was rescheduled for the next local hearing in April 1997.

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

On May 8, 1997, the applicant resubmitted a new application (#5-97-135) for the same project. This permit application is currently before the Commission.

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, that:

- 1) the two sunshelters and one cement pad at Cabrillo State Beach will be relocated from their current location, as shown on Exhibit 2(a), to new locations adjacent to the existing community center building within Cabrillo State Beach, as shown in Exhibit 2(a);
- 2) the sunshelter and cement pad, located just off of Paseo del Mar, at White Point in San Pedro, as shown on Exhibit 2(b), shall be removed and relocated in the Redondo Beach area as shown in Exhibit 2(e);
- 3) the sunshelter located at the southern terminus of the bicycle path, 389 Paseo de la Playa, in the City of Torrance, as shown in Exhibit 2(e), shall be removed and relocated within one of the existing alcoves located in the Redondo Beach area as shown in Exhibit 2(e);
- 4) the sunshelter at 8900 Vista Del Mar, Dockweiler State Beach, as shown in Exhibit 2.g., shall be removed and relocated near the Grand Avenue public parking lot, as shown in Exhibit 2(h);
- 5) the sunshelter at 200 Ocean Front Walk, Venice Beach, shall be relocated to the landward side of the bicycle path as shown in Exhibit 2(i);
- 6) the sunshelter and cement pad at 14800 Pacific Coast Highway, along Will Rogers State Beach, as shown in Exhibit 2(l), shall be removed from the site and relocated in the Redondo Beach area as shown in Exhibit 2(e).

The applicant further agrees that any debris associated with the construction or demolition of the sunshelters and kiosks shall be removed from the sites. At the end of 120 days from the date of issuance of the permit, the applicant shall notify the Executive Director of completion of the work.

2. 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.

3. 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 revenues 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 these 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 made within 30 days after receiving notice from the Executive Director that the MOU has been signed.

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

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description

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

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

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

All but three of the sunshelters will be located on pre-existing cement pads that are either bicycle path turnouts or part of existing pedestrian walkways. The three structures not located on existing pads (one at Cabrillo Beach, one at White's Point, and one at Will Rogers State Beach) require the construction (pouring) of new slabs. The kiosks will be located on existing paved areas. None of the Sunshelters or kiosks are proposed to be located on sandy beach.

The sunshelters will be painted pre-fabricated metal structures consisting of four corner support posts, one side and one rear display panel, and tile roof (see Exhibit 5). The sunshelters will be painted beige, consistent with other County owned and operated beach facilities. The structures will measure approximately 16 feet long by 7 feet wide and 9 feet high. The side and rear display panels are two-sided measuring approximately 4 feet by 6 feet. The side panel will be used for advertising and the rear will be used for public service messages on one side and advertising on the other. The side panels are currently being used for advertising. The rear panels, however, do not currently have any advertising or public service messages. The County intends to use the rear panel once a decision is made as to the content of the public service messages. The County has not had the time or resources to allocate to this task.

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

The sunshelters and kiosks will be constructed and maintained by an independent sponsor (contractor). However, the sunshelters and kiosks will be owned by the County of Los Angeles. According to the applicant, once any

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

The County has indicated that the public service messages will provide information relating to coastal resources and recreation, such as, information on nearby facilities, local recreation programs, safety issues and educational information regarding coastal resources. The County will provide the sponsor with the information to be used in the public service panels.

The applicant further states that 30% of all revenue generated by advertising that is sold on the panels the first year and graduating to a maximum of 50% by the seventh year, will go to the Department of Beaches and Harbors. The County has indicated that one-hundred percent of the County's share of the revenue will support the Department of Beaches and Harbors in providing beach recreation and maintenance programs/activities and the revenue will be in addition to the County's annual allocation to such programs. This revenue generated by advertising will help support the Department of Beaches and Harbors in providing safe and clean beaches.

One alternative to this program is to use a sponsorship program whereby a small plaque is placed on the structure rather than an advertising panel. While the Commission notes that it takes no position on the issue of sponsorship, it notes too that the Department of Beaches and Harbors, on its own, rejected this option concluding that the income from such a program is minor compared to the amount of income generated from the advertising. Moreover, in addition to the benefit of generating income for the Department, the contractor, who constructed and installed the sunshelters and kiosks, will be responsible for maintaining these structures and will remove graffiti when necessary. A complete description of the Department of Beaches and Harbors use of the display panels and programs for revenue is included as Exhibit 16.

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

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

The 17 sunshelters and 16 kiosks proposed under this permit are located within the coastal planning jurisdiction of the South Coast District Office. The County is also proposing to place shelters and kiosks within the jurisdiction of the South Central District Office (Ventura). The coastal permit request

(#4-97-101) for those structures is being simultaneously reviewed along with this permit request by the Ventura office.

B. State and Local Approvals

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

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

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

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

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

C. Public Comment

When the applicant filed the initial Coastal Permit application (#5-95-144) the South Coast District office received 10 letters from residents opposing the proposed sunshelters and kiosks. The letters are from residents of Redondo Beach, Torrance and Pacific Palisades. During public testimony on permit application #5-95-144, residents from Venice Beach also spoke in opposition to the proposed project. The residents state that the structures will attract graffiti and socially undesirable elements of the community. They also state that the beaches should be clear of man-made clutter (see Exhibit 11 for an example of the letters)

The South Coast District office has also received a fax from Mr. Frank P. Angel (see Exhibit 12). Mr. Angel opposes the proposed project on the grounds that Public Resources Code Section 5002.6 prohibits new or expanded "commercial development" on County owned beaches that were transferred to the County from the State. With regards to this issue California Department of Parks and Recreation does not consider the placement of the proposed sunshelters and kiosks as "commercial development". State Parks and Recreation has submitted a letter stating their support of the project (see Exhibit 8) and have also agreed to the County's offer to be co-applicants on the previously submitted coastal permit application (#5-95-144).

Since the denial of Coastal Development Permit application #5-95-144 (County

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

D. Visual Resources

Section 30251

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

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

The applicant proposes to install 16 sunshelters and 16 kiosks from the San Pedro area to Will Rogers State beach in the Pacific Palisades area of the City of Los Angeles. The sunshelters and kiosks, in general, will be placed on paved areas or on non-sandy beach areas adjacent to the bicycle path and public parking lots.

Structures That Will Remain in Existing Locations

Ten of the 16 sunshelters are located immediately adjacent to existing development. The sixteen kiosks are proposed to be sited immediately adjacent to existing development. Because the sunshelters and kiosks are smaller in scale than the existing development in which they will be located adjacent to these structures will not obstruct coastal views. The structures are also spread out over long stretches of beach where they will not visually clutter the beach area. Furthermore, the design and color will be consistent with existing development making the structures visually compatible with surrounding development.

In Redondo Beach the applicant is proposing to install 3 sunshelters (currently existing) within a 1.5 mile long area with 3 additional sunshelters being proposed to be relocated in the area (see Exhibit 2.d and 2e.). The 3 sunshelters to be relocated are sunshelters that have been installed at White's Point (San Pedro), Torrance Beach, and Will Rogers Beach. Each shelter will be located in existing alcoves that have been notched into the small landscaped bluff. The alcoves are located landward and adjacent to the bicycle path. The kiosks will be located adjacent to restrooms and concession buildings that are along the bicycle path. Coastal views along this area are from the bicycle path and beach seaward and up and down the beach. There is also a pedestrian walkway atop the landscaped bluff along some stretches of this beach. Since these shelters are located up against the bluff, landward side of the bicycle path and below the pedestrian walkway atop the bluff, these sunshelters will not adversely impact views from the bicycle path, beach or pedestrian walkway. Furthermore, the design and color of the shelters is consistent with existing development, such as the restrooms and concession stands, located along the beach.

Along Will Rogers State Beach 3 of the 4 sunshelters and all 6 kiosks (see Exhibit 2.1.) will be located seaward and adjacent to public parking lots but on the landward side of the bicycle path. Views from this beach area are generally from the beach and bicycle path. These views are either out to the ocean or up and down the beach. Landward of the bicycle path there are generally no coastal views since the area is developed with paved parking lots and contains other development such as, restrooms, concession stands or other beach related development.

The sunshelters and kiosks are smaller in scale than the existing development and will not be obtrusive. The structures are also visually compatible with the design and color of the existing development. Because the proposed structures will be located adjacent to existing development and are not located within any public view corridors these existing sunshelters and the proposed kiosks will not have any significant visual impacts.

In the Venice Beach area the applicant is proposing 2 sunshelters and 3 kiosks. Venice beach is highly developed with public parking lots, landscaped areas with shade shelters, bicycle path, and restrooms. The bicycle path runs close to the parking lots and the visitor-serving commercial area along the pedestrian promenade. Because of development on the inland side of the bicycle path available views are generally seaward of the bicycle path and parking lots. One of the sunshelters is located immediately landward and adjacent to a public parking lot next to the Venice Fishing Pier. Views in this area are seaward of the parking lot and up and down the beach. The kiosks will be located in heavily developed areas and adjacent to existing

development that will minimize the visual impact of the structures. The design and color of the sunshelters and kiosks are visually compatible with existing development. As proposed, these sunshelters and kiosks will not adversely impact coastal views.

At Dockweiler Beach 2 sunshelters and all 3 kiosks are sited next to existing parking lots or existing structures that are along the bicycle path. Coastal Views in this beach area are from along the bicycle path or from the first public road, Vista del Mar. Views from the bicycle path are out to the ocean or up and down the beach. Since the sunshelters are located inland of the bicycle path views will not be adversely impacted. Although coastal views are also available from along Vista del Mar the beach is 30 to 50 feet below the road, therefore, views of the beach and ocean are not significantly impacted since the sunshelters and kiosks are below the angle of viewing. Furthermore, as deigned, the sunshelters and kiosks will be visually compatible with existing development.

Sunshelters to be Removed or Relocated

Seven of the currently existing sunshelters have significant impacts on the viewsheds within the beach areas where they are currently sited. These structures will be visually obtrusive and will not be visually compatible with their surroundings.

Three of these sunshelters are located within the San Pedro area of the City of Los Angeles. The other four are located at: 1) 389 Paseo de la Playa, in the City of Torrance, 2) 8900 Vista del Mar, in Dockweiler State Beach in the El Segundo area of the City of Los Angeles, 3) Venice Beach, north of Rose Avenue, in the City of Los Angeles, 4) and 14800 Pacific Coast Highway, Will Rogers State Beach, in the Pacific Palisades area of the City of Los Angeles.

Of the three located in the San Pedro area two are located within Cabrillo Beach Park. The third is located atop the bluffs at White's Point, adjacent to Paseo del Mar (bluff top road parallelling the coastal bluff). Cabrillo Beach Park is a popular beach park which provides sandy beaches, grassy and tree covered picnic areas, a museum, a community center and recreational boat launch. One of the attractions of the park are the many coastal views offered throughout the park. Views from Cabrillo Beach park include the Los Angeles harbor, breakwater, open water, and the San Pedro bluffs. The sunshelters located within the park will obstruct these views.

One of the sunshelters within Cabrillo Beach Park is located along the entrance road, which separates the beach side picnic area from the interior picnic area (see Exhibit 2.a). Some of the views from the interior picnic area out to the ocean will be obstructed by the sunshelter. Although parked cars along the entrance road partially obstruct views from this area of the park, the sunshelter, which extends to approximately 9 feet and has solid side panels, will extend above the heights of the parked cars and further degrade the existing views. The sunshelter is not located adjacent to any existing structures and is not visually compatible with the surrounding views. The placement of a structure within this valuable viewshed will adversely impact the coastal views available from the picnic area.

The second sunshelter at Cabrillo State Beach is located in the southern section of the park, also within a grassy landscaped area. The sunshelter is adjacent to an access road leading to the fishing pier and parking lot. A

pedestrian walkway paralleling the road, along the harbor side, offers the public views of the harbor to the east and to the open ocean to the west. The sunshelter is generally out in the open and is not clustered with any existing structure that would help eliminate or reduce the visual impact. As located the sunshelter interferes with the views from the pedestrian walkway out to the open ocean.

The County proposes to relocate these two Cabrillo Beach sunshelters so that they will be immediately adjacent to the existing community center located within the park. One sunshelter will be located on the eastern side of the center and the other will be located along the southern side. Because of the bulk of the center, views out to the harbor and open ocean are already obstructed by the center, therefore, the placement of these structures directly adjacent to the center will not individually or cumulatively detract from the views from the park. Furthermore, the design and color of the sunshelters will be consistent with the existing community center that will allow the sunshelters to blend with the existing development.

The third structure proposed in San Pedro is located atop the coastal bluffs, above White Point (1801 Paseo del Mar). The structure is situated within a dirt area adjacent to the bluff top road, Paseo del Mar (see Exhibit 2.b.). Paseo del Mar is the first public road next to the ocean and parallels the coast for approximately 3 miles. This stretch of bluff along Paseo del Mar is undeveloped and offers views of the ocean, Catalina island, and coastal bluffs. The placement of a sunshelter within this undeveloped area will degrade the coastal views currently offered along this stretch. There are currently no structures in the area that the sunshelter can be located adjacent to help minimize the visual impact. Because of the visual impact, the applicant has proposed to remove the sunshelter from this location and relocate it to Redondo Beach within an existing alcove adjacent to the bike path.

