

CALIFORNIA COASTAL COMMISSION

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Staff Report: 9/6/96
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Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-96-171

APPLICANT: City of Santa Monica

AGENT: John Jalili

PROJECT LOCATION: South Beach, Santa Monica Pier, and Palisades Park, City of Santa Monica, Los Angeles County.

PROJECT DESCRIPTION: The construction/installation of three permanent public artworks. A statue, entitled "Avatar", will be located in Palisades Park; a replica of life boats, entitled "Twilight and Yearning" will be located beneath the Santa Monica Pier; and a sculpture consisting of metal pipes and small cement markers, entitled "Solar Web", will be located on the south beach.

LOCAL APPROVALS RECEIVED: City Council approval

SUBSTANTIVE FILE DOCUMENTS: City of Santa Monica certified, with suggested modifications, LUP. Coastal Development Permits: 5-93-261, 5-86-098, 5-86-945, 5-91-537 and 5-90-1128 (City of Santa Monica)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with a special condition to ensure that all future art projects will require Commission approval.

STAFF NOTE: The proposed project was before the Commission in April of 1994. The Commission approved the project with a special condition to ensure that the City was aware that all future artworks would require a permit or amendment to the permit. The permit, which was valid for two years, expired prior to the City commencing development. Therefore, the City has submitted a new coastal permit application for reapproval of the project.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development 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, is between the sea and the first public road paralleling the sea and is consistent with the access and recreation policies 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. Future Improvements

With the acceptance of this permit the applicant agrees that all future artworks, except for the artworks entitled "Solar Web", "Twilight and Yearning", and "Avatar" which have been specifically applied for in this permit, will require an amendment to this permit or a new coastal development permit.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project and Area Description

The City of Santa Monica is proposing the construction/installation of three permanent public artworks. A statue, entitled "Avatar", will be located in Palisades Park; a replica of life boats, entitled "Twilight and Yearning" will be located beneath the Santa Monica Pier; and a sculpture consisting of metal pipes and small cement markers, entitled "Solar Web", will be located on the south beach.

The City of Santa Monica is seeking reapproval of a project that was approved by the Commission in April of 1994 [(5-93-261 (City of Santa Monica))]. Permit #5-93-261 expired in April 1996 prior to the City commencing construction on the site(s). The City inadvertently allowed the permit to expire and did not submit an extension request prior to the expiration of the permit.

B. Background

In 1993 the City of Santa Monica adopted an outdoor public art program for the area within the City's coastal zone in order to integrate all aspects of policy and administrative guidance for the installation of outdoor art works in the coastal zone. This plan includes the installation of the three artworks proposed by this permit application.

The Santa Monica Local Coastal Art Plan covers the City's entire coastal zone. The coastal zone extends for approximately three miles along the coastline and comprises approximately 1.5 square miles (975 acres). The City's coastal zone is bounded on the west by the Pacific Ocean, on the east by Lincoln Boulevard south of Pico Boulevard, and Fourth Street north of Pico Boulevard as far north as San Vicente Boulevard. On the north, the border follows the San Vicente Boulevard centerline up to just inland of Fourth Street where the line then extends to the north City border (See Exhibit #2).

The City's coastal zone is a highly developed urban environment with a variety of residential and commercial buildings, parking lots, and parks located along the beach and inland areas. The City's coastal zone can be divided into two distinct areas: 1) the publicly owned shoreline and sandy beach; and 2) the urbanized inland area. The public beach, which has been artificially incremented through the years, is a very broad beach averaging over 600 feet

in width. The beach is divided into north and south beaches by the Santa Monica Pier. The beach contains a variety of recreational facilities, such as volleyball courts, pedestrian promenade, bike path, grass park areas, and playground equipment. The beach also contains lifeguard towers, a lifeguard headquarters, located just south of the Pier, concession stands, a few art works, and storm drains.

The north beach is underutilized in relation to the south beach due to the limited public parking facilities interspersed among the private property and due to traffic volumes on Pacific Coast Highway.

The north beach consists of single and multiple-family residences, beach clubs, and public parking lots between Pacific Coast Highway and the beach. To the south of the Pier development such as apartments, shops, hotels, and parking lots are separated from the sandy beach area by a pedestrian promenade.

Santa Monica State Beach is the most heavily used beach in Los Angeles County. It is estimated that in any given year approximately 18 to 20 million people will visit this beach. The beach attracts visitors from all over the Los Angeles metropolitan area. Over the years with the development of hotels, restaurants and other tourist attractions the area has been attracting visitors from throughout the country and the world.

Santa Monica's pier consists of 413,056 square feet of area and is owned and operated by the City. The Pier's current uses include a number of restaurants, fast food establishments, small retail shops, an arcade and amusement rides. The west end of the pier is used for fishing. The western end is also improved with a Harbor Guard office and a display area for pier history and marine related issues. The Pier also attracts large numbers of strollers and fishermen daily. In May 1993 the Commission approved the development of an amusement area ("Fun Zone") consisting of family rides, game and food booths [5-92-345 (City of Santa Monica)]. Construction of the "Fun Zone" has recently been completed.

The inland urbanized area contains a variety of residential, hotel, commercial, and public recreational land uses. This area can be divided into the North Residential area, Downtown area, Civic Center, Main Street Commercial area, and the Ocean Park Residential area.

The City of Santa Monica's coastal zone currently contains over twenty artworks ranging from banners to murals to small and large sculptures. These artworks are located on Santa Monica State Beach, Palisades Park, the Downtown area, Civic Center, and the Ocean Park area.

All but four of the existing artworks are located inland of the beach area. The four artworks on the beach were installed between 1987 and 1992. Three of the art works are located on the sand and one is located within the Ocean Park beach park. The Coastal Commission waived the requirements for Coastal Development Permits for the four beach sculptures. The three beach sculptures on the sand include: "Singing Beach Chairs", "Santa Monica Art Tool", and "Ocean Park Segue".

The "Singing Beach Chairs" are located in the south Beach area approximately 100 feet seaward of the pedestrian promenade [5-86-098 (City of Santa

Monica)]. The two "Chairs" cover an area approximately four feet by four feet each and extend to eighteen feet in height. The "Chairs" resemble lifeguard chairs and respond sonically to the wind to produce pipe organ sounds.

The "Santa Monica Art Tool" is located adjacent to and north of the Santa Monica Pier (Coastal Permit number not available). The "Art Tool" is a twelve-ton concrete roller (9'x12'x9') inscribed with an intricate relief pattern of a cityscape. When the "Art Tool" is hooked to a tractor and pulled the cityscape is imprinted onto the sand.

The "Ocean Park Segue" is located adjacent to and west of the Ocean Park beach park [5-86-945 (City of Santa Monica)]. This art work consists of two raised concrete performance platforms, each made of six horizontally stacked concrete slabs, which can be pivoted to create stairs and overhangs. The art work is forty-inches in height with each slab measuring fifteen feet by fifteen feet.

Since 1990 the Commission has also approved three art works located in Palisades Park [5-90-392 (City of Santa Monica)], the Civic Center [5-90-1128 (City of Santa Monica)], and the Ocean Park area [5-91-537 (City of Santa Monica)].

In 1989 the Commission denied the installation of one sculpture ("Solar Web") which was proposed on the beach in the southern portion of the City [5-89-178(City of Santa Monica)]. The Commission denied the project because there was no comprehensive plan showing the number of artworks planned on the beach. Without a comprehensive plan the cumulative impacts on visual resources of the coast, access and coastal recreation caused by the existing and future art projects could not be predicted.

The Santa Monica Coastal Art Plan and the three artworks, which included "solar web", proposed by this permit were before the Commission in April 1994. The Commission approved the three artworks with a special condition to ensure that all future artworks planned for installation within the Coastal Zone would require a Coastal Development Permit. The permit, which was valid for two years expired prior to the City initiating any construction on the approved sites. The City has subsequently submitted a new application for the three artworks previously approved by the Commission.

According to the City, since receiving Commission approval for the three artworks in April of 1994, the City has continued to pursue the development of all three artworks (see Exhibit 14-16). In the case of "Solar Web" the City has received a new cost estimate from the sculpture fabricators, investigated soil analyses of the site, and issued a purchase order for final engineering work. In addition, in June of 1996, the City's Art Commission dedicated an additional \$105,000 from the City's art program for fabrication and installation of the work.

In the case of "Twilight and Yearning", fund raising for the construction and installation of the artwork has been ongoing. The artist has acquired two of the tree wooden boats that constitute the artwork. In the past fiscal year engineering plans for the installation have been commissioned. In addition, the Arts Commission recently budgeted an additional \$10,000 in order to guarantee completion of the work.

