

**CALIFORNIA COASTAL COMMISSION**

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

**TH 13i**

Filed: 4/05/07  
49th Day: 5/24/07  
180th Day: 10/02/07  
Staff: Al Padilla-LB  
Staff Report: 5/21/07  
Hearing Date: 6/13-15/07  
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-07-122

**APPLICANT:** Summer Entertainment

**PROJECT LOCATION:** 370 Santa Monica Pier, Santa Monica (Los Angeles County)

**PROJECT DESCRIPTION:** Conduct summer evening movies, up to seven days a week, on pier within an approximately 9,600 square foot commercial space.

Pier Area: 354,200 sq. ft.  
Zoning: RVC  
Ht above final grade: 15 feet

**LOCAL APPROVALS RECEIVED:** City of Santa Monica Approval in Concept

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**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of the proposed development with no special conditions.

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**I. STAFF RECOMMENDATION:**

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

**MOTION:** *I move that the Commission approve coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a permit, subject to the conditions below, 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. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**III. SPECIAL CONDITIONS:** None

**IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

**A. Project Description and Location**

The proposed project involves the operation of a temporary outdoor movie theater for the summer evening period, between July and September on the pier deck. The theater will be located within an approximately 9,600 square foot commercial space that was previously used for two restaurant/nightclubs, totaling approximately 15,000 square feet. The restaurant /nightclub structures were demolished approximately ten years ago; however, the site is bounded on three sides by adjacent buildings which will serve to enclose the open air theater. The applicant will use the vacant open space to show one movie per night, six to seven days a week. A temporary ticket booth, concession stand, office, storage area, and projection booth will be added to the space. There will be a capacity of approximately 300 persons.

The subject site is located on the Santa Monica Pier deck, in the City of Santa Monica. The pier provides commercial and retail uses, including amusement rides, fishing areas and parking (471 spaces). The proposed project is located within an existing approximately 9,600 square foot commercial space, situated between Pacific Park amusement area and the Carousel Building, in an area that is developed with commercial/retail buildings. The commercial project replaces uses that had similar capacity and parking demands and is located in an area designated for visitor-serving commercial and retail uses. Furthermore, since the open air theater will require evening hours to show the movies, beach and recreational use during this time would be significantly lower than the peak beach use period, which generally occurs between 2-3 p.m., therefore, there will be adequate public parking within the pier and nearby beach parking lots.

**B. Access**

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**C. Development**

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The pier provides adequate parking based on the Commission's typically applied standards. Therefore, the Commission finds that the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

#### **D. Local Coastal Program**

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Santa Monica has neither a certified LCP nor a certified Land Use Plan for the pier area. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project 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 of the Coastal Act.

#### **E. California Environmental Quality Act.**

There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

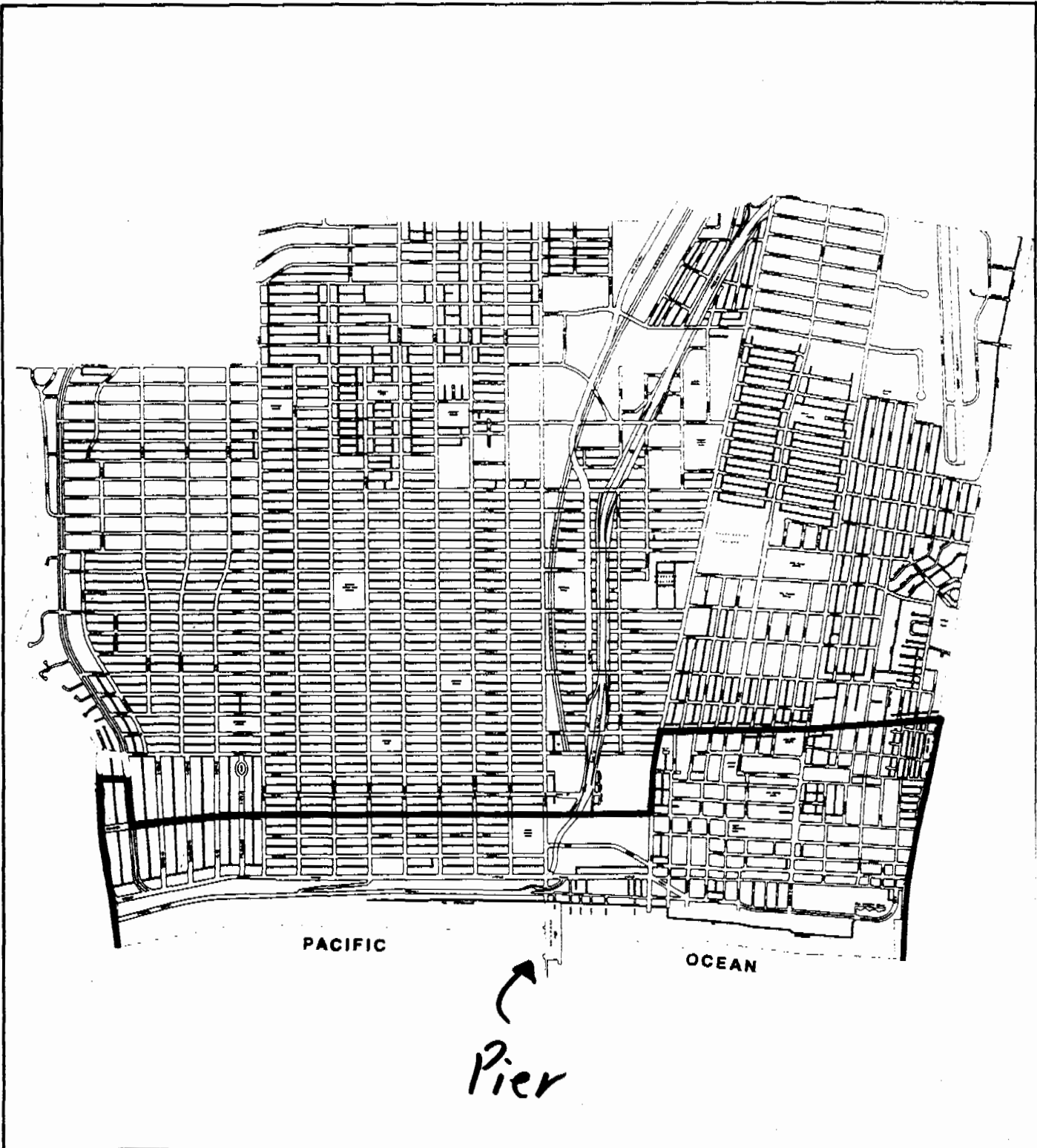
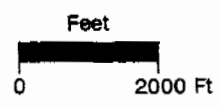


