

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

T15

Filed: 4/21/2006
49th Day: 6/9/2006
180th Day: N/A
Staff: Charles Posner - LB
Staff Report: 5/26/2006
Hearing Date: June 13, 2006
Commission Action:

**STAFF REPORT: APPEAL - NO SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISION: Approved with No Special Conditions

APPEAL NUMBER: A-5-VEN-06-156

APPLICANT: RAD Venice, LLC (Attn: Robert P. D'Elia, Managing Partner)

APPELLANT: John Davis

PROJECT LOCATION: 700 Main Street (also referred to as 602-670 Main Street), Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Appeal of City of Los Angeles Local Coastal Development Permit No. ZA-2002-2721 approved (with conditions) for the construction of a 35-foot high, 35-unit artist-in-residence project with 106 parking spaces (Tentative Tract Map No. 53996).

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles Local Coastal Development Permit No. ZA-2002-2721.
2. City of Los Angeles Vesting Tentative Tract No. 53996.
3. City of Los Angeles Mitigated Negative Declaration No. ENV-2002-3481-MND.

SUMMARY OF STAFF RECOMMENDATION

The Commission's role at the "substantial issue" phase of an appeal of a local government action taken prior to certification of its local coastal program is to decide whether the appeal of the local government action raises a substantial issue as to conformity with the Chapter 3 policies of the Coastal Act. In this case, the local government's approval of the coastal development permit does not raise a substantial issue as to conformity with the Chapter 3 policies of the Coastal Act. The appellant asserts only that certain procedural errors have occurred in the local government's issuance of the local coastal development permit (See Appeal: Exhibit #4). The appellant has not asserted that the local government's action or the approved development violate any Chapter 3 policies. Therefore, staff recommends that the Commission, after public hearing, determine that the appeal raises **no substantial issue** as to conformity of the local government's action with the Chapter 3 policies of the Coastal Act. **The motion to carry out the staff recommendation is on Page Four.**

I. APPELLANT'S CONTENTIONS

On April 21, 2006, John Davis filed the appeal of the City of Los Angeles approval of Local Coastal Development Permit No. ZA-2002-2721 (Exhibit #4). Local Coastal Development Permit No. ZA-2002-2721 approves the construction of a 35-foot high, 35-unit artist-in-residence project on a 37,940 square foot parcel situated on the inland side of Main Street, between Sunset Avenue and Abbot Kinney Boulevard in North Venice (Exhibit #3).

The appellant has not asserted that the local government's action or the approved project violates any Chapter 3 policies. The appellant asserts only that certain procedural errors have occurred in the local government's issuance of the local coastal development permit (See Appeal: Exhibit #4). The appellant's assertions are based on the fact that construction of the locally approved project commenced prior to the City notifying the Commission in 2006 that the final local government action on the local coastal development permit had occurred. As a result, the appellant asserts, a violation of the Coastal Act has occurred. Furthermore, the appellant asserts that the local coastal development permit has expired since more than two years have passed since the City approved the permit. The appellant is requesting that the Commission void the local coastal development permit, issue a Cease and Desist Order, and require the development to obtain a new coastal development permit.

II. LOCAL GOVERNMENT ACTION

The City's record states that the City held a public hearing for the proposed development on December 18, 2002 (Exhibit #5, p.1: Notice of Permit Issuance, March 21, 2006). The actions approving the development occurred on later dates, as follows.

On July 8, 2003, the City of Los Angeles Advisory Agency approved Vesting Tentative Tract No. 53996 for 35-unit artist in residence live/work condominium project. A condition of the tentative tract map requires that seven of the approved units must be reserved for moderate income affordable housing, or, as an alternative, four of the units must be reserved for very-low income affordable housing.

On August 12, 2003, the City of Los Angeles Office of Zoning Administration issued its approval of Local Coastal Development Permit No. ZA-2002-2721 for the 35-unit artist in residence live/work condominium project (Notice of Action, dated August 12, 2003). The approved development includes the subdivision (Vesting Tentative Tract No. 53996) and the construction of the approved buildings. A variance was granted to reduce the required fifteen-foot rear setback to 9.5 feet. The applicant had withdrawn a request for 38.5-foot height adjustment, agreeing to comply with the 35-foot height limit. The City's approval of the local coastal development permit was not appealed at the local level.

On March 23, 2006, the Commission's South Coast District office in Long Beach received the City's Notice of Final Action (dated March 21, 2006) for its approval of Local Coastal Development Permit No. ZA-2002-2721, and established the twenty-working day appeal period. On April 21, 2006, the last day of the appeal period, the appellant submitted the appeal to the Commission's Long Beach office. The Commission's South Coast District office notified the City Planning Department of the appeal April 25, 2006. On May 10, 2006, the Commission opened and continued the public hearing for the appeal, as the staff had not yet received from the City a copy of its local coastal development permit file.

III. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program, a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits.

Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200, 30604 and 30625(b)(1).]

After a final local action on a local coastal development permit application, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.]

Any appeal of the local action is then analyzed to determine if a substantial issue exists as to conformity with Chapter 3 of the Coastal Act (Sections 30200-30265.5). [Cal. Pub. Res. Code § 30625(b)(1).] Unless the Commission finds that the appeal raises no substantial issue, the Commission then holds a public hearing in which it reviews the coastal development permit as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.]

At this point, the Commission may decide that the appellant's contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, in which case the action of the local government stands. Or, the Commission may find that a substantial issue exists with respect to the conformity of the action of the local government with Chapter 3 of the Coastal Act if it finds that the appeal raises a significant question regarding consistency with the Chapter 3 policies of the Coastal Act. If the Commission finds that a substantial issue exists, then the hearing will be continued as a de novo permit request. Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission's regulations.

IV. DUAL PERMIT JURISDICTION

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that the development which receives a local coastal development permit also obtain a "dual" coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (*Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The proposed development is not located within the *Dual Permit Jurisdiction*.

V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that **no substantial issue exists** with respect to whether the local government action conforms with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to California Public Resources Code Section 30625(b)(1).

Staff recommends a **YES** vote on the following motion:

MOTION: *“I move that the Commission determine that Appeal No. A-5-VEN-06-156 raises **NO SUBSTANTIAL ISSUE** as to conformity with Chapter 3 of the Coastal Act.”*

A majority of the Commissioners present is required to pass the motion.

Resolution to Find No Substantial Issue for Appeal A-5-VEN-06-156

The Commission hereby finds that Appeal No. A-5-VEN-06-156 presents no substantial issue with respect to conformity with the Chapter 3 policies of the Coastal Act.

VI. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. **Project Description**

The project site is one lot zoned M1-1 (43,295 or 37,940) square feet, between Main Street and Hampton Drive (Exhibit #2). Local Coastal Development Permit No. ZA-2002-2721 approves the construction of a 35-foot high, 35-unit artist-in-residence project on a 37,940 square foot lot situated on the inland side of Main Street, between Sunset Avenue and Abbot Kinney Boulevard in North Venice (Exhibit #3). The approved development includes the subdivision (Vesting Tentative Tract No. 53996), the construction of the approved buildings with 106 parking spaces, including 23 Beach Impact Zone (BIZ) spaces.

B. **Factors to be Considered in Substantial Issue Analysis**

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term “*substantial issue*” is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission’s regulations simply indicates that the Commission will hear an appeal unless it “finds that the appeal raises no significant question.” In previous decisions on appeals, the Commission has been guided by the following factors.

1. The degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;

2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that **no substantial issue** exists with respect to whether the local government action conforms with the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. Substantial Issue Analysis

As previously stated, the appellant has not asserted that the local government's action or the approved project violates any Chapter 3 policies. The appellant asserts only that certain procedural errors have occurred in the local government's issuance of the local coastal development permit (See Appeal: Exhibit #4, ps.3-5). The appellant's assertions are based on the fact that construction of the locally approved project commenced prior to the City notifying the Commission in 2006 that the final local government action on the local coastal development permit had occurred in 2003 (Exhibit #5). As a result, the appellant asserts, a violation of the Coastal Act has occurred as construction of the development has proceeded without an effective coastal development permit. Furthermore, the appellant asserts that the local coastal development permit has expired because more than two years have passed since the City approved the permit in 2003. The appellant asserts that the local coastal development permit expired in 2005, and therefore the Commission's appeal period should not have been established upon receipt of the City's Notice of Final Action on March 23, 2006. The appellant is requesting that the Commission void the local coastal development permit, issue a Cease and Desist Order, and require the development to obtain a new coastal development permit.

The standard of review is only whether the appeal raises a substantial issue as to conformity with Chapter 3 of the Coastal Act, Cal. Pub. Res. Code §§ 30200-30265.5 (hereinafter "Chapter 3").¹ [Cal. Pub. Res. Code § 30625(b)(1); 14 C.C.R. § 13321.] In this case, the local government's findings for the approval of the coastal development permit support its determination that the proposed development conforms to the policies of Chapter 3 of the Coastal Act. The appeal has not identified any portion of the locally approved development that raises a question of conformity with Chapter 3 of the Coastal Act. Therefore, the appeal raises no substantial issue as to conformity with Chapter 3.

