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**COASTAL DEVELOPMENT PERMIT APPLICATION NO. 09-04
FINAL STAFF REPORT**

(Under authority of the *California Coastal Act*, § 30600(b) of the *California Public Resources Code*, and Chapter 1, Article 2, § 12.20.2 of the *Los Angeles City Municipal Code*)

I. PROJECT DESCRIPTION

Project Title: Venice Beach Security Lighting

Applicant: City of Los Angeles, Department of
Recreation and Parks

Project Location:

Council District: 11
Community: Venice
District: West Los Angeles

A. Project Description:

The project site is located along Venice Beach west of the intersection of Ocean Front Walk and Market Street (see Figure 1: *Vicinity Map* and Figure 2: *Aerial View of Project Site*). The City of Los Angeles Department of Recreation and Parks has applied for a Coastal Development permit to install solar-powered security lights adjacent to the two existing Graffiti Art Walls on the beach (see Figure 3: *Close-Up Aerial View of Project Site*). The Graffiti Art Walls and Graffiti Art Cones are part of the Venice Public Art Walls recreational facility. Artists are issued permits to paint on the walls and surfaces of the facility.

The proposed project consists of the installation of five solar-powered lighting structures in the immediate vicinity of the Graffiti Art Walls on

Venice Beach (see Figure 4: *Project Plan*). The lighting structures are 20-foot tall and have 9-foot aluminum lamp extensions (See Figure 5: *Photograph of Solar-Powered Security Light*). Each structure is self-contained and powered by a solar panel that is mounted on top of the light standard. Energy from sunlight is captured by the panel during the day, stored, and then used to power the light. The lights turn on at dusk and turn off again at sunrise.

The proposed project is located in the dual permit jurisdiction area of the coastal zone and must be authorized by the permit process of the California Coastal Act as codified in the Public Resources Code (PRC). A project in the dual permit jurisdiction area must first obtain a Coastal Development Permit from the City Engineer of the City of Los Angeles and then a second Coastal Development Permit from the California Coastal Commission. The proposed project is considered “development” as defined in Section 30106 of the Coastal Act and therefore requires a coastal development permit. (See Section II. A. below for the definition of “development.”)

B. Project Background:

The project proposes to install solar-powered lighting structures on the beach in the public right-of-way to provide nighttime security lighting in the



vicinity of the Graffiti Art Walls. Adjacent to the Graffiti Art Walls is an outdoor picnic area. The purpose of the project is to further the safety and security of the public. The project site was selected for its proximity to the Graffiti Art Walls and picnic area and would enhance nighttime security in these areas.

C. Project Cost:

The construction cost for the proposed project is approximately \$48,000.00.

D. Previous Coastal Commission Actions:

CDP 5-99-427 was issued by the Coastal Commission in 2000 and approved the demolition of the Venice Pavilion complex and restoration of the site to sandy beach and landscaped park with public recreation improvements. The Graffiti Art Walls and adjacent outdoor picnic area were existing features of the Pavilion complex that were retained during the demolition and restoration approved by CDP 5-99-427.

II. REGULATORY BASIS FOR REVIEW

A. Local Coastal Program

PRC § 3600(b) allows local governments to assume authority to issue coastal development permits within its jurisdiction before certification of its local coastal program and the Project is within the City Engineer's jurisdiction (LACMC § 12.20.2 et seq.). The application filed with the City Engineer was deemed adequate.

The Coastal Commission has the responsibility to review proposals for development in the Venice coastal zone for compliance with the California Coastal Act of 1976.

The City of Los Angeles does not have a certified Local Coastal Program. However, after certification of the Local Coastal Program, permit processing procedures for coastal permits in the Venice coastal zone are controlled by the Coastal Act and the California Code of Regulations. The City's permit issuing ordinances must be certified as part of the

Local Implementation Plan. After certification of the Local Coastal Program by the Coastal Commission, the authority of the Coastal Commission is limited to development within the retained or original jurisdiction and to appeals of locally issued coastal development permits.

The Coastal Commission will also retain jurisdiction over amendments to coastal development permits that it approved before certification of the Local Coastal Program. Section 30519(a) of the Coastal Act provides that, except for appeals to the commission (as provided in Section 30603) after a Local Coastal Program, or any portion thereof, has been certified and all implementing actions have become effective, the development review authority provided for in Chapter 7 (commencing with Section 30600) of the Coastal Act shall no longer be exercised by the Coastal Commission and shall at that time be delegated to the local government that is implementing the Local Coastal Program.

