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CALIFORNIA COASTAL COMMISSION

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



RECORD PACKET COPY

Filed: 11/30/00
49th Day: 1/18/00
180th Day: 5/28/00
Staff: AJP-LB
Staff Report: 1/24/00
Hearing Date: 2/15/00
Commission Action:

STAFF REPORT: MATERIAL AMENDMENT

APPLICATION NUMBER: 5-90-311-A1

APPLICANT: Pacific Faire, Inc. and City of Santa Monica

AGENT: Samuel M. Tolkin

PROJECT LOCATION: 401 Santa Monica Pier, Santa Monica

PROJECT DESCRIPTION: Amendment request to fully enclose an approximately 3,067 square foot second story deck, including a public access/observation deck of an existing 6,525 square foot restaurant. Existing exterior seating area on the first floor will be removed resulting in no net gain in restaurant seating area.

LOCAL APPROVALS RECEIVED: Approval in Concept; Conditional Use Permit 99-039

SUBSTANTIVE FILE DOCUMENTS: City of Santa Monica certified, with suggested modifications, LUP; CDP #5-92-345(City of Santa Monica)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with a special condition that would limit the amount of deck to be enclosed to that area currently available for restaurant seating to preserve the existing public portion of the deck; and limit the height of the project to 30 feet to protect the scenic value of the area.

STAFF RECOMMENDATION:

- I. Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit #5-90-311-A1 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

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. Revised Plans

A. Prior to issuance of the permit, the applicant shall submit, for review and approval of the Executive Director, revised plans that show:

1) that the second story enclosure covers only that portion, approximately 1,926 square feet, of the second story deck that is currently available for restaurant use and does not reduce or interfere with the existing public access/observation deck, and;

2) the height of the second story enclosure extends no higher than 30 feet above the Pier platform.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved

final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description

The applicant is proposing to enclose approximately 2,759 square feet of a 3,067 square foot second floor deck of an existing restaurant located at the western terminus of the Santa Monica Pier. Approximately 1,140 square feet of the second story deck is currently public access/observation deck.

The applicant proposes to remove from restaurant use the outdoor seating area on the first floor, located on the eastern side of the restaurant, in order for there not to be any net gain in seating area.

The applicant indicates that the restaurant area on the second story is under-utilized because weather conditions, even in the summer, discourage use of the unsheltered area. To improve business and use of the second story the applicant proposes to fully enclose the second story.

In 1990 the Commission approved permit #5-90-311 to:

Replace commercial-recreational facilities destroyed in the 1983 winter storms at the west end of the Municipal Pier to include Harbor office, public restroom, café and bait shop.

According to the report the project included a 966 sq. ft. Harbor Office, 625 sq. ft. public restrooms, 344 sq. ft. bait shop, a 6,525 sq. ft. café (restaurant), and 1,675 sq. ft. observation deck. Of the 6,525 sq. ft. for the café, 3,000 sq. ft. was located outdoors on upper and lower patios.

The structure approved under #5-90-311 consisted of two separate structures joined by a second story open deck. One building consisted of the Harbor Office, restrooms, and bait shop. The second building consisted of the restaurant with outdoor seating on the ground floor and second floor. Access to the second story decks were by stairs located on the two separate structures.

The second story deck for the restaurant is approximately 3,067 square feet in area. The second story deck consists of 1,140 square feet of public deck and 1,926 square feet for the restaurant outdoor seating including an interior kitchen and restroom area, totaling approximately 320 square feet. The public deck and seating area are separated by a railing and have separate stairways.

The second story deck rises to approximately 16 feet above the Pier platform. The small structure that houses the deck kitchen extends an additional approximately 14 feet to a height of 30 feet above the Pier platform.

B. Pier Background

In 1908, the first Municipal Pier was built at the present Pier location. The Pleasure Pier (also known as the Newcomb Pier) was built adjacent to the Municipal Pier in 1916. In 1920 the Pier failed and was reconstructed in 1921. The Pleasure Pier featured the Looff Hippodrome, which housed the famed carousel, as well as a roller coaster and other entertainment features. Throughout the 1920's and 1930's the Pier flourished as an entertainment and recreation center for visitors and tourists.

