

CALIFORNIA COASTAL COMMISSION

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



Click here to go to
original staff report

ADDENDUM**Th16a**

September 5, 2014

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM Th16a**, COASTAL COMMISSION PERMIT APPLICATION
5-14-1479 FOR THE COMMISSION MEETING OF **September 11, 2014**.

I. ADDITIONAL APPLICANT CORRESPONDANCE

On September 3, 2014, the applicant submitted a letter in response to the August 21, 2014 staff report, stating its agreement with the standard and special conditions recommended by staff. If the proposed project is approved by the Commission, the applicant states that it will comply with Special Condition 2 and will submit a revised lighting plan to minimize the intensity and visual impacts of the proposed lighting. Los Angeles City Councilmember Mike Bonin submitted a letter in support of the proposed project on September 5th.

II. PUBLIC CORRESPONDANCE

The Commission received one letter in support of the proposed project from a local business owner.

BOARD OF RECREATION AND
PARK COMMISSIONERS

SYLVIA PATSOAURAS
PRESIDENT

IRIS ZUÑIGA
VICE PRESIDENT

LYNN ALVAREZ
MISTY M. SANFORD

LATONYA D. DEAN
COMMISSION EXECUTIVE ASSISTANT II

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
RECREATION AND PARKS

221 NORTH FIGUEROA STREET
15TH FLOOR, SUITE 1550
LOS ANGELES, CA 90012

TEL: (213) 202-2633

FAX: (213) 202-2614

MICHAEL A. SHULL
GENERAL MANAGER

September 3, 2014

Zach Rehm, Coastal Program Analyst
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Dear Mr. Rehm:

**VENICE BEACH RECREATION AREA - COASTAL DEVELOPMENT PERMIT APPLICATION
NO. 5-14-1479 FOR SEASONAL ICE SKATING RINK AND PERMANENT SECURITY
LIGHTING**

The Department of Recreation and Parks has reviewed the staff report for the subject coastal development permit application and is in agreement with the standard and special conditions recommended by staff for approval of the permit. With regards to Special Condition 2 on the installation of permanent security lighting, revisions have been made to the design plans to maintain an average lighting level of 1.0 foot-candle (a decrease from the original proposal of 2.0 foot-candle) within the Windward Plaza area. These revisions include reducing the number of light poles from 17 to 16, reducing the number of fixtures on each pole from 4 to 3, and reducing the number of LED bulbs on each fixture.

Therefore, since there are no disagreements over the staff report, the Department request that its agenda item, No. 16(a) on the Regular Calendar—scheduled to be considered on Thursday, September 11th—be moved to the Consent Calendar.

We appreciate your consideration on this matter. If there are any questions concerning this request, please contact David Attaway, Environmental Supervisor, at (213) 202-2660.

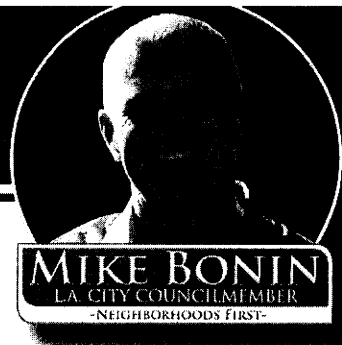
Sincerely,

RAMON BARAJAS
Assistant General Manager
Planning, Construction, and Maintenance Branch

MAS/RB:ar

cc: David Attaway, Environmental Supervisor, Dept. of RAP





BRENTWOOD · DLY REY · MAR VISTA · MARINA DEL REY · PACIFIC PALISADES ·
PLAYA DEL REY · PLAYA VISTA · SANTA MONICA CANYON · WEST LA · WESTCHESTER · VENICE

September 4, 2014

California Coastal Commission
c/o South Coast District Office
200 Oceangate
Long Beach, CA 90802

Re: **Venice Beach Ice Rink**

Dear Coastal Commissioners,

I am writing today in strong support of bringing an ice rink to Venice Beach this winter. This family-friendly programming opportunity will be host to thousands of unforgettable experiences for residents and visitors alike, and it is part of my comprehensive effort to make Venice Beach a safer place to live, work and play.

Venice Beach is one of, if not the most visited tourist attractions in not just the City of Los Angeles, but all of Southern California. It isn't just the great weather that makes Venice a destination - it is the world-renowned culture and the legendary experiences people have here that make Venice a place people will come from around the city, around the region and around the world to see. An ice skating rink will add another "only in Venice" experience to the reasons that people come here. After all, where else could you lace up and skate by the beach?

An ice skating rink will not just bring more tourists and visitors to this community, providing a boom for local businesses, but it is the type of family-friendly programming that will help reclaim Venice as the place where all Angelenos come to play and enjoy Los Angeles. This is a part of my public safety strategy for Venice, and a family-friendly ice-skating rink with permanent lighting will help "push out the bad by bringing in the good."

It is crucial that the lighting improvements in Windward Plaza accompany the ice skate rink. I support the lighting design the City Department of Recreation & Parks is moving forward with, because it takes the unique needs of this area into account. Unfortunately, Venice Beach experiences a great deal of vandalism, which requires the lights be 26 feet high in order to serve as an effective deterrent. Improving the lighting in Windward Plaza is another crucial component of our work to enhance public safety in the area, and I urge you to support this crucial aspect of the proposal.

This application will help create business in Venice, it will help improve safety in Venice and it will continue to help make Venice the unforgettable destination it has been for decades. Thank you for your consideration.

