

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071



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Filed: Nov. 9, 1995
49th Day: Dec. 28, 1995
180th Day: May 7, 1996
Staff: JLR-LB
Staff Report: Dec. 19, 1995
Hearing Date: Jan. 9-12, 1996
Commission Action:

RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-95-072

APPLICANT: City of Los Angeles/Department of Recreation and Parks

PROJECT LOCATION: Northeast corner of Dell Ave. and Linnie Canal, Venice

PROJECT DESCRIPTION: Refurbish a 5,706 sq. ft. mini-park to include new play equipment, landscaping, duck pond, concrete sidewalk/wheelchair ramp and bollards (Posts along edge of sidewalk within the street).

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Los Angeles

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval with no special conditions.

I. Approval

The Commission hereby grants a permit 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 located between the sea and the first public road nearest the shoreline and in in conformance with the public access and public recreation policies of Chapter 3 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: None

IV. Findings and Declaration:

The Commission hereby finds and declares as follows:

A. Project Description and Location

The applicant proposes to refurbish a mini park located on a 5,706 sq. ft. lot. The project is located within the Venice Canals area of the City of Los Angeles. The project also includes a sidewalk wheel chair ramp located next to an adjacent public street. The proposed ramp will provide public handicap access to the banks of Linnie Canal. Because the ramp is located adjacent to the street, the applicant is proposing that bollards be constructed within the street in order to provide pedestrian safety from vehicular traffic. The placement of the bollards along the edge of the sidewalk in the street will eliminate two on-street parking spaces. Following is a more detailed project description, as submitted by the applicant:

In conjunction with the park restoration project described in the attached coastal permit application, the Department of Recreation and Parks (DRP) proposes to improve a sidewalk segment within the Dell Avenue dedication to improve pedestrian access, including wheelchair access, to both the park and to Linnie Canal. This work is required by, and in compliance with, the Federal "Americans with Disabilities Act" (ADA). A failure to do so would be a violation of ADA. We understand that one of the goals of the Coastal Act is to improve disabled access to facilities in the coastal zone. This improvement will do that.

Dell Avenue is under the jurisdiction of the City of Los Angeles, Department of Public Works. It consists of a 40-foot-wide dedicated right-of-way, improved with a 24-foot-wide roadway and discontinuous sidewalk improvements. The 8-foot-wide strip of unimproved right-of-way adjacent to the park, is designated for sidewalk use, and is in fact used as such. Department of Recreation and Parks' sidewalk project will fill in one of the gaps in the discontinuous sidewalk development along Dell Avenue.

Because the proposed project is located in and near coastal tidelands, it is located within both the Commission's original permit jurisdiction and the dual permit jurisdiction of the Coastal Commission and therefore requires both a local Coastal Permit and a Coastal Permit issued by the Coastal Commission.

B. Public Access/Recreation

One of the basic goals stated in the Coastal Act is to maximize public access to and along the coast. The following are relevant:

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...

In addition, Section 30252 of the Coastal Act requires that adequate parking be provided for new development. It states:

The location and amount of new development should maintain and enhance public access to the coast by: (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....

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.

The Venice Canals neighborhood is a predominantly residential community consisting of single family homes located along the open waterways. The houses front on the canals and are accessed from the rear by alleys which run behind the homes. Public walkways, which are currently severely damaged or completely deteriorated, run along both sides of each canal and separate the private residences from the canals. The canals are a popular visitor destination in Southern California. The neighborhood is located about four blocks from Venice Beach, one of the most popular visitor destinations in Los Angeles.

Past development practices within the Venice Canals area permitted residential construction with no provisions for on-site parking. This has resulted in a shortage of on-street parking due to competing peak hour and seasonal demands of canal visitors and the surrounding residential users. In order to mitigate these parking conflicts, the City has developed public parking lots. Following is a more detailed analysis as submitted by the City:

CITY PROGRAM TO MITIGATE PARKING PROBLEMS IN THE VENICE COASTAL ZONE:

For several years, the City has been involved in a program aimed at mitigating the parking shortage in the Venice coastal zone area. This effort is part of the City's on going community planning work and is presently being handled by an outside consulting firm under contract to the Planning Department...