EXHIBIT NO. **1**  
Application Number  
**5-07-122**  
*Vicinity Map*  
California Coastal Commission

MAP 3

### Santa Monica Coastal Zone

SANTA MONICA LOCAL COASTAL PROGRAM



FEB 31

CALIFORNIA  
COASTAL COM  
SOUTH COAST

EXHIBIT NO.

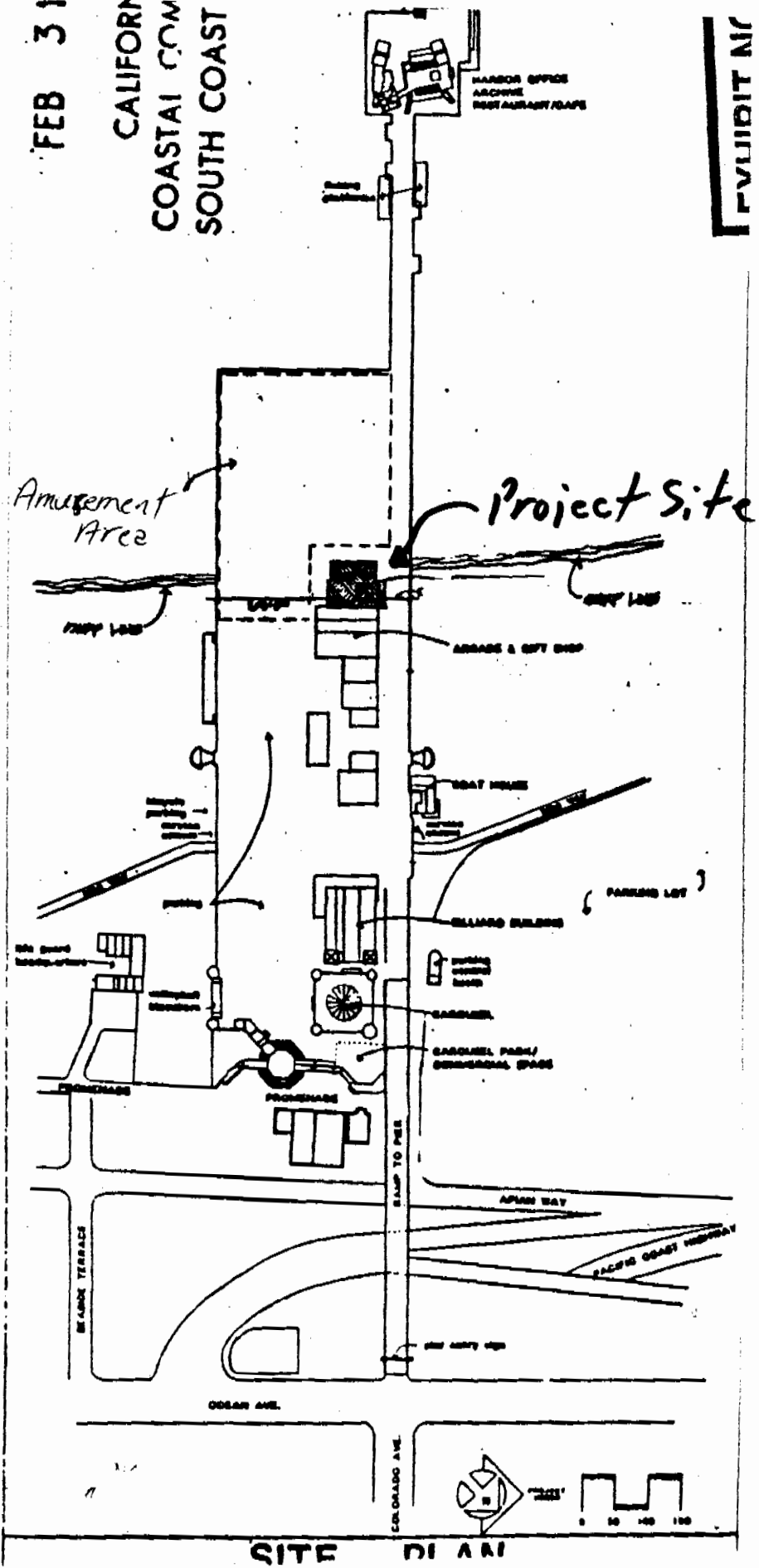


EXHIBIT NO. 2
APPLICATION NO. 5-07-122
Site location

# amusement park

(aprx 8ft)

EXIT ↑

concessions

Storage

office

proj

DRAFT

pathway kept clear

107

SCREEN (aprx. 50ft)

(aprx 8ft)


ENTRANCE ↑

8x15

8x15

TICKETS

PIER

EXHIBIT NO. 3
APPLICATION NO. 5-07-122
Site Plan
 California Coastal Commission