Regards,

MIKE BONIN
Councilmember, 11th District

WEST LA
1645 CORINTH AVE. #201
LOS ANGELES, CA 90025
310-575-8461

CITY HALL
200 N. SPRING ST #475
LOS ANGELES, CA 90012
213-473-7011

WESTCHESTER
7166 W. MANCHESTER AVE.
LOS ANGELES, CA 90045
310-568-8772



RECEIVED
South Coast

AUG 27 2014


Agenda number: Th 16a

CALIFORNIA
COASTAL COMMISSION Application number: 5-14-1479

Mason Molletta

In favor

We are in favor of the Venice Beach Ice Rink and lighting proposal. We own the Sidewalk Café on the Venice boardwalk, along with the two properties that will be across from the rink. The ice rink will promote family-friendly activities, which is something Venice Beach needs. The lighting will be welcomed and provide peace of mind for all. It will greatly increase the safeness of the park, while also providing a safe feeling for all those who want to use the ice rink after dark. We look forward to the implementation of this project.



Mason Molletta

The Sidewalk Cafe

CALIFORNIA COASTAL COMMISSION

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



Th16a

Filed: 8/20/2014
180th Day: 2/16/2015
Staff: Z. Rehm-LB
Staff Report: 8/21/2014
Hearing Date: 9/11/2014

STAFF REPORT: REGULAR CALENDAR

Application Number: 5-14-1479

Applicant: City of Los Angeles (Dept. of Rec. and Parks)

Project Location: 1800 Ocean Front Walk, Windward Plaza Park, Venice, City of Los Angeles, Los Angeles County

Project Description: Install seasonal ice skating venue in Windward Plaza Park between Ocean Front Walk and Venice Beach. Venue will be comprised of ice rink, boards, two equipment tents, two modular skate rental and office units, and two temporary 16-foot high light and sound towers, all atop a temporary subfloor and deck structure approximately three-feet above grade, 160-feet wide, and 68-feet deep. Venue is proposed to be installed, operated, and removed between November 17th and January 27th annually. Install permanent approximately seven-foot high electric switchboard rated at 1,200 amps in the vicinity of the seasonal ice skating venue. Install up to seventeen 26-foot high permanent security lighting poles throughout Windward Plaza Park.

Local Approval: City of Los Angeles Coastal Development Permit No. 14-02

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project is situated on the public beach between the mean high tide line of the Pacific Ocean and the first public road inland of the ocean. Therefore, it is within the coastal zone area of the City of Los Angeles which has been designated in the City's permit program as the "Dual Permit Jurisdiction" area. Pursuant to Section 30601 of the Coastal Act and Section 13307 of the California Code of Regulations, any development located in the Dual Permit Jurisdiction that receives a local coastal development permit from the City must also obtain a coastal development permit from the Coastal Commission.

The City of Los Angeles Department of Public Works held a public hearing for the proposed development on May 1, 2014, issued a Notice of Decision (approved Coastal Development Permit No. 14-02 with conditions) on May 15, 2014, received a local appeal on May 23, 2014, and denied the local appeal on July 7, 2014. The City submitted the Notice of Permit Issuance to the Commission South Coast District Office on July 9, 2014 and the City's final action was not appealed to the Commission during the mandatory twenty-working day appeal period. The Commission's standard of review for a dual coastal development permit application is the Chapter 3 policies of the Coastal Act.

The applicant proposes to install a seasonal ice skating venue, a permanent electric switchboard, and permanent security lighting in Windward Plaza Park in Venice, Los Angeles. Issues related to the seasonal ice skating venue portion of the proposed development include public access, visual resources, and water quality. Issues related to the permanent security lighting portion of the proposed development include public access, environmentally sensitive habitat, and visual resources.

Commission staff recommends **approval** of Coastal Development Permit No. 5-14-1479 with special conditions to ensure that the development is consistent with Chapter 3. The special conditions require the applicant to: 1) comply with a timely installation and removal schedule for the ice skating venue, 2) submit a final lighting plan for review and approval by the Executive Director which documents that the lighting is designed to avoid impacts to birds in the palm trees as well as the adjacent public beach and intertidal habitat, 3) implement best management practices to minimize adverse impacts to water quality during construction and operation of the development, 4) comply with the requirements of the resource agencies, and 5) assume the risks of the development.

Aside from the restrictions on the treatment and intensity of lighting within Special Condition 2, the applicant agrees with the staff recommendation.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	4
II. STANDARD CONDITIONS.....	4
III. SPECIAL CONDITIONS	5
IV. FINDINGS AND DECLARATIONS	7
A. PROJECT LOCATION AND DESCRIPTION.....	7
B. ENVIROMENTALLY SENSITIVE HABITAT AND MARINE RESOURCES	8
C. WATER QUALITY.....	10
D. PUBLIC ACCESS	11
E. VISUAL RESOURCES	13
F. HAZARDS.....	14
G. LOCAL COASTAL PROGRAM	15
H. CALIFORNIA ENVIRONMENTAL QUALITY ACT	16

APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Conceptual Site Plans

Exhibit 3 – Proposed Lighting Spec Sheets

Exhibit 4 – Letter of Support from the Los Angeles Police Department

Exhibit 5 – Environmentally Sensitive Habitat Areas Map (Venice LUP)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-14-1479 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote of the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves Coastal Development Permit 5-14-1479 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. 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 will 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

