

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 OceanGate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



# F6a

Filed:	9/5/14
180th Day:	3/4/15
Staff:	Z. Rehm-LB
Staff Report:	10/23/14
Hearing Date:	11/14/14

## STAFF REPORT: CONSENT CALENDAR

**Application Number:** 5-14-0696

**Applicant:** City of Santa Monica

**Project Location:** Sandy beach immediately south of Santa Monica Pier and sandy beach between Hollister Street and Ocean Park Boulevard, City of Santa Monica, Los Angeles County; APNs 4290022901, 4288033912, and 4288033916.

**Project Description:** Install two new approximately 24-foot high light poles and upgrade lighting on two existing light poles in the vicinity of five existing beach volleyball courts south of Santa Monica Pier; and install seven new unlit beach volleyball courts seaward of the existing 18 courts on the beach between Hollister Street and Ocean Park Boulevard.

**Staff Recommendation:** Approval with Conditions

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### SUMMARY OF STAFF RECOMMENDATION

The new lighting is proposed adjacent to areas where bright lighting already exists at the Santa Monica Pier and Ocean Front Walk, and in the immediate vicinity of two existing light poles which serve five existing beach volleyball courts. The LED fixtures on the new poles and the existing poles will be shielded and directed downward and away from the shoreline and intertidal habitat. The proposed seven new unlit beach volleyball courts are proposed on a wide section of sandy beach adjacent to 18 existing and very popular courts. The City has analyzed alternatives for new beach volleyball courts and determined that the proposed project will have no substantial negative impacts on public access or coastal resources. Staff recommends **approval** of Coastal Development Permit Application 5-14-0696 with special conditions requiring the applicant to implement construction best management practices, utilize the least intensive lighting practicable, comply with the requirements of the resource agencies, and assume the risks of the development. The applicant agrees with staff's recommendation.

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

### Resolution:

*The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Construction Responsibilities and Debris Removal.** The applicant shall not allow discharge of silt or debris into coastal waters as a result of this project. By acceptance of this permit, the applicant agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs:
  - (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave/wind erosion and dispersion;
  - (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
  - (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to sensitive habitat areas, during construction, to include the following, at minimum: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and the Pacific Ocean; use of debris fences as appropriate, a pre-construction meeting to review procedural and BMP guidelines; and
  - (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged to coastal waters.
2. **Lighting Plans.**
  - A. By acceptance of this permit, the applicant shall strictly adhere to the lighting plans copied in Exhibit 3 of the staff report dated October 23, 2014. All lighting within the proposed development shall be shielded so that light is directed downward and away from the shoreline and intertidal habitat. Furthermore, no skyward-casting lighting shall be used. The height of the poles shall be a maximum of 24-feet and there shall be a maximum of four poles. The lights shall produce a maximum of 0.5 foot candles of light intensity as measured from the ground 100 feet seaward of the most seaward light pole.
  - B. The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. **Resource Agencies.** The applicant shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the marine environment. Any change to the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.
4. **Assumption of Risk.** By acceptance of this permit, the applicant, on behalf of 1) itself; 2) its successors and assigns and 3) any other holder of the possessory interest in the development authorized by this permit, acknowledges and agrees: (i) that the site may be subject to natural hazards including rockslides, waves, and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all foregoing restrictions identified in (i) through (v).

#### **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

##### **A. PROJECT LOCATION AND DESCRIPTION:**

The proposed development is located on sandy beach in the City of Santa Monica, Los Angeles County (**Exhibit 1**). Five beach volleyball courts immediately to the south of the Santa Monica pier are currently illuminated by outdated streetlight-style fixtures mounted on two approximately 24-foot high wooden utility poles. The courts are surrounded by an elevated parking lot on the Santa Monica Pier to the north, Ocean Front Walk to the east, a parking lot, a City recreation building, and an unlit beach volleyball court to the south, and a concrete bicycle and pedestrian path to the west (**Exhibit 2**).

