

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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 (310) 596-5071

Filed: 10/31/95
 49th Day: 12/19/95
 180th Day: 4/28/96
 Staff: A. Padilla
 Staff Report: 11/2/95
 Hearing Date: 12/12-15/95
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-95-188

APPLICANT: The Pritikin Longevity Center

AGENT: Christopher Harding
and Kevin V. Kozal

PROJECT LOCATION: 1828 Ocean Avenue, Santa Monica

PROJECT DESCRIPTION: Demolition of 13-unit hotel and restaurant and expand the existing parking area and improve with lighting, fencing, guard station, and landscaping for use as a 127 space private parking lot. The parking lot will be used by an existing commercial use. The Parking lot will be made available to the public on a majority of weekends each year.

Lot area:	45,445 sq. ft.
Building coverage:	35-40 sq. ft.
Pavement coverage:	38,168
Landscape coverage:	7,277 sq. ft.
Parking spaces:	127
Plan designation:	RVC/Beach Overlay District

LOCAL APPROVALS RECEIVED: Approval In Concept

SUBSTANTIVE FILE DOCUMENTS: CDPs 5-88-062 (CWD Taiyo Broadway Ocean Associates), 5-89-941 (Maguire Thomas Partners), 5-89-240 (Michael Construction Enterprises), 5-90-928 (Maguire Thomas Partners), 5-90-017 (Janss Corp.)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with a special condition related to public parking.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Public Parking

Prior to the issuance of a permit, the applicant [landowner] shall execute and record a deed restriction in a form and content acceptable to the Executive Director, stating that all on-site parking shall be open to the public on weekends and holidays and between 5:00 P.M. and 10:00 A.M. on all weekdays. The deed restriction shall also provide that if a fee is charged, rates shall not exceed those charged at the City operated public beach parking lots. The deed restriction shall be recorded free and clear of all prior liens and encumbrances the Executive Director determines to affect said interest and shall run with the land binding all successors and assigns.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant proposes to demolish a 13-room hotel and restaurant and enlarge an existing parking area and improve with lighting, fencing, guard station, and landscaping (see Exhibit 4 & 5). The parking lot will have a capacity of 127 parking spaces. The parking lot will be used for private parking for an existing commercial use (Pritikin Center). The Parking lot will be made available to the public on a majority of weekends each year.

The proposed project is located at the northwest corner of Ocean and Pico Boulevard. The lot consists of eight parcels totalling 45,445 square feet in area (see Exhibit 1 & 2).

The 45,445 square foot lot previously contained two structures, which were removed from the site without coastal permits (see Exhibit 3). One structure was located along the eastern portion of the site adjacent to Ocean Boulevard. This structure was a restaurant (Cherrios). The structure was severely damaged in 1989 and was subsequently removed by City permit due to the remnants being considered a safety hazard by the City. The second structure was a 13 unit low-cost overnight facility (Drake Hotel). The hotel was demolished in 1989 after the City found the hotel uninhabitable and a demolition permit issued. The burned out restaurant was removed without coastal approval, however, the structure was considered a safety hazard by the City, therefore, the structure's removal would have been exempt from the Coastal permit process. The demolition of the hotel, however, was not considered a safety hazard nor condemned by the City, but considered economically infeasible to maintain, hence the City issued a demolition permit. In this particular case the demolition of the hotel would have required a coastal permit application. The hotel was demolished in 1989, prior to the applicant, the Pritikin Longevity Center, purchasing the property in 1993 and did not receive a Commission approved coastal development permit. The applicant has constructed the parking lot but has not yet completed all proposed improvements. In May 1995, the City issued a Conditional Use Permit for the parking lot.

The proposed site is located within the City's Beach Overlay District. The

boundary of the Beach Overlay District is the area west of Ocean Avenue and Neilson Way (excluding the Pier area) extending from the City's northern boundary line to the southern boundary line. The Beach Overlay District was created with the passage of a voter initiative (Proposition S). The initiative prohibits hotel and motel development, and restaurants over 2,000 square feet, in the Beach Overlay District but the initiative was not certified by the Coastal Commission.

