

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 W. BROADWAY, STE. 380

P.O. BOX 1450

LONG BEACH, CA 90802-4416

(310) 590-5071

Filed: August 27, 1996

49th Day: 10-15-96

180th Day: 2-23-97

Staff: JLR

Staff Report: 9-16-96

Hearing Date: Oct. 10, 1996

Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-94-144

APPLICANT: City of Los Angeles Dept. of Recreation and Parks

PROJECT LOCATION: 15701 Pacific Coast Highway, Pacific Palisades

PROJECT DESCRIPTION: Installation of barrier landscaping along the northerly boundary of a one acre park that abuts a private residence to also include removal of fences and construction of a handicap ramp.

Lot area:	one acre
Building coverage:	N/A
Pavement coverage:	N/A
Landscape coverage:	2,400 sq. ft.
Parking spaces:	NONE
Zoning:	Open Space
Plan designation:	Public Park
Project density:	N/A
Ht abv fin grade:	N/A

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

COASTAL ISSUE: Public views/access/recreation

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval with no special conditions.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

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, 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 on which the Commission voted on the application. 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.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Location and Background

The subject one acre park is located at the top of a steep cliff approximately one block inland of Pacific Coast Highway. The park contains a pedestrian path leading to a bench that offers a panoramic view of the coastline. Following is a background history of the project as submitted by the Los Angeles City Department of Recreation and Parks;

....In June of 1993, Mr. Kinsey requested permission to use a fenced triangular piece of park property adjacent to his lot that he thought was his when he purchased his property. Mr. Kinsey requested this area as a buffer for security and the protection of his family and property from undesirables.

The Board denied Mr. Kinsey use of the triangular parcel, but worked out a compromise that was satisfactory to all concerned parties.

The compromise allowed Mr. Kinsey to landscape the buffer area with a plan provided by our landscape staff and remove the existing wood fencing after the plantings became mature enough to provide the security requested, for a period not to exceed 24 months after approval.....

All the original wood fencing has been removed and replaced by new chain link fencing. At the on-site meeting Mr. Kinsey was requested to submit a plan showing how he would landscape the park area adjacent to his property.

B. Project Description

The applicant proposes to install barrier landscaping along the northerly boundary of a one acre park that abuts a private residence. The project also includes removal of fences and construction of a handicap ramp. Following is a more detailed project description as submitted by the applicant:

Update of Project Description:

In the area of the park adjacent to the south of the Kinsey's property, a handicap ramp will be constructed from the existing walk to the street, Via de las Olas. The barren area south of the property will be landscaped with barrier type plants (without thorns).

Barrier plants will be placed on the hill below the Kinsey's residence in the area not enclosed by a new chain link fence. This is the only fence to remain in place.

The landscape work as well as removal of the fences (except the one that is down slope towards Temescal Canyon) is to be completed within 60 days of obtaining a permit from the Coastal Commission.

C. Public Views/Access/Recreation

The following Coastal Act Sections are relevant:

Section 30251 of the Coastal Act states in part that:

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 surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Section 30210

In carrying out the requirement of Section 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 30214.

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners.

Section 30223.

Upland areas necessary to support coastal recreational uses shall be reserved for such use, where feasible.

The subject one acre park is located on Pacific Coast Highway. The park is reached by traveling on narrow residential streets because it is 120' above the bluff from the highway. There are no public parking spaces on-site but on-street parking is available. Because the parking is surrounded by residential development, the park serves more as a neighborhood park rather than as a regional destination point. However, the park provides public views up and down the coast that are dramatic.

The purpose of the proposed landscaping is to separate and screen the park from an adjacent residence. The landscaping as designed will not interfere with any public coastal views from the park. The proposed landscaping will be located in area that does not provide either public access or public views. Also, the City's approval requires removal of the chainlink fence that was installed on public parkland. Removal of the fence will maximize public access to and use of the park. Therefore, the Commission finds that the proposed project, as designed and sited, will not impact coastal resources while also protecting the privacy of adjacent property owners, consistent with Sections 30251 and 30214 (a)(4) of the Coastal Act. The Commission further finds that the proposed park improvements will maintain an upland park recreational use consistent with the provisions of Section 30223 of the Coastal Act.