1. **Approved Development – Timely Installation and Removal of Temporary Features.** Coastal Development Permit 5-14-1479 approves the installation, operation, and removal of an ice skating venue during the winter holiday season, annually. Installation of the venue shall begin no earlier than November 17th annually and removal of the venue shall be completed no later than January 27st annually. Any request for a change to the installation, operation, and removal of the venue must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.
2. **Avoidance of Impacts – Lighting Plan.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final lighting plan for the review and approval of the Executive Director, which shall be consistent with the following requirements:
 - a. All lighting, including temporary lighting installed around the ice skating venue during the winter holiday season and permanent lighting installed throughout Windward Plaza Park, shall be downward directed, shielded away from the public beach and intertidal habitat area, and shall use best available dark-skies technology to minimize glare and spillover effects to the greatest extent feasible.
 - b. With the exception of the ice skating venue during the operational hours of the winter holiday season, the average light intensity within the project area shall be no greater than 1.0 foot candle, as measured from the ground. The applicant shall submit a diagram or report documenting that the final lighting plan is consistent with this requirement.
 - c. The temporary lights installed around the ice skating venue during the winter holiday season shall only be illuminated during hours when the venue is open to the public and shall be turned off when the last member of the public leaves the venue each night.
 - d. The height of the permanent light poles shall be no greater than 26-feet and the number of light poles shall be no greater than 17. If the preceding requirements can be satisfied with shorter light poles or fewer light poles, the applicant shall design the final lighting plan accordingly.
 - e. The applicant shall undertake and maintain the approved development in compliance with the final plans approved by the Executive Director. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.
3. **Water Quality.** In order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into the sea, the applicant shall implement the following construction-related and operational best management practices:
 - a. Machinery or construction materials are prohibited at all times in the subtidal and intertidal zones.

- b. Staging and storage of construction machinery and storage of debris shall not take place on any sandy beach.
- c. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
- d. Netting, sandbags, tarps and/or other forms of barriers shall be installed between the shoreline and work areas and equipment storage areas to prevent any unpermitted material from entering the sea.
- e. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of the sea. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover.
- f. Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- g. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into the sea. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.
- h. All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
- i. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.
- j. In the event that lead-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.
- k. At the end of the construction period, the applicant shall inspect the project area and ensure that all debris, trimmings, trash, and construction materials have been removed from the area and taken to an appropriate location.
- l. During construction and operation of the ice skating venue, water shall be contained at the site and shall not be discharged onto the sandy beach or into the ocean. The applicant or the vendor of the ice skating facility shall prepare a plan to respond to spills or leaks of water, consistent with best management practices at other temporary ice skating venues. If a spill occurs, the applicant shall notify the Executive Director,

who may determine that an amendment to this coastal development permit is required to better protect water quality.

The applicant shall include the requirements of this condition on all plans and contracts issued for the project. The applicant shall implement and carry out the project staging and construction plan during all staging and construction activities.

4. **Conformance with the Requirements of the Resource Agencies.** The applicant shall comply with all permit requirements and mitigation measures of the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the 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 changes to the approved project which are 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.
5. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** By acceptance of this permit, the applicant, on behalf of a) itself; b) its successors and assigns, and c) 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 hazards from waves, flooding, earthquakes, and other unforeseen events; 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 of the foregoing restrictions identified in i through v.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The City of Los Angeles Department of Recreation and Parks proposes to install a seasonal ice skating venue, a permanent 1,200 amp electric switchboard, and permanent security lighting in Windward Plaza Park between Ocean Front Walk and Venice Beach (between the first public road and the sea). The subject area is a public park composed of grass, hundreds of palm trees, and concrete walkways and plazas atop the native sandy beach. Further seaward and north of the proposed development are a lighted graffiti wall and associated structures (approved by Coastal

Development Permit 5-11-256), as well as the Venice Skate Park. To the south of the proposed development are Muscle Beach, four basketball courts, eleven tennis courts, and a 352-space parking lot (**Exhibit 1**). The entire park is approximately 1,200 feet wide and 300 feet deep and is proposed to be completely covered by the security lighting, while the seasonal ice skating venue is proposed to be sited in the center of the park, measuring approximately 160-feet by 68-feet (**Exhibit 2**).

The ice skating venue will be comprised of a 50-foot by 100-foot ice rink, boards, two equipment tents, two modular skate rental and office units, and two temporary 16-foot high light and sound towers, all atop a temporary subfloor and deck structure approximately three-feet above grade. The ice surface will be maintained by a nearby chiller/refrigeration unit housed in a trailer (40-feet by 10-feet) that conveys propylene glycol through 70-foot long, 4-inch diameter supply and return lines, insulated and protected by a plywood box cover. A permanent seven-foot high 1,200 amp electric switchboard is proposed in the area of the ice skating venue, which will also be used to power other temporary events in the park not subject to this permit (**Exhibit 2**).

The applicant proposes seventeen 26-foot high light poles each featuring four aluminum dome-shaped LED fixtures rated at 135 watts each, producing an average light intensity of 2.0 foot candles at ground level. (**Exhibits 2 and 3**). The furthest seaward light poles are proposed approximately 350 feet inland of the mean high tide line, slightly further away than the most seaward light poles approved by Coastal Development Permit 5-11-256. The five light poles approved by that permit are each approximately 20-feet high and produce a light intensity no greater than 0.6 foot candles, and less light intensity in the majority of the area around the graffiti wall. Comparatively, the existing light poles on Ocean Front Walk, a wide pedestrian-oriented commercial street landward of the proposed development, are 22-feet high and produce a light intensity of up to 4.0 foot candles and an average light intensity of approximately 2.0 foot candles¹.