¹ Unless otherwise indicated, all subsequent statutory references are to sections within the Coastal Act. Cal. Pub. Res. Code §§ 30000 *et seq.*

Applying the five factors listed in the prior section further clarifies that the appeal raises no “substantial” issue with respect to Chapter 3, and the appeals do not implicate Chapter 3 policies to a level of significance necessary to meet the substantiality standard of Section 30265(b)(1).

The first factor is the degree of factual and legal support for the local government’s decision that the development is consistent with Chapter 3 of the Coastal Act. The City’s findings for approval of the local coastal development permit state that the proposed project conforms to the policies of Chapter 3 of the Coastal Act. The certified Venice Land Use Plan (LUP) provides guidance for determining whether a proposed development would adversely affect community character, coastal access or other coastal resources. The approved use (artist residences), parking supply (106 spaces), and building height (35 feet) are all in conformance with the applicable policies of the certified Venice LUP. The appeal, however, does not question the merits of the approved development, but asserts that procedural errors have occurred in the local government’s issuance of the local coastal development permit. This Commission’s role at the “substantial issue” phase of an appeal is not to assess whether the local government correctly processed a permit, but only to decide whether the appeal of the local government’s action raises a substantial issue as to conformity with the policies of Chapter 3. In this case, the local government’s decision correctly applied the policies of Chapter 3, was amply supported by the facts, and was consistent with the law. Thus, the appeal raises no substantial issue regarding conformity therewith.

The second factor is the scope of the development approved by the local government. The scope of the approved development is limited to the construction of a 35-unit artist-in-residence project. The scope of the approved development alone does not support a finding that the appeal raises a “substantial” issue.

The third factor is the significance of the coastal resources affected by the decision. The appellant does not assert that any coastal resources are affected. Therefore, the appeal raises no grounds for a finding of substantial issue regarding consistency with Chapter 3 policies.

The fourth factor is the precedential value of the local government’s decision for future interpretations of its LCP. This is designed to avoid leaving decisions in place that could create a precedent for how the relevant provision of the LCP is to be interpreted, assuming the local government has a certified LCP. In this case, the City does not have a certified LCP. The City’s interpretation of the policies of the certified LUP has not been raised by this appeal. Nonetheless, the Commission does not find any negative precedential value in the City’s interpretation of the policies of the certified LUP or Chapter 3, in this case.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. This appeal raises a localized issue related to the City’s processing of a local coastal development permit, but the appeal does not raise any issues of statewide significance. Therefore, in conclusion, the Commission finds that the local government’s action does not raise any substantial Chapter 3 issues because the City’s decision is consistent with Chapter 3, does not affect any particularly significant resources or set any adverse precedent, and the appeal raises only local issues. Therefore, no substantial issue exists with respect to the Chapter 3 policies of the Coastal Act.