At the site located at White Point (San Pedro) the Commission recently approved a coastal blufftop park, with public parking, restrooms, and landscaping. The park will enhance public access along the bluff and provide additional public viewing areas. The County initially proposed to reinstall the sunshelter adjacent to the park after the park improvements were completed. However, because the park will provide shade and resting areas once the improvements are completed, the County is now proposing to remove the sunshelter and relocate it within Redondo Beach.

Further north in the City of Torrance the applicant has installed one sunshelter at 389 Paseo de la Playa (see Exhibit 2.e.). The sunshelter is located in a relatively open area near the southern terminus and on the seaward side of the bicycle/pedestrian path. In this area the Torrance and Palos Verdes bluffs, which rise to over 100 feet, and wide undeveloped beach are visible from the bicycle/pedestrian path and from the beach. As located the sunshelter interferes with views of the bluffs from the bicycle path and along portions of the beach. To protect the visual quality of the area the applicant is proposing to remove this sunshelter from this location and relocate it further up the coast in one of the existing alcoves within the Redondo Beach area. As with the other similarly located sunshelters in Redondo Beach the impact will be insignificant.

At Dockweiler State Beach in the El Segundo area of the City of Los Angeles, the applicant has installed four sunshelters and three kiosks along this

stretch of beach (see Exhibit 2.f. and 2.g.). Dockweiler State Beach is a long stretch of beach, extending from Marina del Rey to the north to Manhattan Beach to the south. The beach is approximately 4 miles long. The beach is a wide flat sandy beach with a few public parking lots dispersed throughout the 4 miles of beach. One of the sunshelters located along this stretch of beach will be located in an area where the bicycle path veers away from existing development. In this location the sunshelter is highly visible and interferes with the views of the wide open beach. The applicant, however, has agreed to relocate the sunshelter to the south near Grand Avenue. The sunshelter will be sited adjacent to a large perimeter wall of the Scattergood Generating Plant property. As relocated, the sunshelter will be adjacent to other development and will not obstruct any views from the beach or bicycle path.

In the Venice area the applicant has installed two sunshelters and three kiosks. One of the sunshelters, located just north of Rose Ave (see Exhibit 2.i.), is located seaward of an existing parking lot and bicycle path. This sunshelter is located on an existing cement bicycle path turnout. Views along this stretch of beach are from the beach and bicycle path. The views are seaward to the ocean and up and down the beach. As situated the structure interferes with the views from the bicycle path of the beach and distant Santa Monica Mountains. Because of the visual impact the applicant is proposing to relocate the structure to the landward side of the bicycle path where it would be immediately adjacent to the existing restroom. In this location the visual impact from the bicycle path will be minimized and the coastal views will be preserved. Furthermore, the sunshelters will not affect the City's plans for restoring the Venice pagodas. The City of Los Angeles has reviewed and approved the locations of the sunshelters.

At Will Rogers State Beach the applicant has installed four sunshelters and six kiosks. One of the sunshelters is located on a narrow undeveloped shoulder of Pacific Coast Highway, at 14800 Pacific Coast Highway (see Exhibit 2.l.). The only development on this approximately quarter mile stretch is a county lifeguard tower. A narrow sandy beach is below the dirt shoulder. Because of extensive development between the first public road and the sea, within the coastal areas within the City of Los Angeles, large stretches of unobstructed views of the beach from the highway are rare. This particular stretch is one of the rare unobstructed ocean view areas. The placement of a structure in this area will degrade the ocean views. Because of this impact the applicant is proposing to remove the sunshelter and cement pad from this location. The sunshelter will be relocated in Redondo Beach, in one of the existing alcoves. As relocated the sunshelter will not impact any coastal views.

As indicated, the sunshelters and kiosks will provide public services. These public services include shade and resting areas along the bike path for the public 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 17 sunshelters and 16 kiosks, proposed under this permit are spread out over 12 miles of beach in Los Angeles, 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 significantly 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 beach 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 applicant's argument, 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 doesn't 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 condition #3, 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 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 #3 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.

E. Public Access and Recreation

This project involves the installation of sunshelters and kiosks on property immediately along the beach at several County and State operated public beaches. As such, the development of this project must be reviewed for compliance with the Coastal Act Sections which address public access and recreation to ensure that the development of this project will not inhibit the use of these public beaches. The applicable Coastal Act sections are as follows:

Section 30210:

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

Section 30211:

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

Section 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 30223

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

Section 30252:

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

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

The other sunshelter is the one located along Will Rogers State Beach, on the dirt shoulder of Pacific Coast Highway. This shoulder area is used by the public for beach access parking and as a scenic view stop. This parking area is one of the few undeveloped areas the public can pull off of the highway to park for beach access or scenic viewing. The placement of the sunshelter eliminates one to two space from this area.

The applicant, however, has agreed to relocate the Cabrillo sunshelter from the sidewalk to an area that will not obstruct pedestrian access along the walkway. The sunshelter located at Will Rogers State Beach will be removed, thus, eliminating any potential impact to public parking in the area.

The remaining sunshelters and kiosks will not adversely impact public access. The structures will not interfere with the bicycle/pedestrian path or require the elimination of parking spaces within the public parking lots. The Commission, therefore, finds that the sunshelters and kiosks, as conditioned, are 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 and kiosks will be located on sandy beach each will be on public areas immediately adjacent to sandy beach. These areas are oceanfront lands that are suitable for recreational purposes. In the Los Angeles area there are numerous beaches which have been designated and developed for recreational uses. These beaches, such as the subject beaches, are urban beaches and have been developed with concession stands, paved parking lots, restrooms, volleyball courts, bikepaths 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 proposed kiosks 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 the 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 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 stated that advertising for alcohol or tobacco products will be prohibited.

Due to budgetary constraints, the County of Los Angeles Department of Beaches and Harbors can not allocate the funds for the 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 advertisements 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, 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 sponsors, no County revenues 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 3 policies of the Coastal Act, the Commission finds it necessary to require the applicant 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 Chapter 3 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 no. 3 requires that, consistent with the County's proposal, that one-hundred percent of the County's revenue derived from the advertising on the structures is used for such purposes. The County shall submit annual reports for a period of five years 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 annual 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.

F. Violation

This project includes the after-the-fact request for the installation of 17 sunshelters and the relocation of 7 sunshelters. All 17 sunshelters were installed without the benefit of a Coastal Development permit.

Although unpermitted development may have taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal permit.

G. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

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

The preceding sections provide findings that the proposed project will 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 on coastal resources and is therefore consistent with applicable Sections of the Coastal Act.

The proposed project involves three local government jurisdictions and seven separate planning areas. Of of seven separate beach areas proposed for development by this permit the only area with a certified Land Use Plan or Local Coastal Plan is the San Pedro area (Royal Palms and Cabrillo Beach). San Pedro has a certified Land Use Plan. The Land Use Plan was certified in 1990. The project, as conditioned, that is within the San Pedro area is consistent with all relevant policies of the San Pedro LUP.

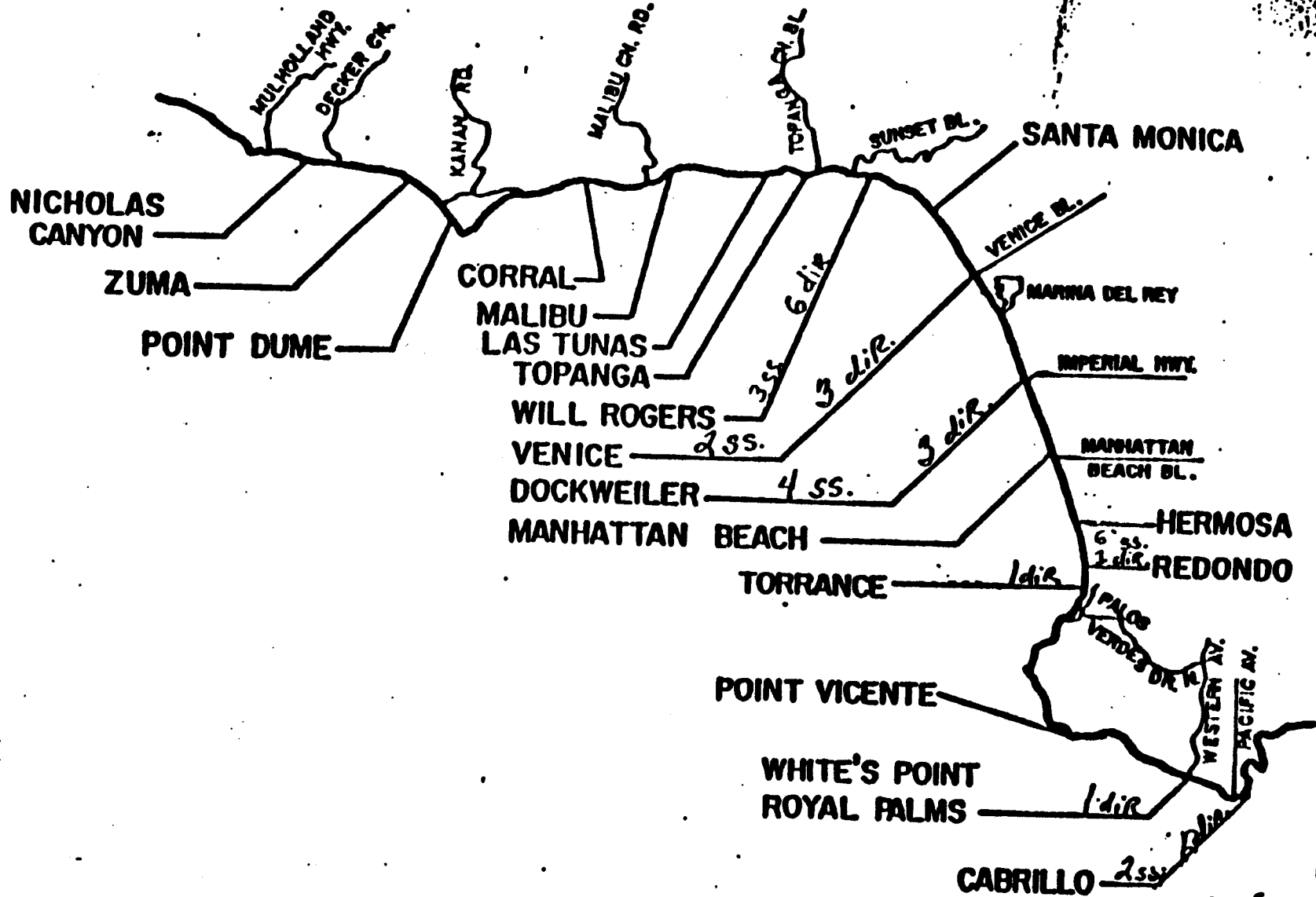
The Commission finds that approval of the proposed project will not prejudice the various jurisdictions abilities to prepare Local Coastal Programs consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

H. CEQA

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

The proposed project, as conditioned, is consistent with the applicable polices 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 project is found consistent with CEQA and the policies of the Coastal Act.

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



BARBIE KALAN

COASTAL COMMISSION
Vicinity Map
EXHIBIT # 1
PAGE 1 OF 1

LOS ANGELES COUNTY BEACHES

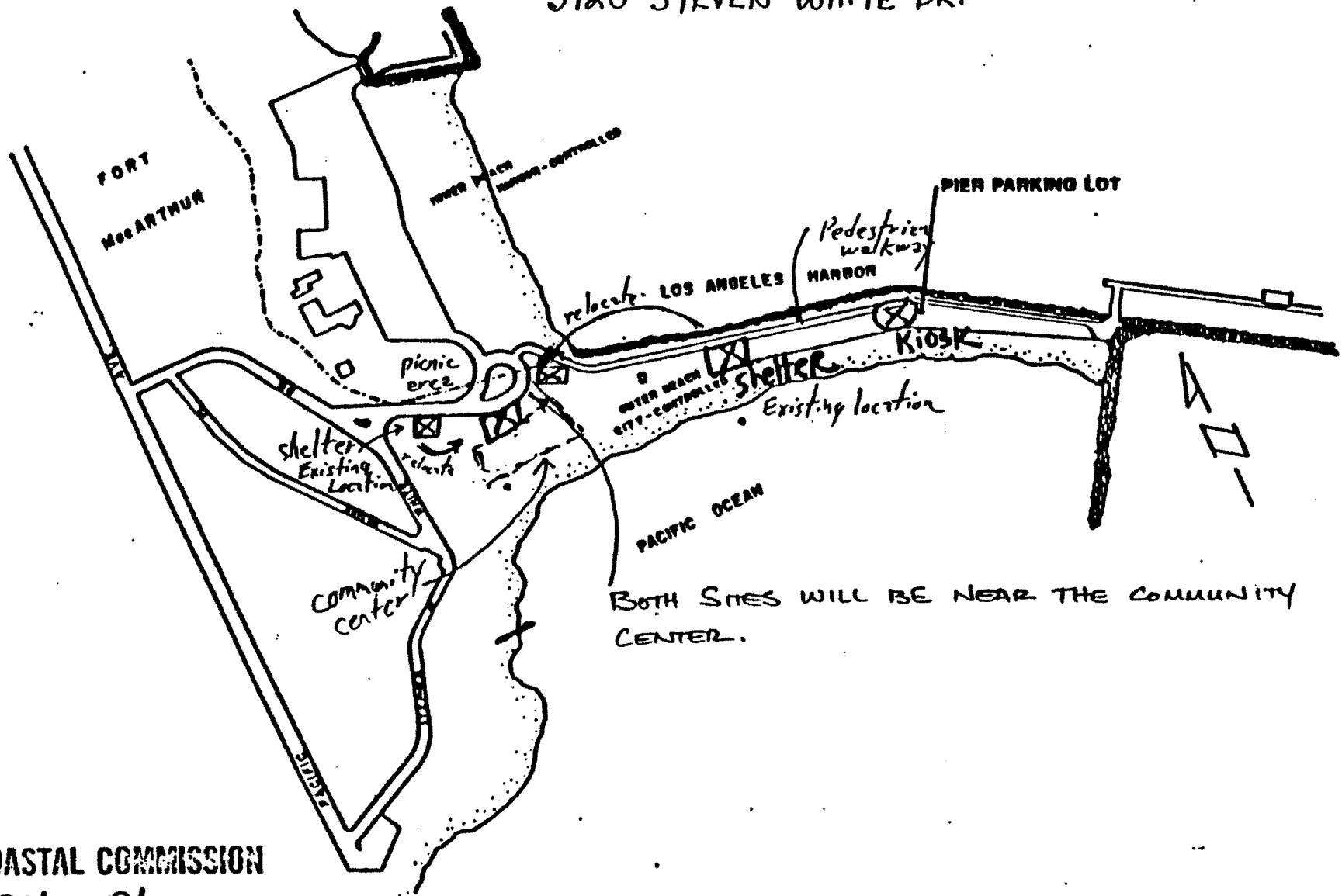
CALIFORNIA
COASTAL COMMISSION
COAST DISTRICT

JUN 5 1995

RECEIVED

10/1/81

CABRILLO BEACH 3720 STEVEN WHITE DR.