D. Local Coastal Program:

Section 30604 (a) of the Coastal Act states that:

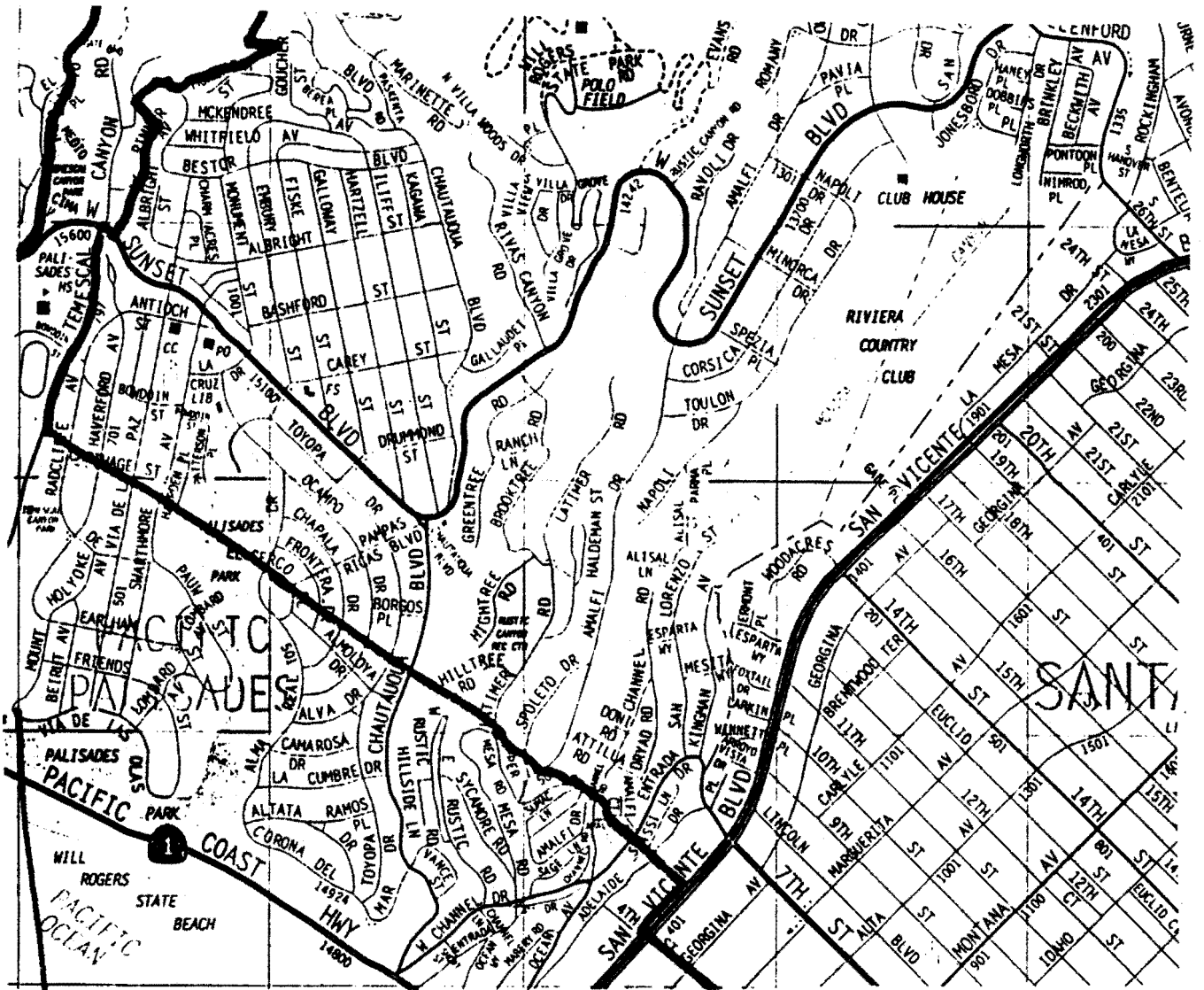
Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of chapter 3 (commencing with Section 30200) of this division and that the permitted 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 (commencing with Section 30200).