D. Responses to Appellant's Specific Contentions

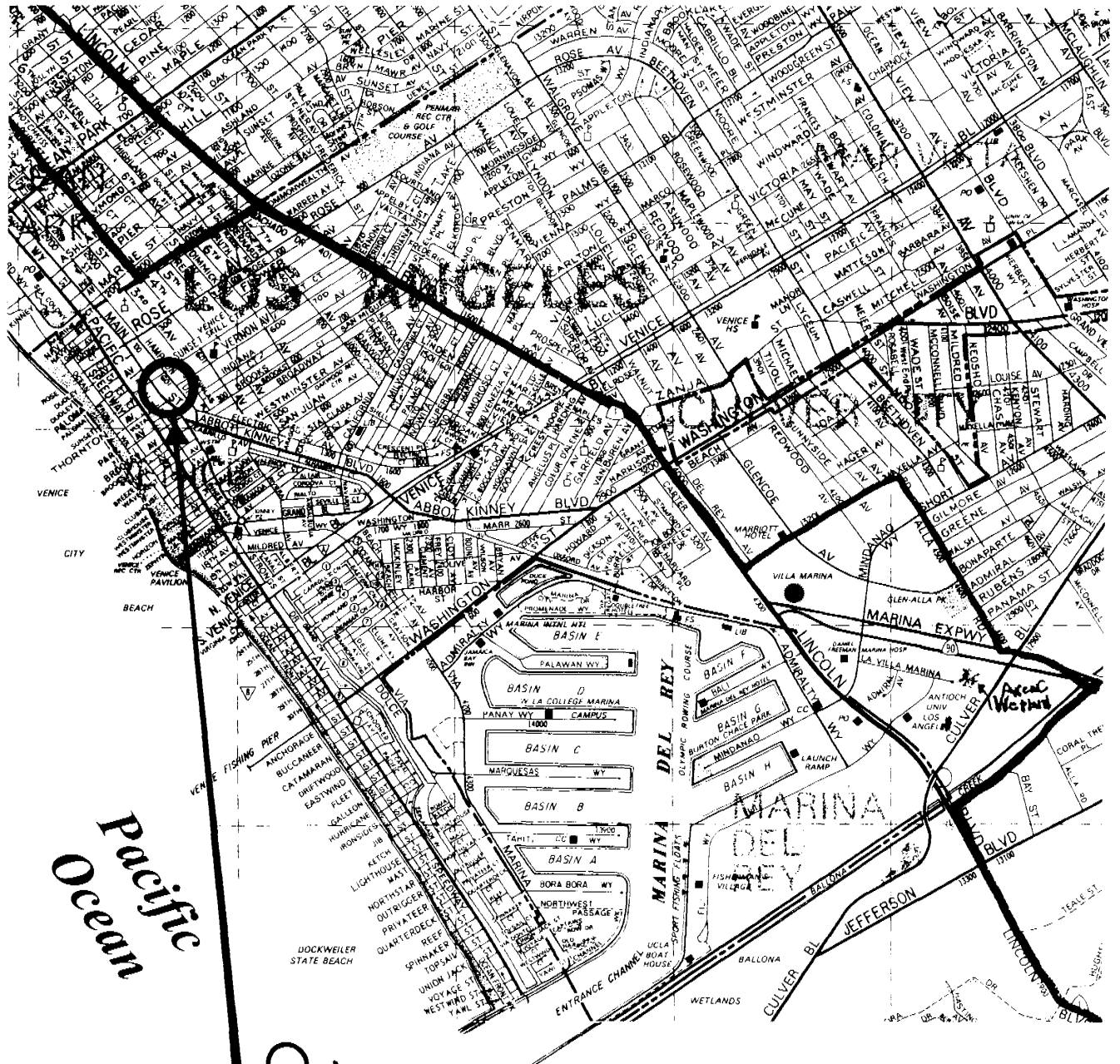
The previous section assessed the appeal under the applicable standard of review – whether it raised a substantial issue as to conformity with Chapter 3 of the Coastal Act. Rather than challenging the project's consistency with the Chapter 3 policies of the Coastal Act, the appellant only asserts that procedural errors have occurred in the local government's issuance of the local coastal development permit.

The appellant's assertions are based on the fact that construction of the locally approved project commenced prior to the City notifying the Commission in 2006 that the final local government action on the local coastal development permit had occurred in 2003 (Exhibit #5). As a result, the appellant asserts, a violation of the Coastal Act has occurred as construction of the development has proceeded without an effective coastal development permit. . Furthermore, the appellant asserts that the local coastal development permit has expired because more than two years have passed since the City approved the permit in 2003. The appellant asserts that the local coastal development permit expired in 2005, and therefore the Commission's appeal period should not have been established upon receipt of the City's Notice of Final Action on March 23, 2006.

In regards to the expiration date of the local coastal development permit, the appellant argues that the permit is not valid as it has been more than two years since it was approved in 2003, and thus has expired (Exhibit #4, p.4). The City issued the Notice of Permit Issuance on March 21, 2006 and clearly does not agree that the permit has expired (Exhibit #5). The City issued the first building permit and authorized the commencement of construction in 2004, within two years of the City's August 12, 2003 approval of Local Coastal Development Permit No. ZA-2002-2721. Therefore, the applicant would likely argue that the permit is vested and cannot expire. A local coastal development permit , however, cannot even become effective until the Commission resolves an appeal of the local government's action (14 CCR Section 13572). Thus, the two-year term of Local Coastal Development Permit No. ZA-2002-2721 may not have even started yet, as the permit will not be effective until the Commission takes a final action on this appeal. In any case, the appeal process is not the venue for the Commission to determine whether the permit has expired, or even whether a violation has occurred. Action on this appeal does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

The appellant also argues that Vesting Tentative Tract No. 53996 (for the subdivision of the 35 artist units) was approved without the requisite coastal development permit (Exhibit #4, p.4). The City of Los Angeles Advisory Agency approved Vesting Tentative Tract No. 53996 on July 8, 2003, prior to the approval of Local Coastal Development Permit No. ZA-2002-2721 on August 12, 2003. Therefore, the subdivision was approved first, but the local coastal development permit action explicitly approves the 35-unit artist in residence condominium project by referring to Vesting Tentative Tract No. 53996 (See Conditions 1-2, Exhibit #5, p.3).