For the artwork entitled "Avatar" fundraising has also been ongoing. The City is currently completing contract negotiations with the artist and the Mahatma Gandhi Foundation. The contract negotiations could not have been completed until all funds were raised. Furthermore, Palisades Park, where the artwork will be relocated has been undergoing major park improvements, i.e. relandscaping, new drainage system, jogging path and walkways. The City is incorporating a site for the artwork in the redesign of the park.

The City concludes in their letter that all progress (planning, fundraising, contract negotiations and fabrications) has been contingent upon the Coastal Commission's approval in 1994. The City estimates that at least two of the artworks are within months of installation.

C. The Art Plan

The Art Plan was approved by the City Council on July 27, 1993. According to the Art Plan the City of Santa Monica is proposing to install sixteen artworks throughout the City's coastal zone. Thirteen of the art projects will be located within the shoreline and beach area (including Pier), two others will be located within Palisades Park, and one will be located at the Santa Monica Civic Auditorium.

The artworks or Treatments/Improvements within the shoreline and beach area range from promenade paving, street furnishings and fixtures, signage, and holistic design schemes for Muscle Beach, the chess area, and a new tot lot all within the Pier and Bay Street area ("Pier to Bay Street Improvement Plan") to art sculptures such as "Solar Web" located on the sand in the southernmost portion of the beach.

The two art works proposed for installation within Palisades Park will be a fourteen foot high, by two foot wide, statue of Mahatma Gandhi and a Veteran's Memorial (specific design has not been selected). The one project proposed for the inland urbanized area is proposed at the Civic Auditorium (specific design has not been selected).

The Art Plan is not an amendment to the City's certified LUP, but serves as a guideline for the City and all future artworks. All artwork will require further review by the Commission once specific designs are selected.

D. California Department of Parks and Recreation Approval.

In a letter dated September 22, 1993, and signed by Mr. Daniel C. Preece, District Superintendent for the Department of Parks and Recreation, the portion of the Art Plan within the Department's jurisdiction (beach area) was found acceptable and that the City's efforts to add new cultural dimensions to the public spaces was endorsed by the Department of Parks and Recreation (See Exhibit #13). Mr. Preece has provided a current letter, dated August 16, 1996, indicating that the Department of Parks and Recreation continues to support the Art Plan and the placement of the two beach artworks proposed by this permit application (see Exhibit 13a.).

E. Visual Resources

Section 30251 of the Coastal Act states:

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 area such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, the Santa Monica LUP, certified with suggest modifications, has a number of policies to ensure that the visual resources of the Santa Monica coastal zone are protected. The policies are as follows:

Policy 35 states:

Palisades Park shall be preserved for public use by visitors and residents preserving scenic views to the Santa Monica Bay and accommodating existing uses.

Policy 66 states in part that:

. . . Permitted development including public works of art shall be sited and designed to:

- a. protect views to and along the ocean and scenic coastal areas;
- b. minimize the alteration of natural landforms; and
- c. be visually compatible with the character of surrounding areas and restore and enhance visual quality in visually degraded areas.

Policy 69 states:

The palisades bluffs shall be maintained and protected to the extent compatible with public safety and preservation of their scenic resource value.

Santa Monica's major scenic resources are those associated with the beach and the bay, the Pier, and the Palisades bluffs. These scenic vistas are visible from various points as one moves along the coast. The viewshed for these scenic vistas, however, varies from point to point. Views of the ocean and shoreline are intermittent as one drives along such major thoroughfares as Pacific Coast Highway and Ocean Avenue due to development on the seaward side of these thoroughfares. Palisades Park, a bluff top park located northeast of the Pier, provides panoramic views to the ocean, coastline and Pier. Extensive landscaping and existing development within and along the park's seaward edge, obscures viewing from certain locations, however, the 1.5 mile long park provides plenty of opportunities throughout the park for viewing the scenic coastal resources.

In order to determine if the proposed artworks are consistent with the visual resource protection policies of the Coastal Act the Commission must find that the artworks, individually and cumulatively, do not interfere with coastal views to and along the coastline and will not detract from the existing views by visually cluttering the beach.

According to the Art Plan thirteen additional art improvement projects are planned on the shoreline and beach area, including the Pier. Most of these planned projects will have no visual impact to the scenic resources of the area but will serve to improve upon the design of existing or future beach amenities or structures to restore and enhance the visual quality in visually degraded areas. For example, the "Pier to Bay Street Improvement Plan" is basically a design improvement to the existing promenade just south of the Pier, which has been neglected over the years in terms of improvements. Artists will be able to participate in designing the paving, street furnishings, and such items already associated with the promenade. This type of project will visually enhance the area and increase the beachgoers beach experience without interfering with any public coastal views.

The art projects on the Pier will also enhance the visitors visual experience without interfering with the scenic views of the surrounding area. The Pier currently contains a number of restaurants, small retail shops, and an arcade, and Harbor Guard office. The Pier also includes a "fun Zone" consisting of amusement rides extending up to 85 feet high. Such structures add to the visual experience on the Pier without detracting from the views out from the Pier. The artworks proposed for the Pier will be placed among the existing structures and will become part of the Pier's attraction.

One of the proposed art projects, "Twilight in Yearning", will be located beneath the Pier. The structures (boat hulls) will be secured to the Pier's existing pilings. The art project will add a focal point beneath the Pier and enhance the visual quality for those beachgoers that walk underneath the Pier.

The plan indicates that eight artworks (sculptures) are proposed on the sandy beach. These eight artworks are part of the Natural Element Sculpture (NES) Park which is a major component of the Art Plan. The artworks in NES Park will incorporate into their designs natural elements found within the coastal environment, such as sand, wind, light, the horizon line and the ocean's force. The NES Park artworks will be installed along the entire three mile length of beach. Five of the artworks will be located north of the Pier and three will be in the south beach area.

At this time only one of the artworks planned for the beach has been designed. The general locations for the other seven beach artworks have been indicated on the Art Plan's map (See Exhibit #4). The artwork (sculpture) that has been designed and is being proposed for installation with this plan is entitled "Solar Web". The project consists of metal pipes radiating from a center circle with three concrete half circles placed on the sand adjacent to the piped structure. The metal piped structure varies in height from 2 1/2 feet to 16 feet and is 52 feet wide and 72 feet long. The three concrete half circles measure 3 1/2 feet high.

This art project will be located in the southern portion of the State beach. The area is between the Ocean Park beach park and parking lot to the north and

a landscaped park in the Venice area to the south. As with the other beach areas within Santa Monica, this portion of the beach is very broad. The beach in this area is approximately 400 feet wide between the pedestrian promenade and the surflines and consists of approximately 3 acres of open sandy beach area. The proposed artwork will be located approximately 200 feet from the promenade and approximately 200 feet from the surflines.

This particular area was selected due to the nature of the sculpture. The sculpture is designed to interact with the summer and winter solstices and spring and fall equinoxes by marking their sunsets on the concrete half-circles. Solar noon will also be marked on the summer solstice within the center of the framework. Therefore, based on astronomical calculations it was determined that this particular site was necessary in order for the structure to function.

The views offered in this area are basically out to the ocean and up and down the coastline. The proposed structure, due to its open design and pipe construction and its siting on a very broad and open beach, will not significantly impact the coastal views. In fact, this artwork will serve as a focal point for beachgoers and, as is the case with the other art projects proposed in this Art Plan and already existing on the beach, will enhance the visual experience without detracting from the coastal scenic views offered throughout the area.

The other seven artworks proposed in the Art Plan on the sandy beach will not significantly adversely impact coastal views and will not visually clutter the beach. The artworks will be spread out over the City's entire three miles of coastline. As indicated earlier the coastal views in the north beach area from Pacific Coast Highway (First public road) are intermittent and limited by the amount of development along the road and by the speed at which traffic travels along the Highway. Therefore, the beach artworks will not significantly impact views from the Highway.

Viewsheds in the north beach area are also available from the beach, bike path, which extends into the City of Los Angeles' Pacific Palisades beach area, and the pedestrian promenade, which extends from the Pier to approximately California Avenue. Views from these areas will not be significantly impacted due to the distance between the sculptures and the fact that all artworks will be required to consist of an open design.

The north beach can also be viewed from atop the bluffs at Palisades Park. However, due to the height of the bluffs above the beach, views of the surflines and ocean will not be interrupted by the artworks. Furthermore, the distance between the location of the artworks on the broad (700 feet wide) beach and the bluffs is such that the artworks, individually or cumulatively, will not detract from the views offered from the bluff park.

The two art projects proposed in the Art Plan for Palisades Park will not significantly, individually or cumulatively, adversely impact the scenic coastal views offered from the park. Palisades Park is developed with extensive landscaping, footpaths, benches, a visitor center, senior citizen center, memorials and sculptures. One art project will be located in the southern area of the park near the entrance of the Santa Monica Pier. The second art project will be located just south of the California Incline.

The art project proposed in the southern area will be a memorial for veterans (specific design has not been selected at this time). The planned area contains a landscaped area and a replica of a cannon. Views offered in this area are from along the bluff edge looking out to the Pier and coastline. The planned memorial will be inland of the bluff and will not interfere with the viewing along the bluff.