Section 30519(b) states that 30519(a) does not apply to development proposed or undertaken on any tidelands, submerged lands, or on public trust lands. The Commission also retains jurisdiction over coastal development permits that were previously approved by the Commission as well as amendments to such permits.

The proposed security lighting installations are located within the area of the California Coastal Zone that is considered 'dual coastal permit jurisdiction.' A Coastal Development Permit (CDP) must be issued by both the City and the Coastal Commission. This project must be authorized by a coastal development permit processed pursuant to the requirements of the Coastal Act. The security lighting installations in the coastal zone are considered development, as defined in Section 30106 of the Coastal Act. Section 30106 of the Coastal Act states:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density

or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provision of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

B. Coastal Guidelines

In accordance with the provisions of Section 30620 of the Public Resources Code; and, in order to sustain the findings contained in Section 12.20.2-G(c) of the Municipal Code which requires a review and consideration of "...Interpretative Guidelines for Coastal Planning and Permits...", the State Coastal Commission has issued Interpretative Guidelines for the South Coast Region of Los Angeles including certain subareas of the City of Los Angeles. These subareas are defined as Pacific Palisades, Venice, Playa Del Rey, San Pedro and Wilmington. However, following prevailing case law (e.g., Pacific Legal Foundation v. Coastal Commission (1982) 33 Cal.3d 158), the City Engineer's determination is based on the cited provisions of the California Coastal Act and other legally established laws and regulations.

C. Issues of Legal Adequacy of the Application

None.

III. STAFF FINDINGS

Six findings are required in order for a Coastal Development Permit to be issued. The six findings are:

(1) That the development is in conformity with Chapter 3 of the California Coastal Act of 1976

(commencing with Section 30200 of the California Public Resources Code).

(2) That the permitted development will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act of 1976.

(3) That the Interpretative Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed, and considered in the light of the individual project in making its determination.

(4) That the decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.

(5) If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.

(6) Any other finding or findings as may be required for the development by the California Environmental Quality Act.

Staff finds as follows:

1. The development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code).

In addition to the policies discussed above, Chapter 3 of the California Coastal Act of 1976 provides:

a) MARINE ENVIRONMENT (Article 4, of Chapter 3 of Public Resources Code, Sections 30230 through 30237)

The proposed project is not expected to impact any coastal waters, wetlands, estuaries or lakes or to reduce biological productivity or marine resources. There are marine habitat and water resources in the coastal waters west of the project site, but the

project is not expected to negatively impact marine resources (PRC Sections 30230 and 30231). There will be no runoff from project operation or construction that might be introduced into storm drains. There will be no introduction of polluted drainage or silt into the Santa Monica Bay.

Project construction will not involve transport of hazardous substances and, thus, there will be no spillage of crude oil, gas, petroleum products, or hazardous substances as prohibited by PRC Section 30232. The project will not involve the diking, filling, or dredging of open coastal waters (PRC Section 30233), commercial fishing and recreational boating facilities (PRC Sections 30234 and 30234.5), constructing revetments, breakwaters, or other construction altering the natural shoreline (PRC Section 30235). The project does not alter rivers or streams and, therefore, does not affect water supply and flood control (PRC Section 30236).

b) LAND RESOURCES (Article 5 of Chapter 3 of Public Resources Code, Sections 30240 through 30244)

Section 30240 states:

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The project area is near an environmentally sensitive habitat area: the coastal habitat on the seaward side of the mean high tide line (see Figure 2: *Aerial View of Project Site*). However, the project is sited on a heavily-used area of the beach which is unlikely to contain sensitive plant or animal species or to provide suitable habitat. Neither construction nor operation of the project would have negative impacts on the coastal habitat area.

The project and does not contain agricultural land or soils or timberland and would not adversely affect any archaeological or paleontological resources (PRC 30241-30244).

c) DEVELOPMENT (Article 6 of Chapter 3 of Public Resources Code, Sections 30250 through 30255)

Coastal Act Sections 30251, 30252, 30253 and 30254 state:

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.