Succeeding decades, however, saw a decline in the Pier and in 1973, the City Council ordered its demolition. A citizen's group, interested in saving the pier, successfully placed an initiative on the ballot and the citizenry voted to save the Pier. Other measures to preserve the historical integrity of the Pier included its designation as a County of Los Angeles Historical Landmark in 1975, and a City of Santa Monica Landmark in 1976. In addition, the Looff Hippodrome (carousel building) was designated a National Historic Landmark in 1988.

In 1981, the City Council created the Pier Task force to develop guidelines for the restoration of the pier. The guidelines that were developed had a historical perspective and allowed for the restoration of the Pier in a manner reflecting former uses as well as present ones.

However, in 1983, winter storms destroyed over 100,000 square feet of the western end of the wooden pier platform, and the remaining Pier suffered serious structural damage. In 1983, the Pier Restoration Corporation (PRC) was created to orchestrate reconstruction and redevelopment of the Pier. Reconstruction of the Pleasure Pier and the Municipal Pier was completed in 1991 (Coastal Development Permits 5-86-956 and 5-89-703).

The existing pier platform consists of 413,056 square feet of area. The Pier's current uses include a number of restaurants, fast food establishments, small retail shops, an arcade and an amusement ride area (CDP #5-92-345). The western end of the pier is

used for fishing. The western end is improved with the Harbor Guard office and a display area for pier history and marine related issues, bait shop and restaurant.

C. Public Access/ Lower Cost Recreational Use

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 30212 of the Coastal Act states in part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30213 of the Coastal Act states in part:

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

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.

In addition policy #47 of the Santa Monica LUP states in part that:

The Santa Monica Pier shall be maintained as a recreational resource including amusements, public areas for low-cost recreational uses, fishing, and strolling, visitor-serving development and public parking. Commercial uses shall be visitor-serving consistent with the character of the Pier, shall preserve the Pier's historic ambience and shall be located and designed to complement the public areas. New development on the platform of the Pier may be permitted up to a maximum of 140,000 square feet.

The Santa Monica Pier is a regional coastal visitor-serving recreational resource. The pier provides primarily low-cost public recreational opportunities. The pier's current uses include a carousel, amusement ride area, food service establishments, retail shops, and fishing.

The Pier provides pedestrian access throughout its length and along its perimeter. According to the City of Santa Monica's certified Land Use Plan (LUP), the Pier attracts approximately 3 million visitors each year.

As stated above the structure approved under #5-90-311 consisted of two separate structures joined by a second story deck. One building consisted of the Harbor Office, restrooms, and bait shop. The second building consisted of a restaurant with outdoor seating on the ground floor and second floor.

The 3,067 square foot second story deck provides approximately 1,140 square feet of public or observation deck on the western or seaward side of the structure. The applicant is proposing to enclose the entire second story deck to provide indoor seating for restaurant patrons.

The proposed project would reduce the amount of public deck provided by the two structures to approximately 535 square feet around the Harbor Office structure and eliminate the upper public deck along the restaurant structure.

The western end of the existing Pier platform provides unobstructed views out to the ocean and back along the shoreline. Access and views are available around the entire perimeter of the restaurant structure. Views from the second story deck of the restaurant structure, because of the deck's orientation, provides views mainly to the

west and north. Although the platform is 20 to 30 feet above the water, the observation deck provides a higher vantage point for viewing for the public.

In approving the original project the Commission found that the proposed development would enhance and encourage both active and passive recreational uses of the beach/pier area. The enclosing of the public portion of the deck would reduce the area available for passive recreational use.

An alternative to the project is to allow the enclosure of only the portion of the deck that is currently for restaurant seating and preserving the existing public access/ observation deck. The applicant argues that structurally, designing such a project would be problematic due to the difficulty of placing support piles from the Pier platform. Placing supports on the outside of the existing structure is easier than supporting an addition from within the structure. Although this alternative may be more costly, it is not financially prohibitive, is feasible from a structural standpoint, and it will protect public access and recreational opportunities. Therefore, as a condition of the permit the enclosing of the second story deck shall be limited to the approximately 1,926 square feet currently available for restaurant use and the enclosure shall not interfere with existing public access to and from the two structures and the Pier platform. The applicant shall submit revised plans, subject to the review and approval of the Executive Director, showing the enclosure limited to the area currently available for restaurant use.