The City of Los Angeles has not prepared a draft Land Use Plan for this planning subarea. However, approval of the proposed development, as submitted to upgrade and maintain an existing recreational use, will not prejudice the City's ability to prepare a certifiable Local Coastal Program. The Commission, therefore, finds that the proposed project is consistent with Section 30604 (a) of the Coastal Act.

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

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of the Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5 (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.

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.



Project
Location

Exhibit A
5-94-144

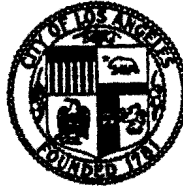
**BOARD OF RECREATION AND
PARK COMMISSIONERS**

STEVEN L. SOBOROFF
PRESIDENT

LEROY CHASE
VICE PRESIDENT

MIKE ROOS
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LISA SPECHT

**CITY OF LOS ANGELES
CALIFORNIA**



RICHARD J. RIORDAN
MAYOR

DEPARTMENT OF
RECREATION AND PARKS
200 NO. MAIN ST.
13TH FLOOR
LOS ANGELES, CALIF. 90012

(213) 485-4831
FAX - (213) 617-0439

JACKIE TATUM
GENERAL MANAGER

June 21, 1996

RECEIVED

JUN 24 1996

Mr. James L. Ryan, Coastal Program Analyst
California Coastal Commission
South Coast Area
245 W. Broadway, Suite 380
Post Office Box 1450
Long Beach, CA 90802-4416

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Dear Mr. Ryan:

**COASTAL DEVELOPMENT PERMIT NO. 5-94-144 (PROPOSED BARRIER
LANDSCAPING PROJECT WITHIN VIA DE OLAS PARK)**

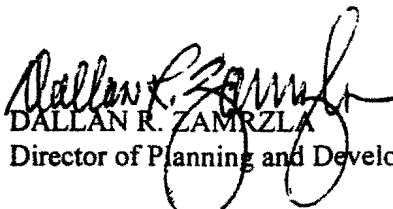
As requested, we are resubmitting a set of revised landscape plans for the above referenced coastal development permit application.

Once Coastal Commission approval is given, we will notify Mr. Kinsey, whose property is affected by continual trespassing problems and other incidents, that he can proceed with the proposed plantings. Our agreement with Mr. Kinsey is for him to remove the chain link fences which he installed on public parkland, after the plantings have become established. These improvements will not adversely impact public access to the park or block scenic views.

If you have any questions, please telephone Marilyn McPherson at (213) 485-4831.

Very truly yours,

JACKIE TATUM
General Manager


DALLAN R. ZAMRZLA
Director of Planning and Development

DRZ:DA/mw
Attachments

CC: Al Carmichael, Planning Officer
Dave Gonzalez, Assistant General Manager, Pacific Region

