

CALIFORNIA COASTAL COMMISSION

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May 6, 2016

Sent via U.S. Mail and E-Mail

Vincent Bertoni, Planning Director
City of Los Angeles - Department of City Planning
200 North Spring Street
Los Angeles, CA 90012

Re: Resolution of Coastal Development Permit and Exemption Processing Issues in the Coastal Zone Area of Venice

Dear Mr. Bertoni,

I am writing to you in regard to an issue that was raised by several City of Los Angeles actions for development projects in Venice that were appealed by members of the public to the California Coastal Commission. At its April 14, 2016 meeting, the California Coastal Commission held public hearings on the appeals of 13 separate Coastal Exemptions that were incorrectly approved by the City of Los Angeles for the effective demolition and reconstruction of residential structures in the coastal zone of Venice.

Although the exemption determinations by the City described the development as remodeling and improvements to existing residential structures, the Commission found that these projects clearly involved the substantial demolition and reconstruction of these residential structures, which is not exempt under any provision of the Coastal Act, the California Public Resources Code, or the City's certified Venice Land Use Plan. Thus, a coastal development permit is required for all projects that involve substantial demolition and reconstruction. The City's exemption determinations cited the provisions of the Coastal Act (Section 30610) and the California Public Resource Code (Sections 13250 and 13253) that exempt improvements to, but not demolition of, existing single family residences and other structures. The Commission therefore found that the majority of these appeals raised substantial issue and subsequently denied the exemption requests through the de novo review process.

Pursuant to the Coastal Act and the California Public Resource Code, after a final local action on a local CDP application or Exemption, the City is required to notify the Coastal Commission within five days of the decision. After receipt of such a notice, a twenty working-day appeal period begins during which time any person or the Executive Director of the Commission may appeal the local decision to the Coastal Commission. However, in the case of several of the above referenced appeals, the City did not provide notice of the appealable action to the Commission within the required 5-day period and prior to the issuance of final building permits from the City's Department of Building and Safety. In fact, many of the notices were provided several months after the City's action while other notices were never provided. Thus, demolition of several of the residential structures had already occurred before the Commission received many of the appeals and construction activities were halted, resulting in financial hardships and significant frustration by many of the applicants due to delays in the processing of their development projects. During the Commission's hearing, several of the applicants and their representatives stated that they would have applied for and obtained the necessary coastal development permits for their projects had they been aware of such requirement.

Further, additional appeals have been filed in the Commission's South Coast District Office for other exemptions that have been issued by the City for development that requires a coastal development permit and which are awaiting Commission action. Four of these pending appeals are currently scheduled to be heard at the Commission's May 13, 2016 meeting. These appeals involve substantial demolition and reconstruction of residential structures, similar to the above referenced appeals that the Commission previously acted on. Pursuant to a written request on April 12, 2016, Commission staff requested that the City rescind these four exemptions; however, this has not yet occurred. If the City agrees that these exemptions were incorrectly issued for development that requires a coastal development permit, we request that the City rescind the exemptions before the Commission takes action on these matters. We further request that for future actions, the City take the necessary steps to prevent the issuance of exemptions by City staff for development that requires a coastal development permit.

The Commission would like to work with the City to avoid these types of appeals in the future, which result in increased workload for both our staffs, costly delays and confusion for applicants, and anger and frustration by appellants. Moreover, these appeals detract from our respective staff's time and ability to continue work on the Venice Local Coastal Program. On April 5, 2016, our respective staffs met to discuss the above mentioned problems with the City's exemption process and potential improvements to the City's exemption and coastal development permit review process to ensure new development is consistent with both the Coastal Act and the City's certified Land Use Plan. As discussed during that meeting, the Commission is willing to consider opportunities to streamline the permit process through its administrative permit process for certain types of residential projects in Venice provided that the City has conceptually approved the project and it has been reviewed and recommended for approval by the Venice Neighborhood Council. It is my understanding that a follow-up meeting has been scheduled for May 18, 2016, to continue these discussions. The Commission is encouraged by these recent coordination efforts and I am requesting your assistance in this matter to ensure that City continues to prioritize coordination between the City and the Commission to resolve the above issues and minimize the number of future appeals of exemptions and coastal development permits in the Venice area.

We look forward to a significant improvement in the City's permit and exemption process as soon as possible. Commission staff remains prepared to work with you and your staff toward this goal.

Sincerely,



STEVE KINSEY, Chair
California Coastal Commission

cc: Mike Bonin, City Councilmember, City of Los Angeles
Lisa Webber, Deputy Director of Planning, City of Los Angeles
John Ainsworth, Acting Executive Director
Steve Hudson, Deputy Director