The Commission, therefore, finds, that only as conditioned is the project consistent with Section 30210, 30211, 30212, 30213, and 30221 of the Coastal Act and all applicable policies of the certified LUP.

D. Scenic 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 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.

In addition policy #93 of the certified LUP states that:

Building height shall not exceed 2 stories, 30 feet, and the floor area ratio shall not exceed 1.0. Amusement rides shall not exceed a height of 115 feet above the Pier deck.

The viewsheds of the vicinity of the proposed project can basically be divided into two separate viewsheds. The first viewshed are those views from the area surrounding the Pier. The second viewshed are views from the Pier.

View points from the surrounding area include Palisades Park, the beach, the Promenade, bike path, and portions of Ocean Avenue and Colorado Boulevard. From these surrounding areas the coastline and the ocean horizon are visible. However, because of the size and location of the Pier, the Pier is a significant, if not a central, element in the viewshed.

The Pier, because of its extension out into the ocean, is visible from a number of areas along the coast. These viewing areas include Palisades Park, the beach, the Promenade, the bike path and along portions of Ocean Avenue and Colorado Avenue.

Existing development includes 20-40 foot buildings and large amusement rides extending to 30 and 85 feet. Furthermore, because of the Pier's historical significance the Pier is considered a landmark and is part of the viewshed. These structures are concentrated in the eastern and central portion of the Pier.

The Harbor Office/restaurant building is located at the western terminus of the Pier. The Harbor Office/restaurant building is the only building located on the western portion of the Pier.

The LUP limits height to 30 feet, except for amusement rides. Because of the structure's location at the end of the Pier the structure is more prominent than the development along the eastern and central portion of the Pier where most development is concentrated.

The proposed amendment will extend the structure to a maximum of 34 feet with a sloping roofline. Except for the 320 square foot second story kitchen the existing structure extends approximately 16 feet above the Pier platform. The kitchen structure extends another 14 feet to a height of 30 feet.

The proposed enclosure will significantly add to the mass of the building which will detract from the scenic value of the area from the surrounding beach area and from the Pier platform. Therefore, to minimize the visual impact of the second story enclosure the project is limited to a maximum of 30 feet, as measured from the Pier platform. The Commission finds that only as conditioned will the project be

consistent with Section 30251 of the Coastal Act and with the relevant policies of the certified LUP.

E. Parking

Section 30252 of the Coastal Act states:

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 on-site recreational facilities to serve the new development.

Policy #26 of the City's certified LUP states:

A minimum of 471 parking spaces shall be provided to serve the Pier. This is the amount of parking which existed on the Pier before it was damaged by storms in 1983. The provision of this parking may be phased as redevelopment of the Pier occurs, as long as adequate parking to serve Pier development is provided prior to or concurrent with the occupancy of any new development on the Pier. Parking may be relocated off the Pier, either within reasonable walking distance to the Pier, or in remote parking lots, if an effective shuttle system is implemented to transport people from the remote lots to the Pier. If a parking fee is charged at the remote lots, the fee shall not exceed that which is charged at the public beach parking lots. Relocation and replacement of parking spaces off the Pier shall be done on a one-to-one basis. Intensity of new development on the Pier shall correspond to that which can be accommodated by 471 parking spaces, as determined by the parking analysis. Additional parking demand created by further development shall be mitigated with additional parking, shuttle program, or other measure(s).

Because of the Pier's proximity to the State beach and to the public parking lots, development on the Pier could adversely impact public access to the beach. If the parking demand generated by new commercial development on the Pier exceeds the

supply of parking that is available for the Pier, patrons of the Pier will utilize the parking that is needed to support general beachgoers, strollers, bicyclists, and joggers that depend on and use the parking that is available in the general vicinity of the Pier. Therefore, in order to determine if the proposed project is consistent with the access policies of the Coastal Act, the Commission must find that the parking demand generated by the proposed development is adequately supported by the supply of parking available for Pier use.

Prior to the 1983 storms that destroyed portions of the Pier, there were 79,488 square feet of development supported by 471 parking spaces on the Pier (area of development is based on the Pier Restoration Corporation's figures). In the certified LUP the Commission agreed with the City that the Pier should be allowed to be reconstructed to the level of development that existed prior to the 1983 storm with the same amount of parking that also existed in 1983. In the certified LUP the Commission found that the Pier could be allowed to be built back to the pre-1983 storm intensity as long as the 471 parking spaces that were serving the pre-1983 storm level of intensity were provided either on or off the Pier. If new development exceeded the level of intensity that existed prior to 1983 the parking demand generated by the new development beyond the 1983 level must be mitigated with additional parking, shuttle program, or other measure(s).