The proposed art project, the "Avatar", will be located approximately 50 to 75 feet south of the California Incline. The "Avatar" is a statue measuring 14 foot high by 2 feet wide. The project will be located between the pedestrian pathway and the bluff's edge. Although this area offers views of the ocean and parts of the coastline the installation of this artwork in this location will not significantly impact those views. The area consists of many vertical elements, such as palm trees, signs, lampposts, and a large memorial. The artwork, which is a tall and slender structure, will blend with the existing vertical elements and will not significantly detract from the views offered in this area.

Furthermore, as stated, the park consists of numerous memorials and sculptures. The addition of two more artworks to Palisades Park, which measures approximately 1.5 miles in length and covers approximately 26 acres, will not adversely impact, individually or cumulatively, the visual resources offered from the park and the projects will be visually compatible with the character of the surrounding park.

The Inland Urbanized area identified in the plan is highly developed with single and multiple-family residential, hotels, shopping areas, theaters, restaurants and the Civic Center. Due to the highly developed nature and the existing scale of existing development in the Inland Urbanized area the proposed art projects listed in the Art Plan for the Inland Urbanized area will not adversely impact any coastal views.

In summary, the three art projects proposed under this permit application and listed in the Art Plan will not individually or cumulatively adversely impact the visual resources offered within the Santa Monica coastal zone. All projects are designed and sited to protect views to and along the ocean and other scenic areas and will be visually compatible with the character of the surrounding area. Furthermore, in those areas that are visually degraded, the artworks will restore and enhance the visual quality in those areas. Therefore, the Commission finds that as proposed the projects will be consistent with Section 30251 of the Coastal Act and with the relevant policies of the certified LUP.

F. Public Access/Recreation

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:

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

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30252 of the Coastal Act states in part:

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

Furthermore, the certified LUP contains the following policies:

Policy 6

Maximum access to the coast. . . shall be provided for all the people consistent with public safety needs and the need to protect public rights, the rights of private property owners, and natural resource areas from overuse.

Policy 7

Public facilities, including parking areas or facilities, shall be distributed throughout the Coastal zone so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Policy 8

New development shall not interfere with the public's right of access to the sea including but not limited to the use of dry sand and coastal beaches.

As stated the Santa Monica State beach is one of the most heavily used beaches in the State. Development on or along the coast can adversely impact public access to and along the coast if not properly designed. In order to determine if the proposed Art Plan and individual artworks are consistent with the access and recreation policies of the Coastal Act the Commission must find that the proposed projects will not interfere with beach access nor preclude

recreational uses that might otherwise occur in the locations where the art works are proposed.

According to the City's Art Plan thirteen art projects will be located within the shoreline and beach area. Of the thirteen projects eight of the projects will be located on the sandy beach. The eight artworks planned for the sandy beach area will be sited over the entire three miles of the City's coastline. The artworks will be designed and sited so as not to interfere with beach access and existing recreational opportunities. The artworks which will be designed using the natural elements found along the coastal environment and will allow public interaction, will be educational and create recreational opportunities along the beach. In areas where public use is less intensive, such as the north beach, the artworks may attract beachgoers and the general public to those beach areas that are not heavily used.

An example of the artwork planned for the sandy beach is the artwork entitled "Solar Web", which is being specifically applied for in this application. This particular artwork will be located in the southern portion of the City. The project will be located within a broad open sandy area, measuring approximately 3 acres in size, between the pedestrian promenade, surfline and the nearby landscaped areas to the north and south.. The only structure within this area is a lifeguard tower. Although the structure itself spans a large area (52'x72') this dimension is deceiving. The structure is designed with a central circle with pipes radiating out to a maximum of 52 feet in width and 72 feet in length. The area covered by the structure will still be available for beach use for those that want to sit or lay on the sand or for those that choose to play on the structure and use it as a jungle gym.

Other activities that may have taken place in this or surrounding area, such as kite flying, frisbee or ball throwing, will continue to take place in the area surrounding this structure, consistent with the Art Plan which states in part that all artworks will "minimize interference with existing beach recreational activity areas. . ."

Furthermore, the structure will be located approximately over 150 feet from the surf zone and will not interfere with beachgoers strolling along and adjacent to the surfline.

This area of the beach is not heavily used by the public because swimming is prohibited in this area due to swimming hazards caused by remnants of the old Pacific Ocean Park pier and the distance from the nearest public parking lot. As a focal point the artwork may attract more people to this lightly used area and alleviate the crowding in the other more heavily used areas of the beach. Furthermore, as with the existing "Singing Beach Chairs", "Ocean Park Segue" and the "Art Tool", "Solar Web" is designed for the public to interact with. The public will be allowed to touch and climb on it, much like a jungle gym, and the artwork will also be educational. As such, the art project will provide a recreational facility for the public to enjoy at the beach and increase the public's enjoyment of the beach.

The artworks and improvements proposed in the plan will not adversely impact access but will improve access by enhancing areas that have been degraded and by providing structures that will serve as an attraction without detracting from the beach experience. The Commission, therefore, finds that the proposed

Art Plan and specific art projects will be consistent with Section 30210, 30211, 30213, 30221, and 30252 of the Coastal Act and the relevant policies of the certified LUP.

G. Local Coastal Program

(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.

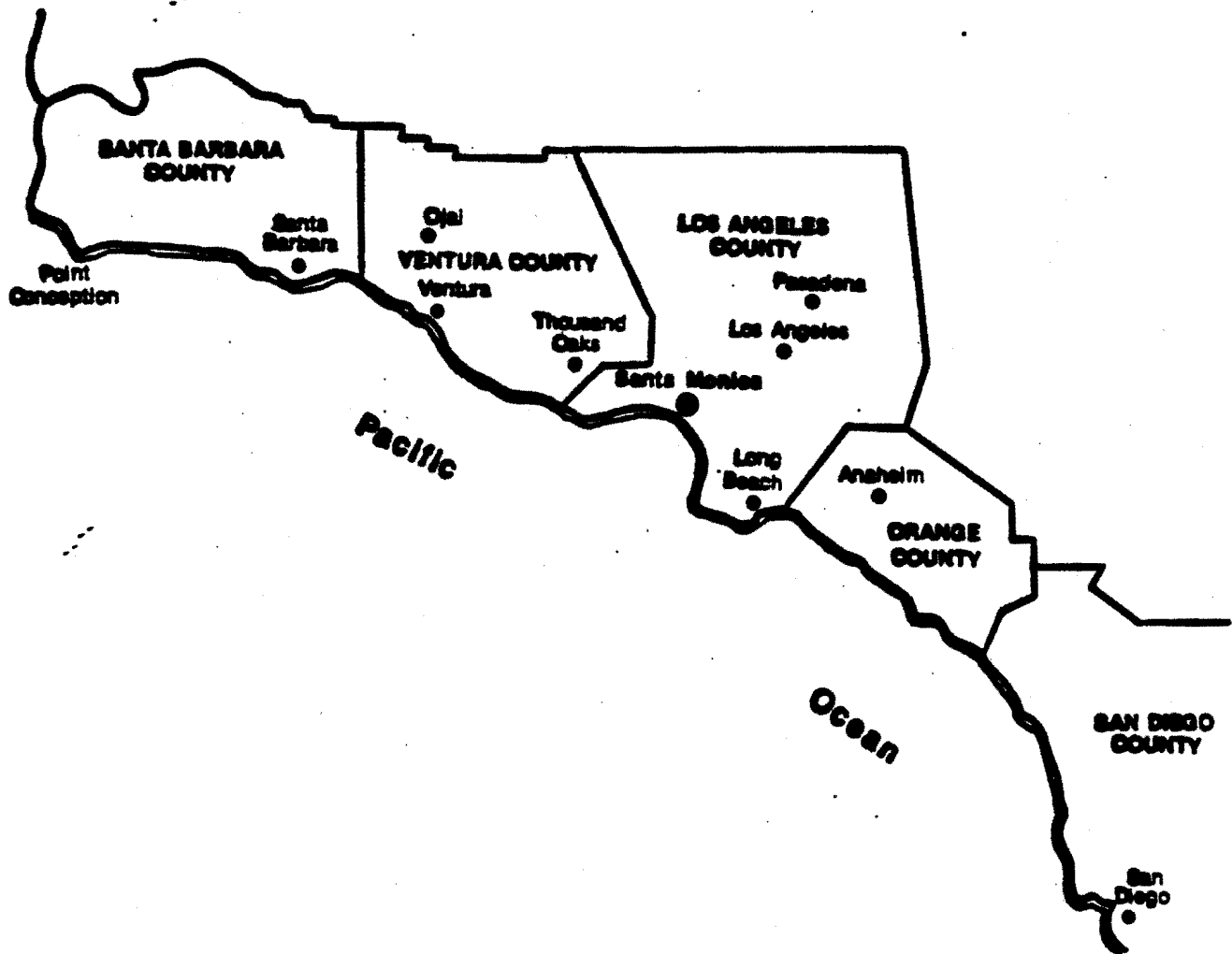
In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson Way (Beach Overlay District), but including the Santa Monica Pier. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications.