The City of Santa Monica proposes to install two new approximately 24-foot high wood poles, both landward of the most seaward existing light pole, and upgrade the light fixtures on the two existing wood poles in the vicinity of the beach volleyball courts. Each pole is proposed to be buried to a depth of five-feet in gravel, sand, and concrete footings. Electrical wires connecting each pole to an existing electrical transformer are proposed to be encased in PVC conduit and buried beneath the sand. The light fixtures will house up to four 150 watt LED bulbs (**Exhibit 3.1**). The light poles will produce a maximum of 27.5 foot candles of light intensity, as measured from the ground, with an average light intensity of approximately 20 foot candles within the playing surface of the three most landward courts and less light intensity at the two seaward courts (**Exhibit 3.2**).

The addition of nighttime lighting to the shoreline area could adversely affect marine resources in the intertidal zone. The intertidal zone is habitat for spawning grunion and shorebirds. The ocean is habitat for numerous marine species (mammals, fish, and birds). Artificially lighting the shoreline is a significant disturbance to natural conditions and could negatively impact the activity patterns, breeding, and/or predator/prey interactions of intertidal organisms. The Commission has conditioned permits to prohibit surf zone lighting and lighting in environmentally sensitive habitat areas (Pepperdine University, Long Range Development Plan Amendment 1-11) and the Commission recently required removal of unpermitted ocean lighting (Fish Hopper Restaurant – Monterey) because of the potential negative impacts upon the natural activity patterns (including predator/prey behavior) of local organisms such as pinnipeds, sea and shore birds, fish, and invertebrates.

In this case, the applicant is not proposing to shine the lights toward the shoreline. The proposed lights would be directed downward at a location approximately 500-feet inland of the mean high tide line. Additionally, other bright lights exist on the Santa Monica Pier immediately north of the proposed lights. Other existing lights are sited along Ocean Front Walk immediately to the east of the site. In order to ensure that the proposed project is sited and designed to prevent adverse impacts to the intertidal zone approximately 500 feet west of the site, the Commission imposes **Special Condition 2**, requiring the applicant to strictly adhere to the lighting plans copied in Exhibit 3. All lighting shall be required to be directed and shielded towards the ground and away from the shoreline, the height of the lights shall not exceed 24 feet, the number of poles shall be limited to four, and light spillover shall be no greater than 0.5 foot candles as measured from the ground 100 feet seaward of the most seaward light pole.

The City also proposes to install seven new unlit beach volleyball courts seaward of the existing 18 courts on the beach between Hollister Street and Ocean Park Boulevard (**Exhibit 1**). The most seaward of the proposed courts would be approximately 200 feet from the mean high tide line. The City has conducted a beach use survey and an alternatives analysis and concluded that the beach is sufficiently wide in that area and that volleyball activities will not interfere with activities near the surf zone. The City states that beach visitors have complained about a shortage of volleyball courts, suggesting that most courts are occupied by 8:00 a.m. on busy days.

The new light poles will be the same height as existing light poles and no higher than surrounding development including the pier and the recreational building. The components of the new beach volleyball courts will be higher than those of the existing courts.

The City requires all contractors to implement best management practices to reduce construction related impacts to coastal waters. Construction is predicted to last for approximately five days and will not impact public access to or along the coast, although some of the existing beach volleyball courts may be closed during construction. In order to ensure that water quality is protected during construction of the lighting improvements and the new beach volleyball courts, the Commission imposes **Special Condition 1**, requiring the applicant to implement construction best management practices and manage debris.

The State Lands Commission approved the placement of the lighting and new beach volleyball courts on the public beach in a letter dated October 6, 2014 and **Special Condition 3** requires the applicant to comply with the requirements of the resource agencies. Because the proposed project is located on a public beach subject to tidal action and other natural processes, **Special Condition 4** requires the applicant to assume the risks of the development. As conditioned, the Commission finds that the proposed project is consistent with the Chapter 3 policies of the Coastal Act.

**B. PUBLIC ACCESS**

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

**C. PUBLIC RECREATION**

The proposed development, as submitted, does not interfere with public recreational use of coastal resources and conforms with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

**D. WATER QUALITY**

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

**E. HABITAT**

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, and park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

**F. DEVELOPMENT**

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to require that the landowner and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

**G. VISUAL RESOURCES**

The visual impact of the new development will not impact coastal views. Therefore, as proposed, the project is consistent with Section 30251 of the Coastal Act.

## **H. LOCAL COASTAL PROGRAM**

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (LCP), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson way (Beach Overlay District). On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project 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 of the Coastal Act.