The purpose of the proposed security lighting is to increase public safety by lighting the park where people have been found violating the City's midnight to 5:00 curfew (Municipal Code Sec. 63.44.B.14(b)). The City of Los Angeles Police Department submitted a letter in support of the proposed security lighting (**Exhibit 4**). The City of Los Angeles Department of Public Works approved Coastal Development Permit No. 14-02 for the proposed development.

B. ENVIRONMENTALLY SENSITIVE HABITAT AND MARINE RESOURCES

The proposed project is situated within a developed public recreation area near the shoreline of the Pacific Ocean. The intertidal area approximately 350-feet west of the proposed project is designated by the certified Venice Land Use Plan as an environmentally sensitive habitat area utilized by spawning grunion (**Exhibit 5**). Section 30240 of the Coastal Act requires that development in parks and recreation areas be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of adjacent environmentally sensitive habitat areas.

Section 30240 of the Coastal Act states:

¹ Measurements by City of Los Angeles engineer during Commission staff site visit 8/19/2014

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

The proposed project is situated within a developed recreation area that is heavily used by the public. The seventeen proposed light poles and their foundations would be installed (in holes excavated seven feet deep) in an area which has been landscaped with grass covering the native sandy beach. Landscaping also includes numerous palm trees throughout the large park.

The only species which have been observed within the park are non-threatened, non-sensitive birds including sea gulls and egrets, which may nest in the crowns of the 40 to 60-foot high palm trees. Based on a staff site visit, the height of the proposed light fixtures (26-feet) will be lower than the height of the crowns of the palm trees. The Commission's staff ecologist Dr. Jonna Engel stated during a phone conversation (8/20/14) that in order to prevent adverse impacts to birds, the light fixtures should be downward directed and should emit as little light as practicable. **Special Condition 2** imposes those requirements.

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 350-feet inland of the mean high tide line. In order to ensure that the proposed project is sited and designed to prevent adverse impacts to the adjacent environmentally sensitive habitat area, **Special Condition 2** is imposed to require the applicant to provide a final lighting plan which documents that all lighting is directed and shielded

towards the ground and away from the shoreline, that the height of the lights does not exceed 26-feet, that the number of lights is limited to 17, and that the average light intensity is limited to 1.0 foot candles in order to prevent adverse impacts to marine resources. Because the proposed lights are at least 350-feet from the water, are limited to producing an average of 1.0 foot candle light intensity on the ground in the park, and will be directed away from the shoreline, the Commission finds that the lighting will have no significant adverse impacts on environmentally sensitive habitat or marine resources. Only as conditioned will the environmentally sensitive habitat areas be protected against significant disruption of habitat values as required by Section 30240 of the Coastal Act.

Special Condition 4 requires the applicant to comply with all permit requirements and mitigation measures of the California Department of Fish and Game, 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 environment. Therefore, the Commission finds that the project, as conditioned, is consistent with Section 30240 of the Coastal Act because the proposed development, as conditioned, has been sited and designed to prevent impacts which would significantly disrupt sensitive habitat areas, and will be compatible with the continuance of such habitat areas. Thus, no significant impacts will occur to ESHA.

C. WATER QUALITY

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located near coastal waters of the Pacific Ocean. No work is proposed in the water. All work will occur at least 350-feet inland of the shoreline. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation, and marine resources. The permit is conditioned to protect these marine resources.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Due to the project's location near coastal waters, it is necessary to ensure that construction activities will be carried out in a manner that will not adversely affect recreation, water quality, or marine resources. The potential adverse impacts to water quality and marine resources include discharges of contaminated runoff and sedimentation during construction and as a result of excavation and pouring of concrete for the pole foundations and the use of heavy equipment during installation, operation, and removal of the ice skating venue (fuel and oil leaks).

In order to prevent adverse impacts to marine waters from construction activities, the Commission imposes **Special Condition 3**, which requires that specific best management practices be implemented in order to ensure that water quality, biological productivity, and marine resources are protected as required by Sections 30230, 30231, and 30240 of the Coastal Act. Only as conditioned will the proposed project ensure that marine resources and water quality are protected as required by Sections 30230, 30231, and 30240 of the Coastal Act.

D. PUBLIC ACCESS

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project is conditioned to conform with the following Coastal Act policies which protect and encourage public access and recreational use of coastal areas.

Section 30210 of the Coastal Act states:

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 of the Coastal Act states:

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 of the Coastal Act states, in part:

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

The operation of the seasonal ice skating venue will enhance public recreational opportunities along the coast. The applicant projects that 28,000 users will visit the ice skating venue during the winter holiday period and the price will be approved by the Department of Recreation and Parks in order to ensure that it is affordable to the public. The venue will be open from approximately 10 a.m. until 10 p.m., with slightly longer hours around holidays.

The installation, operation, and removal of the ice skating venue have the potential to have adverse impacts on members of the public who wish to use the open grass and hardscape spaces in the center of the park. However, the venue only takes up a small portion of the open space within the much larger public park. Additionally, the ice skating venue is proposed to be installed, operated, and removed during the winter period, when the park is slightly less busy. Finally, in order to minimize the duration of the temporary interference with a portion of the open space in the park, the Commission imposes **Special Condition 1** requiring the timely installation and removal of the temporary features between November 17th and January 27st annually.

The operation of the ice skating venue will result in an increase in coastal visitors, many of whom will park private vehicles in the area. There are several City owned parking lots within one mile of the site, including a 352-space parking lot on the public beach approximately 500 feet south of the proposed ice skating venue. Additionally, there are thousands of metered public parking spaces within one mile of the site. There are also several valet parking operations on Windward Avenue, adjacent to the park. Finally, there are bicycle racks within the park and several Metro and City of Santa Monica bus routes serve the area. Many of the visitors to the ice skating facility will also visit the adjacent public beach, and likewise many beachgoers and visitors to Ocean Front Walk will also visit the ice skating rink. The additional visitors to the seasonal ice skating venue could impact public parking resources, but because the proposed development is a public recreational activity within a public park adjacent to a public beach, and there will be shared use of the recreational facilities, the Commission finds that the development will not negatively impact public access to the coast.