In 1987 the Commission certified, with modifications, a LUP for the entire coastal area of the City of Santa Monica. The City, however, did not accept the LUP as certified. Then in 1992 the City resubmitted the LUP. The Commission certified the LUP with suggested modifications. The certified LUP, however, excluded all areas within the Beach Overlay District. The Commission deferred certification of this area because the Commission found that Proposition S discouraged visitor-serving uses along the beach, resulting in an adverse impact on coastal access.

The proposed project is located just west of Ocean Avenue outside of the LUP certified area, and within the area of deferred certification.

B. Development

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30255 of the Coastal Act states:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. . .

Section 30252

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

The proposed project is located approximately a block from the beach area. Santa Monica beach is the most heavily used beach in the Los Angeles area and possibly in the State. As the population continues to increase beach use will also increase placing a greater demand on recreational facilities and increasing the need for visitor serving commercial and recreational type uses.

The Coastal Act requires that public coastal recreational facilities shall have priority over other types of development on any private land suitable for such use. Section 30222 and 30255 gives priority land use to visitor-serving commercial and public recreational facilities on public and private oceanfront and upland areas where necessary.

The proposed private 127 space parking lot will serve an existing commercial development, Pritikin Longevity Center, which has no on-site parking. The applicant is proposing to provide the general public access to the parking lot.

on "most" weekends at a rate not to exceed those charged at the City's beach parking lots. The applicant anticipates that 50-60 parking spaces will be available for use by the public during most of the weekends each year.

The property was previously improved with a restaurant and hotel with associated surface parking. After the structures were removed in 1988 and 1989 the site was used as a parking lot. The parking lot did not receive any permits from the City nor the Coastal Commission.

One of the basic Coastal Act goals is to maximize public recreation and access to the beaches. A private low-priority development one block away from the beach would not maximize public recreation and access. An exclusive private parking lot is not a priority use and developing this lot with a low priority use will have adverse individual and cumulative impacts on coastal access and public opportunities for coastal recreation. Due to the sites close proximity to the Santa Monica Pier, pedestrian promenade and beach and site is suitable for visitor-serving uses.

However, development of a surface parking lot would not preclude redevelopment of the site with a higher priority use. Moreover, by providing parking for an existing use that has no support parking, parking in the area, such as on-street and public beach lots, will be made available to the public for beach and recreational access. Secondly, the applicant has offered to make the proposed parking lot available to the public on most weekends of the year. Beach parking demand peaks on the weekends. In this way the applicant has offered to mitigate the project's low priority commercial use.

Due to the uninhabitable condition of the hotel and the City's finding that the hotel was economically infeasible to rehabilitate, the hotel was no longer providing a visitor-serving use. Therefore, the demolition of the hotel is consistent with the Coastal Act.

In past permit actions the Commission has allowed low priority uses, such as office development, within the upland areas of the City of Santa Monica. The Commission, however, has only permitted these uses with a special condition requiring that the project's support parking be made available to the public on weekends and holidays and after 5:00 P.M. to 10:00 P.M. on weekdays. If a fee was charged, the rate could not exceed that charged at the public beach parking lots. The Commission, therefore, finds that only as conditioned to provide public parking consistent with past Commission action will the proposed project be consistent with Section 30222, 30252 and 30255 of the Coastal Act.

C. Unpermitted Development

In 1989 a previous owner demolished a hotel on this property. After purchasing the property in 1993, and prior to the submittal of this application, the applicant improved the property with a private parking lot without obtaining Coastal Commission approval.

Although unpermitted development may have taken place on the property prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to

the legality of any development undertaken on the subject site without a Coastal permit.

D. Local Coastal Program

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

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

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), except for the Santa Monica Pier. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications.

As discussed in the preceding findings, the project as conditioned is found by the Commission to conform with the applicable provisions of Chapter 3 of the Coastal Act. Therefore, approval of the project will not prejudice the ability of the City to complete their LCP in conformance with Coastal Act requirements.

E. CEQA

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

The proposed project has been conditioned to be found consistent with the public access policies of the Coastal Act. Mitigation measures will minimize all adverse impacts. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.


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LOS ANGELES CO.