The project site contains existing palm trees in the vicinity of the Graffiti Art Walls and there is currently no unobstructed view across the beach to the ocean. In this context, the light standards would not obstruct a significant amount of any view of the beach or ocean. Glare from project lighting is not expected to be significant given that this part of Venice Beach is highly developed and there are numerous existing street lights in the vicinity along Ocean Front Walk. Therefore, no adverse impacts to scenic and visual qualities of the coastal area are expected.

Section 30252. The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving

the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The project does not interfere with any existing coastal access roadways, bikeways, pedestrian paths or walkways.

Section 30253. 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 land forms along the bluffs and cliffs.*
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.*
- (4) Minimize energy consumption and vehicle miles traveled.*
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The beach in the vicinity of the project site is already protected by a breakwater (shown in Figures 1 and 2). The project would not affect geologic, flood or fire risks (30253(1) (2)), would not conflict with any requirements of the State Air Resources Control Board or South Coast Air Quality District (30253(3)), would not affect energy consumption and vehicle miles traveled (30253(4)), and would not permanently affect the local community (30253(5)).

d) INDUSTRIAL DEVELOPMENT (Article 7 of Chapter 3 of Public Resources Code, Sections 30260 through 30265.5)

The proposed project does not involve the development or expansion of industrial developments as addressed in Article 7, and as such, Section 30260 through 30265.5 are not applicable to the proposed project.

2. The permitted development will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act of 1976.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice Beach area. However, in 1999, the Los Angeles City Council adopted the *Venice Local Coastal Program Land Use Plan* (Land Use Plan); this plan was certified by the California Coastal Commission in 2001.

The Land Use Plan identifies the project site as being a shoreline recreational area. Policy III.A.1. of the Land Use Plan establishes the policy that “. . . existing recreational areas . . . shall be protected, maintained and enhanced for a variety of recreational opportunities for both residents and visitors . . .” The proposed project serves to enhance an existing recreational use by furthering public safety and security for the Graffiti Art Walls.

The project conforms to relevant provisions and policies of the Coastal Act and the applicable Land Use Plan. Thus the project will not prejudice the ability of the City to prepare a Local Coastal Plan in conformity with the Coastal Act and amendments.

3. The Interpretative Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed, and considered in the light of the individual project in making the City Engineer’s determination.

The California Coastal Commission’s interpretive guidelines (State and Regional) for the Venice area have been reviewed and considered in preparation of these findings and recommendations. However, following prevailing case law (e.g., *Pacific Legal Foundation v. Coastal Commission* (1982) 33 Cal.3d 158), the City Engineer’s determination is based on the cited provisions of the California

Coastal Act and other legally established laws and regulations.

4. The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.

The decision of the permit granting authority, as evidenced in the staff report of this project, has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.

5. If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.

a) PUBLIC ACCESS (Article 2, of Chapter 3 of the Public Resources Code, Sections 30210 - 30214).

This project is located between the nearest public road and the sea or shoreline of a body of water located within the coastal zone.

The proposed project will not interfere with coastal access and will not impair any existing access to the coast.

Section 30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The project enhances a low-cost recreational opportunity by improving safety and security at the Graffiti Art Walls.

b) RECREATION (Article 3, of Chapter 3 of Public Resources Code, Sections 30220 through 30224)

Section 30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

The project will not interfere with or impair any oceanfront or other land suitable for water-oriented recreational activities.

Section 30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The proposed project will not affect any currently undeveloped upland areas that might be approved for coastal recreation uses.

6. Any other finding or findings as may be required for the development by the California Environmental Quality Act.

Pursuant to the California Environmental Quality Act (CEQA), the City of Los Angeles Department of Recreation and Parks completed a Categorical Exemption on June 29, 2008.

There are no additional evaluations required by the California Environmental Quality Act in connection with the approval of this permit.

IV. PUBLIC COMMENT

A public hearing on the permit application was held on September 15, 2011, at the Venice-Abbot Kinney Memorial Branch of the Los Angeles Public Library. The hearing was attended by Bureau of Engineering Staff. No members of the public were in attendance at the hearing. No comments on the application were received either in writing or verbally.

V. STANDARD CONDITIONS OF APPROVAL

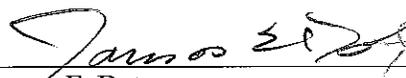
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the City Engineer's Office.
2. Expiration. If development has not commenced, the permit will expire two years from the permit date as reported from the Coastal 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.