The Commission finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare Land Use Plan policies for the Beach Overlay District (deferred area) and a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. CEQA

Section 13096(a) 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.

There are no negative impacts caused by the proposed development which have not been adequately mitigated. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.



MAP 1

Regional Setting

SANTA MONICA LOCAL COASTAL PROGRAM



EXHIBIT NO. 1

APPLICATION NO.

5-96-171

Regional Map



California Coastal Commission

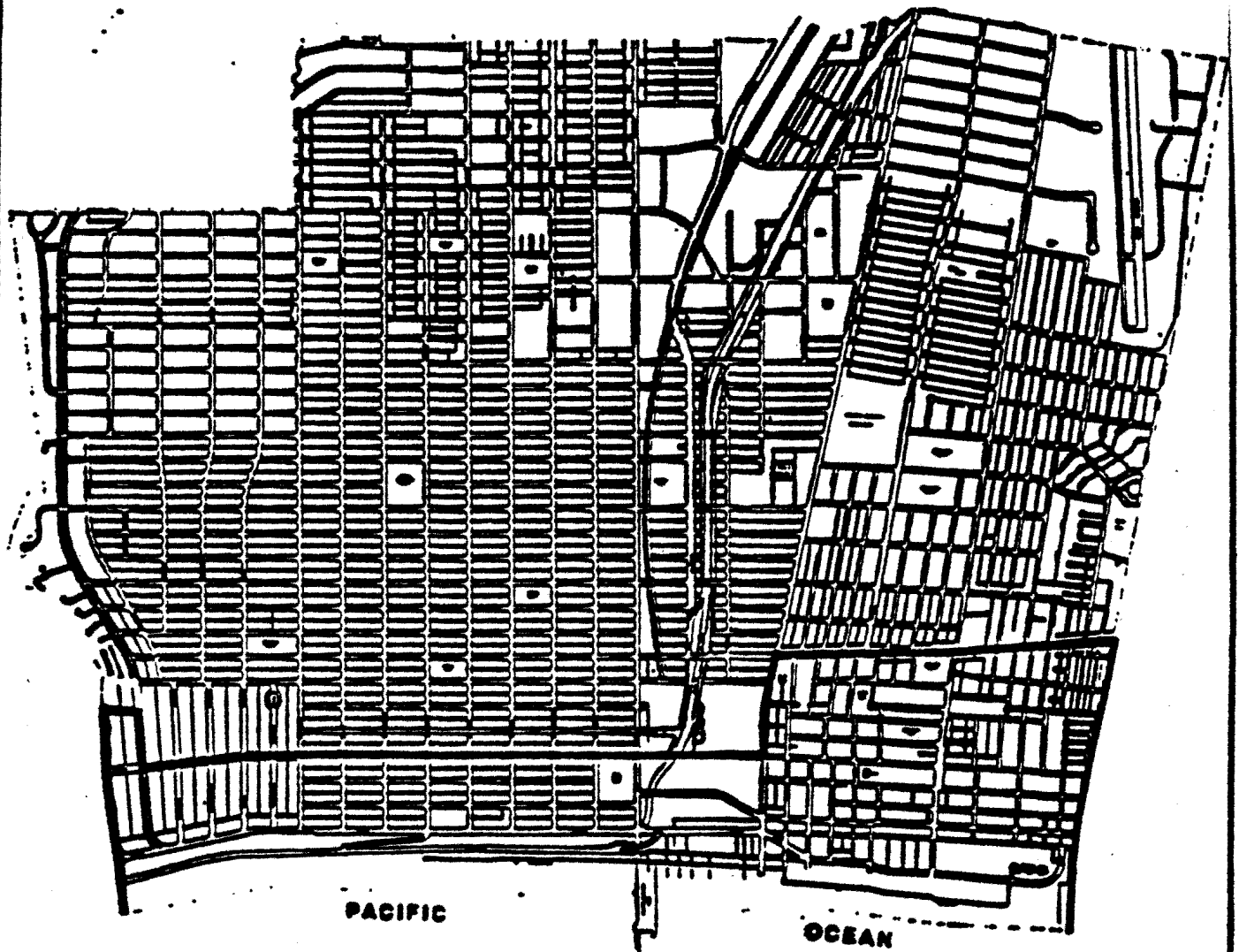



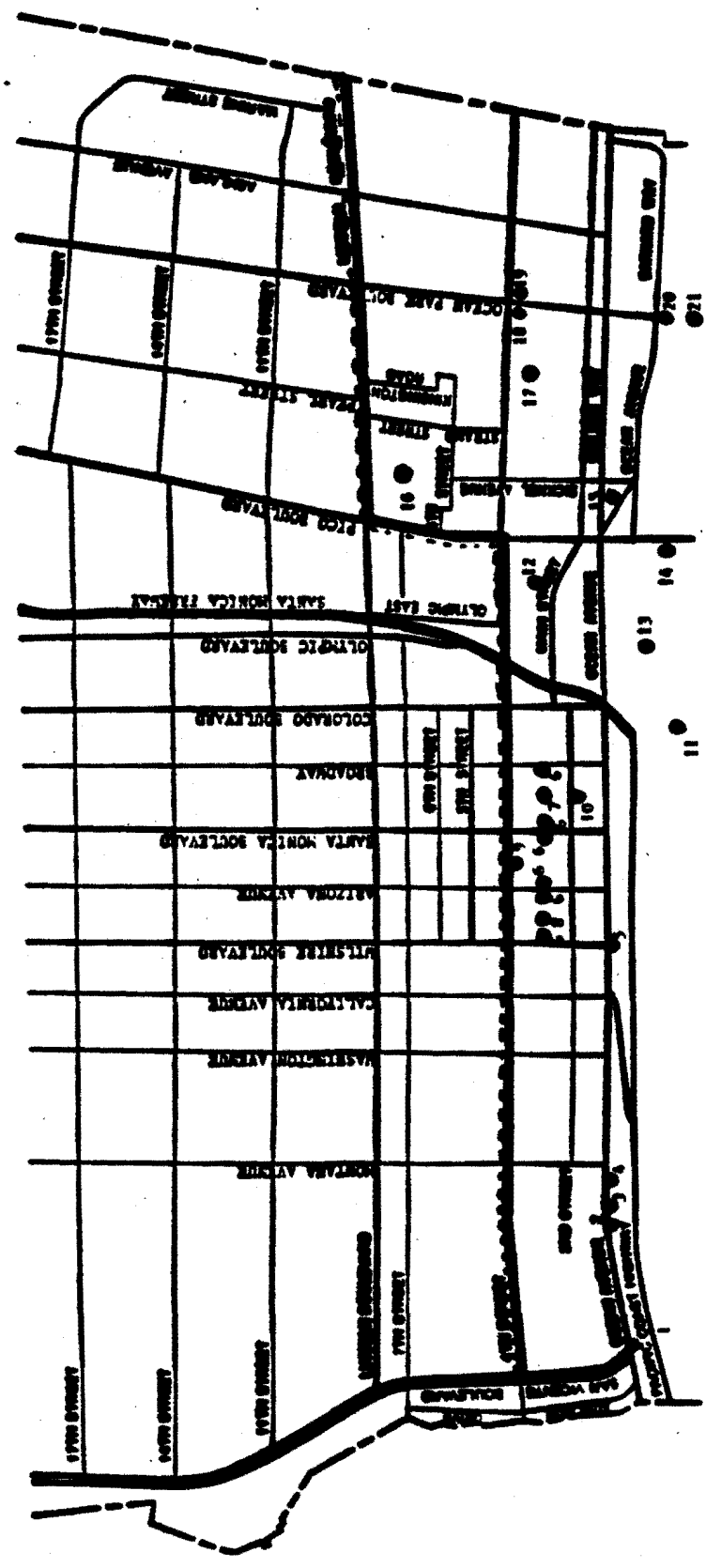
EXHIBIT NO. 2
APPLICATION NO. 5-96-171
Coastal Zone
 California Coastal Commission

