

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
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W15

Prepared November 07, 2019 (for the November 13, 2019 Hearing)

To: Commissioners and Interested Parties
From: Steve Hudson, South Coast District Deputy Director
Subject: **South Coast District Deputy Director's Report for Los Angeles County for November 2019**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Coast District Office are being reported to the Commission on November 13, 2019. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on November 13th.

With respect to the November 13th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on November 13, 2019 (see attached)

Waivers

- 5-19-0464-W, Viceroy Hotel & Resort (Santa Monica)

Immaterial Extensions

- 5-16-0778-E2, 1633 Ocean Front Walk (Santa Monica)

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October 30, 2019

Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-19-0464-W**Applicant:** Seaside Hotel Lessee, Inc.**Location:** 1819 Ocean Ave, Santa Monica, Los Angeles County (APN: 4290-014-904)

Proposed Development: Interior and Exterior remodel of the Viceroy Hotel. The exterior remodel includes the replacement of an existing porte cochere and landscaping improvements (with drought tolerant plants). The interior remodel includes a reconfiguration of the ground floor space, and the conversion of office and gym space on the second floor to seven guest rooms. The seven converted guest rooms will return the hotel's capacity to a total of 169 rooms, which is the number referenced in the most recent Commission action related to the property.

Rationale: The project site is an irregular shaped, 83,880 sq. ft. lot that is developed with an 8-story, 90,520 sq. ft. hotel (The Viceroy Hotel). The site is located in an urbanized area approximately 700 ft. inland of the beach, landward of the first public road. The hotel was constructed in 1968, prior to the Coastal Act. The applicant- Seaside Hotel Lessee- has a 50-year leasehold agreement with the City of Santa Monica (which owns the land on which the hotel is built) to operate the hotel on the project site. This leasehold agreement is set to expire in 2050. The Viceroy Hotel is currently identified as a "Luxury Hotel" (with room rates starting at \$350 per night) in the Draft Update to the Santa Monica Land Use Plan (LUP). As such, no affordable rooms exist within this hotel. Before the Viceroy took over in 2018, the Hotel was operated as a Marriott Hotel, also identified as a Luxury Hotel. Therefore, it is unlikely that any affordable rooms were offered at this site.

The last Commission action on this site occurred in 1999 (Permit Waiver 5-99-100-W), where the Commission authorized an interior remodel/reconfiguration of the first and second floors of the hotel, including the removal of four guestrooms. Under the approved Regular Waiver, the room count would have gone from 169 rooms to 164 rooms. The applicant indicates that the development approved under Waiver No. 5-99-100-W was never exercised. However, the current room count is 162 guestrooms, 7 fewer than the room count acknowledged in 1999. Even if the property owner at the time removed four rooms authorized under the 1999 waiver, three additional rooms were removed without the benefit of a CDP. It is not known when these rooms were removed; the applicant has stated that the room count was 162 rooms when they assumed ownership of the hotel. In any case, the current application before the Commission seeks to resolve the unpermitted room removal by returning the seven removed guestrooms to bring the total room count back to 169 rooms.

Coastal Development Permit Waiver

5-19-0464-W

The proposed project will not have an adverse impact on public parking. There are currently 112 on-site vehicle parking spaces to serve the hotel. The project does not propose to remove any of the existing parking. In response to staff concerns about parking, the applicant submitted a parking study to evaluate anticipated impacts to parking. Based on the conducted demand survey, a maximum of 100 spaces would be demanded on a peak summer weekend (Saturday). Given that the parking lot currently has 112 spaces, there would be a 12-space surplus even on the busiest of days. The applicant has also indicated that valet parking is available for the hotel, which would increase the number of vehicles that are able to be parked on-site by allowing vehicles to be parked in the drive aisles. In addition, the hotel is within walking distance to the beach, the Santa Monica Pier, and the Third Street Promenade. There are also bike share stations, shared mobility devices, and bus stops around the project site, which ensure a robust multi-modal transit system throughout Santa Monica and surrounding areas that reduces the need to park cars at the hotel. Overall, the proposed project will not displace public street parking that would otherwise be used by visitors to access the nearby beach.

Public access is also measured by the ability of visitors who reside far from the coastal zone to obtain reasonably-priced accommodations in order to access the beach. There has been an observed trend of eliminating low-cost and moderate-cost accommodations in order to construct high-end luxury hotels. The reduction of low-cost and moderate-cost overnight accommodations impacts public access by reducing the number of affordable rooms available for coastal visitors to utilize for coastal recreation. Typically, when lower-cost overnight accommodation is not provided, the Commission and local governments have required mitigation fees to be paid in-lieu of providing in-kind units. For the proposed development, the Commission is not applying the mitigation fee because the proposed remodel is not expanding the square footage, footprint, or height of the existing structure, so no new leasehold space that could be set aside in the future for new, lower-cost accommodations is being occupied. In addition, the seven rooms that would be created under this project would not be considered "new rooms;" these rooms were removed without the benefit of a CDP, and would be returned to their original use under this permit waiver. Therefore, there would not be a substantial alteration to the room makeup of the hotel. Although the proposed rooms are not low-cost or moderate-cost rooms, they would increase the overall stock (and therefore, availability) of hotel rooms in Santa Monica. Therefore, the proposed project would not have an adverse impact on public access and recreation.

Overall, the proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act, and will not prejudice the City's ability to prepare a local coastal program.

This waiver will not become effective until reported to the Commission at its **November 13-15, 2019** meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director
cc: Commissioners/File

Amrita Spencer
Coastal Program Analyst

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**5-16-0778-E2****November 4, 2019****NOTICE OF EXTENSION REQUEST
FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that the **Global Franchise Management** and **The City of Santa Monica**, have applied for a one year extension of Coastal Development Permit No. **5-16-0778** granted by the California Coastal Commission on **November 3, 2016** with the most recent one-year extension issued on **December 12, 2018** for development consisting of:

Demolish the existing 440 SF Hot Dog on a Stick snack shop and construct a new 16.5 foot high, 660 SF take-out restaurant in the same location along the Santa Monica Beach Promenade to meet ADA accessibility requirements for employees.

At: 1633 Ocean Front Walk, Santa Monica, Los Angeles County (APN: 4290-023-900)

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,

John Ainsworth
Executive Director

A handwritten signature in dark ink, appearing to read "JA", written over the printed name and title of John Ainsworth.

Alexander Yee
Coastal Program Analyst

cc: Judith Meister, City of Santa Monica
Commissioners/File