The proposed security lighting has the potential to enhance public access, provided the lighting is treated and illuminated with consideration for all potential park and beach users. Because one of the primary goals is to enhance public safety, the lighting must be wide-ranging and bright enough to discourage illegal and anti-social behavior; however, the lighting should not be so wide-ranging and bright as to discourage casual and peaceful enjoyment of the public park and the adjacent public beach.

The applicant proposes to light the entire park with an average of 2.0 foot candles of light intensity, produced by seventeen 26-foot high light poles each featuring four aluminum dome-shaped LED fixtures rated at 135 watts each. This treatment is in line with the adjacent brightly lit Ocean Front Walk (a boardwalk commercial atmosphere) and brighter than the nearby Venice Pier².

The Illuminating Engineering Society of North America (IESNA) produces and updates recommendations for pedestrian lighting, parking lot lighting, street lighting, and other outdoor lighting. Many cities base their standards off of these recommendations, although the Venice Specific Plan is silent on the issue and a review of the City of Los Angeles Zoning Code produced ambiguous requirements. The IESNA Lighting Handbook recommends a minimum of 0.2 foot candles of light intensity for pedestrian walkways in residential areas up to 1.0 foot candles of light intensity for pedestrian facilities in commercial areas. For general lighting and paths in gardens, IESNA recommends 0.5 to 1.0 foot candles. For parking lots, 0.2 to 0.5 foot candles are recommended, and

² Measurements by City of Los Angeles engineer during Commission staff site visit 8/19/2014

up to 1.0 foot candles in parking garages at night. 2.0 to 3.0 candle feet of illumination is recommended at gas stations³.

Because Windward Plaza Park is similar to a garden or a pedestrian walkway in a commercial area, the Commission finds that an average of 1.0 foot candles of light intensity is appropriate for the site. The 2.0 foot candles of light intensity proposed by the applicant is not in keeping with the pedestrian scale and quiet, natural feel of the park, and is more in line with a parking garage or gas station at night. Lighting the entire park with an average of 2.0 foot candles of light intensity would discourage casual and peaceful enjoyment of the public park at night, and would spill over onto a portion of the adjacent public beach where people go to enjoy the night sky, and where where bright lights would also act as a deterrent to public access. The letter from the Los Angeles Police Department does not specify a minimum light intensity required for security of the area, and based on multiple staff observations, there was illegal and anti-social activity taking place adjacent to the brightly lit Ocean Front Walk and Windward Avenue, while the darker sections of the public park were clear of people. In order to satisfy the request of the City to enhance public safety, **Special Condition 2** permits the applicant to install security lighting as proposed, provided the height and number of poles are no greater than 26-feet and no more than 17 (and less than that if practicable) and the average light intensity does not exceed 1.0 candle feet.

The Commission finds that only as conditioned is the proposed project consistent with the public access and public recreation policies of the Coastal Act.

E. VISUAL RESOURCES

Section 30251 of the Coastal Act states, in part:

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.

Section 30251 of the Coastal Act requires that the scenic and visual resources of coastal areas be considered and protected as a resource of public importance. In addition, public views to and along the ocean and scenic coastal areas shall be protected. The proposed project involves the installation of up to 17 light poles on the sandy beach. The proposed light poles are in a developed public recreation area which already contains hundreds of palm trees, a recreation building, the five light poles permitted by Coastal Development Permit 5-11-256, and the graffiti walls. Adjacent to the proposed area of development are a skate park, hardscape, basketball courts, and tennis courts. Although the proposed light poles will be visible, they will not significantly block any views to or along the ocean and will be in similar size and scope to the existing development in the vicinity of the project. The proposed electric switchboard will be

³ "The Lighting Handbook." Illuminating Engineering Society of North America. <http://www.ies.org/>

located adjacent to a group of shrubs, which will minimize visual obstructions of the beach or the ocean.

The seasonal ice skating venue will be located atop a raised platform with boards around the skating surface and two small modular units which will have minor view impacts from Ocean Front Walk through portions of the park when the ice skating venue is in place. However, as conditioned, the venue will only be in place for two and one half months of the year during the non-summer period and it will be located in the center of the park, where viewpoints to the ocean are already partially obstructed.

The security lighting proposed by the applicant has the potential to negatively impact visual resources in the park and through the park to the public and the ocean. Bright lights act as a focal point and take visual attention away from natural resources, such as the public beach and the ocean. Additionally, bright lights reduce long-distance visibility, which has the potential to be an issue in Windward Plaza Park, which serves as a buffer between the last public road and pedestrian path and the sandy beach and ocean. Bright lights could reduce visibility from Windward Avenue and Ocean Front Walk through the park towards the ocean. In order to minimize negative impacts to visual resources and visibility, the Commission imposes **Special Condition 2** which requires that the average light intensity not exceed 1.0 candle feet and that the design limits the height of the light poles to 26-feet and the number of poles to 17.

Therefore, as conditioned, the proposed project will not create any significant adverse impacts to visual resources, and is consistent with Section 30251 of the Coastal Act.