COASTAL COMMISSION

Site Plan

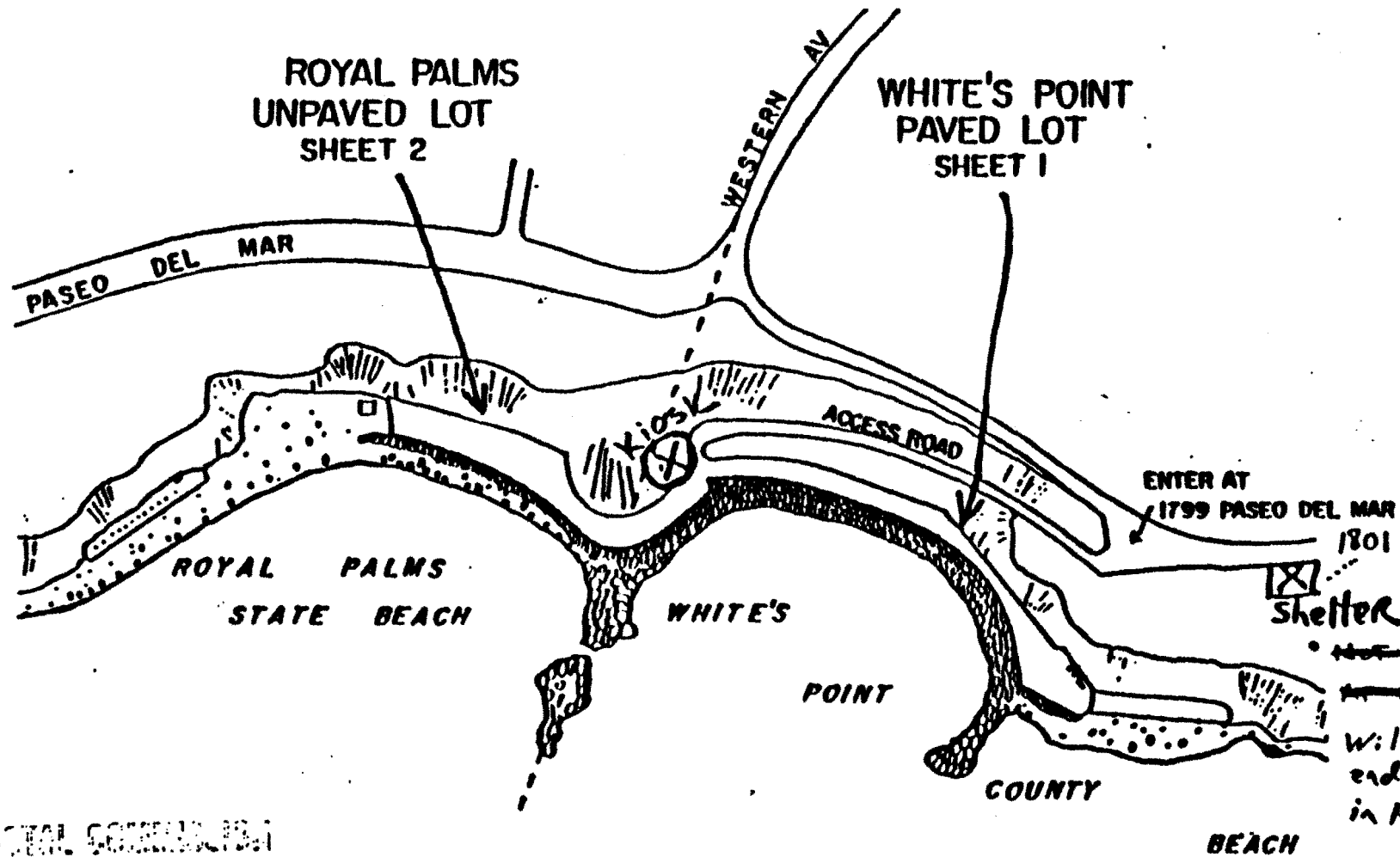
EXHIBIT # 2.a

PAGE OF

5-97-135

Location

WHITE'S POINT / ROYAL PALMS



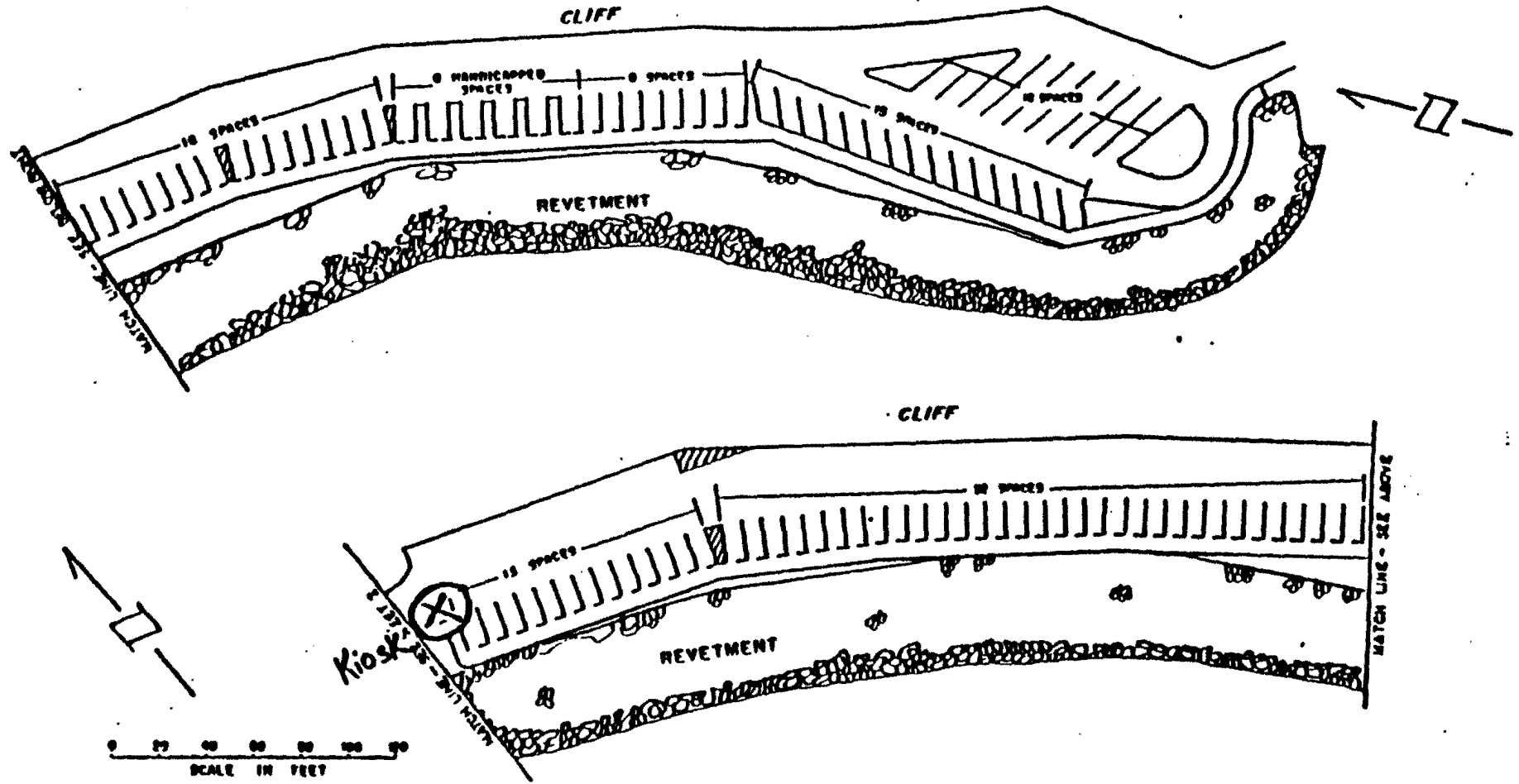
COUNCIL GENERAL ORDER 1961

Site Plan

FIGURE # 2.b

PAGE OF

WHITE'S POINT COUNTY BEACH



COASTAL COUNTY ENGINEERS

Site Plan

EXHIBIT 2.c

PAGE 01 OF 01

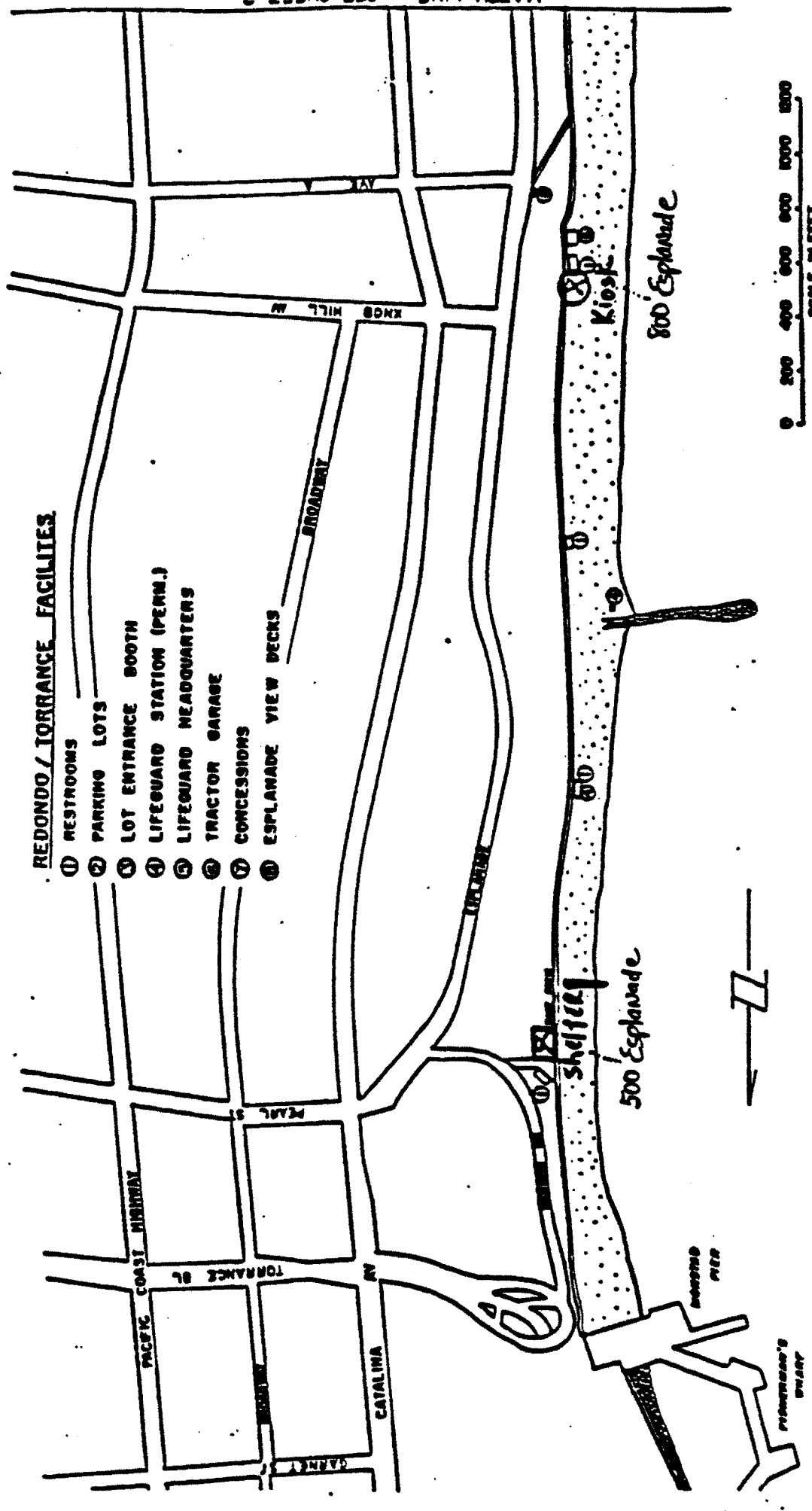
5-97-135

PARKING LOT AREA 60,660 sq. ft.