## **I. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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## **EXHIBITS**

Exhibit 1 – Vicinity Map

Exhibit 2 – Existing Condition of Illuminated Courts

Exhibit 3 – Lighting Plans

# Vicinity Map, Santa Monica Beach

<b>EXHIBIT 1</b>	
Application Number:	
5-14-0696	
	California Coastal Commission



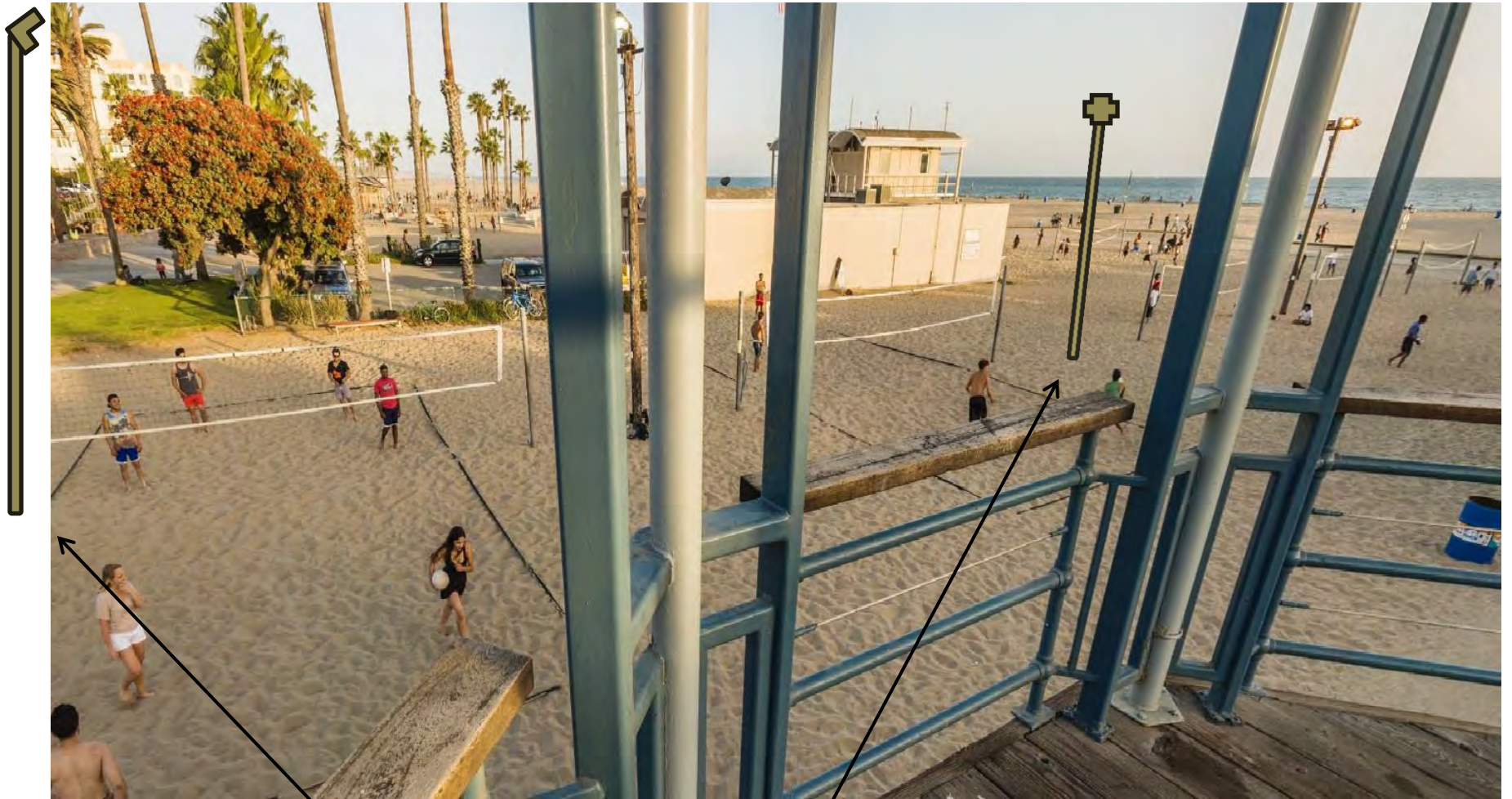
*{Proposed new light poles}*

*{Proposed new volleyball courts}*



# Existing Condition of Illuminated Courts

<b>EXHIBIT 2</b>	
Application Number:	
5-14-0696	
	California Coastal Commission



{Proposed new light poles}

# Lighting Plans

## EXHIBIT 3.1

Application Number:

5-14-0696



California Coastal  
Commission

City of  
Santa Monica  
Volleyball Court  
Improvements

PROJECT

CONSULTING ENGINEER  
DONLITE & ASSOCIATES, INC.  
301 Santa Monica Blvd., Suite 603  
Santa Monica, CA 90401  
Tel: (310) 451-2280, 451-2281  
Fax: (310) 451-2280, 451-2281

COURTESY BY  
City of Santa Monica  
Administration Services  
1437 4TH STREET, SUITE 300  
SANTA MONICA, CA 90401  
TEL: (310) 458-3341  
FAX: (310) 399-5441  
ms@cityof-santamonica.org

DATE: 05/14/06

PROJECT NO.: 06-00000000

REVISION NO.: 000

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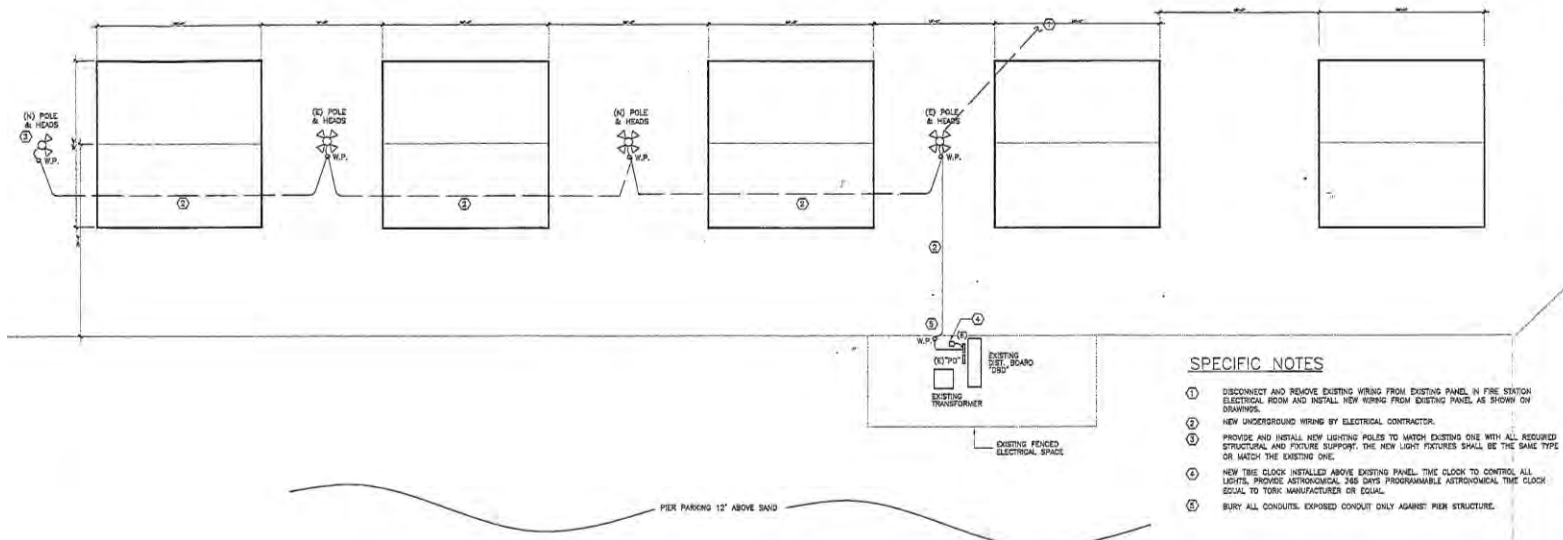
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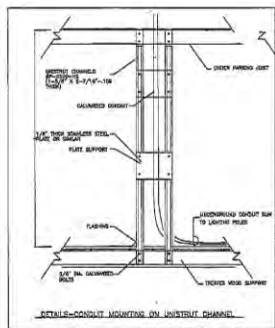
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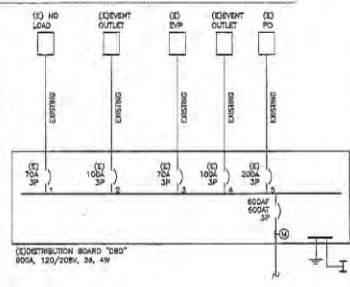


