
CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



W16c

5-90-311A3 (Santa Monica Pier Observation Room)

November 4, 2020

EXHIBITS

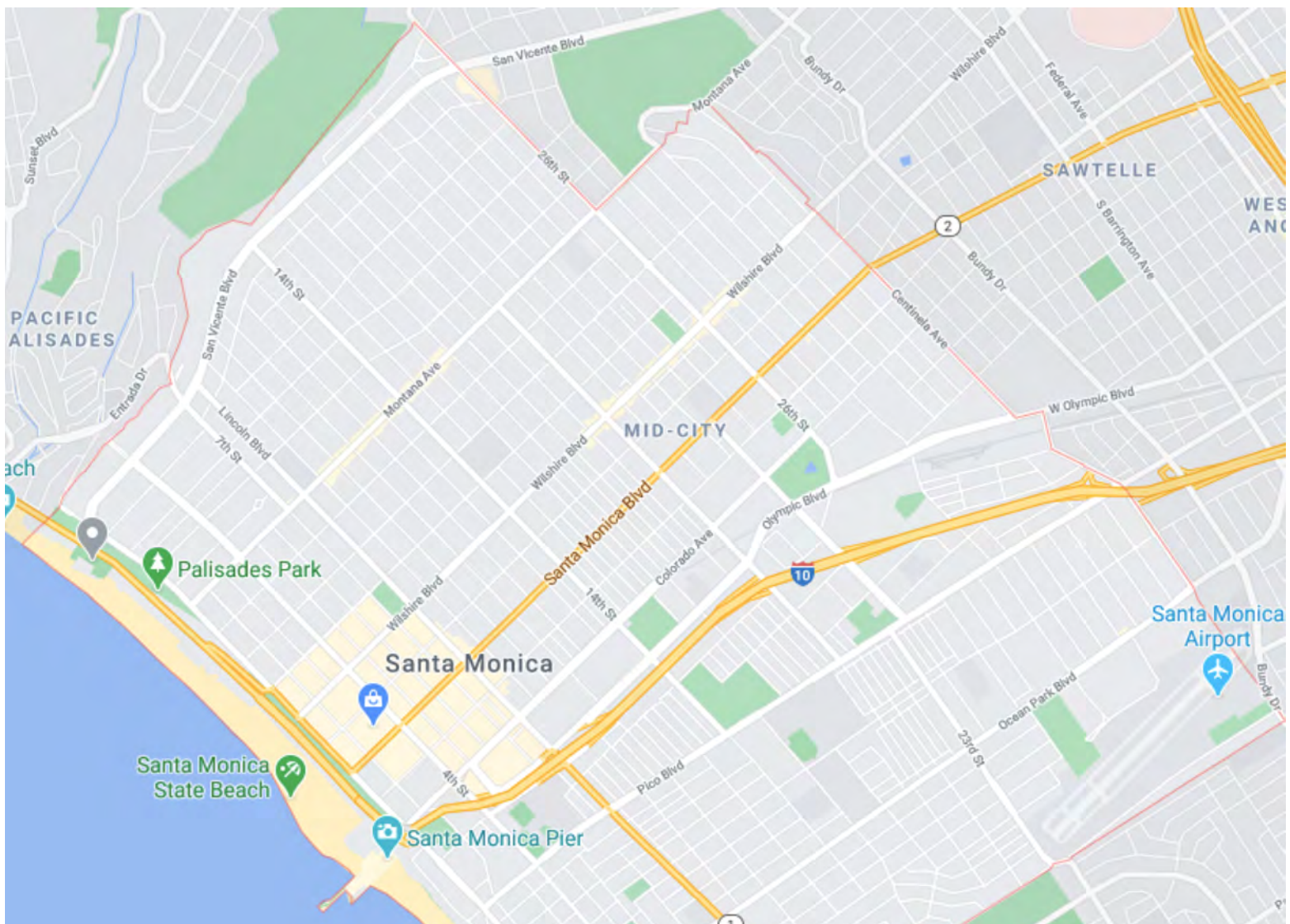
Exhibit 1 – Project Location

Exhibit 2 – Plan

Exhibit 3 – Aerial Photograph

Exhibit 4 – Temporary Event Guidelines

Exhibit 5 – Nuisance Order

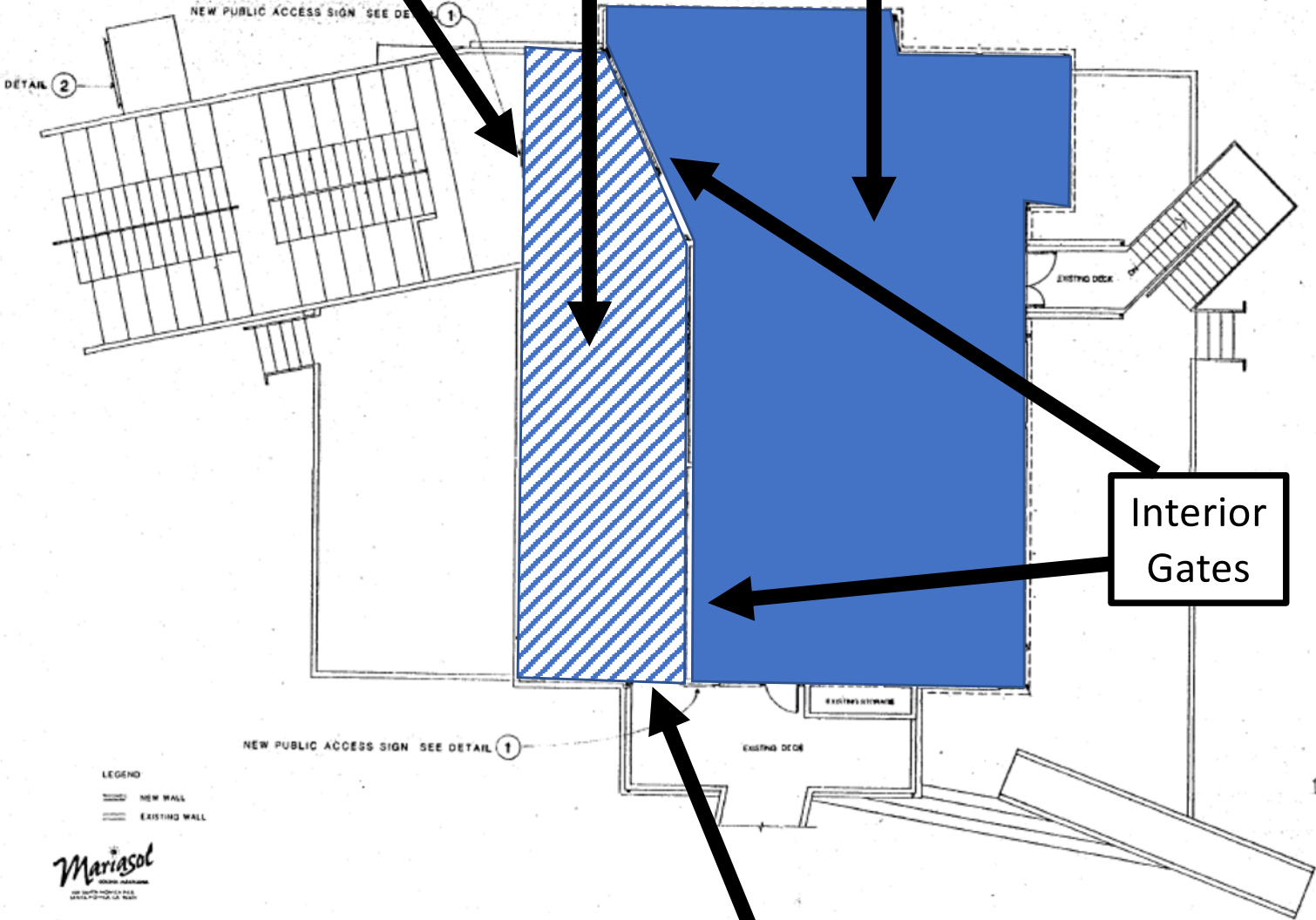


Project
Location

West Wall
Ext. Doors

2nd Floor
Restaurant Area

Observation
Room



Interior
Gates

South Wall
Ext. Door

SECOND FLOOR PLAN





CALIFORNIA COASTAL COMMISSION

FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
TELEPHONE AND TDD (415) 904-5200



TO: Local Governments and Interested Persons

FROM: Coastal Commission Staff

SUBJECT: Guidelines For the Exclusion of Temporary Events from
Coastal Commission Permit Requirements - Adopted 5/12/93

I. Purpose and Authority.

The purpose of these guidelines is to identify the standards the Coastal Commission staff, under the direction of the Executive Director, will use in determining whether a temporary event is excluded from coastal development permit requirements pursuant to Public Resources Code Section 30610 (i) (as amended by SB 1578, Ch. 1088, Stats. 1992). The guidelines are for use in areas where the Coastal Commission retains coastal development permit authority. These guidelines may be utilized by local governments for reference in developing Local Coastal Programs or in processing LCP amendments, if required, to address coastal development permit jurisdiction over temporary events.