REGULAR SPACES	101
HANDICAPPED	08
TOTAL	109

Location - 1

- REDONDO / TORRANCE FACILITIES**
- ① RESTROOMS
 - ② PARKING LOTS
 - ③ LOT ENTRANCE BOOTH
 - ④ LIFE GUARD STATION (PERM.)
 - ⑤ LIFE GUARD HEADQUARTERS
 - ⑥ TRACTOR GARAGE
 - ⑦ CONCESSIONS
 - ⑧ ESPLANADE VIEW DECKS



COASTAL COUNTY
Site Plan

REDONDO STATE BEACH EXHIBIT # 2.d
 NORTHERN SECTION

1/2/86

S. EGGS

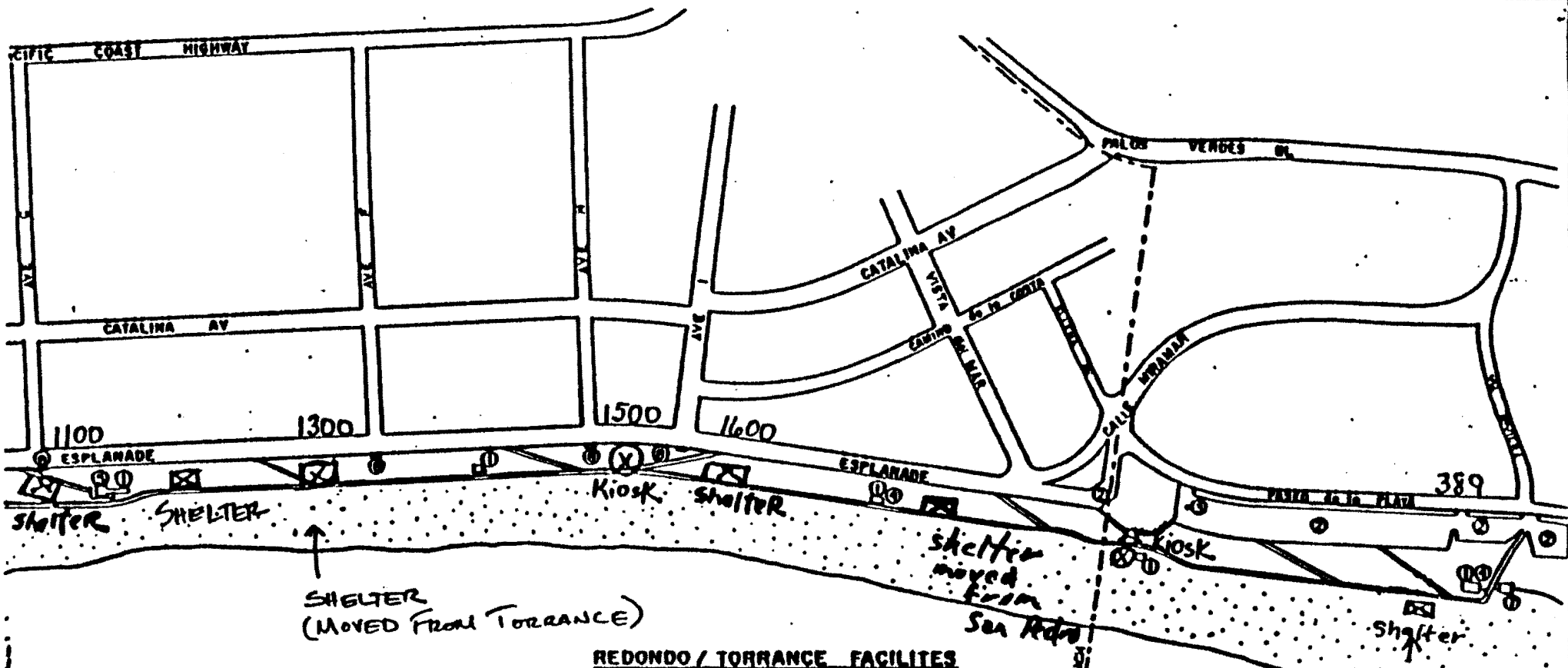
SHEET 1

Location - 2

COASTAL COMMISSION

EXHIBIT #

PAGE OF



SHelter (MOVED FROM TORRANCE)

REDONDO / TORRANCE FACILITIES

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



5-97-135
 COASTAL COMMISSION
 Site Plan

EXHIBIT # 2.e

Location - 1

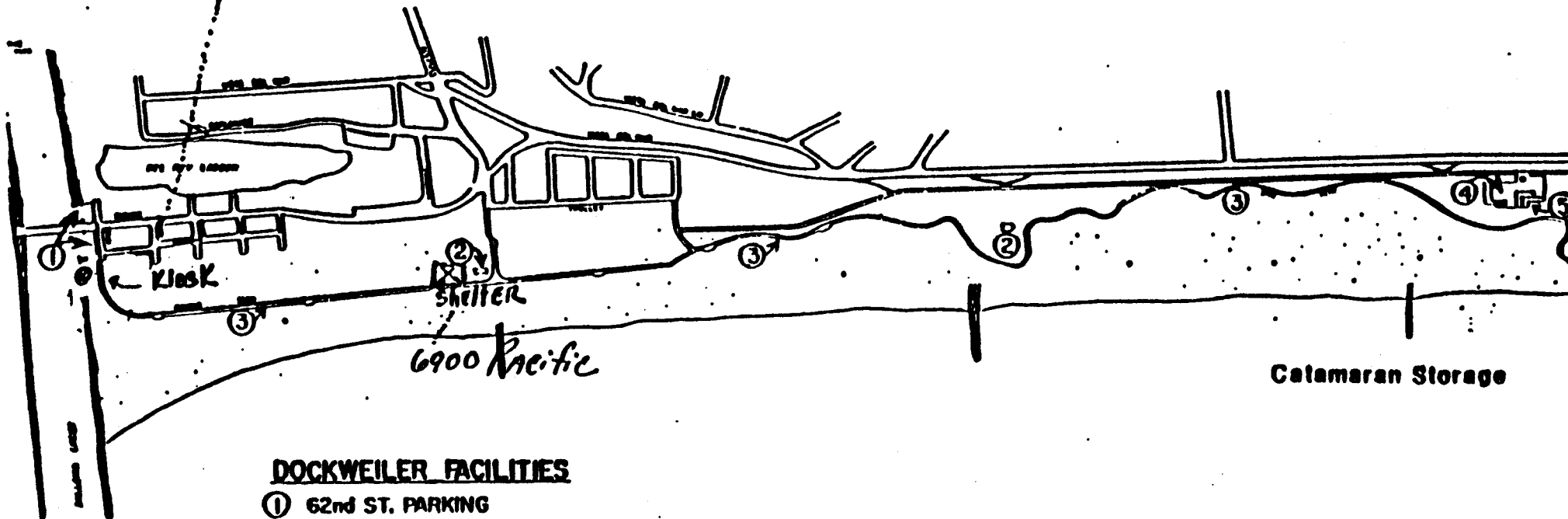
COASTAL COMMUNITY

Site Plan

EXHIBIT # 2.f

PAGE 1 OF 1
5-97-135

62nd st



DOCKWEILER FACILITIES

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

PACIFIC OCEAN

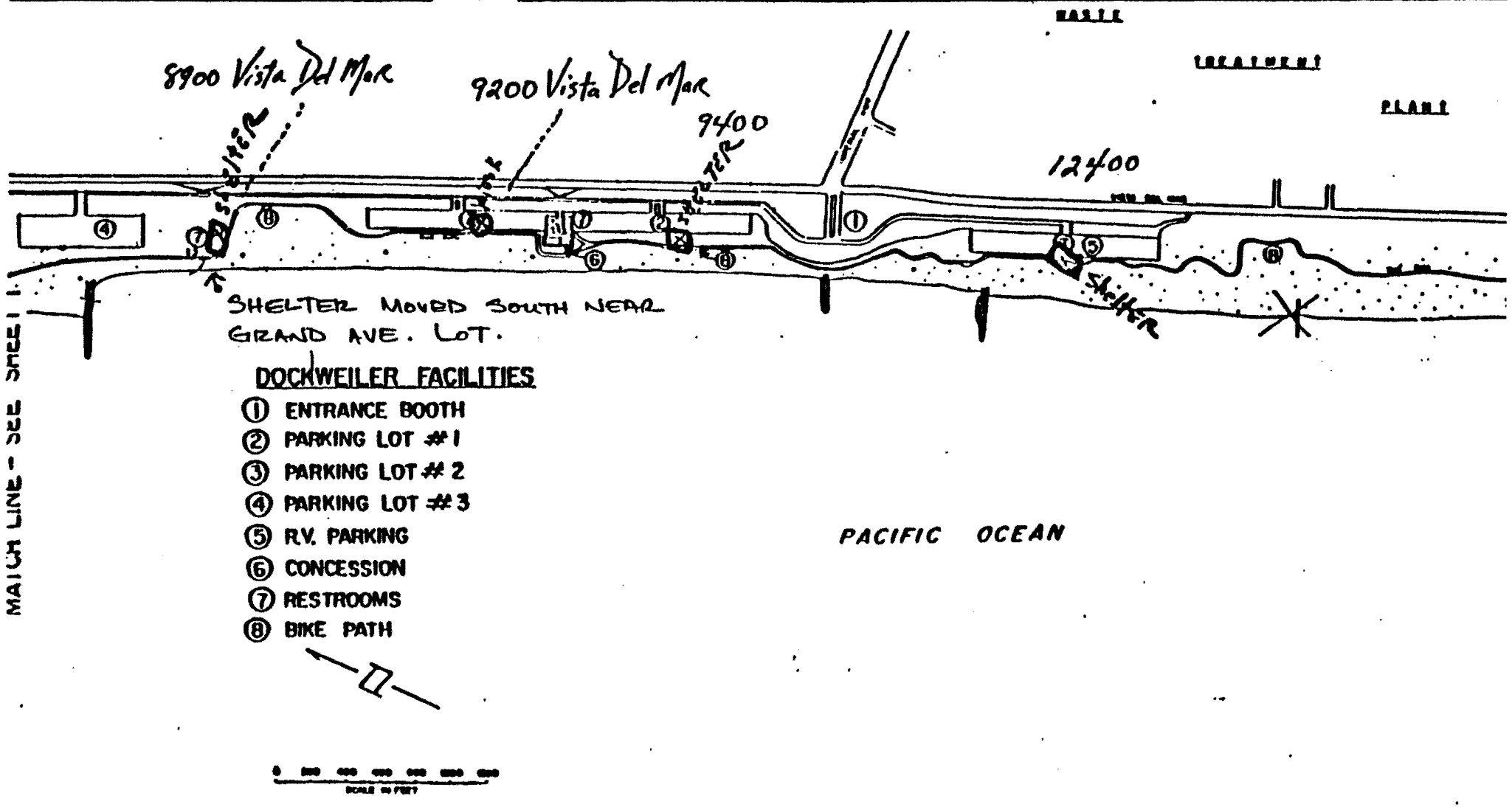
0 100 200 300 400 500 600
SCALE IN FEET

Location - 2

COASTAL COMMUNITY Site Plan

EXHIBIT # 2.9

PAGE 1 OF 2
5-97-135



MATCH LINE - SEE SHEET 1.