MAP 1
SANTA MONICA LOCAL COASTAL ZONE

Foot
0 2000 Ft



MAP 3
Existing Artworks
SANTA MONICA LOCAL COASTAL ZONE



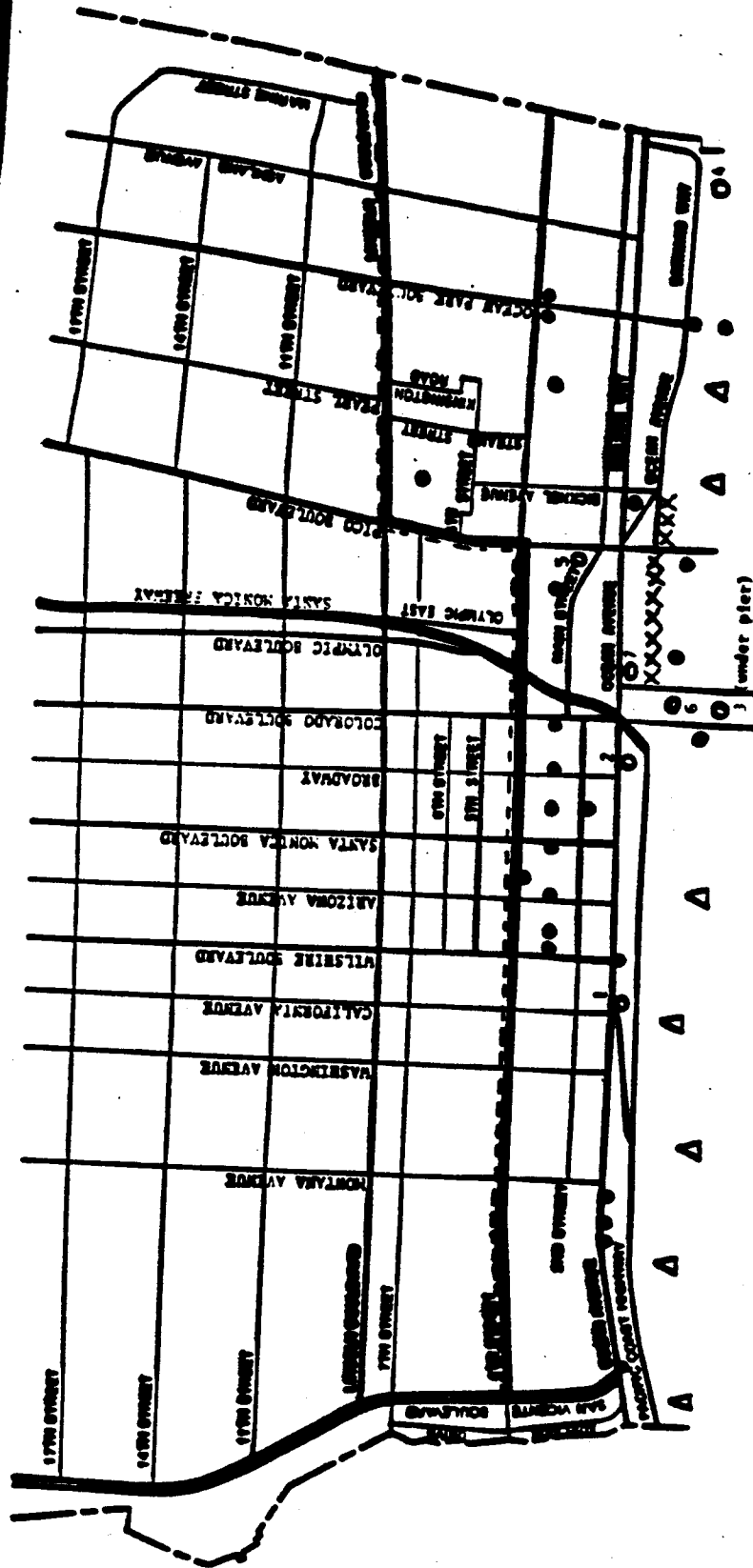
LEGEND:

1. Carlos Villagor Indios, 1975
2. Michaela Burns, Avenue 1989
3. Michaela Burns, Avenue 1987
4. John Adams and Leahy, 1989
5. Eugene Marston, Santa Monica, 1934
6. Charles and Friends, 1989
7. Michaela Burns, Avenue 1989
8. J. Michael Weber, Art 1989
9. Gilbert Lujan, Another 1989
10. Frank Ramirez, entitled by Leo Lujan, Santa Monica Pier Chico 1930, 1984
11. Carl Chung, Santa Monica Art Fair: "What on L.A.?", 1988
12. Paul Cornell, Chalk Reaction, 1991
13. Douglas Hells, Shiny Beach Chalk, 1987
14. Helen Meyer Hadden, 1989
15. Marlene Harrison, California West: From the Abstraction to the Sea, 1993
16. Marlene Harrison, United Pier Chico 1930, 1984
17. Arthur Marston, Green Pier Abstraction Pier Chico, 1988
18. David Gordon, 1989
19. Darryl Adams, White of a Horse, 1993
20. Michaela Burns, 1992
21. Joyce Reid, Ocean Pier Sign, 1988

EXHIBIT NO. 3
APPLICATION NO. 5-96-171
Map of Existing Artworks



1 inch = 1/4 mile (approximately)



LEGEND:

1. Marina Village, The Aveter
2. Veterans Memorial
3. Memorial Mall, Fudgite and Planning
4. Nancy Hill, Soley Web
5. Santa Monica Civic Auditorium
6. Santa Monica Pier
7. Pico Center Stormwater Treatment Plant
8. Santa Monica Gateway and Coastal Corridor Improvement Project
9. Santa Monica Gateway and Coastal Corridor Improvement Project
10. Santa Monica Gateway and Coastal Corridor Improvement Project
11. Santa Monica Gateway and Coastal Corridor Improvement Project
12. Santa Monica Gateway and Coastal Corridor Improvement Project
13. Santa Monica Gateway and Coastal Corridor Improvement Project
14. Santa Monica Gateway and Coastal Corridor Improvement Project
15. Santa Monica Gateway and Coastal Corridor Improvement Project
16. Santa Monica Gateway and Coastal Corridor Improvement Project
17. Santa Monica Gateway and Coastal Corridor Improvement Project
18. Santa Monica Gateway and Coastal Corridor Improvement Project
19. Santa Monica Gateway and Coastal Corridor Improvement Project
20. Santa Monica Gateway and Coastal Corridor Improvement Project

- Proposed
- Existing



EXHIBIT NO. 4
APPLICATION NO.
5-96-171
Map of Proposed
Artworks



Figure 1
Douglas Hollis
Singing Beach Chairs, 1987

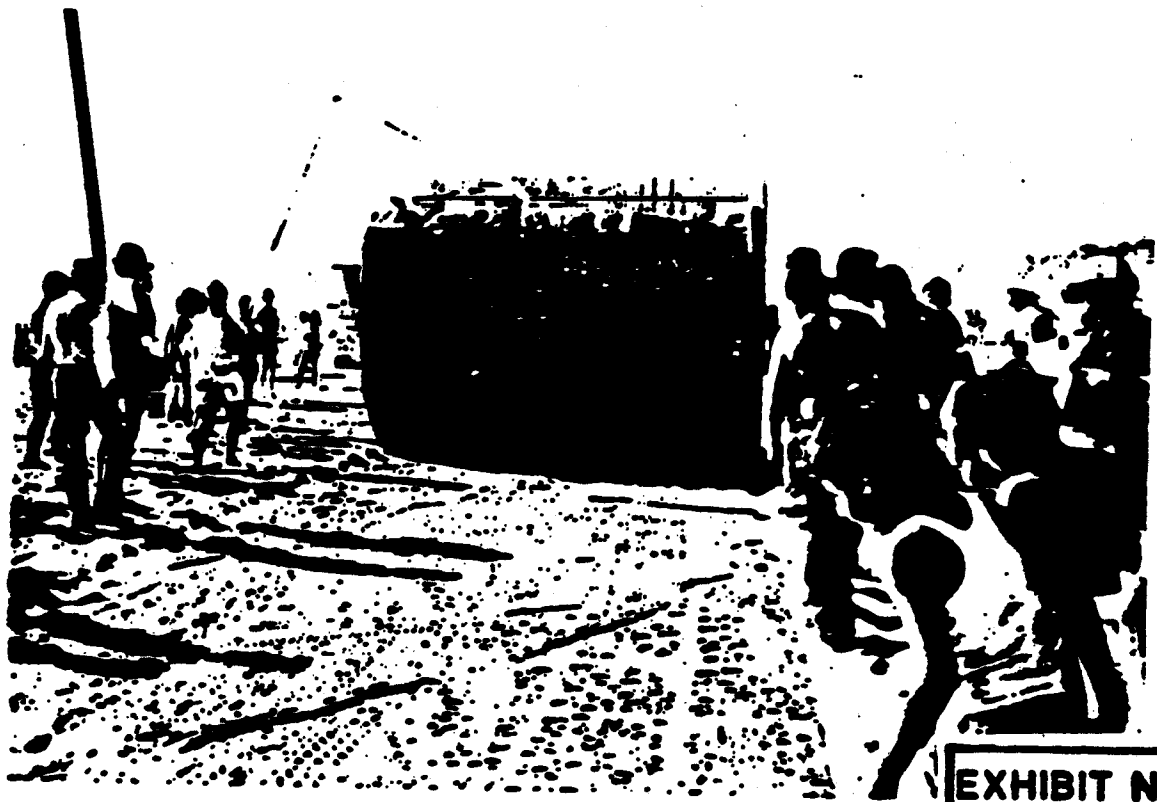


Figure 2
Carl Cheng
Santa Monica Art Tool: "Walk on L.A.", 1988


EXHIBIT NO. 5
APPLICATION NO. 5-96-171
<i>Photos of Existing</i>
 Artworks (Beach) California Coastal Commission