II. Criteria for Exclusion from Permit Requirements.

Except as provided in Section III. below, the Executive Director shall exclude from coastal development permit requirements all temporary events except those which meet all of the following criteria:

- a) Are held between Memorial Day weekend and Labor Day; and,
- b) Occupy all or a portion of a sandy beach area; and,
- c) Involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

Only temporary events meeting all of the above criteria shall require coastal development permit review, however,

The Executive Director may also exclude from permit requirements temporary events meeting all of the above criteria when:

- d) The fee is for preferred seating only and more than 75% of the provided seating capacity is available free of charge for general public use; or,

e) The event is held on sandy beach area in a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources; or,

f) The event is less than one day in duration; or,

g) The event has previously received a coastal development permit and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.

III. Executive Director or Commission Discretion to Require a Permit.

The Executive Director, or the Commission through direction to the Executive Director, may determine that a temporary event shall be subject to Commission coastal development permit review, even if the criteria in Section II. are not met, if the Executive Director or the Commission determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following:

a) The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;

b) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in Section V. of these guidelines;

c) The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;

d) The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.

IV. Modifications to Guidelines by the Commission.

The Commission may amend these guidelines at any time if it is determined such modification is necessary to more effectively implement Section 30610(i) of the Coastal Act, and provide Coastal Commission coastal development permit review of any category of temporary events having the potential for significant impacts to coastal resources; or, eliminate such review of any category of temporary events having no such potential.

V. Definitions.

For purposes of these guidelines, the following definitions shall apply:

a) "Temporary event(s)" means an activity or use that constitutes development as defined in Section 30106 of the Coastal Act; and is an activity or function of limited duration; and involves the placement of non-permanent structures; and/or involves exclusive use of a sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use;

b) "Limited duration" means a period of time which does not exceed a two week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis;

c) "Non-permanent structures" include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, movie/film sets, etc., which do not involve grading or landform alteration for installation.

d) "Exclusive use" means a use that precludes use in the area of the event for public recreation, beach access or access to coastal waters other than for or through the event itself.

e) "Coastal resources" include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.

f) "Sandy beach area" includes publicly owned and privately owned sandy areas fronting on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.

(8499A)

CITY OF SANTA MONICA Police Department PUBLIC NUISANCE DECLARATION

March 4, 2019

**TO: City of Santa Monica Pier Management Office
Attn: Pier Manager ELANA BUEGOFF**

**FROM: Santa Monica Police Department
By: SERGEANT BRENT CRAFTON**

SUBJECT: DECLARATION OF PUBLIC NUISANCE

This memorandum will serve as a notification that, pursuant to Santa Monica Municipal Code Section 8.96.050(a)(5), the Santa Monica Police Department has declared the area commonly known as the Santa Monica Pier Observation Deck to be a public nuisance. You are ordered to immediately effectuate the closure of the Observation Deck between the hours of 10:00 pm to 6:00 am.

Due to its unrestricted access and isolated location, the deck has become a significant threat to public safety in the nighttime hours. The space was originally conceived and intended as a public observation deck, attached to the Mariasol Restaurant which is situated on the furthestmost west end of the Santa Monica Pier.

In the past months, the observation deck has become a significant source of criminal activity and a gathering point for individuals who set up makeshift campsites in the space with bedrolls and personal effects. The isolated and sheltered location provides an ideal setting for criminal activities, especially during nighttime hours, including but not limited to: battery/assault with deadly weapons, brandishing of deadly weapons, public intoxication, narcotics use, and public urination. Indeed, the setting has become a source of constant conflict for encamped persons threatening each other and the public with violence and weapons, in part to assert control over their self-claimed camping areas within the space. Members of the public have begun avoiding the space during the nighttime hours due to this unsafe environment.

A significant amount of police calls for service have been generated at the location, with the overwhelming majority occurring between the hours of 10:00 pm to 08:00 am, after the normal business hours of the adjacent restaurant. Since October of 2018, Santa Monica Police Officers have responded to over 25 calls for service for individuals threatening assault, assault, brandishing of weapons, robbery, public intoxication, public urination, lewd conduct, and property damage. This does not include the numerous citizen contacts or non-enforcement contacts made by the Police and Harbor Department for individuals camping and occupying that space.

Due to the aforementioned circumstances, the area of the observation deck presents imminent life safety hazards, which creates a present and immediate danger to life, property, health or public safety and therefore constitutes a public nuisance.

Pursuant to Santa Monica Municipal Code Section 8.96.170, you are requested to:

1. Immediately re-install doors to the Observation Deck, which will allow the Area to be securely locked and protected against trespass.
2. Close the Observation Deck to public use between the hours of 10:00 pm to 06:00 am, by locking its doors and using any other barriers or mechanisms reasonably necessary to protect against trespass.

Attached to this memorandum are controlled documents related to calls for service and police reports that originated at the location for your reference.

BRENT CRAFTON
Sergeant #3415