Location - 3

SCATTERWOOD
GENERATING
STATION

GRAND
Vista Del Mar

SCATTER-
WOOD
PLANT

Public
Planning Lot

Sunshelter
NEW LOCATION

STANDARD OIL REFINERY

VISTA DEL MAR

STANDARD OIL PROPERTY

Wellhead

Access road

RAIL PAIR

EL SEGUNDO GENERATING STATION
(SO. CAL. EDISON)

NEW
CROSS

PACIFIC OCEAN



SCALE IN FEET

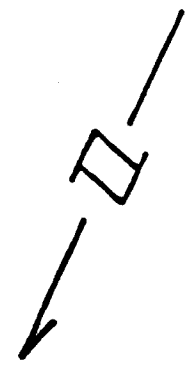
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COASTAL COMMUNITY

Site Plan

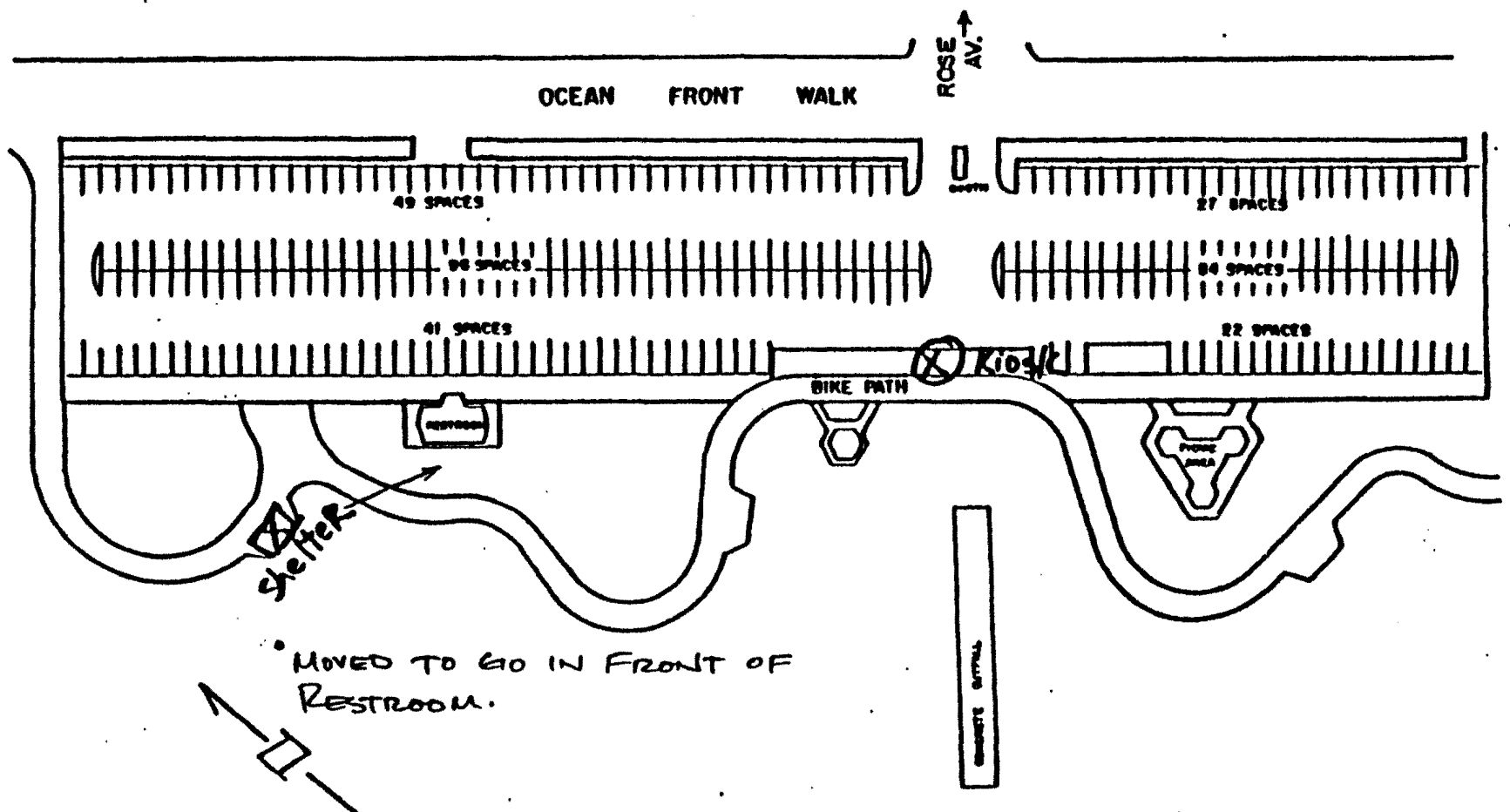
PLANNING 2 h

PLANNING DEPT



SITE MAP

ROSE AVENUE PARKING LOT
VENICE CITY BEACH



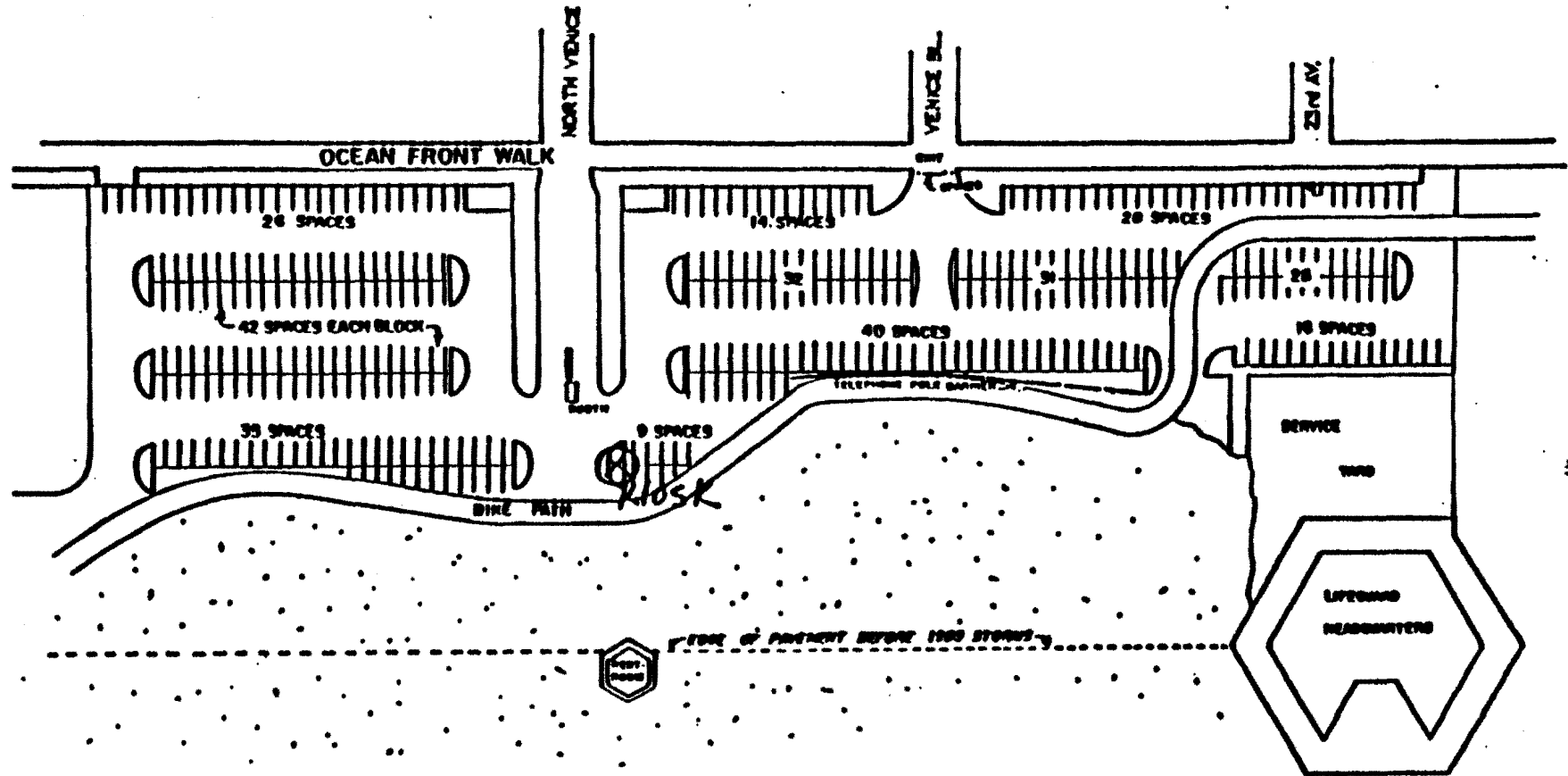
5-97-135
CITY OF VENICE

Site Plan

PARKING LOT AREA	98,200 sq. ft.
REGULAR SPACES	209
HANDICAPPED	00
TOTAL	209

Site

VENICE BOULEVARD PARKING LOT VENICE CITY BEACH



0 40 80 120 160 200
SCALE IN FEET

5-97-135

Site Plan

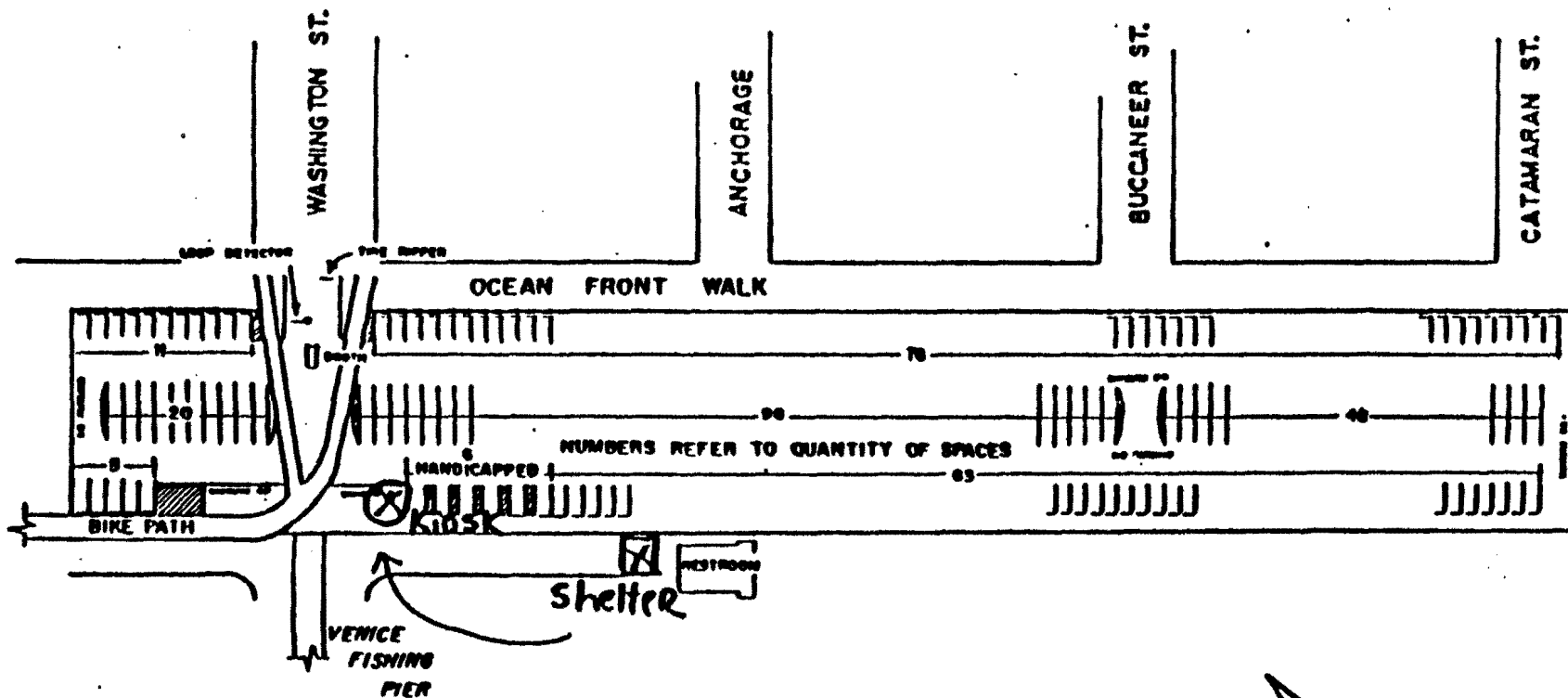
2.j

PARKING LOT AREA 139,520 sq. ft.

REGULAR SPACES	340
HANDICAPPED	60
TOTAL	400

MAP

WASHINGTON ST. PARKING LOT VENICE CITY BEACH



5-97-135
CONTRACT NUMBER

Site Plan

EXHIBIT # 2k

PAGE _____ OF _____

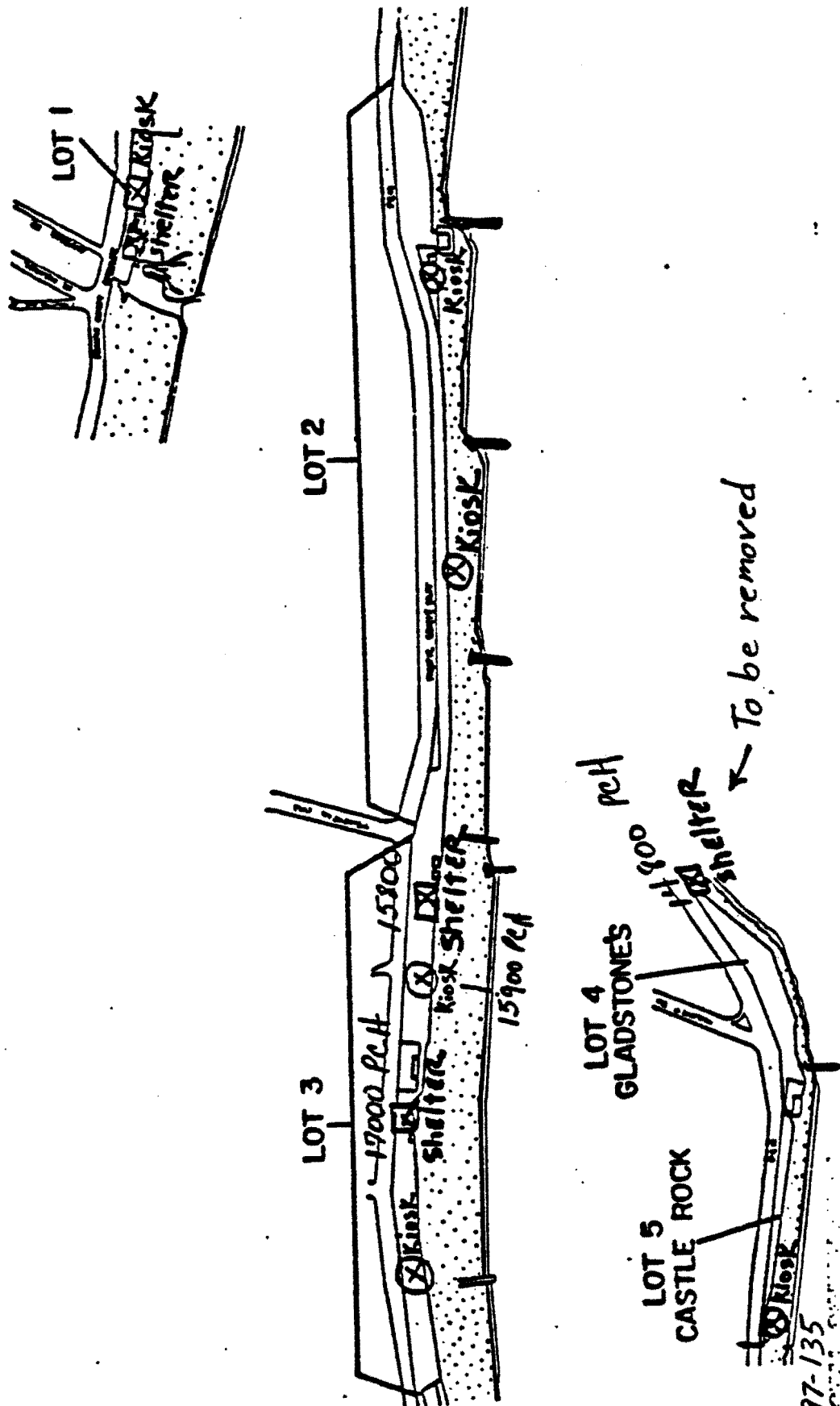


PARKING LOT AREA 100,000 sq. ft.