F. HAZARDS

The Coastal Act states that new development must minimize risks to life and property and not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The proposed project will not create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The project does not involve any landform alteration. However, no development in the ocean or near the shoreline can be guaranteed to be safe from hazard. All development located in or near the ocean has the potential for

damage caused by wave energy, floods, seismic events, storms, and erosion. The proposed project is located adjacent to the beach about 350-feet inland of the Pacific Ocean and is susceptible to natural hazards. The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. **Special Condition 5** ensures that the applicant understands and assumes the potential hazards associated with the development.

G. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development 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 this 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). A denial of a Coastal Development Permit on grounds it would 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) shall be accompanied by a specific finding which sets forth the basis for such conclusion.*

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The certified LUP sets forth the following policy for the public beach area where the proposed project is located.

POLICY GROUP 3 Recreation & Visitor-Serving Facilities

A. Recreational Opportunities

Policy III. A. 1. General. New recreational opportunities should be provided, and existing recreational areas, shown on Exhibits 19a through 21b, shall be protected, maintained and enhanced for a variety of recreational opportunities for both residents and visitors, including passive recreational and educational activities, as well as active recreational uses.

- a. Recreation and visitor-serving facilities shall be encouraged, provided they retain the existing character and housing opportunities of the area, and provided there is sufficient infrastructure capacity to service such facilities.*
- b. Acquisition, expansion and improvement of parks and facilities throughout the Venice Coastal Zone shall be encouraged and accelerated, subject to the availability of funds.*

- c. Where feasible and compatible with the surrounding neighborhood, recreational uses shall be located in conjunction with other new public facilities, such as public parking lots.*
- d. Recreation facilities shall be refurbished and constructed to maximize recreational opportunities.*
- e. Beach Hours: Public access and recreational opportunities on the sandy beach shall be protected and encouraged. Any limitations to public access, including changes to the hours of operation, shall be subject to a coastal development permit.*

The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and may provide guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. As a result of the proposed project's consistency with the Coastal Act, approval of this project will not prejudice the City of Los Angeles' ability to prepare an LCP that is consistent with Chapter 3 of the Coastal Act.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application 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)(A) 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 effect which the activity may have on the environment.

The City of Los Angeles is the lead agency for the purposes of CEQA review. On July 23, 2014, the City of Los Angeles issued a CEQA Categorical Exemption for a project titled Venice Beach Ice Skating Rink and Security Lighting. Furthermore, the proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, in the form of special conditions, require the applicant to: 1) comply with a timely installation and removal schedule for the ice skating venue, 2) submit a final lighting plan for review and approval by the Executive Director which documents that the lighting is designed to avoid impacts to birds in the palm trees as well as the adjacent public beach and intertidal habitat, 3) implement best management practices to minimize adverse impacts to water quality during construction and operation of the development, 4) comply with the requirements of the resource agencies, and 5) assume the risks of the development.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which 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 complies with the applicable requirements of the Coastal Act to conform to CEQA.

Appendix A – Substantive File Documents

1. Venice Land Use Plan (Commission Certified November 14, 2000)
2. Coastal Development Permit 5-11-256 (City of Los Angeles)
3. Long Range Development Plan Amendment 1-11 (Pepperdine University)
4. "The Lighting Handbook." Illuminating Engineering Society of North America.
<http://www.ies.org/>