Figure 10
Baile Oaks
Gestation III, 1991

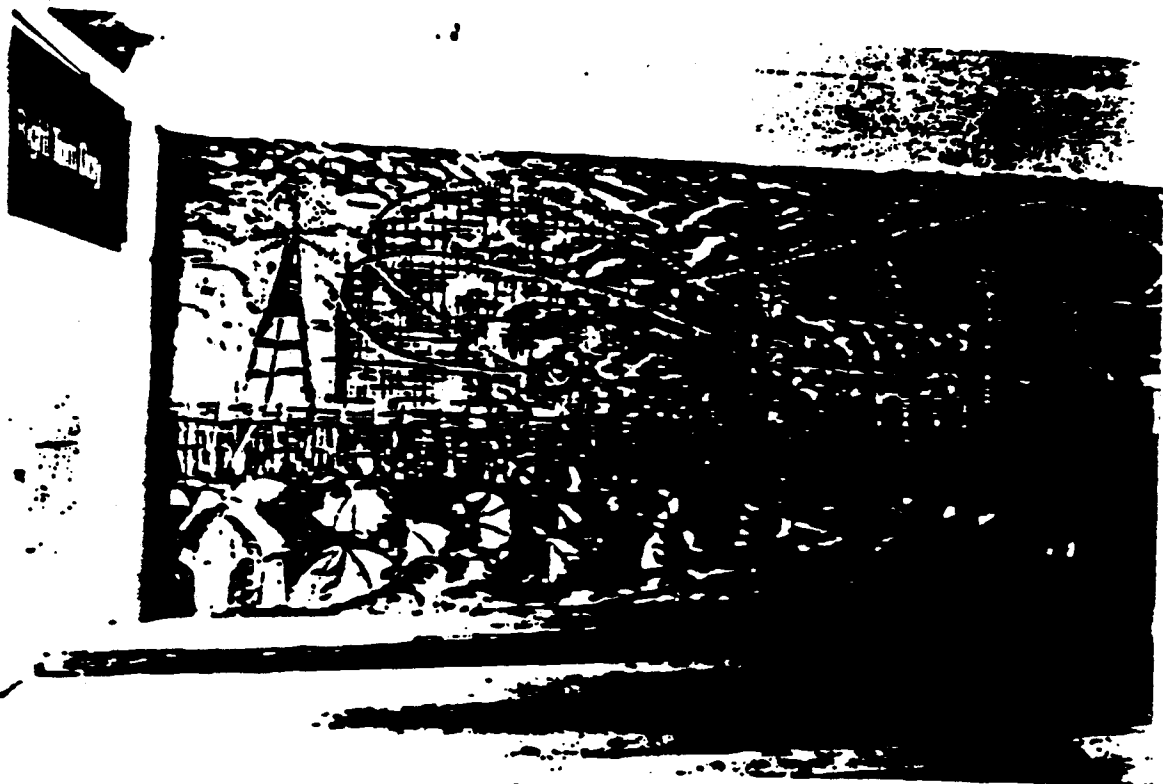


Figure 11
Frank Romero, assisted by Leo Limon
Santa Monica Pier Circa 1930, 1984
(Detail)

EXHIBIT NO. 6
APPLICATION NO. 5-96-171
Photos of Existing
Artwork California Coastal Commission

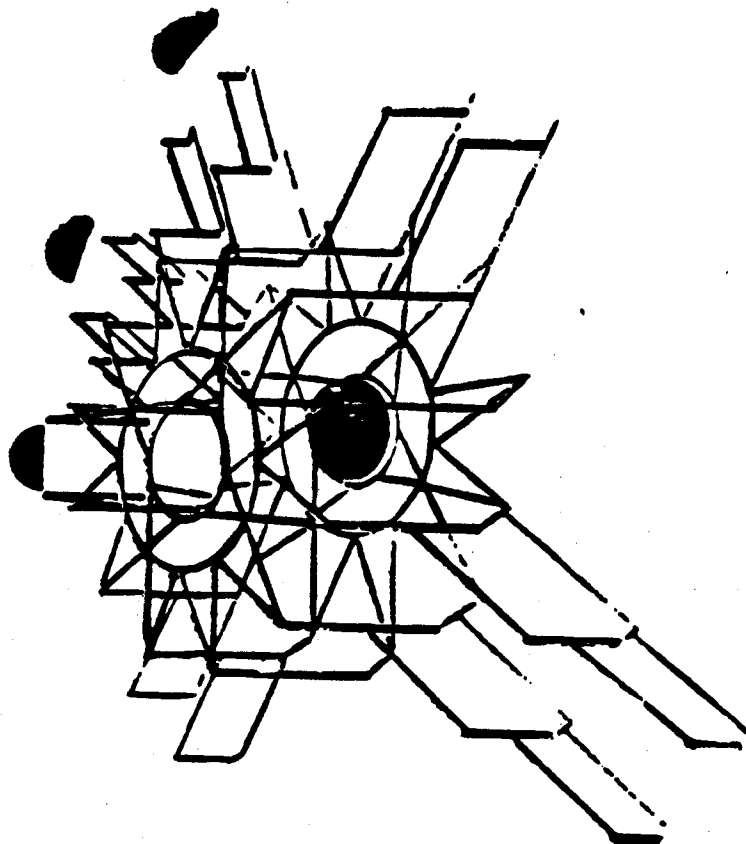


Figure 22a
Nancy Holt,
Solar Web
(Proposal model)

EXHIBIT NO. 7
APPLICATION NO. 5-96-171
"Solar Web"
California Council on Science and Technology

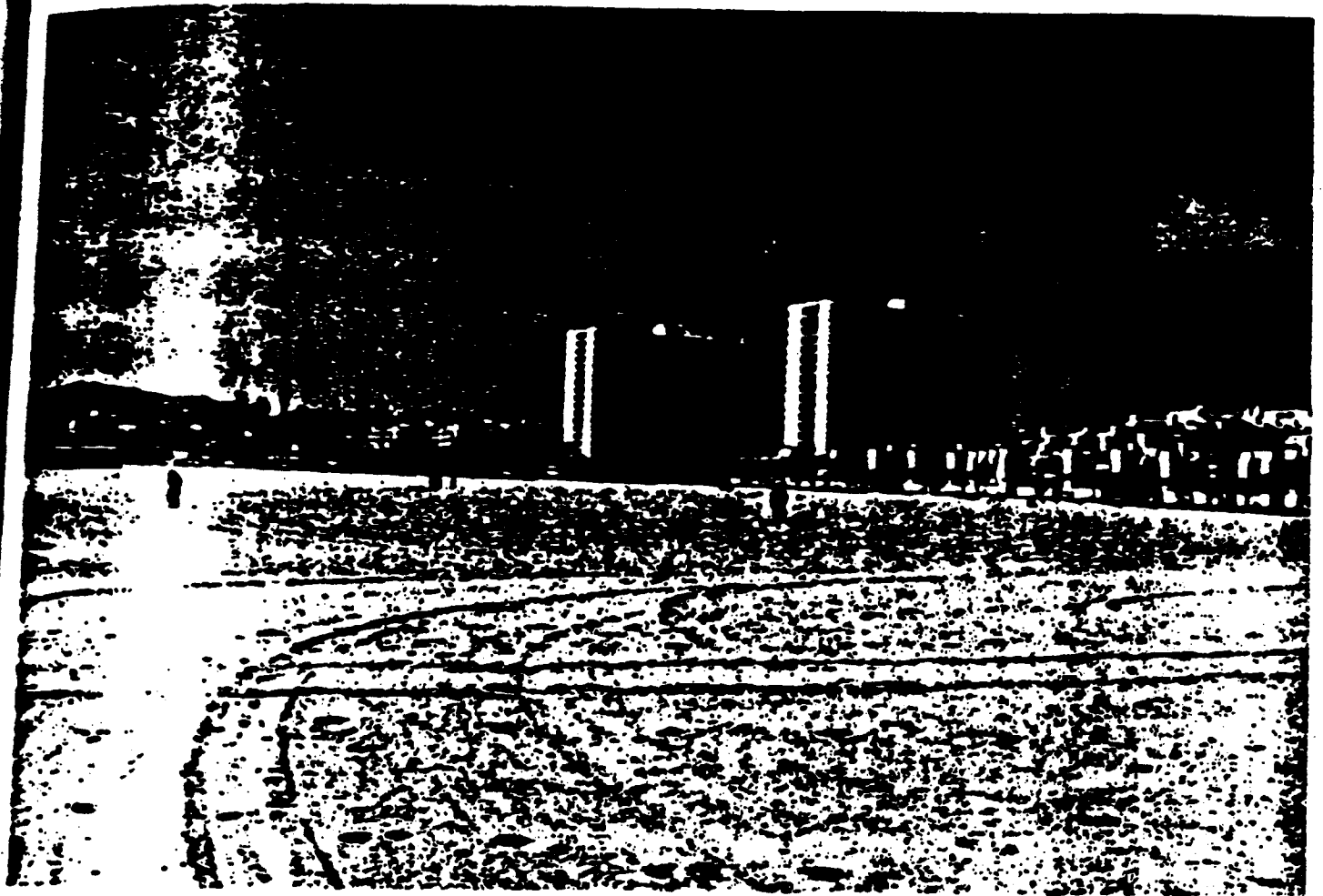


Figure 22b
Proposed Site for Solar Web


EXHIBIT NO. 8
APPLICATION NO. 5-96-171
Location of "Solar Web"
 California Coastal Commission