REGULAR SPACES	319
HANDICAPPED	08
TOTAL	328

Location

PARKING LOT LOCATION WILL ROGERS STATE BEACH



5-97-135

Site Plan

EXHIBIT # 2.1



COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS



STAN WISNIEWSKI
DIRECTOR

April 9, 1996

KERRY GOTTLIEB
DEPUTY DIRECTOR

JUDITH KENDALL
DEPUTY DIRECTOR

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

Mr. Al Padilla:

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

Cabrillo Beach-two location changes.

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

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

White Point-temporary elimination of site.

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

Torrance Beach-location change.

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

Dockweiler Beach-location change.

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

Venice Beach (Rose Ave.)-location change.

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

Pacific Coast Highway-site relocation.

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

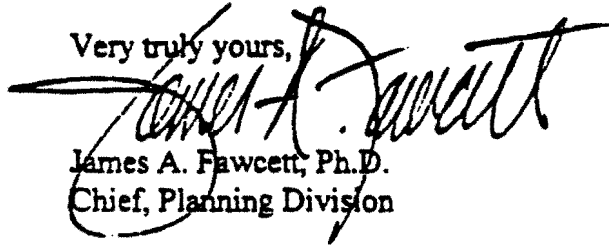
Topanga Beach-two location changes.

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

Las Tunas Beach-site relocation.

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

Very truly yours,



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

5-97-1357
CIVIL ENGINEERING

EXHIBIT # 3a

PAGE OF



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 *Dusty Brogan*

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

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

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

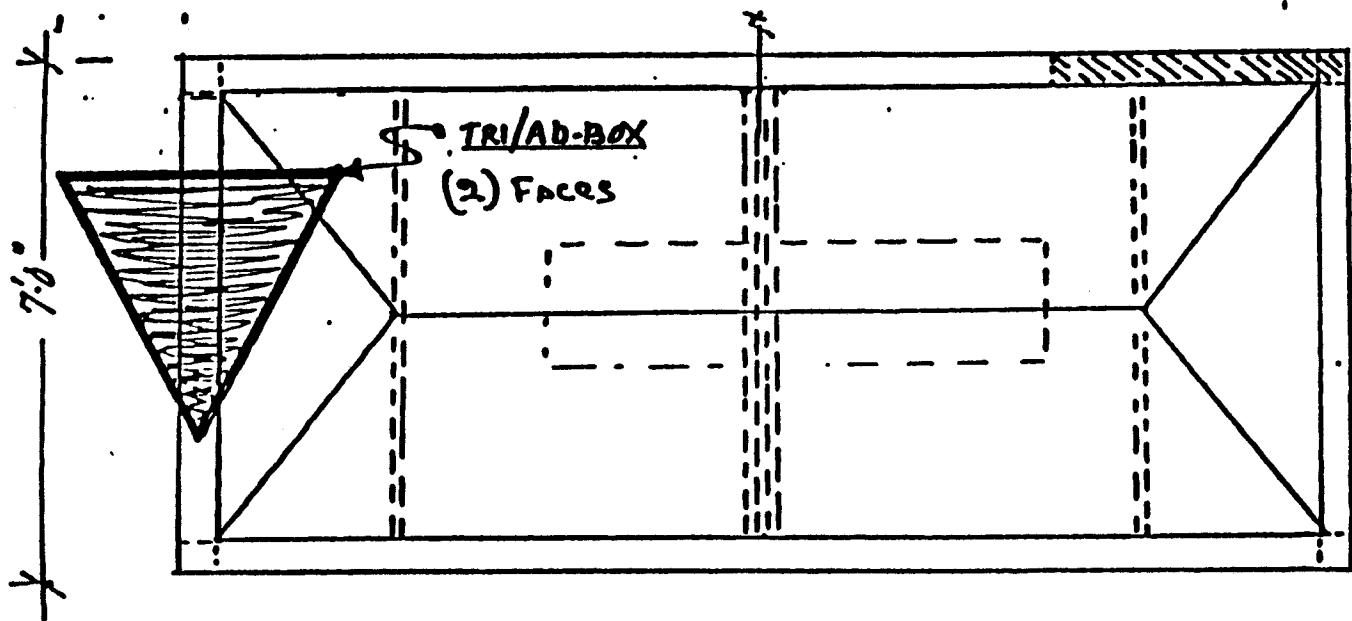
The three sided kiosk will have one public service panel and the four sided kiosk will have two public service panels. The public service panels will provide the beach visitor with a map of the facility, along with various emergency and public service phone numbers and information regarding the flora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

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

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

5-97-135
COASTAL COMMISSION
Letter Describing
Info/Ad Panels

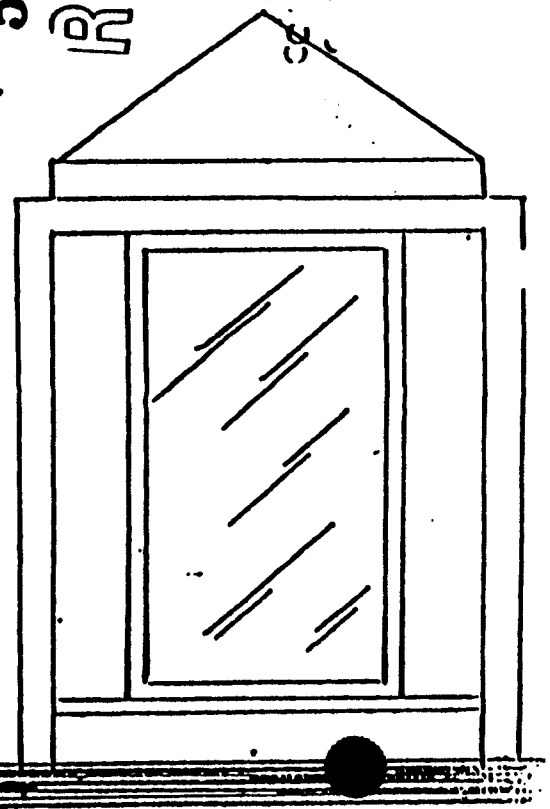
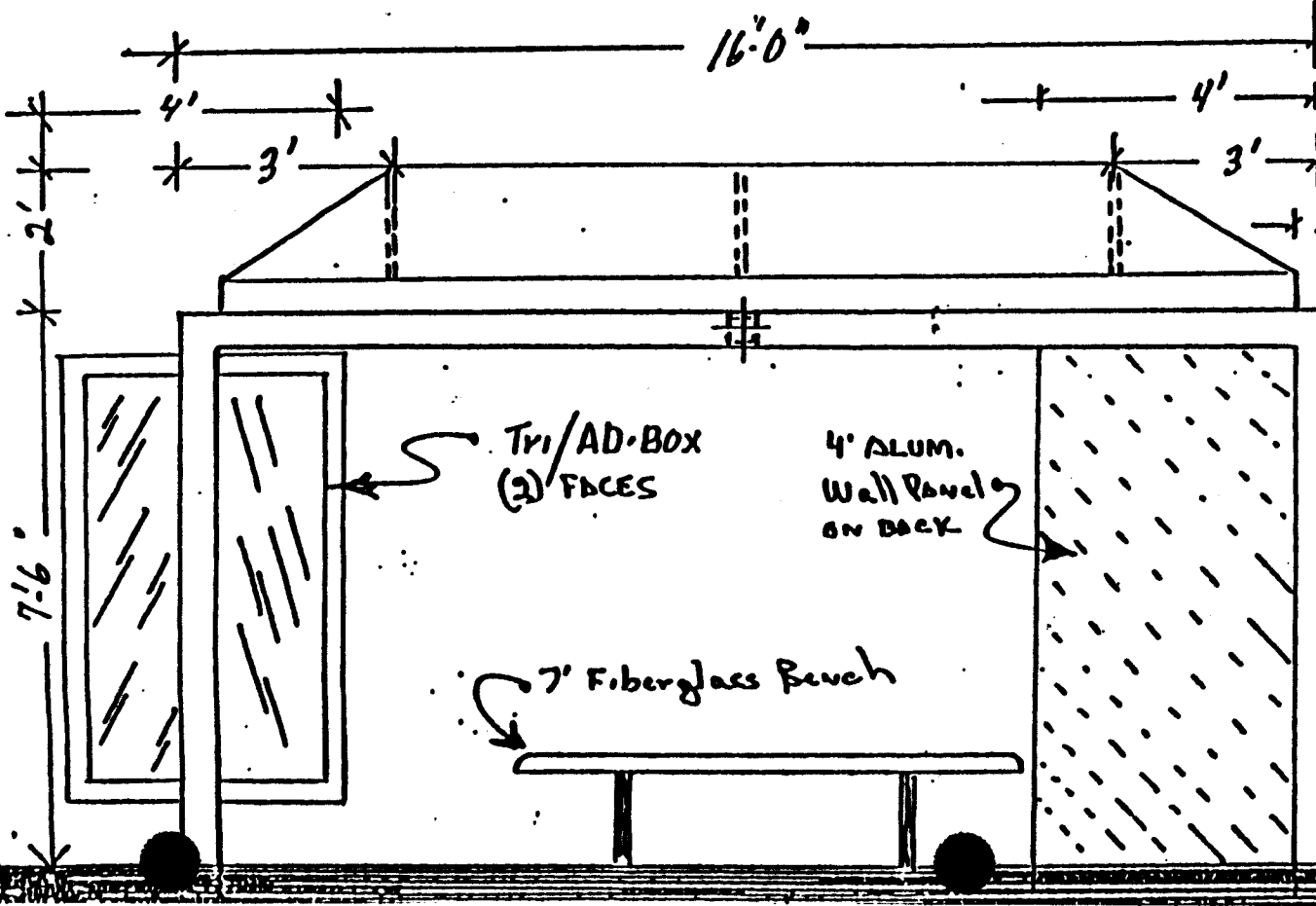
EXHIBIT # 4