...The new parking lots along the Venice Boulevard median were constructed to increase the availability of parking in the coastal zone and are only two blocks from the the park. Our Department continues to suggest that these parking lots be used by visitors to the canal area.

The proposed sidewalk wheelchair ramp, along with the placement of bollards in the street, will result in the loss of two on-street parking spaces. However, as noted above, public parking is available within two blocks from the proposed mini park. In addition, the proposed small "tot lot" will basically serve only the neighborhood children who will walk to and from the park. The proposed small park will not serve as a regional recreational destination use. Therefore, the Commission finds that the proposed development will not interfere with public access/recreation and is consistent with the relevant public access/recreation policies of the Coastal Act. The Commission further finds that the proposed wheelchair ramp will provide and enhance public handicap access to the banks of the Venice Canals area.

C. Local Coastal Program

Section 30604 (a) of the Coastal Act provides that the Commission shall issue

a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

(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 prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

A preliminary Venice Coastal land Use Plan (LUP) was prepared by the City of Los Angeles in 1990. However, no action has been taken by the City or by the Commission to approve the preliminary LUP. Therefore, the City has not yet developed a Local Coastal Program or a Land Use Plan that has been certified by the Commission.

The proposed project, conforms to the preliminary Venice LUP policies regarding the Venice Canals. The LUP contains a policy to restore and preserve the historic integrity of the Venice Canals. The proposed project does retain and preserve the historic nature of the area. Another policy in the LUP states that the public sidewalks along the canal banks shall be constructed, as proposed in this application. Therefore, the Commission finds that approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604 (a).

D. Unpermitted Development

Prior to the submittal of this application, the applicant constructed the "mini-park". Although unpermitted development may have taken place on the property prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal Permit.

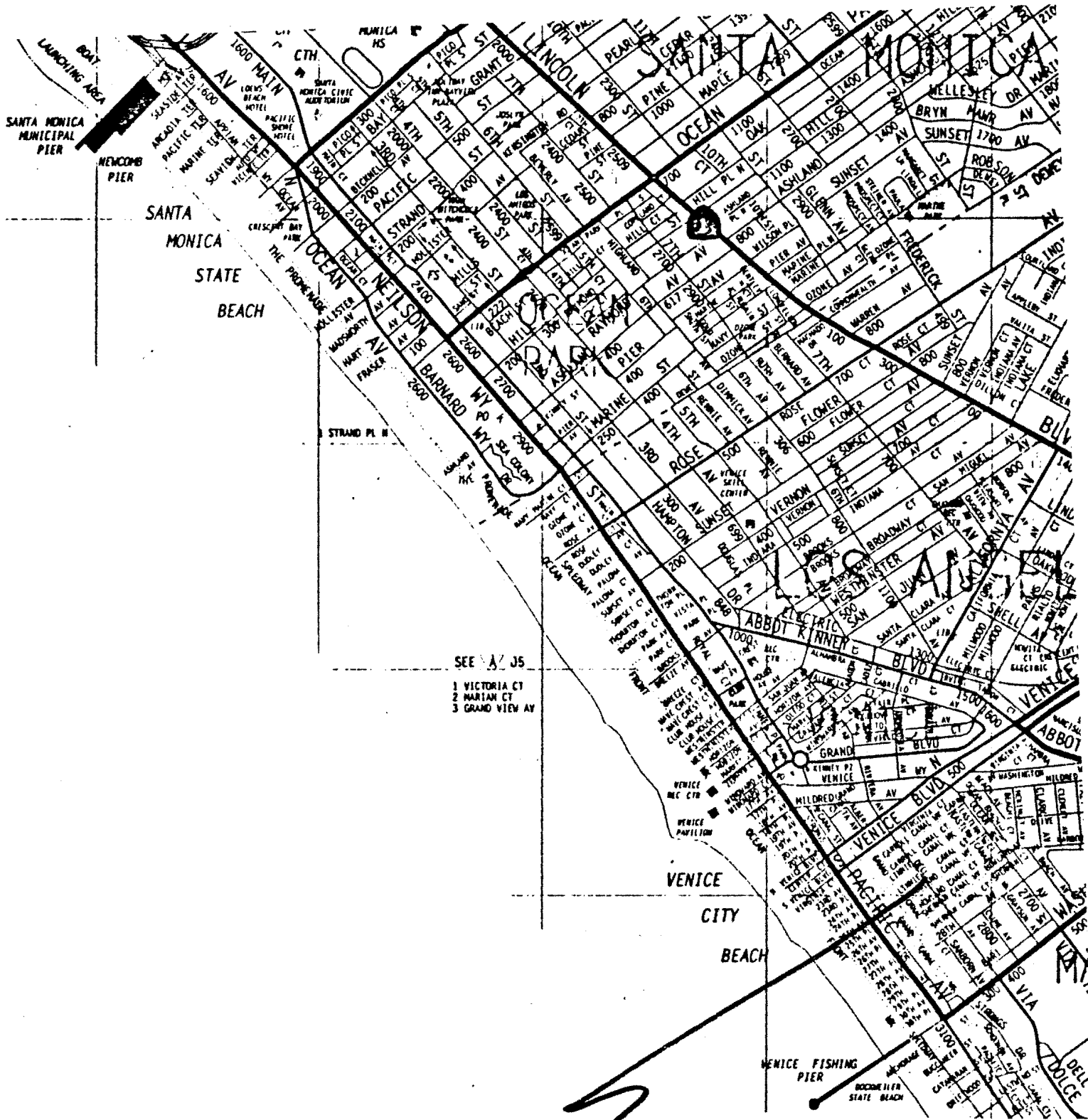
E. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as submitted, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.59 (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.