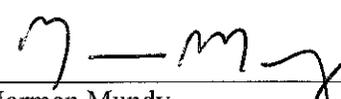
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the City Engineer.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the City Engineer an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the City Engineer and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
6. Other approvals. None

VI. STAFF RECOMMENDATIONS

Based on the preceding analysis, we recommend that the City Engineer issue a Coastal Development Permit for this project.

 9-16-11
James E. Doty Date
Acting Manager
Environmental Management Group

DOCUMENT PREPARED BY:

 9/16/11
Norman Mundy Date
Environmental Specialist II
Environmental Management Group

VII. REFERENCES

California Coastal Act -- Public Resources Code Division 20, Section 30000 *et seq.*

California Coastal Commission, October 14, 1980. *Regional Interpretive Guidelines. South Coast Region. Los Angeles County.*

California Coastal Commission, December 16, 1981. *Statewide Interpretive Guidelines.*

City of Los Angeles. *Framework Element of the Los Angeles General Plan.*
<http://cityplanning.lacity.org/cwd/framwk/chapters/00/00.htm>

City of Los Angeles. *Municipal Code, Chapter I, Article 2, Section 12.20.2, et seq.*

City of Los Angeles. *Venice Local Coastal Program Land Use Plan*, adopted 1999, certified by Coastal Commission 2001.