Based on past re-development on the Pier since the storm damage, the amount of surplus parking available for new or expanded development is 32 parking spaces. The project, as conditioned, will not generate an increase parking demand since the enclosure is conditioned to be limited to existing seating area that has been calculated in the original project. The Commission, therefore, finds that the project, as conditioned, adequately provides parking to support the proposed intensity of development and will be consistent with Section 30252 of the Coastal Act and with all applicable policies of the certified LUP.

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

As discussed above, the Commission finds that the proposed project, as conditioned, will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. CEQA

Section 13096 of the Commission's 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)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse impact, which the activity may have on the environment.

As conditioned by this permit, 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.



EXHIBIT NO. 1

Application Number
5-90-311-A1

Vicinity Map

California Coastal Commission

LOS ANGELES AREA

SCALE

MILES

RECEIVED

South Coast Region

CALIFORNIA COASTAL COMMISSION

HUNTINGTON BI

Channel

OCEAN



EXHIBIT NO.

2

Application Number

5-90-311-A1

Location Map

California Coastal Commission

Location Map

CALIFORNIA
COASTAL COMMISSION
Region

SM TOLKIN ARCHITECT

ARCHITECT
1000 15th St
Berkeley, CA 94710
415.863.1111

THE EXISTING PATIO



A REMODEL TO ENCLOSE
THE EXISTING PATIO
EXISTING CONDITIONS

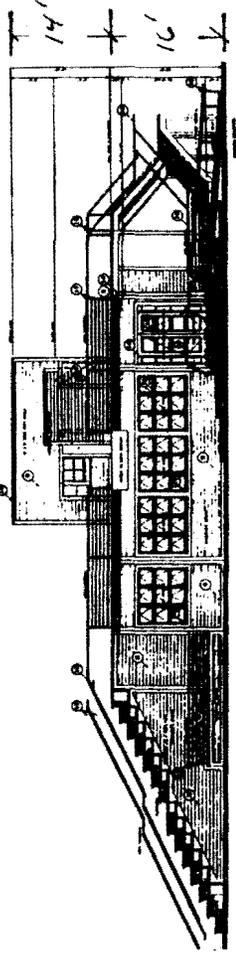
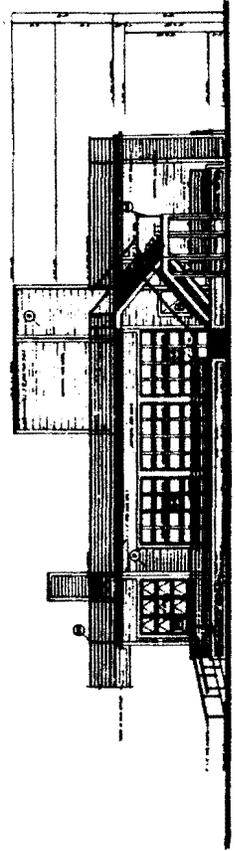
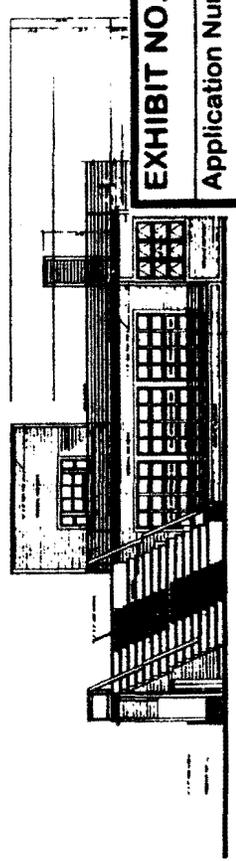
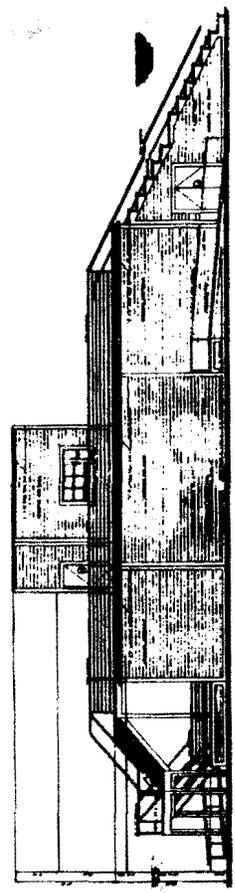
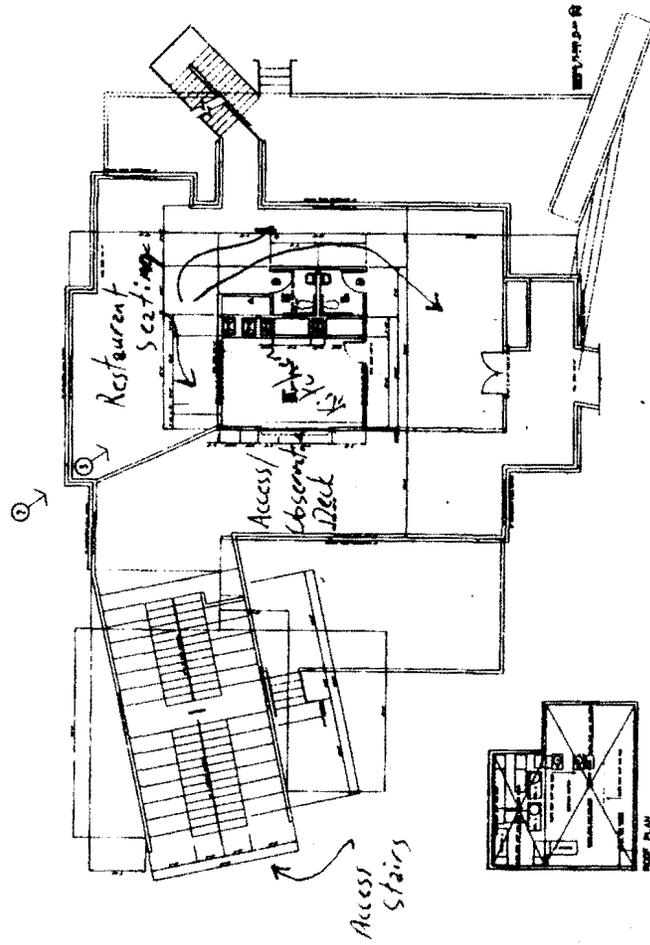
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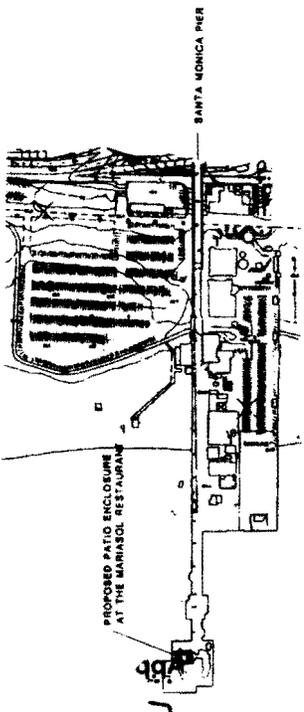
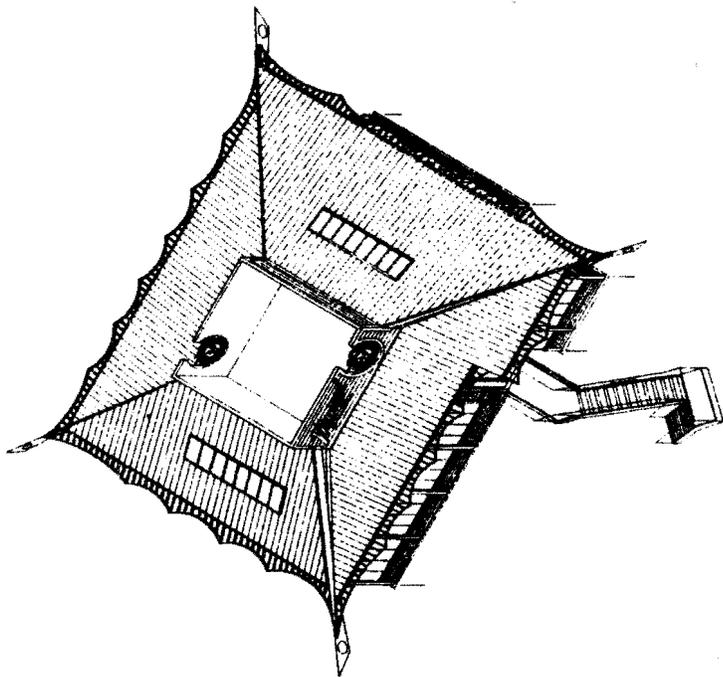
EXHIBIT NO. 3