Figure 24a
Martine Vaugel
The Avateer
(Proposal model)



EXHIBIT NO. 9
APPLICATION NO. 5-96-171
"Avateer"
 California Coastal Commission



Figure 24b
Martine Vaugel
The Avatar
(Proposed site)

EXHIBIT NO. 10
APPLICATION NO. 5-96-121
Location of <i>'Avatar'</i>
 California Coastal Commission



Figures 23a & b
Manfred Müller
Twilight and Yearning
(Proposal drawing)


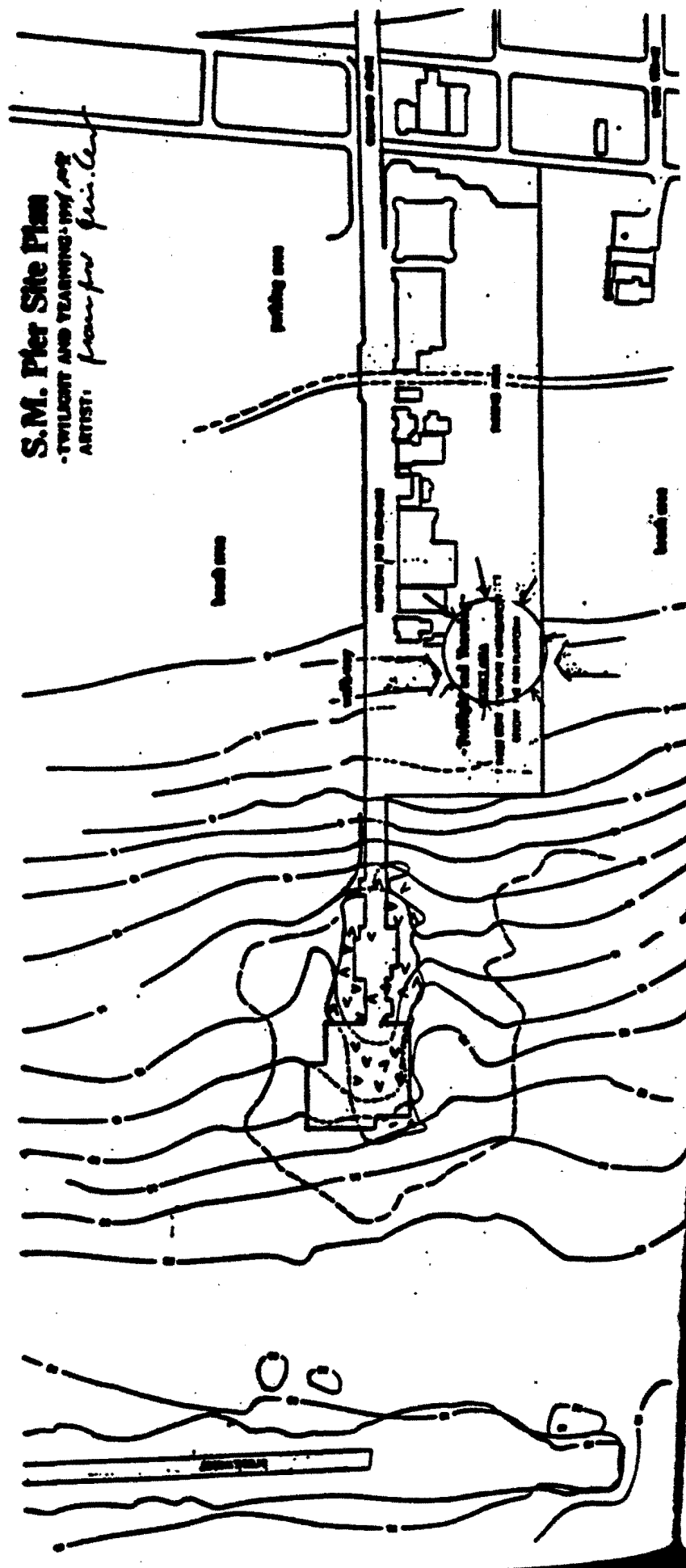
EXHIBIT NO. 11
APPLICATION NO. 5-96-171
"Twilight and Yearning"
 California Coastal Commission

Figure 23c
Twilight and Yearning
site plan

EXHIBIT NO. 12
APPLICATION NO. 5-96-171
Location of "Twilight and Yearning" Cultural Coastal Corridor



DEPARTMENT OF PARKS AND RECREATION

Angeles District
1825 Las Virgenes Road
Calabasas, California 91302

September 22, 1993

Ms. Susan E. McCarthy, Director
Department of Cultural Affairs and Recreation Services
City of Santa Monica
1685 Main Street, Room 106
Santa Monica, California 90401

Dear Ms McCarthy:

The California Park Service has reviewed the Local Coastal Art Plan for the City of Santa Monica as it pertains to Santa Monica State Beach. We find your plan to be acceptable. Further, we endorse your efforts to add new cultural dimensions to the public spaces at Santa Monica State Beach.

We wish you well in your endeavors.

Sincerely,



Daniel C. Preece
District Superintendent

EXHIBIT NO. 13
APPLICATION NO. 5-96-171
Letter from the Dept of Parks & Rec California Coastal Commission

STATE OF CALIFORNIA—RESOURCES AGENCY

DEPARTMENT OF PARKS AND RECREATION

PETE WILSON, Governor



Angeles District
1925 Las Virgenes Road
Calabasas, California 91302
(818)880-0350

August 16, 1996

Ms. Maria Luisa de Herrera, Administrator
Cultural Affairs Division
City of Santa Monica
1685 Main Street, Room 106
Santa Monica, CA 90407-2200

Dear Ms. Herrera:

As Superintendent of the Angeles District for the California Department of Parks and Recreation, I would like to express our full support for the Local Coastal Art Plan for the City of Santa Monica as it pertains to Santa Monica State Beach. We have reviewed your plan and found it to be acceptable. Further, we endorse your efforts to add new cultural dimensions to the public spaces at Santa Monica State Beach.

Best wishes with the Local Coastal Art Plan.

Sincerely,

Daniel C. Preece
District Superintendent

EXHIBIT NO.	13a
Application Number	5-96-171
Update letter from the Dept. of Parks & Rec California Coastal Commission	



CITY OF
SANTA MONICA
CALIFORNIA

OFFICE OF THE CITY MANAGER (310) 458-8301

P.O. Box 2200, Santa Monica, California 90407-2200

September 16, 1996

Al Padilla
California Coastal Commission
South Coast Area
245 West Broadway, Ste. 380
P.O. Box 1450
Long Beach, CA 90802-4416

Dear Mr. Padilla,

EXHIBIT NO.	14
Application Number	5-96-171
<i>Letter from City</i>	
<i>Re: Progress of artwork</i>	
California Coastal Commission	
<i>Since Initial Approval</i>	

Since the approval of Santa Monica's Local Coastal Art Plan in 1994, the City has been moving steadily toward the installation of the three approved artworks within the Plan. Though it took some time for each of the works to regain their momentum from the original 1989 request for permits from the Coastal Commission, at no time did the City consider abandoning any of the projects.

While each site remains much the same as it was in 1994, the planning, fundraising, and preparation for each of the three artworks has been ongoing. It is important to understand that unlike most development projects, these are public art projects. Until the actual moment of installation, all the work on each project will take place in the artist's and the fabricator's studios, not on the site.