The proposed project, as submitted is consistent with the relevant public access/recreation policies of the Coastal Act. As submitted, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

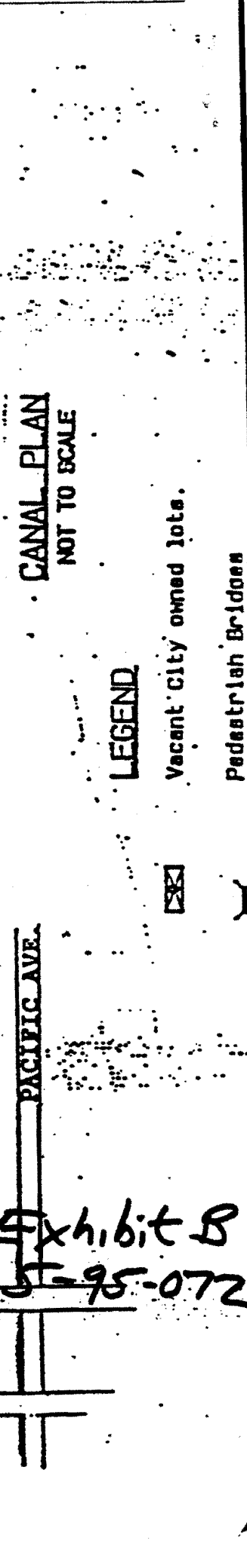
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Exhibit A
5-95-072

60x95



LEGEND

pediatric, Bridgman

Exhibit B
5-95-072

**PARKING -
ENTRANCE**

Exhibit C
5-95-072



we make
L.A. better
place!

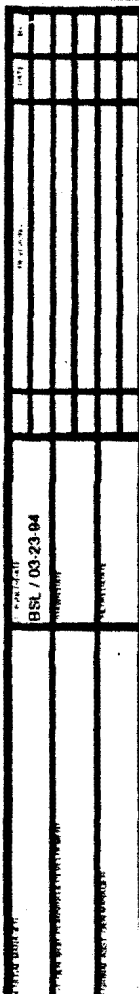


Exhibit D
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