Application Number

5-90-311-A1

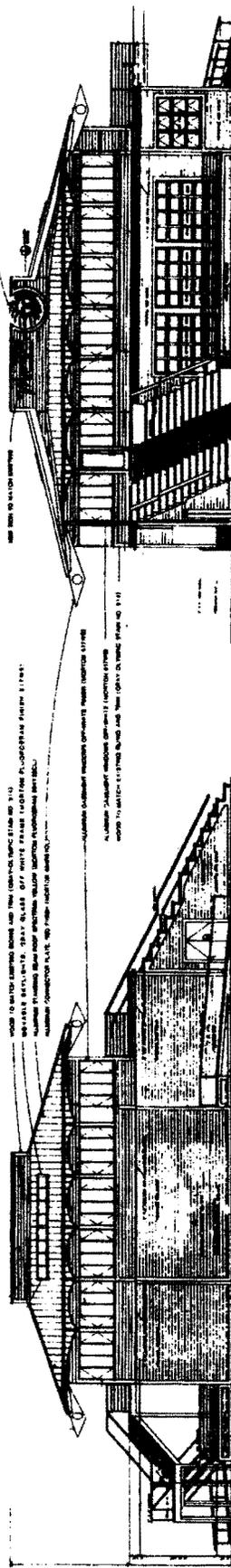
Existing Structure





LOCATION MAP
 1" = 2000'

AXONOMETRIC OF PATIO ENCLOSURE



NORTH ELEVATION
 1" = 8'-0"

WEST ELEVATION
 1" = 8'-0"