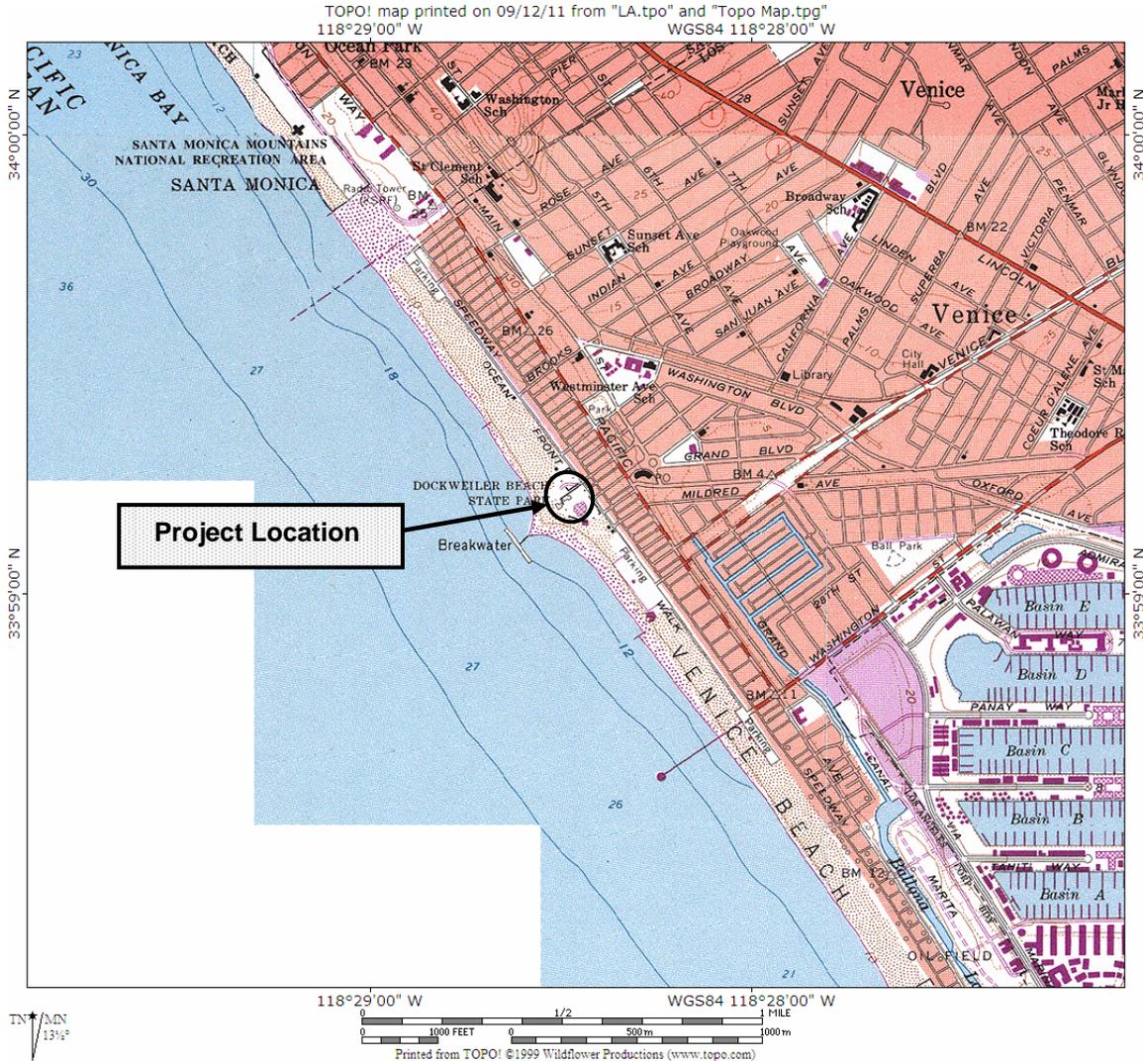
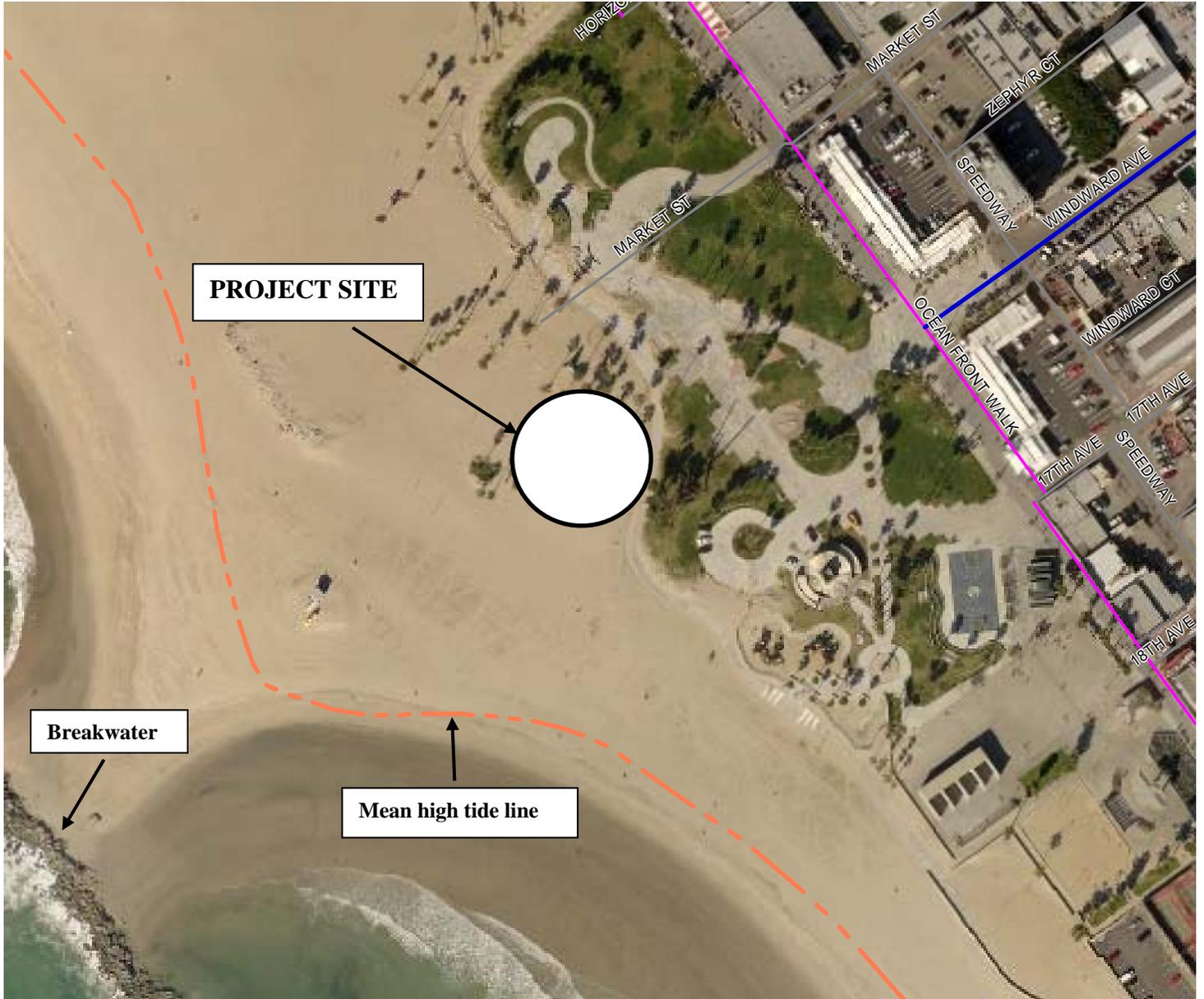