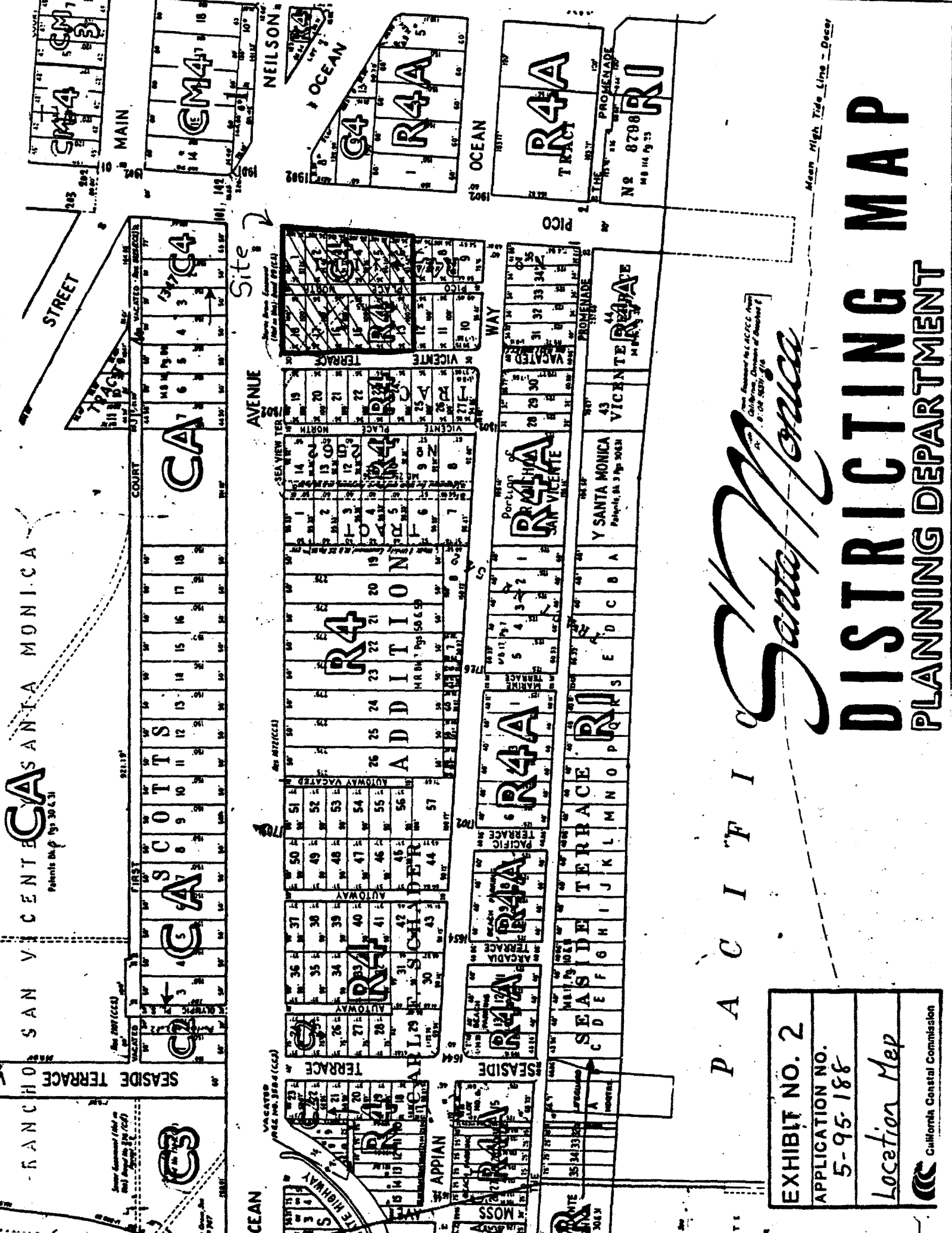
Site

DETAIL

EXHIBIT NO. 1
APPLICATION NO. 5-95-188
<i>Vicinity Map</i>
 California Coastal Commission