EXHIBIT NO. 4

Application Number

590-311-AZ

Proposed Deck

Enclosure

S.M. TOLKIN
ARCHITECT

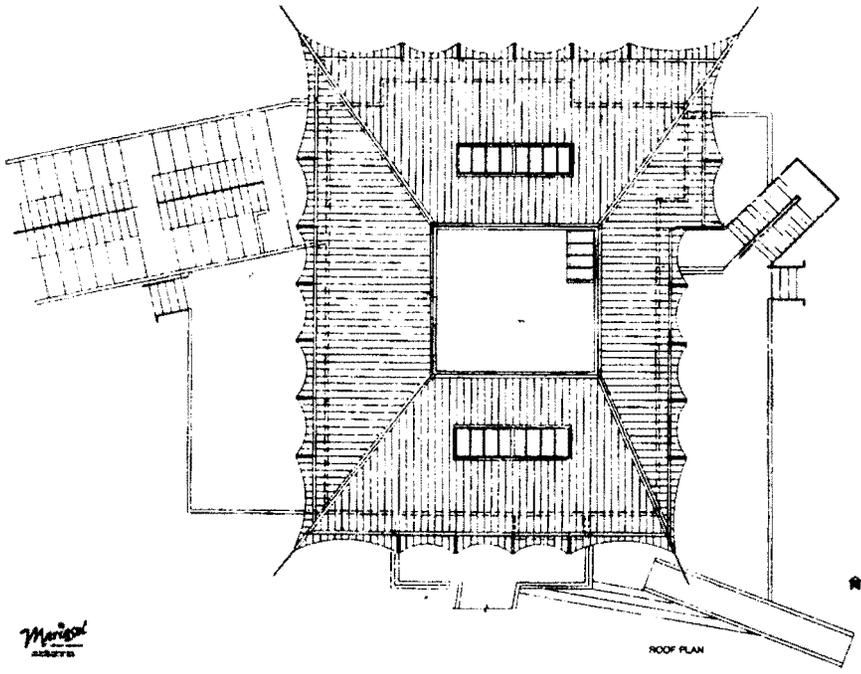
ARCHITECTURE
PLANNING
INTERIOR DESIGN

1000 S. GARDEN STREET
SANTA ANA, CALIF. 92705
TEL. (714) 271-1111

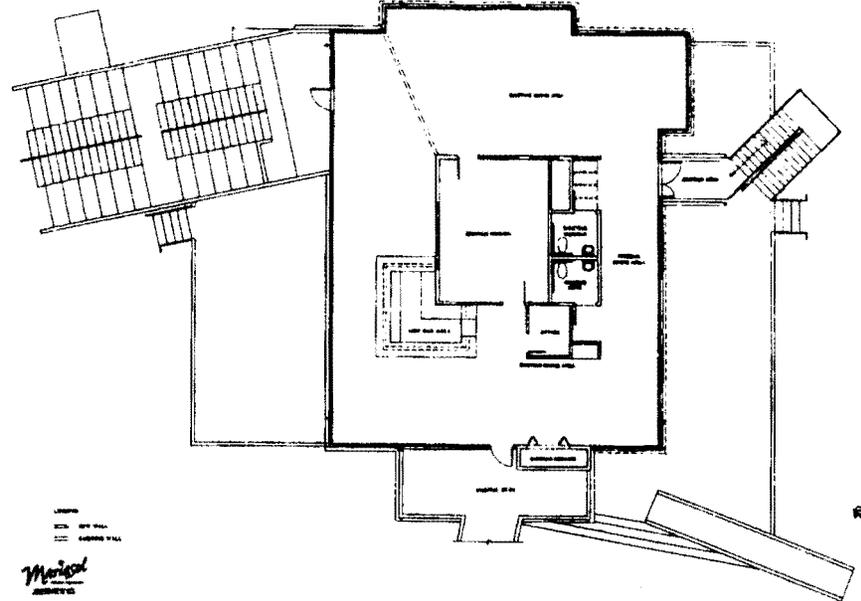
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SCALE: _____
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A REMODEL TO ENCLOSE
THE EXISTING PATIO

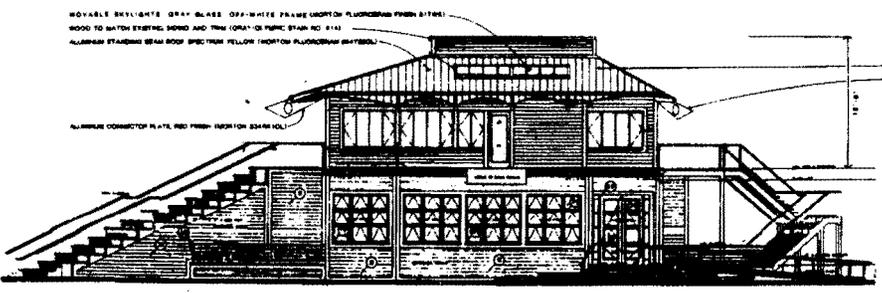
Marisol
ARCHITECTS
1000 S. GARDEN STREET
SANTA ANA, CALIF. 92705
TEL. (714) 271-1111



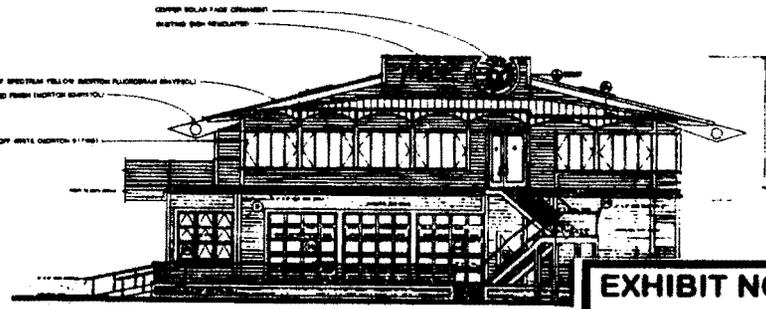
PATIO ROOF PLAN
1" = 8'-0"



SECOND FLOOR PLAN
1" = 8'-0"



SOUTH ELEVATION
1" = 8'-0"



EAST ELEVATION
1" = 8'-0"

EXHIBIT NO.	5
Application Number	5-90-311-A1
Proposed Pech	Enclosure
California Coastal Commission	