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

5-95-144
 RECEIVED

COASTAL COMMISSION
 Diagram of
 Sunshelter
 EXHIBIT # 5
 PAGE OF
 5-97-135



3-Sided Kiosks

COASTAL COMMISSION

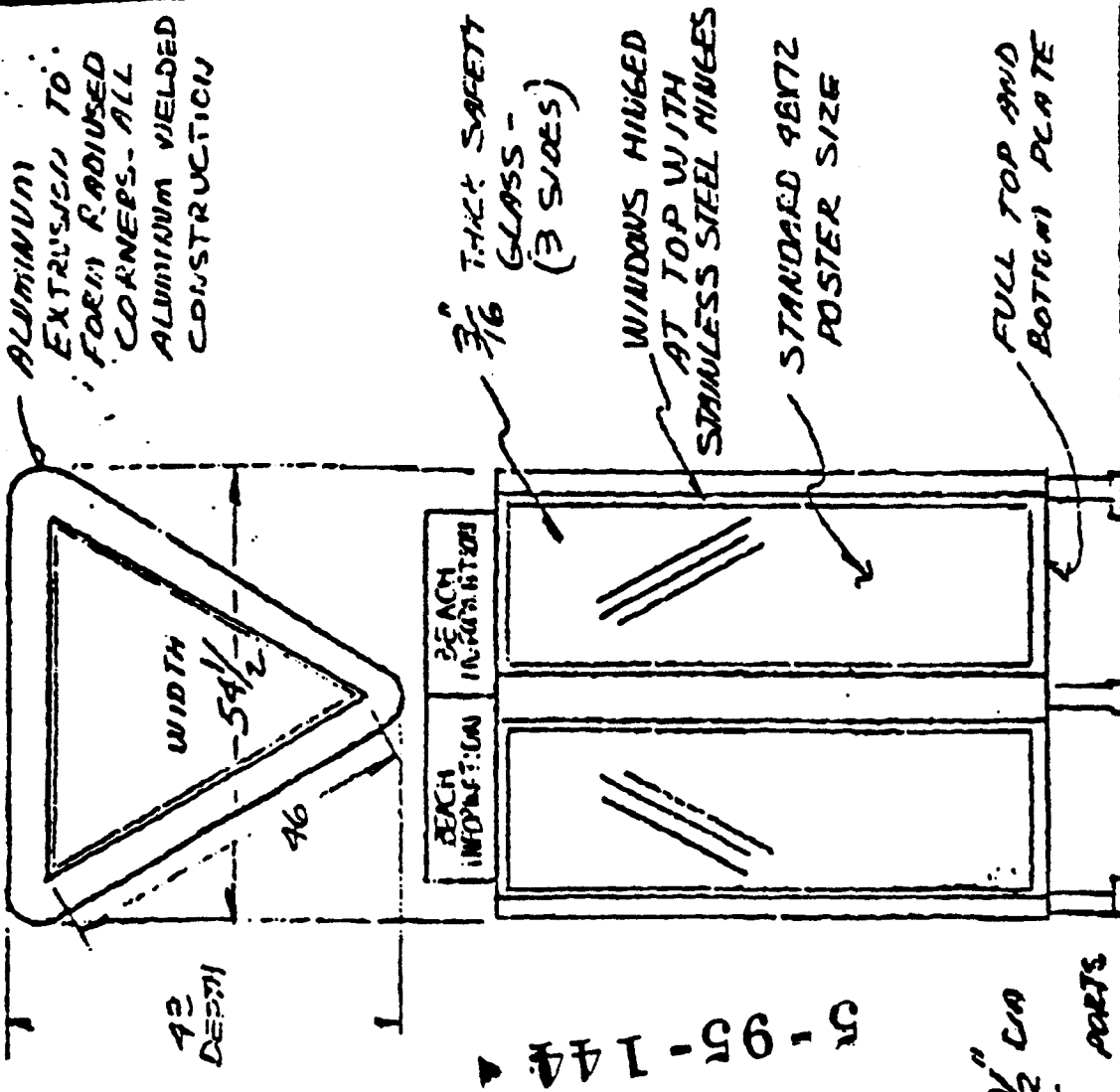
Diagram of Kiosk

EXHIBIT # 6

PAGE 5 OF 5

5-97-135

SEP 29 1995
CALIFORNIA
COASTAL COMMISSION
OUTH COAST DISTRICT



9-95-144

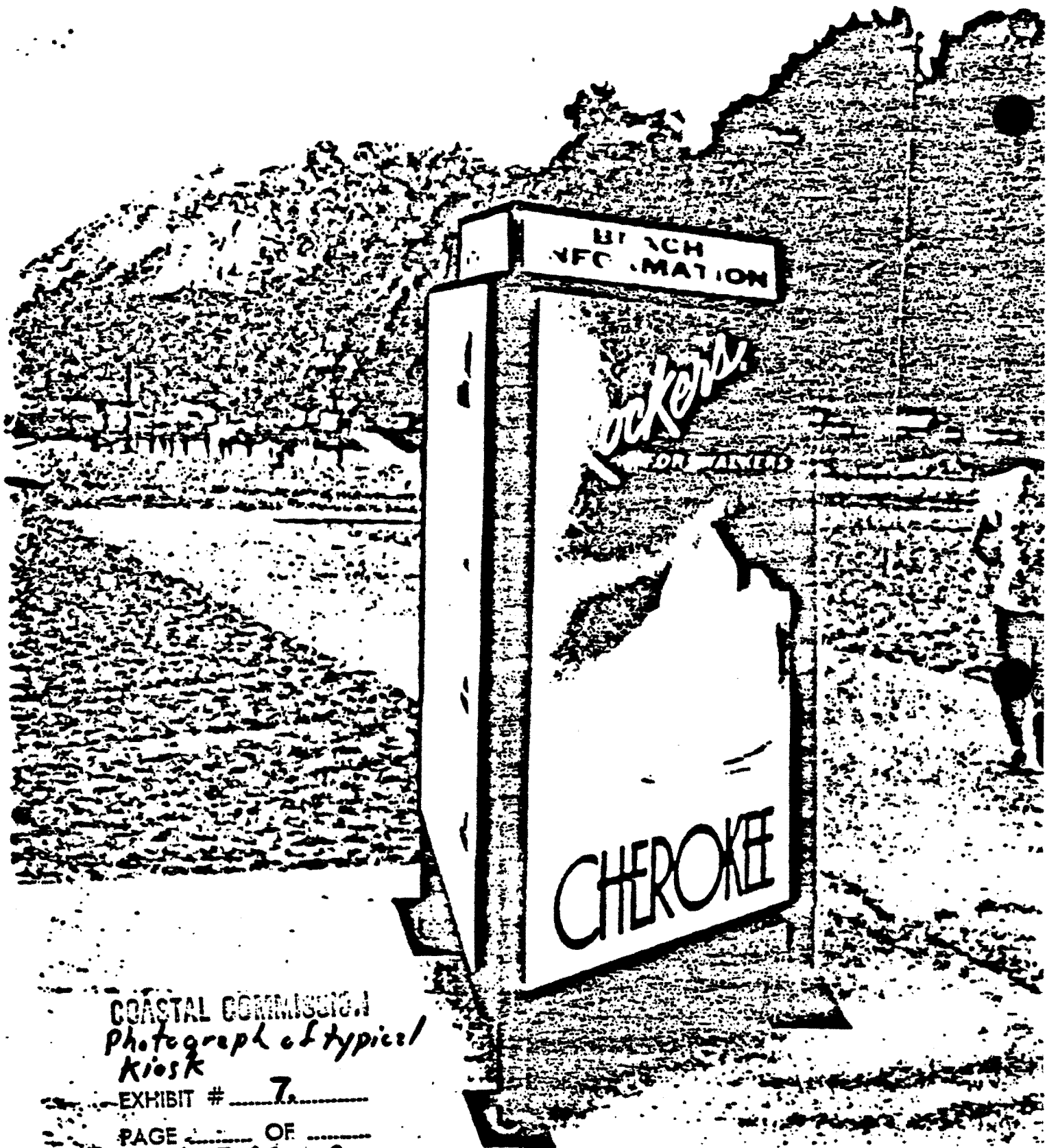
SOLAR MINNIV, I.C.H./AUL
501 S. ROSE ST., ANAHEIM CA 92805

SCALE: 1/2" = 12"
DATE: 1-19-95

APPROVED BY:
DRAWN BY: [Signature]
REVISED

EQUILATERAL 3-SIDED AD BOX

9 - THIS HEIGHT IS ADJUSTABLE FROM 1" TO 12"
PAINT: SILICON PESTER BATED FINISH - DARK BROUZE - ALL ITEMS



COASTAL COMMISSION
*Photograph of typical
kiosk*

EXHIBIT # 7

PAGE 5 OF 135

DEPARTMENT OF PARKS AND RECREATION



Santa Monica Bay District
2600 The Strand
Manhattan Beach, CA 90266
(310) 796-5520

RECEIVED

AUG 22 1995

August 18, 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

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

Dear Mr. Padilla,

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

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

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

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

Sincerely,

Ron P. Schafer
District Superintendent
Santa Monica Bay District

COASTAL COMMISSION
State Parks & Rec
Letter

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

EXHIBIT # 8

PAGE OF

5-97-135

**BOARD OF RECREATION AND
PARK COMMISSIONERS**

**STEVEN L. SOBOROFF
PRESIDENT**

**LEROY CHASE
VICE PRESIDENT**

**HERMAN LEAVITT
P. JUAN SANTILLAN
LISA SPECHT**

**CITY OF LOS ANGELES
CALIFORNIA**



**RICHARD J. RIORDAN
MAYOR**

**DEPARTMENT OF
RECREATION AND PARK
200 NO. MAIN
13TH FLOOR
LOS ANGELES, CALIF. 90012**

**(213) 847-3579
FAX - (213) 820-0280**

**JACKIE TATUM
GENERAL MANAGER**

RECEIVED

FEB 13 1996

**CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT**

February 8, 1996

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

Dear Mr Padilla:

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

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

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

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

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

Very truly yours,

Dallan R. Zamrzla
DALLAN R. ZAMRZLA
Director of Planning and Development

DRZ:KC:ic

cc: **Dave Gonzales**
Assistant General Manager
Pacific Region

**COASTAL COMMISSION
City of Los Angeles
Letter**

EXHIBIT # 9

PAGE OF

5-97-235



STAN WISNIEWSKI
DIRECTOR

COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS

June 12, 1996

EXHIBIT NO. 10
APPLICATION NO. 5-97-135
Letter From County Beaches and Harbors
California Coastal Commis

RECEIVED

KERRY GOTTLIEB
DEPUTY DIRECTOR

JUDITH KENDALL
DEPUTY DIRECTOR

JUN 13 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

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

Dear Ms. Friend:

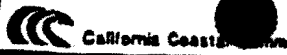
COASTAL DEVELOPMENT PERMIT # 4-94-183

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

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

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

Ms. Susan Friend
June 12, 1996
Page 2

EXHIBIT NO. 11
APPLICATION NO. 5-97-135
 California Coastal Commission

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

RECEIVED

APR 30 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

April 23, 1996

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

Permit Number: 5-95-144

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

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

Jean M. Flath

319 Palmdale Blvd #208
Palmdale CA 91357

EXHIBIT NO. 1
APPLICATION NO. 5-97-135
Letter from Res: Opposing Project
 California Coastal Commis

FAX TRANSMISSION

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

To: Chuck Damm/Al Padilla **Date:** May 3, 1996
Fax #: (310) 590-5084 **Pages:** 3, including this cover sheet.
From: Frank P. Angel
Subject: Sunshelters and kiosks on LA County beaches

COMMENTS:

Dear Chuck and Al:

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

Thanks for taking another hard look at this matter.


Frank P. Angel

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

EXHIBIT NO.	1
APPLICATION NO.	5-97-135
Letter from Mr.	Angel
	P9

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

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

The hearing shall be held by the commission in, or within a radius of 100 miles of, the City of San Diego, Los Angeles, San Francisco, San Bernardino, Eureka, Redding, Fresno, Ukiah, Monterey, San Luis Obispo, Santa Barbara, or Sacramento, whichever is closest to the unit affected, not less than 30 days, nor more than 60 days, after the last date of publication of the notice. * * * The hearing shall be conducted in the manner specified in Section 11346.8 of the Government Code. The vote of each individual member of the commission on each matter of classification or reclassification and of approval of the department's general plan shall be recorded when the final decision of the commission is announced.

(Amended by Stats.1987, c. 56, § 150; Stats.1990, c. 1027 (A.B.3319), § 1, eff. Sept. 19, 1990.)

Historical and Statutory Notes

1987 Legislation
The 1987 amendment substituted "commission" for "State Park and Recreation Commission" throughout the section, "more often" for "often" in the third sentence of

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

§ 5002.6. Los Angeles County; grant of specified beaches from the State; conditions; reservations

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

- (1) Parcel 1. Approximately 2.53 acres of unimproved land, known as Las Tunas State Beach.
- (2) Parcel 2. Approximately 21.21 acres of improved land, known as Topanga State Beach.
- (3) Parcel 3. Approximately 46.34 acres of improved land, being a portion of Manhattan State Beach.
- (4) Parcel 4. Approximately 26.03 acres of improved land, known as Redondo State Beach.
- (5) Parcel 5. Approximately 18.07 acres of improved land, known as Royal Palms State Beach.
- (6) Parcel 6. Approximately 30.64 acres of improved land, being a portion of Point Dume State Beach.
- (7) Parcel 7. Approximately 15.12 acres of unimproved land, known as Dan Blocker State Beach, and which includes Lango Shores.
- (8) Parcel 8. Approximately 10.50 acres of improved land, being a portion of Malibu Lagoon State Beach, known as Surf Rider Beach.

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

(2) Upon a material breach of any condition of a grant made pursuant to this section which is determined by a court of competent jurisdiction to have been made intentionally, the State of California shall terminate the interest of the County of Los Angeles in the granted lands and improvements pursuant to Chapter 5 (commencing with Section 885.010) of Title 5 of Part 2 of Division 2 of the Civil Code. Upon exercise of the state's power of termination in accordance with Section 885.050 of the Civil Code, all rights, title, and interest of the County of Los Angeles in the granted lands and improvements shall terminate and revert to, and rest in, the state, and the county shall, within 30 days from the date of that judgment, pay to the state an amount equal to funds received by the county annually from the appropriation under subdivision (a) of Item 3680-105-516 of the Budget Act of 1995 or from any subsequent appropriation received from the state specifically for the operation or maintenance of the granted lands and improvements. However, in no event shall that payment exceed the sum of one million

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

five hundred thousand dollars Recreation Fund.

(3) Notwithstanding S paragraph (2) shall remain

(c) Any operating agreement to any of the real property terminated by operation

(d) There is hereby subdivided (a) all mineral surface rights of entry.

(e) The transfer of all (a) shall be subject to

(1)(A) No new or existing

(B) Any project for a not exceed an estimate as adjusted annually to Services. Any authorized projects that provide for and enhancement of, for operation, and maintenance. (b). The per-project limit amount specified in this division of the project whole of an action that extension or betterment

(C) Notwithstanding contain a provision that (project number SL-16 for noncommercial development

(2) The granted lands for purposes of this pledging the property security for borrowed with the public recreation

(f) As an alternative each condition set forth injunction for specific

(g) On and after July Los Angeles Fire Department waters within the County an alternative source

(h) This section shall adopt a resolution in accordance with this

(Added by Stats.1995

Operation of this section subd. (h).