Windward Plaza Park, Venice, Los Angeles



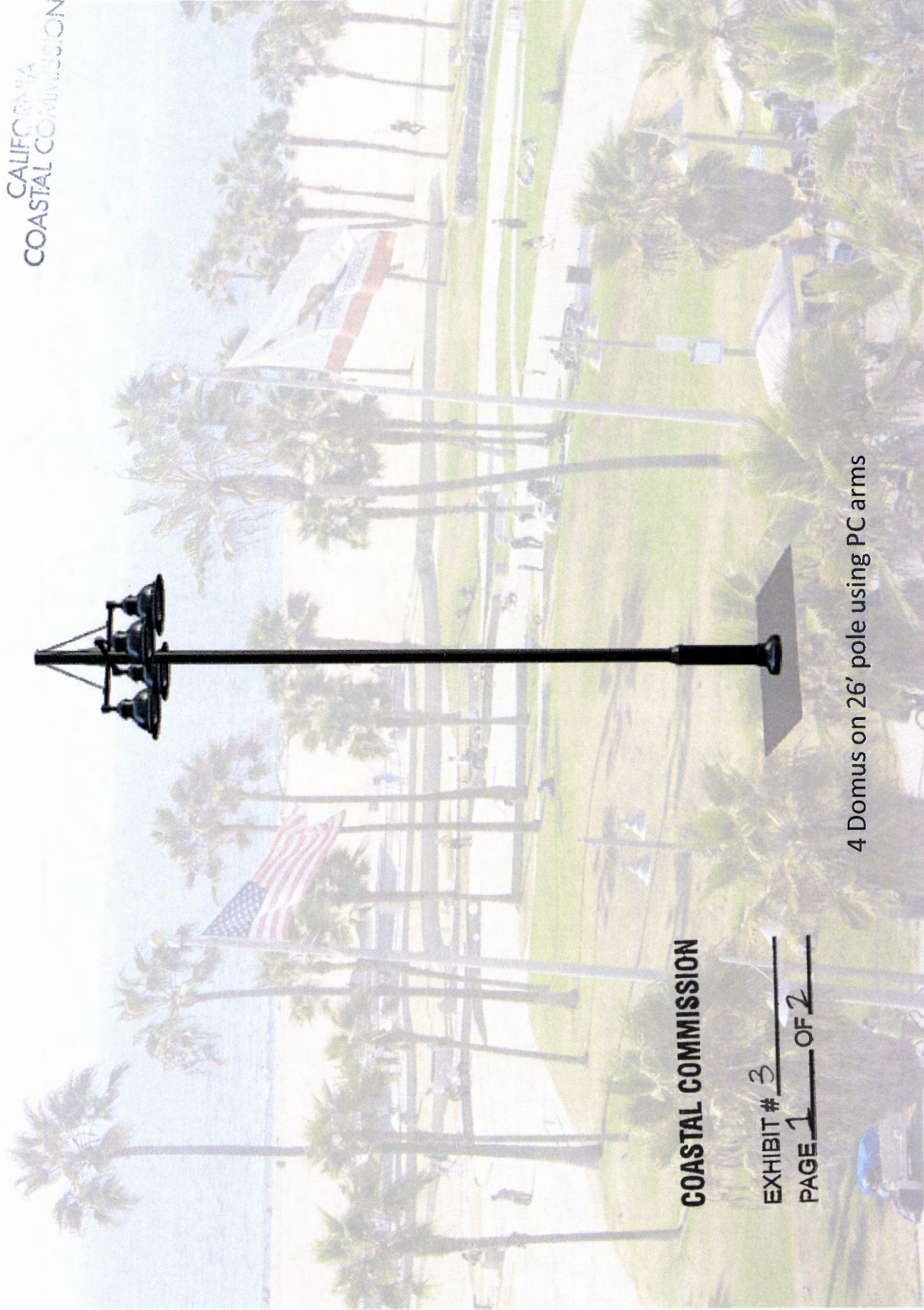


5-14-14-79

RECEIVED
South Coast Region

AUG 6 2014

CALIFORNIA
COASTAL COMMISSION



COASTAL COMMISSION

EXHIBIT # 3
PAGE 1 OF 2

4 Domus on 26' pole using PC arms

VENICE BEACH WINDWARD PLAZA

CITY OF LOS ANGELES

FIGURE 4 — PROPOSED LIGHT STANDARD

DEPT. OF RECREATION AND PARKS

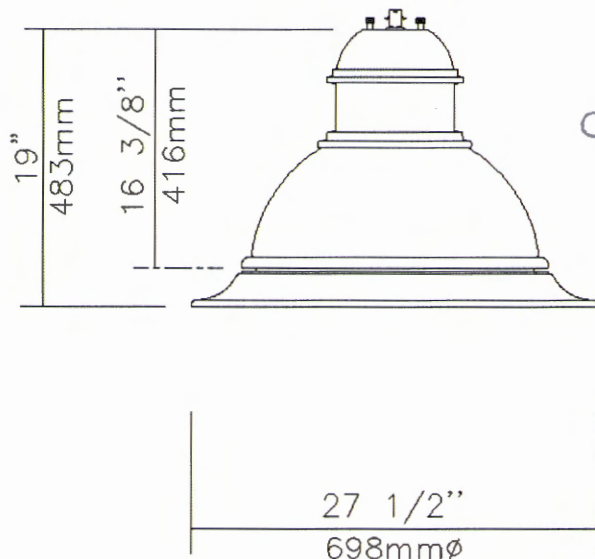


5-140336

RECEIVED
South Coast Region

5-14. 1479

AUG 6 2014

CALIFORNIA
COASTAL COMMISSION

Luminaire [DMS50-006]-110W64LED4K-R-LE5F-480-CHR-NP

PHILIPS
LUMEC**Description of Components:**

Hood: A die cast A360.1 aluminum dome complete with a cast-in technical ring with latch and hinge. The mechanism shall offer tool-free access to the inside of the luminaire. An embedded memory-retentive gasket shall ensure weatherproofing.

Housing: In a round shape, this housing is made of cast 356 aluminum, c/w a watertight grommet, mechanically assembled to the bracket with four bolts 3/8-16 UNC. This suspension system permits for a full rotation of the luminaire in 90 degree increments.

Access-Mechanism: A die cast A380 aluminum technical ring with latch and hinge. The mechanism shall offer tool-free access to the inside of the luminaire. An embedded memory-retentive gasket shall ensure weatherproofing. **Complete with a 1/16" stainless steel security cable keeping the door at an angle between 80° and 90° when open.**

Light Engine: LEDgine composed of 5 main components: **Lens / LED lamp / Optical System / Heat Sink / Driver**
Electrical components are RoHS compliant.

Lens: Made of soda-lime clear tempered glass lens, mechanically assembled and sealed onto the lower part of the heat sink.

Lamp: LED Module (Included), LED type Philips Lumileds LUXEON R. Composed of 64 high-performance white LEDs, 110w lamp wattage. Color temperature of 4000 Kelvin nominal, 70 CRI. Operating lifespan based on TM-21 extrapolation to get results after which 50% of LEDs still emits over 70% (L70) of its original lumen output. Use of metal core board insures greater heat transfer and longer lifespan of the light engine. The LED circuit board is included with a quick disconnect wiring connection for ease of replacement.