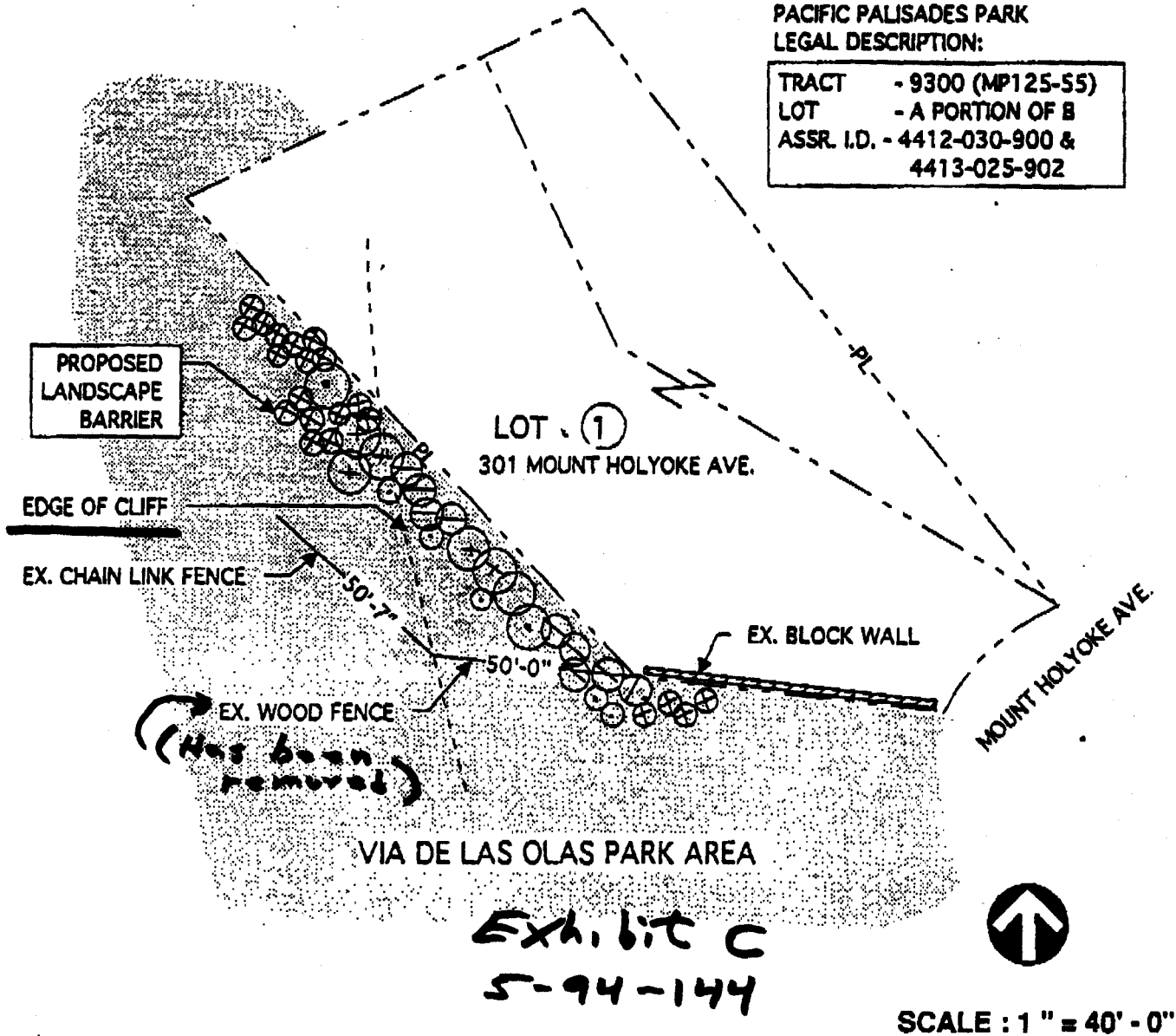
Exhibit B
5-94-144



LEGAL DESCRIPTION

PACIFIC PALISADES PARK
LEGAL DESCRIPTION:

TRACT - 9300 (MP125-55)
LOT - A PORTION OF 8
ASSR. I.D. - 4412-030-900 &
4413-025-902



VIA DE LAS OLAS PARK AREA

LEGAL DESCRIPTION

DATE: 12-14-93

PROJECT #3025P

PLANS PERARED BY: BILL LUKEHART AND JULIE RILEY
DESIGN AND CONSTRUCTION DIVISION
(213) 485-4819

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LA a better
place!