RANCHO SAN VICENTE CASANTA MONICA

Patents No. 179, 30 & 31

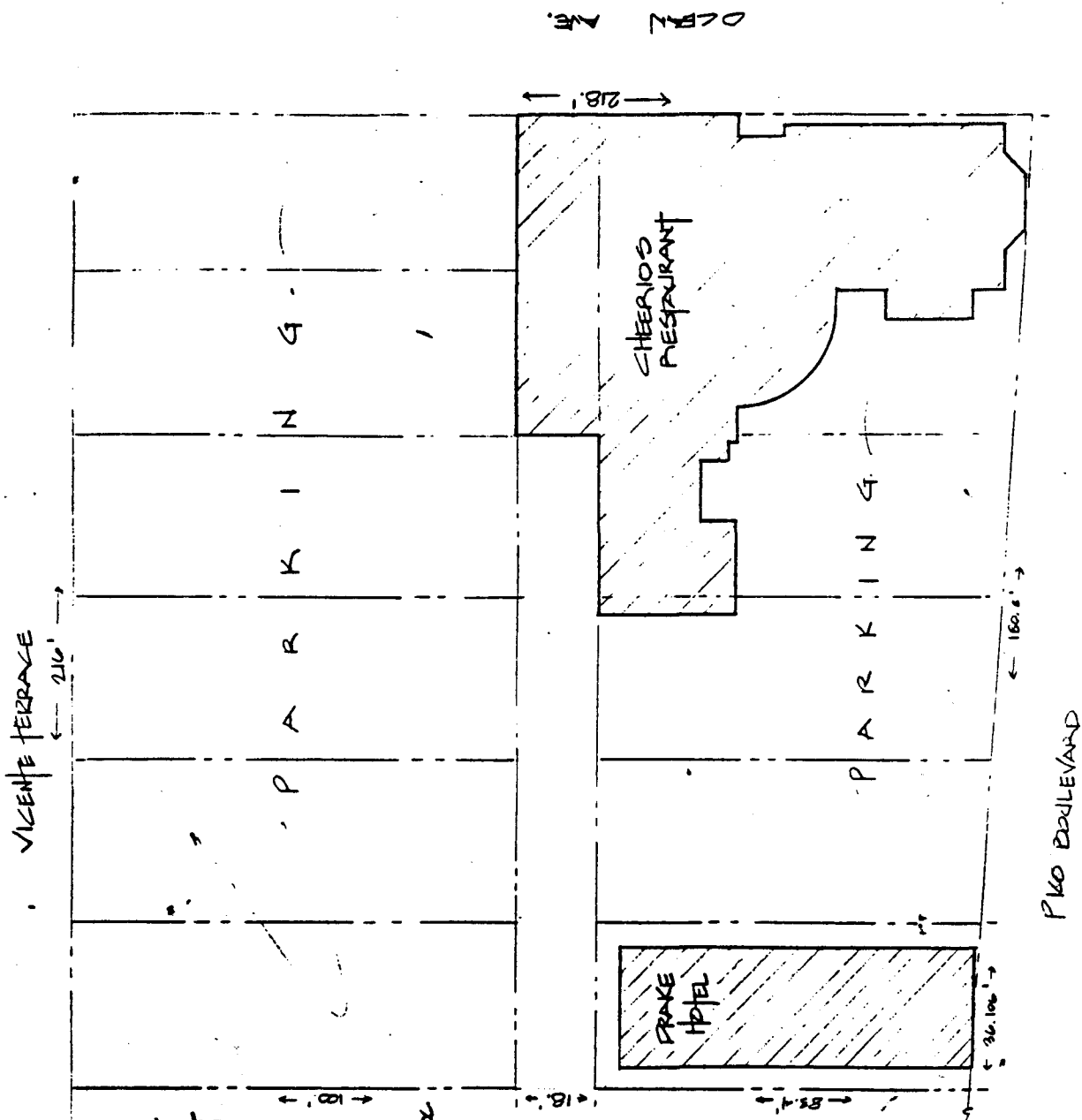


PACIFICA *Santa Monica*

DISTRICTING MAP
PLANNING DEPARTMENT

Mean High Tide Line - Decor

EXHIBIT NO. 2
APPLICATION NO. 5-95-188
Location Map
California Coastal Commission



PREPARED BY
 RICHARD L. SEAN + ASSOC
 SCALE: 1" = 30'

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 RICHARD L. SEAN + ASSOC
 SCALE: 1" = 30'

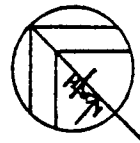
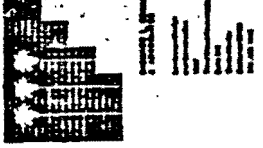


EXHIBIT NO. 3
APPLICATION NO. 5-95-188
Location of Prior Structures
California Coastal Commission