COASTAL COMMISSION

EXHIBIT # 3
PAGE 2 OF 2

5-14-1479

LOS ANGELES POLICE DEPARTMENT

CHARLIE BECK
Chief of Police



ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, Calif. 90030
Telephone: (213) 482-6310
TDD: (877) 275-5273
Ref #: 6.2

May 20, 2014

Cathie Santo Domingo
Superintendent
Planning, Construction, and Maintenance
Department of Recreation and Parks

RECEIVED
South Coast Region
AUG 6 2014
CALIFORNIA
COASTAL COMMISSION

Ms. Santo Domingo:


The Los Angeles Police Department, Pacific Division has primary law enforcement jurisdiction along Ocean Front Walk (OFW) at Venice Beach. Currently, Part I crime statistics for the Basic Car for this area is up 24% YTD. More importantly, a review of all Part I crimes along OFW for the last eight weeks determined that of the 94 crimes reported, 44 occurred between the hours of 6:00 pm and 6:00 am. We attribute part of this increase in crime along OFW to be the poor lighting conditions and increased transient population. Accordingly, we have approximately 45 police officers and supervisors assigned exclusively to Venice Beach as part of our law enforcement efforts. However, this robust deployment of law enforcement resources needs to be augmented with other proven law enforcement strategies to reduce the fear and incidence of crime.

One of the proven crime prevention strategies is crime prevention through environmental design. It is the position of Pacific Division that the lighting project must be approved as part of the Ice Rink proposal. The lighting proposal will mitigate safety concerns while the Ice Rink is operational and it will add to the safety and security within the park. It will be a crime deterrent during hours of darkness and enhance overall public safety in the park. Similar lighting strategies have proven to be an effective deterrent to crime and effective low-cost tool for law enforcement.

We respectfully request that the lighting project be approved for the safety and security for all visitors to Ocean Front Walk and the surrounding local community and business owners.

Very truly yours,

CHARLIE BECK
Chief of Police


BRIAN P. JOHNSON, Captain
Commanding Officer
Pacific Community Police Station

COASTAL COMMISSION

EXHIBIT # 4
PAGE OF

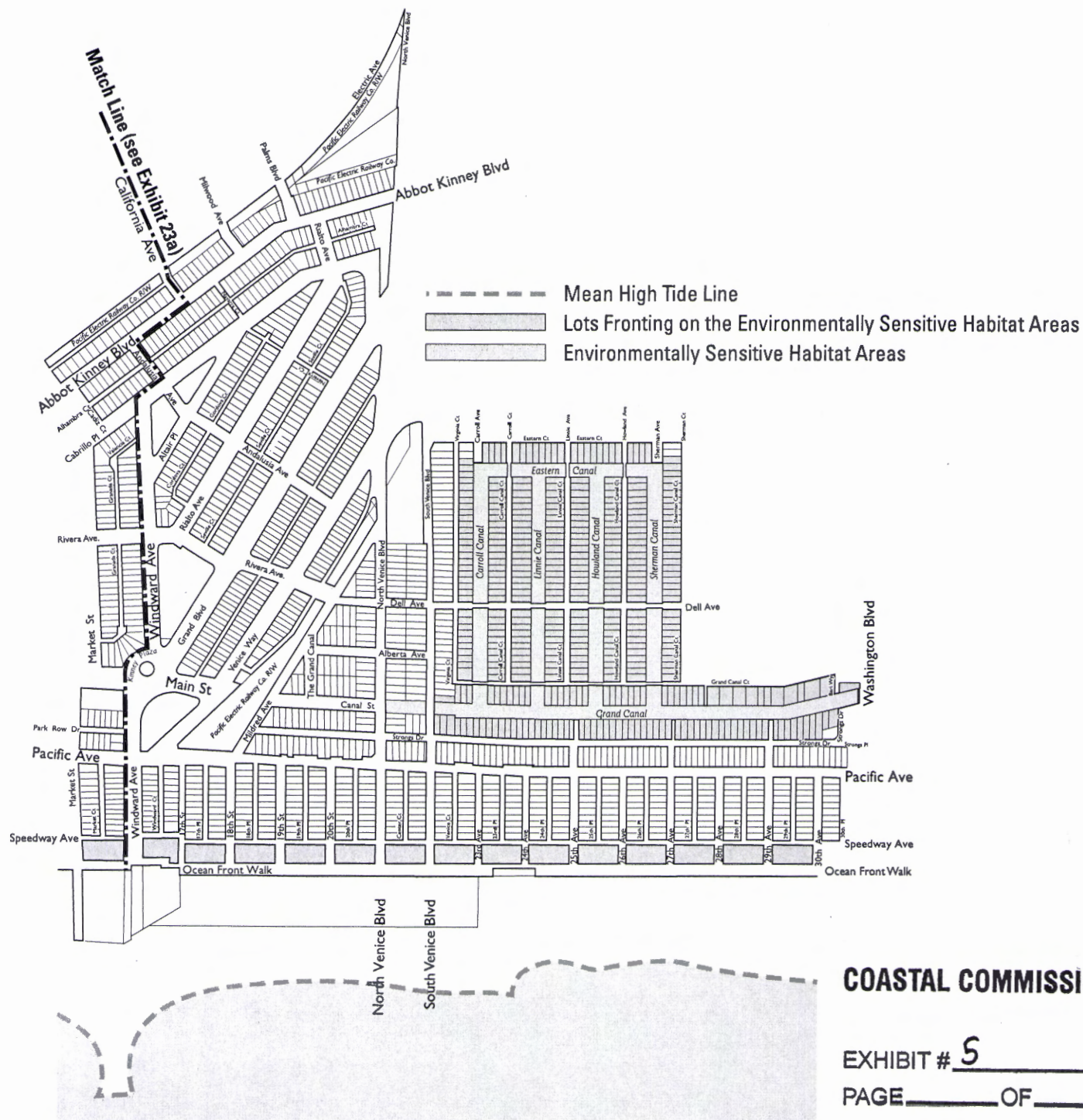


Exhibit 22b

Environmentally Sensitive Habitat Areas