§ 5003.02. Repealed

The repealed section, related to a concession Beach.

Additions

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

PUBLIC RESOURCES CODE

notice of the hearing with the paper, it shall appear therein on at more often, there shall be at least two. The content of the notice of 11345.5 of the Government Code.

of a hearing on classification or of a hearing on approval of the appropriate regional and district

of 100 miles of, the City of San Francisco, Cliff, Monterey, San Jose, the unit affected, not less than 30 acres. . . . The hearing shall be pursuant to the Government Code. The vote of each reclassification and of approval of the commission is announced. § 1, eff. Sept. 19, 1990.)

Section 11345.5 for "Section 11345" first paragraph, and "Section 11345.5" in the third paragraph; and made the changes to maintain this code.

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

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

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

pursuant to this section which intentionally, the State of California granted lands and improvements Part 2 of Division 2 of the Civil with Section 835.050 of the Civil granted lands and improvements within 30 days from the date of by the county annually from the Budget Act of 1995 or from any operation or maintenance of the not exceed the sum of one million by accountants . . .

PUBLIC RESOURCES CODE

§ 5003.02
Repealed

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

(3) Notwithstanding Section 835.030 of the Civil Code, the state's power of termination pursuant to paragraph (2) shall remain in effect in perpetuity.

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

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

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

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

(B) Any project for new or expanded noncommercial development on the granted real property shall not exceed an estimated cost limitation for each project of two hundred fifty thousand dollars (\$250,000), as adjusted annually to reflect the California Construction Index utilized by the Department of General Services. Any authorization for new and expanded noncommercial development shall be limited to projects that provide for the safety and convenience of the general public in the use and enjoyment of, and enhancement of, recreational and educational experiences, and shall be consistent with the use, operation, and maintenance of the granted lands and improvements as required pursuant to subdivision (b). The per-project limitation in this paragraph shall apply in the aggregate, so that not more than the amount specified in this subparagraph may be expended for the project as a whole, regardless of any division of the project into phases or parts. For purposes of this subparagraph, "project" means the whole of an action that constitutes the entirety of the particular type of new construction, alteration, or extension or betterment of an existing structure.

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

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

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

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

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

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

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

Operative Effect

Operation of this section is contingent on adoption of a resolution by the county supervisors. see subd. (h).

§ 5003.02. Repealed by Stats.1993, c. 46 (S.B.389), § 1

Historical and Statutory Notes

The repealed section, added by Stats.1985, c. 1674, § 7, related to a concession contract for Santa Monica State Beach.

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

EXHIBIT NO. 7
APPLICATION NO.
 5-97-135

P93
 California Coastal Commc



COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS



STAN WISNIEWSKI
DIRECTOR

KERRY GOTTLIEB
DEPUTY DIRECTOR

JUDITH KENDALL
DEPUTY DIRECTOR

June 20, 1996

Ms. Arlene Pinzler, District Deputy
Assemblywoman Dabra Bowen's Office
18411 Cranshaw Blvd., Suite 280
Terrance, CA 90504

Dear Ms. Pinzler:

LOS ANGELES COUNTY - SUN SHELTERS
& BEACH INFORMATION DIRECTORIES

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

Background

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

EXHIBIT NO. 13

APPLICATION NO.

5-97-135

County's Letter to
Assemblywoman Bowen

Pg 9 of

California Coastal Commission

EXHIBIT NO. 13

APPLICATION NO.

5-97-135

County's Letter
Assemblywoman Bowen

Pg 2 of 8

California Coastal Commission

Ms. Arlene Pinzler
June 20, 1996
Page 2

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

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

Sun Shelter Program

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

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

EXHIBIT NO. 13

APPLICATION NO.

5-97-135

County's Letter
Assemblywoman Boy

Pg 9 of

 California Coastal Commission

Ms. Arlene Pinzier
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 1995. At that time, the County was working with the State of California Department of Parks and Recreation as a co-applicant on the Coastal Commission permit for both the Sun Shelter and Beach Information Directories programs.


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

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

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

Beach Information Directories Program

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

EXHIBIT NO. 13
APPLICATION NO. 5-97-135
County's Letter to Assemblymember pg 9 of 8
 California Coastal Commission

Ms. Arlene Pinzler
June 20, 1998
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 1996-97**

PROGRAM	DESCRIPTION	CASH	SAVINGS
Beech Vehicle So. Cal Ford Dealers Assoc.	Sponsor agrees to provide 40 vehicles to be used in Lifeguard operations and youth programs in exchange for the exclusive right to advertise on the "Official Vehicle of LA County Beaches."	\$0	\$310,000
Trash Barrel Adapt-A-Highway	Sponsor provides a minimum of 3,000 and up to 6,000 (56 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.	\$90,000	\$50,000
Signage Transportation Display, Inc.	Sponsor has the right to sell advertising space on the 22 sunshades; each sunshade has two ad panels; fee is a guaranteed minimum of \$2500 per shelter plus 30-50% of advertising revenue, presently at 35%.	\$200,000	\$0**
Lifeguard Tower Safety Signs Transportation Display, Inc.	Sponsor provides signage that combines 3 safety signs into 1 (5'x 8') sign displayed on the back of lifeguard towers in exchange for the right to sell advertising on a 27"x 54" portion; signage provides funding for the Department's W.A.T.E.R. Youth program.	\$210,000	\$0**
Telephone Booth Transportation Display, Inc.	Sponsor has the right to place a 27"x 54" ad on the side panels of telephone booths; revenue is generated from the guaranteed minimum or a percentage of the advertising sales, whichever is larger.	\$94,725	\$0**
Lifeguard Uniform Authentic Fitness Corp.	Sponsor agrees to provide 900 lifeguard uniforms and wholesale pricing on uniforms for the Department's youth programs in exchange for the right to promote itself as the "Official Swimwear Sponsor of LA County Beach Lifeguards."	\$0	\$52,000
Volleyball Nets Authentic Fitness Corp.	Sponsor will pay a fee for the right to place its name identification on volleyball nets and donate a minimum of 60 nets annually.	\$5,000	\$0**
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	\$36,000

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

**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 Slubs No current agreement	Sponsor pays for the right to place an adcoupon on the back of the parking slubs handed out at L.A. County Beach parking facilities.	\$0	\$0
500 Line Operating	An \$0.55 per minute charge to telephone customers seeking information on surf conditions, weather, diving conditions, beach events, youth programs, sailing/wind conditions and parking. Usage	varies	\$0
Total		\$777,225	\$492,000

COMBINED TOTAL

\$1,269,225

WP:wp

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

**MARKETING SECTION REVENUE GENERATION
FISCAL YEAR 1996-97**

PROGRAM	DESCRIPTION	CASH	SAVINGS
Time and Temp Board No current agreement	Sponsor provides time and temperature gauges for all lifeguard towers and pays for the right to place name identification on the board.	\$0	\$0
Parking Stubs No current agreement	Sponsor pays for the right to place an adcoupon on the back of the parking stubs handed out at L.A. County Beach parking facilities.	\$0	\$0
900 Line Operating	An \$0.85 per minute charge to telephone customers seeking information on surf conditions, weather, diving conditions, beach events, youth programs, sailing/and conditions and parking. usage	varies	\$0
Total		\$777,225	\$492,000
COMBINED TOTAL			\$1,269,225

WP:wp

County responsible for construction. Installation and on-going maintenance

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

ROOM 5082
STATE CAPITOL
SACRAMENTO CA 95814
310 445 6447

511 SO PACIFIC COAST HWY
SUITE 102
REDONDO BEACH CA 90277
310 540 1811

138 SOUTH BEACON STREET
ROOM 208
SAN PEDRO CA 90731
310 548 0651



California State Senate

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

JOINT COMMITTEES
FISHERIES AND AQUACULTURE
LEGISLATIVE AUDIT
LEGISLATIVE BUDGET
RULES

ROBERT G. BEVERLY
SENATOR
TWENTY-SEVENTH DISTRICT

Received at Commission
Meeting

OCT 10 1996

From: _____

September 27, 1996

Department of Coaches & Harbors	
SEP 30 '96	
Director	<i>Asst</i>
Exec Asst	" "
Test Mgmt	
Planning	
Admin Svcs	
Safety/San	
Human Res	
Comty Svcs	

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

Dear Mr. Calcagno:

The California Coastal Commission is scheduled to address the future of the eleven sun shelters located on Los Angeles County beaches during the upcoming October 1966 meeting.

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

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

Sincerely,

ROBERT G. BEVERLY

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

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 95749-0001
916-445-8234

DISTRICT OFFICE
444 WEST OCFAN BLVD.
SUITE 707
LONG BEACH, CA 90807
310-495-4766

INTERACT ADDRESS
Supplemental Assembly File # 916

Assembly California Legislature

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

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

October 1, 1996

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

Dear Commissioners:

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

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

Thank you for your serious consideration of this request.

Sincerely,



STEVEN T. KUYKENDALL
Assemblyman, 54th District

STK:ag

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

COUNCILMEMBER
GREGORY C. HILL
DISTRICT 2



TELEPHONE
(310) 372-1171

CITY OF REDONDO BEACH CALIFORNIA

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

October 1, 1996

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

Dear Mr. Douglas:

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

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

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

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

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

Sincerely yours,

GREG HILL
Councilman, District 2

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

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

COUNCILMEMBER
MICHAEL A. GIN
DISTRICT 3



P. 1
TEL: (310) 378-1171
FAX: (310) 378-9268

CITY OF REDONDO BEACH CALIFORNIA

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

October 2, 1996

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

Dear Mr. Douglas:

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

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

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

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

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

Sincerely yours,

MICHAEL A. GIN
Councilman, District 3

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

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



CITY OF TORRANCE

DON LEE
COUNCILMAN

September 26, 1996

RECEIVED

OCT 1 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

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

Dear Mr. Douglas:

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

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

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

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

Sincerely,

Don Lee
Councilman

DH:dma

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

Exhibit # 14.F
5-97-135

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

DISTRICT OFFICE
6150 VAN NUYS BLVD., SUITE 305
VAN NUYS, CA 91401
PHONE: (818) 378-4040
FAX: (818) 902-0764

INTERNET ADDRESS
hertzbrm@assembly.ca.gov

Assembly California Legislature

ROBERT M. HERTZBERG
ASSEMBLYMEMBER, FORTIETH DISTRICT

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



RECEIVED
JUL 18 1997

July 11, 1997

CALIFORNIA
COASTAL COMMISSION

RECEIVED
JUL 16 1997

CALIFORNIA
COASTAL COMMISSION

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

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

Dear Mr. Areias: *[Signature]*

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

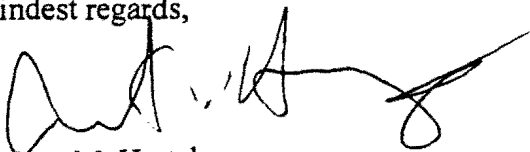
It is my understanding that much of the controversy surrounding these programs centers on the definition of "commercial development." In my view, these programs do not constitute commercial development as it has been historically used within the context of the Coastal Act (i.e., real estate development).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

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

shelters.doc
7/11/97-9:56 AM

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

Kindest regards,



Robert M. Hertzberg
Assemblymember, 40th District

RMH:cc

cc Speaker Cruz Bustamante

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

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

Email: bowen@assembly.ca.gov

Long Beach

**Assembly
California Legislature**

DEBRA BOWEN

ASSEMBLYWOMAN, FIFTY-THIRD DISTRICT

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

COMMITTEES:
VICE CHAIR, JUDICIARY
PUBLIC SAFETY
POLICE SERVICES

RECEIVED

ALL

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

CC 3pgs

July 8, 1996

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

Dear Mr. Chairman:

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

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

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

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

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

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

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 incidently 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 Calcagno, 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.

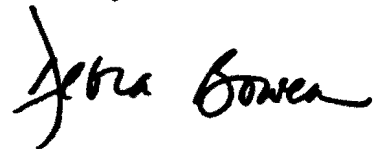
My biggest concern in authoring AB 909 was that when the \$4.5 million subsidy runs out in 1998, Los Angeles County would be back in front of the Legislature, demanding that the development restrictions be loosened so that the County could raise money. But L.A. County hasn't waited three years to make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

SUPPLEMENT #1

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

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

Submitted May 1997

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

I. Actual Structures

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

II. Use of Display Panels

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

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

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III. Why Not Sponsorships?

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

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

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

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

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

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

IV. Capital Improvement Dollars

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

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

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

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



COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS



STAN WISNIEWSKI
DIRECTOR

KERRY GOTTLIEB
CHIEF DEPUTY

July 7, 1997

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

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

Dear Chuck:

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

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

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

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

Very truly yours,

Stan Wisniewski
Stan Wisniewski, Director

SW:KG:kg
Attachment

FAX: (310) 821-8345
(310) 305-9505 13837 FLJI WAY, MARINA DEL REY, CALIFORNIA 90292
INTERNET: <http://www.co.la.ca.us/beaches>

EXHIBIT NO. 17
APPLICATION NO. 5-97-135
County Letter Requesting Revenue for Accessways
California Coastal Commission