In the case of *Solar Web* planned for Santa Monica Beach, due to prior commitments the artist, Nancy Holt, was unavailable to perform any work on the project until approximately six months ago. However, in the meantime, we have received a new cost estimate from the sculpture fabricators, investigated soil analyses of the site, and issued a purchase order to Ishler Design Engineering Associates for final engineering of the work. In June of 1996, the Arts Commission dedicated an additional \$105,000 from the City's Percent for Art Program for fabrication and installation of the work in order to adjust for 1996 costs over the original 1987 estimate. Finally, the City's 1989 contract with the artist expired and needed to be renegotiated, a process which is near completion. Her contract could not be renewed until we received the engineer's report and could get a specific quote from the fabricator. Costs for this project have changed significantly since the original bid in 1987. Due to the Northridge earthquake the sculpture footings needed to be redesigned.

Twilight and Yearning planned for underneath the Santa Monica Pier is a donated rather than a commissioned piece. The recent work on the Pier preparing for Pacific Park precluded installation work and Manfred Müller, the artist, has been working for the past two years to raise the funds which will be required to build and install his work. During fiscal years 1994/95 and 1995/96, a total of \$11,900 was raised and the artist has acquired two of the three wooden boats that will constitute the artwork. In the

current fiscal year, an engineering plan for the installation has been commissioned from Ted Anvic. At its meeting on August 5, the Santa Monica Arts Commission budgeted \$10,000 in additional funds from the City's Percent for Art program in order to guarantee completion of the work.

The City's Cultural Affairs Administrator has been in frequent contact with the Mahatma Gandhi Memorial Foundation which is donating *Avatar* to the City to be placed in Palisades Park. The Foundation also has been fundraising for their project. Since 1994 the City has been working with the design firm of Wallace, Roberts and Todd on a major improvement project for Palisades Park, including the site proposed for this sculpture. The designers have been advised of the plans for the art installation and are creating an appropriate setting for the artwork. Therefore, we are waiting until all work and approvals (including Coastal Commission approval) are received before installing the sculpture. Yogesh Gandhi, director of the Foundation, has been appraised of the upcoming new landscaping and park design and is planning to install *Avatar* in October of 1997.

The City Attorney's Office is currently completing the contract negotiations for the above mentioned donations from Manfred Muller and the Mahatma Gandhi Foundation. These contracts could not be finalized until all funds had been raised.

All three of these complex projects have been proceeding since the 1994 Coastal Commission approval of the Santa Monica Local Coastal Art Plan and these three artworks. As you are aware, this progress (the planning, fundraising, contract negotiation and fabrication) was contingent upon the Coastal Commission's approval, which they gave unanimously to the Coastal Art Plan. At this point in time, we believe that two of the art projects are within months of installation and we are eager to move forward. I have attached documentation of expenses, invitations to fundraisers, a copy of the 1996/97 Percent for Art Budget as adopted by the Santa Monica Arts Commission, a copy of the 1996/97 Santa Monica Arts Foundation budget, and financial statements indicating the amount of money the Foundation holds for *Twilight and Yearning*. If you need additional material or have questions on any of the information provided in this letter, please do not hesitate to call my office.

Sincerely,



John Jalili
City Manager

EXHIBIT NO.	14
Application Number	5-96-171
	pg 2
California Coastal Commission	

SANTA MONICA

The seal of the City of Santa Monica, California, is circular. It features a central image of a ship on the water, with a sun rising behind it. The words "CITY OF SANTA MONICA - CALIFORNIA" are written around the top inner edge, and "FOUNDED 1875" is at the bottom.

Cultural Affairs Division
1685 Main Street, Room 106
P.O. Box 2200
Santa Monica, CA 90407-2200
(310) 458-8350
Fax (310) 917-6641

Copy

May 17, 1994

Nancy Holt
166 Bank Street #50
New York, NY 10014

Dear Nancy,

After successfully clearing all local hurdles, the City of Santa Monica's Local Coastal Art Plan was formally presented to the California Coastal Commission last April 13. I am more than happy to announce that the Plan was accepted by the Commission with an unheard of unanimous vote of approval.

On behalf of the Cultural Affairs Division and the Santa Monica Arts Commission, I wish to express our excitement that we can now begin preparations for the installation of "Solar Web" on Santa Monica State Beach. Your patience throughout the long process of getting the Coastal Art Plan approved is greatly appreciated. Undoubtably, the high quality of the work included in the Plan made its approval much easier.

Within the next year your work and two other art projects included in the Local Coastal Art Plan will be installed. The additional works are "The Avatar" by Martine Vaugel in Palisades Park and "Twilight and Yearning" by Manfred Müller under the Santa Monica Pier. We are all very eager to see "Solar Web" realized.

Thank you again for your patience. I will be contacting you soon to discuss details and make preparations prior to fabrication and installation. I look forward to working with you.

Sincerely,

Maria Luisa de Herrera

MLdH/hs

EXHIBIT NO.	15
Application Number	5-96-171
Sample of letter sent to all artists after California Coastal Commission	

Comm Approval

SANTA MONICA ARTS FOUNDATION 1996/97 BUDGET

Account Description	Beginning Balance	FY 95/96 Proposed	FY 95/96 Actual	FY 96/97 Proposed
Revenue				
Economic Impact Report		12,690.00	5,000.00	0.00
Santa Monica Festival		30,000.00	35,713.00	30,000.00
Community Arts Brochure	6,500.00	26,500.00	10,200.00	0.00
★ Twilight & Yearning	5,000.00	40,000.00	1,900.00	20,000.00
Santa Monica Trains		5,000.00	3,135.00	0.00
CALAA Workshop		0.00	160.00	0.00
Poster Sales		500.00	50.00	500.00
After School Arts Grants	2,191.00	0.00	0.00	0.00
Stanton McDonald Wright	5,173.00			
Temporary NES Park	5,000.00			
Unrestricted Funds	579.00			
Administrative Fees		0.00	3,972.00	1,500.00
City Reimbursement		0.00	280.00	0.00
Total Revenues		114,690.00	58,738.00	52,000.00

Expenditures

Office Supplies		50.00	11.00	50.00
Postage		50.00	6.00	50.00
Conference/Meeting/Travel		200.00	312.00	200.00
Books/Pamphlets		50.00	0.00	50.00
Printed Forms		300.00	257.00	300.00
Professional Services		3,500.00	3,150.00	3,500.00
Licenses		50.00	35.00	50.00
Bank Charges		0.00	0.00	0.00
Santa Monica Festival		30,000.00	35,636.00	30,000.00
Economic Impact Report		12,690.00	5,000.00	0.00
✱ Twilight & Yearning		1,000.00	1,350.00	20,000.00
Santa Monica Trains		3,135.00	3,135.00	
Community Arts Brochure		0.00	0.00	
After School Arts Grant		2,150.00	1,961.00*	
CALAA Workshop		0.00	160.00	
Total Expenditures		53,175.00	51,013.00	

*Notes actual spent; total encumbered funds are \$2,149.00

EXHIBIT NO.

16

Application Number

5-96-171

Expenditure of

Funds for Artwork
California Coastal Commission

**CITY OF SANTA MONICA
PER CENT FOR ART BUDGET
FY 96/97**

REVENUES

Percent For Art Accounts	Budget	*Encumbered Funds	Balance
<i>California Wash</i>	0	0	0
Beach Improvement	4,404	0	4,404
Pier	119,083	0	119,083
Civic Auditorium	33,564	0	33,564
Airport	4,575	0	4,575
General Fund	413,791	*165,974	237,817

EXPENDITURES General Fund Only

Account Description	FY 95-96 PROPOSED	FY 95-96 ACTUAL	FY 96-97 PROPOSED
Office Supplies/Misc. Expenses	1,000	142.82	500
Rent/Storage	700	686.00	700
Professional Services	12,000	5,757.27	12,000
<i>Art Bank Installation</i>	1,000	767.60	1,000
<i>Art Collection Documentation</i>	7,000	4,239.67	7,000
<i>Art Collection Signage</i>	2,000	0	2,000
<i>Artist Selection Fees</i>	1,000	750.00	1,000
<i>Miscellaneous</i>	1,000	0	1,000
Visual Art in Community Places	10,000	0	10,000
Collection Maintenance	20,000	1,497.14	5,000
Art Bank Purchases	20,000	0	20,000
<i>California Wash Dedication</i>	5,000	4,850.08	0
<i>Solar Web Engineering Study</i>	5,000	0	5,000
<i>BIG Project Artwork</i>	0	0	125,000
<i>Twilight and Yearning</i>	0	0	10,000
City Yards Mural	5,000	5,000	0
Playground Design	0	0	49,000
TOTALS:	73,700	13,433.31	237,200

***Encumbered Funds**

- ✦ Nancy Holt, *Solar Web* \$152,500
- ✦ Manfred Müller, *Twilight & Yearning* \$5,000
- Temporary NES Park \$4,000
- Stanton McDonald Wright Mural \$4,000
- Mural maintenance/protective coating \$454

EXHIBIT NO.	16
Application Number	5-96-171
California Coastal Commission	pg 2