### SPECIFIC NOTES

- ① DISCONNECT AND REMOVE EXISTING WIRING FROM EXISTING PANEL IN FIRE STATION ELECTRICAL ROOM AND INSTALL NEW WIRING FROM EXISTING PANEL AS SHOWN ON DRAWINGS.
- ② NEW UNDERGROUND WIRING BY ELECTRICAL CONTRACTOR.
- ③ PROVIDE AND INSTALL NEW LIGHTING POLES TO MATCH EXISTING ONE WITH ALL REQUIRED STRUCTURAL AND FIXTURE SUPPORT. THE NEW LIGHT FIXTURES SHALL BE THE SAME TYPE OR MATCH THE EXISTING ONE.
- ④ NEW TIME CLOCK INSTALLED ABOVE EXISTING PANEL. TIME CLOCK TO CONTROL ALL LIGHTS. PROVIDE ASTRONOMICAL 240 DOTS PROGRAMMABLE ASTRONOMICAL TIME CLOCK EQUAL TO YORK MANUFACTURER OR EQUAL.
- ⑤ BURY ALL CONDUITS. EXPOSED CONDUIT ONLY AGAINST PIER STRUCTURE.



NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL	DATE
1	DISCONNECT AND REMOVE EXISTING WIRING FROM EXISTING PANEL IN FIRE STATION ELECTRICAL ROOM AND INSTALL NEW WIRING FROM EXISTING PANEL AS SHOWN ON DRAWINGS.	1	HR	100.00	100.00	05/14/06
2	NEW UNDERGROUND WIRING BY ELECTRICAL CONTRACTOR.	1	HR	100.00	100.00	05/14/06
3	PROVIDE AND INSTALL NEW LIGHTING POLES TO MATCH EXISTING ONE WITH ALL REQUIRED STRUCTURAL AND FIXTURE SUPPORT. THE NEW LIGHT FIXTURES SHALL BE THE SAME TYPE OR MATCH THE EXISTING ONE.	1	HR	100.00	100.00	05/14/06
4	NEW TIME CLOCK INSTALLED ABOVE EXISTING PANEL. TIME CLOCK TO CONTROL ALL LIGHTS. PROVIDE ASTRONOMICAL 240 DOTS PROGRAMMABLE ASTRONOMICAL TIME CLOCK EQUAL TO YORK MANUFACTURER OR EQUAL.	1	HR	100.00	100.00	05/14/06
5	BURY ALL CONDUITS. EXPOSED CONDUIT ONLY AGAINST PIER STRUCTURE.	1	HR	100.00	100.00	05/14/06