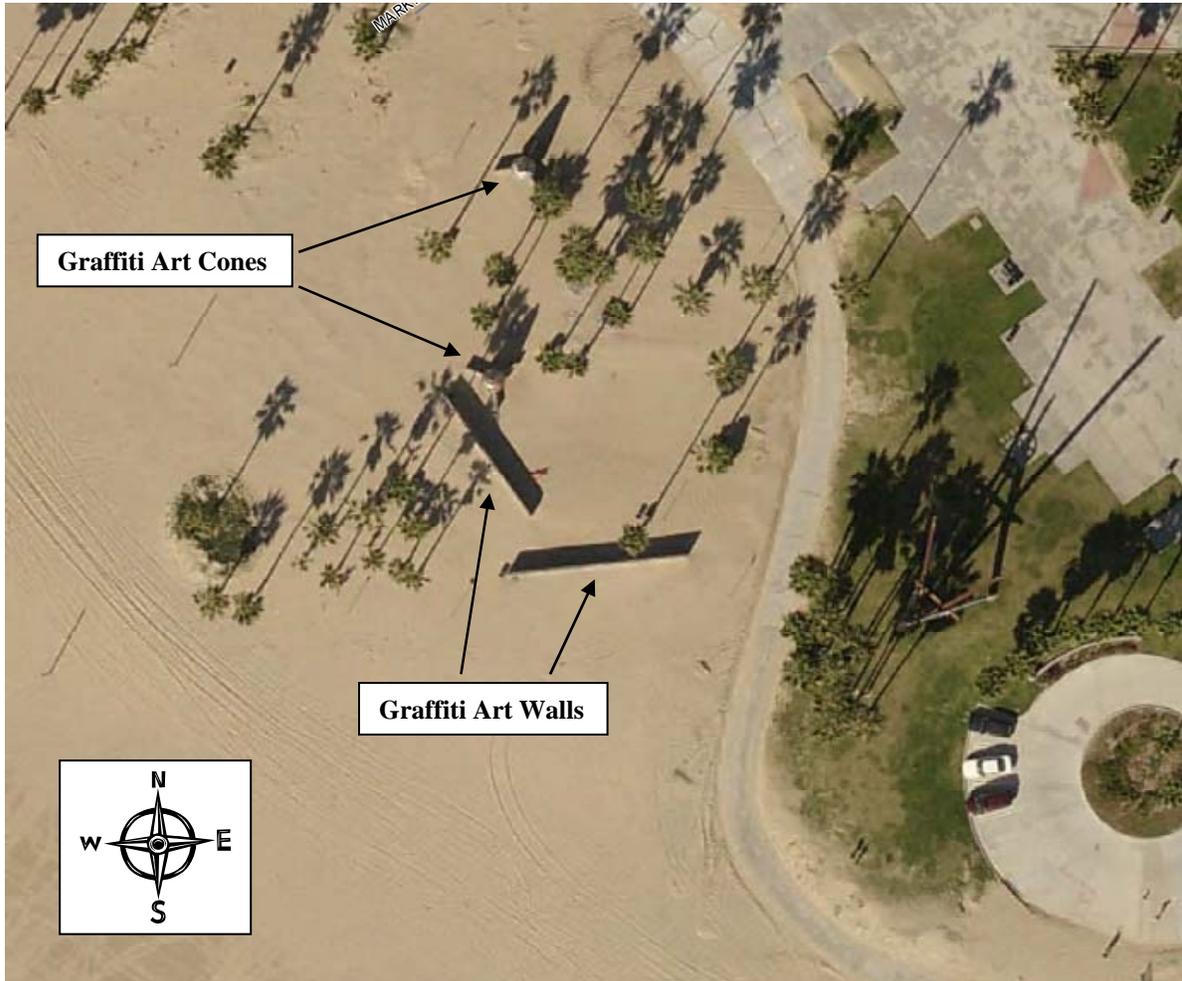