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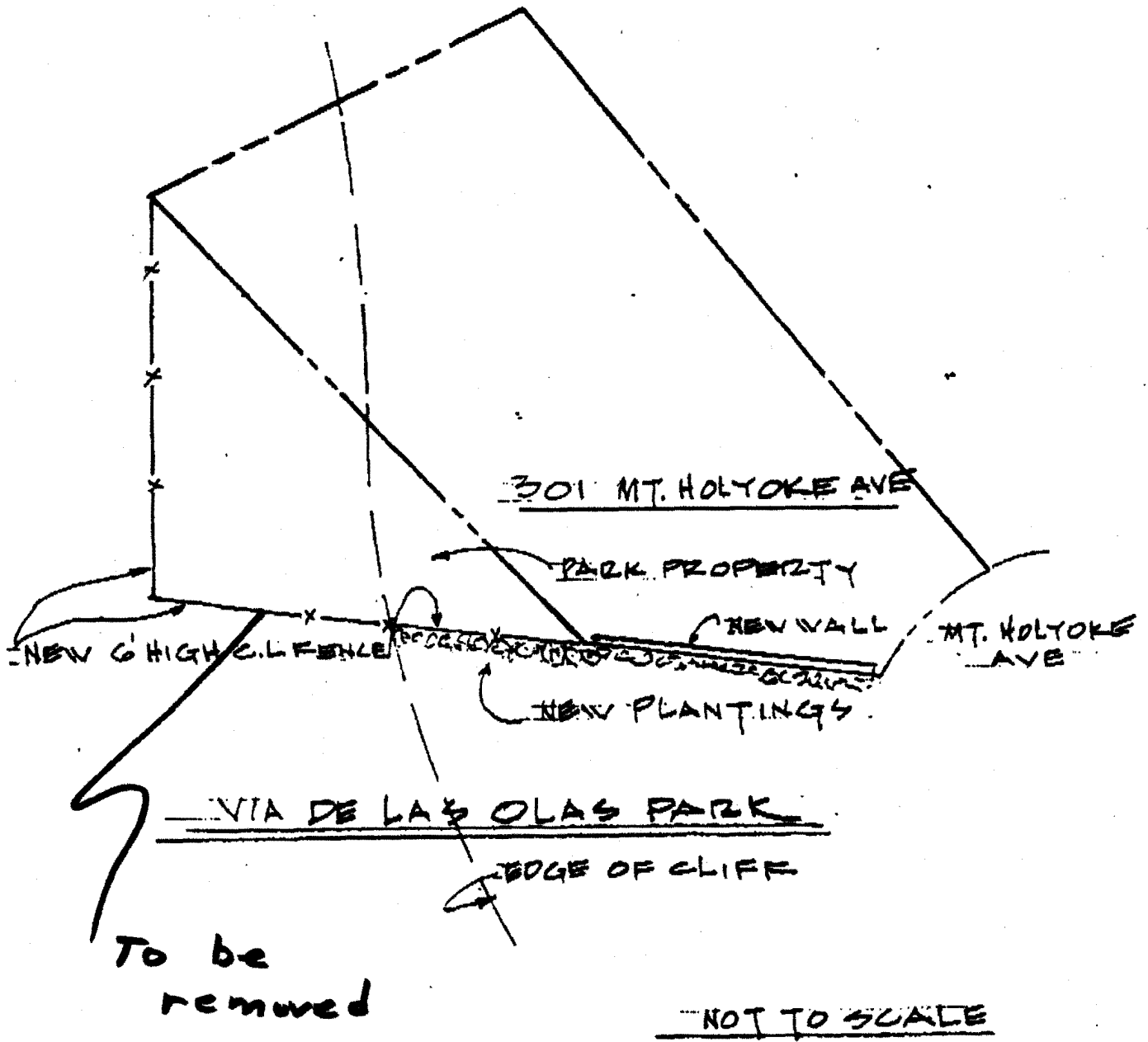


Exhibit E
5-94-144