PROJECT

1515 OCEAN FRONT WALK
SANTA MONICA, CALIFORNIA

DATE

PLANNING PLAN

SCALE
DATE
BY
CHECKED
APPROVED

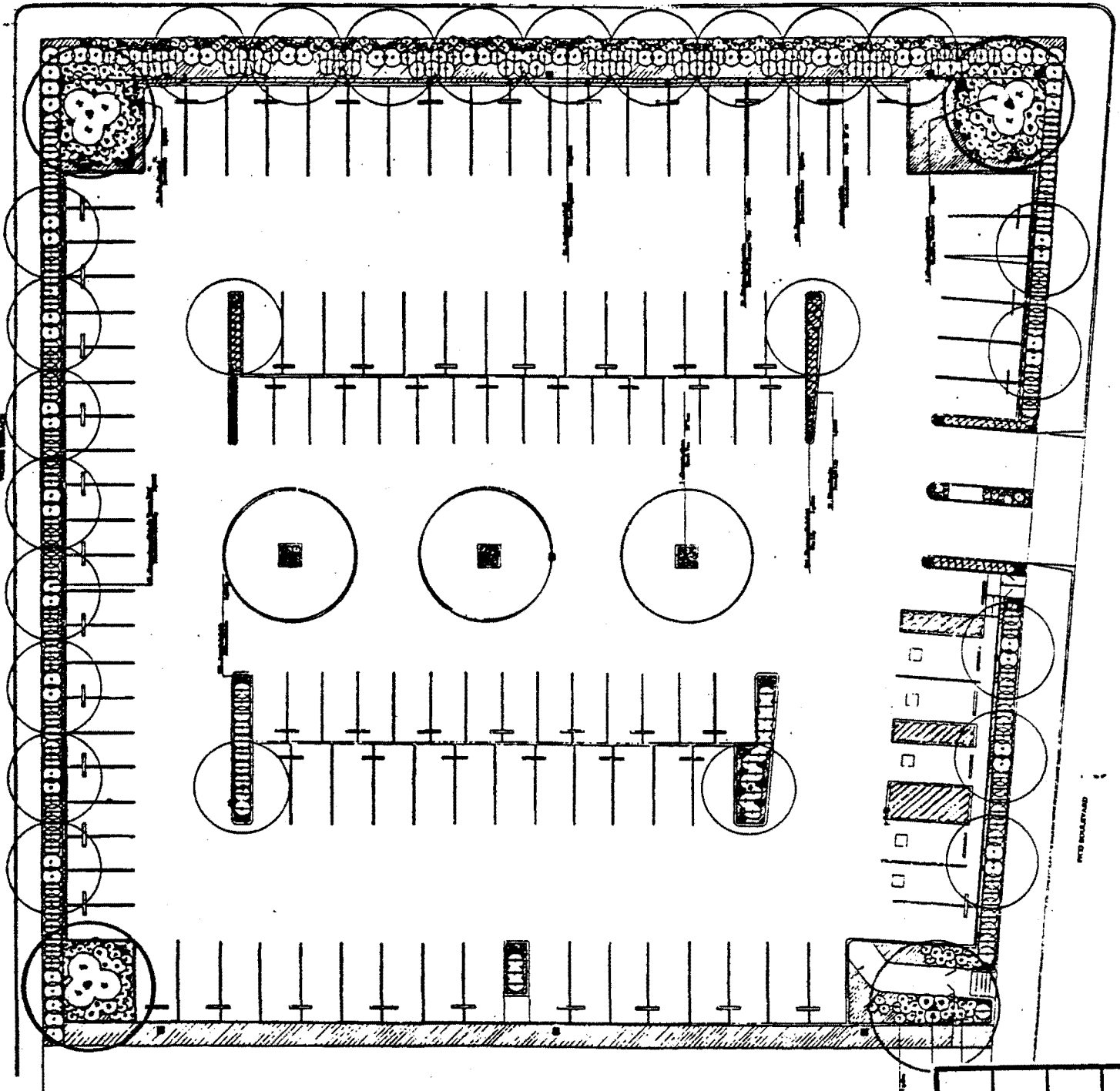
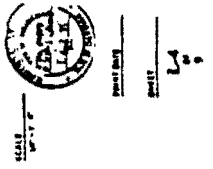


EXHIBIT NO. 5
 APPLICATION NO.
 5-95-188
 Landscaping
 Plan
 California Coastal Commission