Figure 1: Vicinity Map



Source: Navigate LA

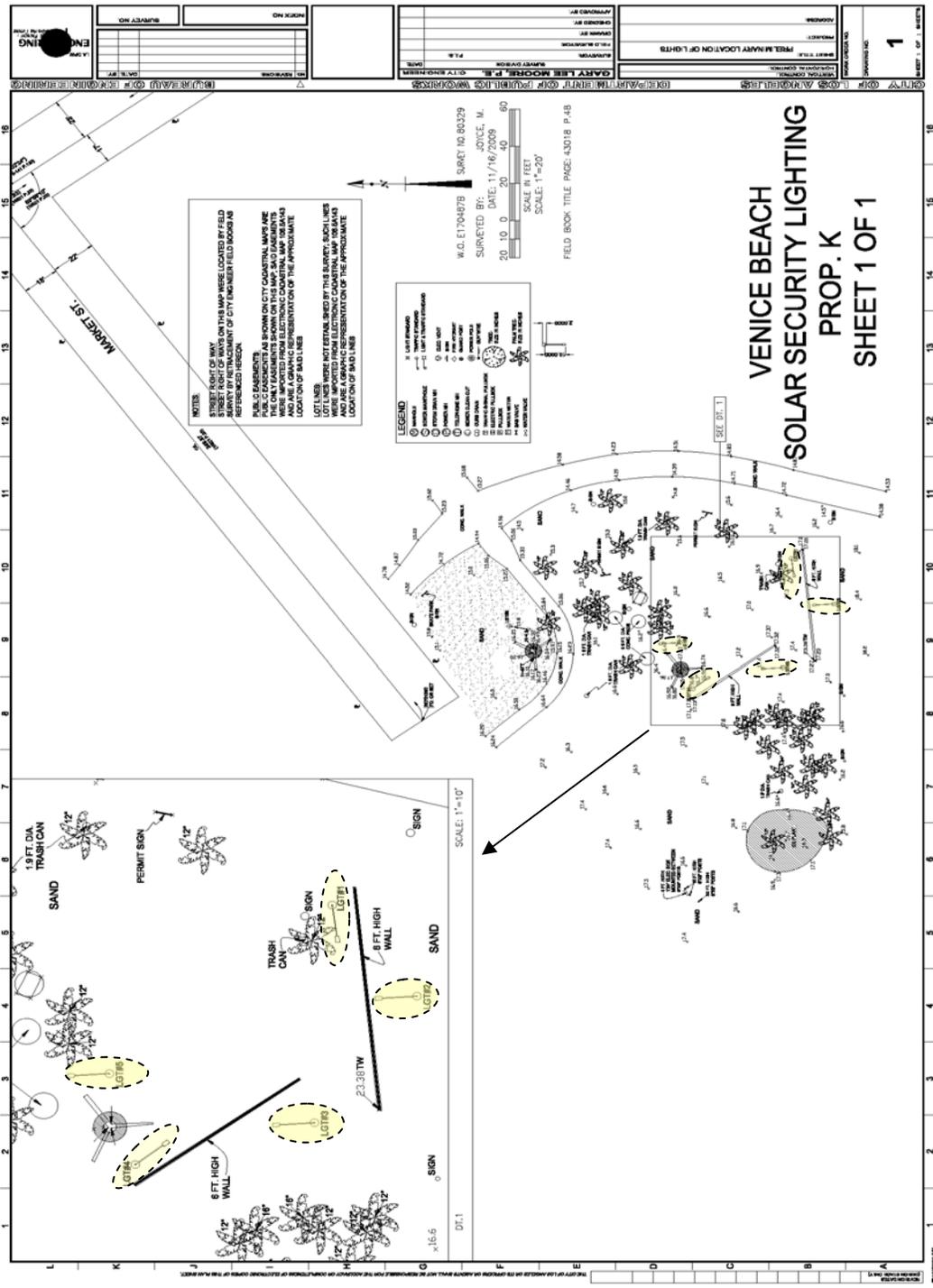
Figure 2: Aerial View of Project Site



Source: Navigate LA

Figure 3: Close-Up Aerial View of Project Site

(structures and trees are casting shadows in a northeast direction)





Source: www.eagle-1mfg.com

Figure 5: Photograph of Solar-Powered Security Light