NEW PANEL SCHEDULE

EXISTING SINGLE LINE DIAGRAM

ELECTRICAL PLAN

DATE: 05/14/06

PROJECT NO.: 06-00000000

REVISION NO.: 000

REVISION NO.: 000

REVISION NO.: 000

REVISION NO.: 000

# Lighting Plans

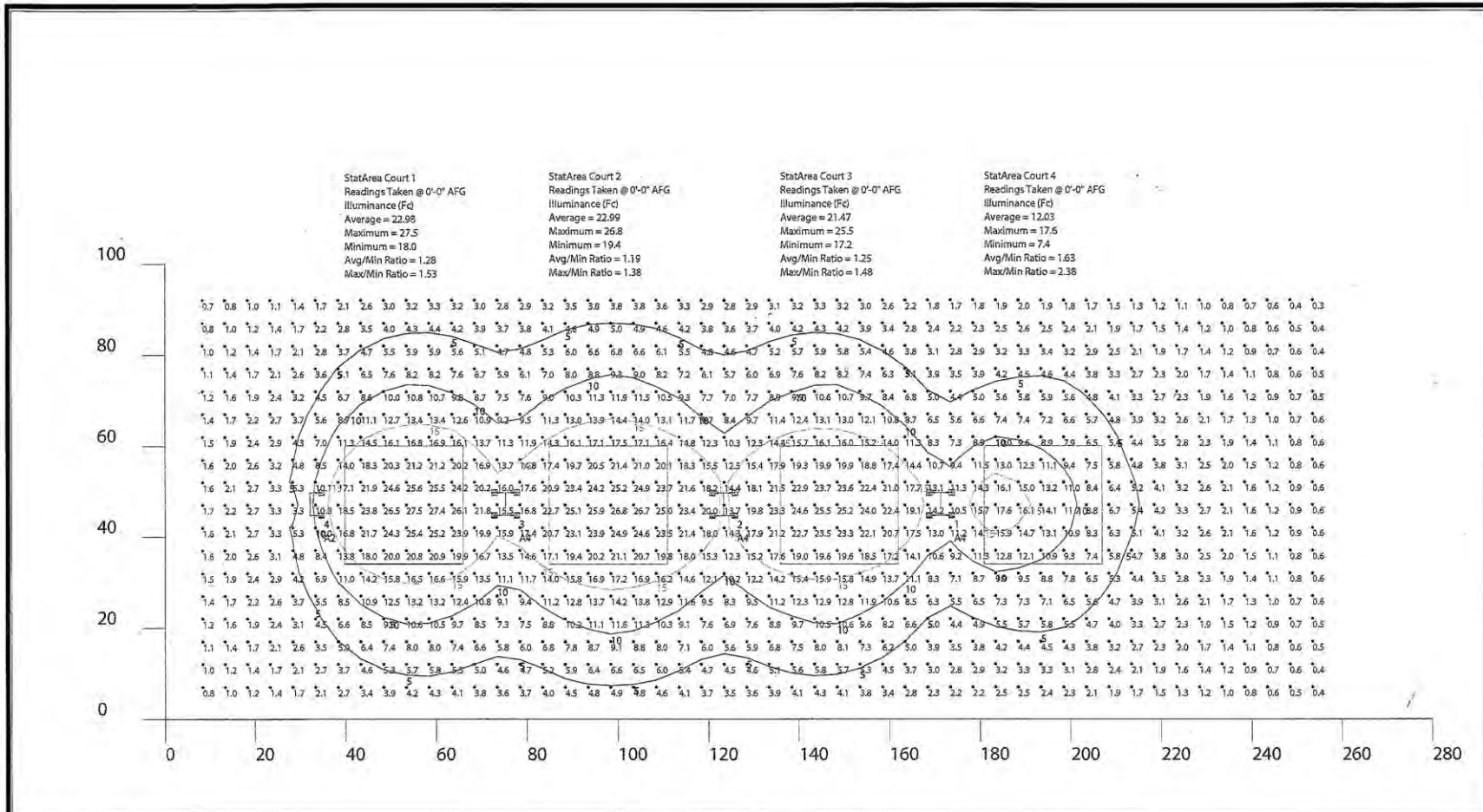
## EXHIBIT 3.2

Application Number:

5-14-0696



California Coastal  
Commission



Scale: 1 inch = 20 Ft.



Tel: (888) 722-1000 Fax: (888) 722-1232  
WWW.RABWEB.COM

Prepared For:  
Agents West  
6 Hughes Suite 6  
Irvine, CA 92618  
Tel: 949-614-0293  
Fax: 949-455-1095

Job Name:  
Santa Monica Volleyball  
Santa Monica, CA  
Lighting Layout  
Version B

Scale: as noted

Date: 7/2/2014

Drawn By: BEL

Lighting Design Disclaimer

The Lighting Analysis, Layout, Energy Analysis and/or Visual Simulation ("Lighting Design") provided by RAB Lighting, Inc. ("RAB") represents an anticipated prediction of lighting system performance based upon design parameters and information supplied by others. Some design parameters and information provided by others have not been field verified by RAB and therefore actual measured results may vary from the actual foot-candle readings. RAB recommends that design considerations and other information be field verified by the end user. RAB neither warrants, nor represents or is responsible for the accuracy or availability of the Lighting Design, nor represents or is responsible for the accuracy or availability of the Lighting Design when used in conjunction with any applicable regulatory code requirements with the exception of those specifically stated on drawings created and submitted by RAB. The Lighting Design is issued, in whole or in part, as advisory documents for informational purposes and is not intended for construction nor as being part of a project's construction documentation package.

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