VENICE, CA



Pacific
Ocean

Site: 700 Main Street

COASTAL COMMISSION
A5-VEN-06-156

EXHIBIT # 1
PAGE 1 OF 1

Maximum Building Height

- E** 22'-30'
- F** 30' with a flat roof
35' with varied or stepped back roofline
28' along walk streets

Notes:

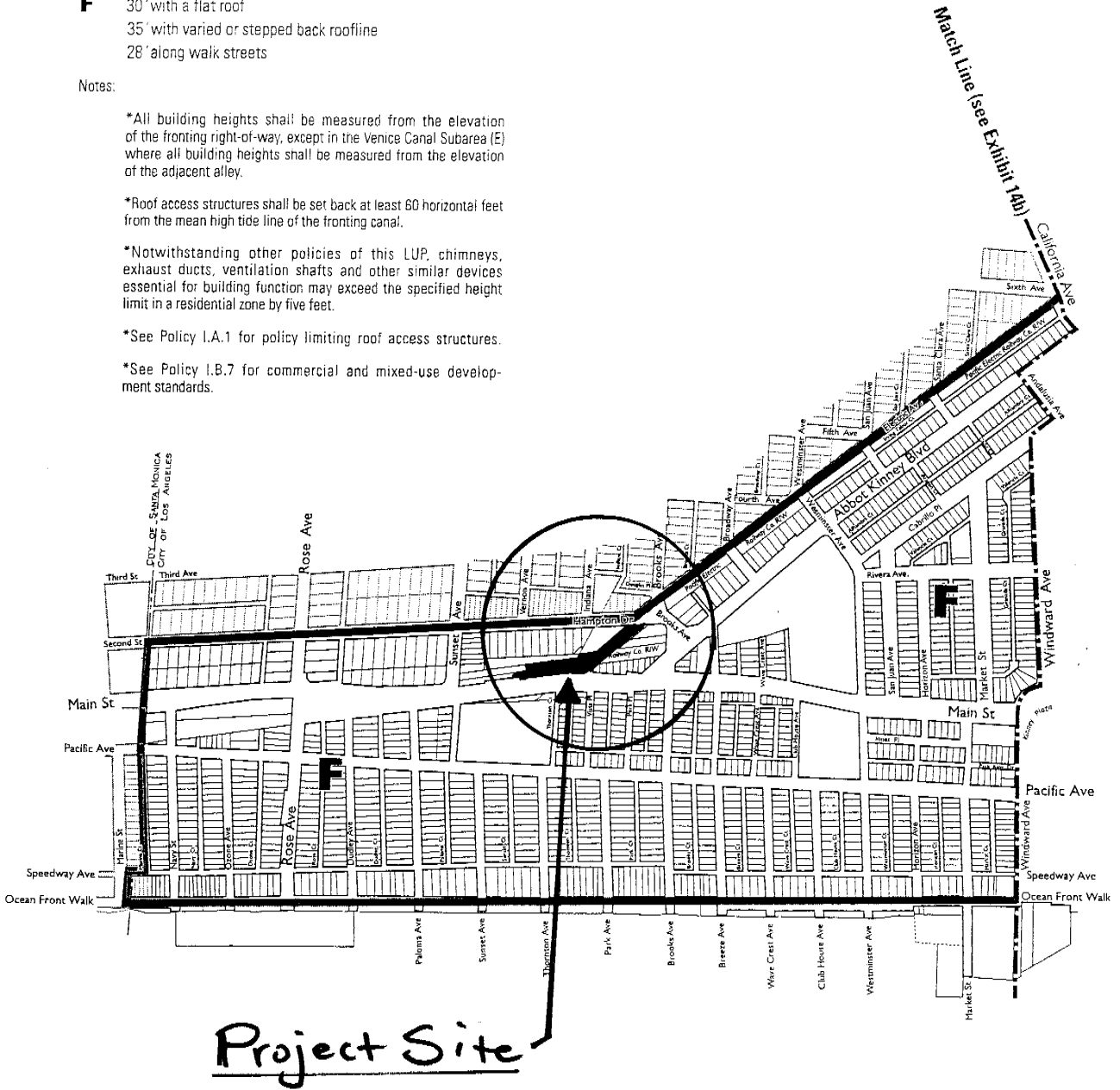
*All building heights shall be measured from the elevation of the fronting right-of-way, except in the Venice Canal Subarea (E) where all building heights shall be measured from the elevation of the adjacent alley.

*Roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of the fronting canal.

*Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

*See Policy I.A.1 for policy limiting roof access structures.

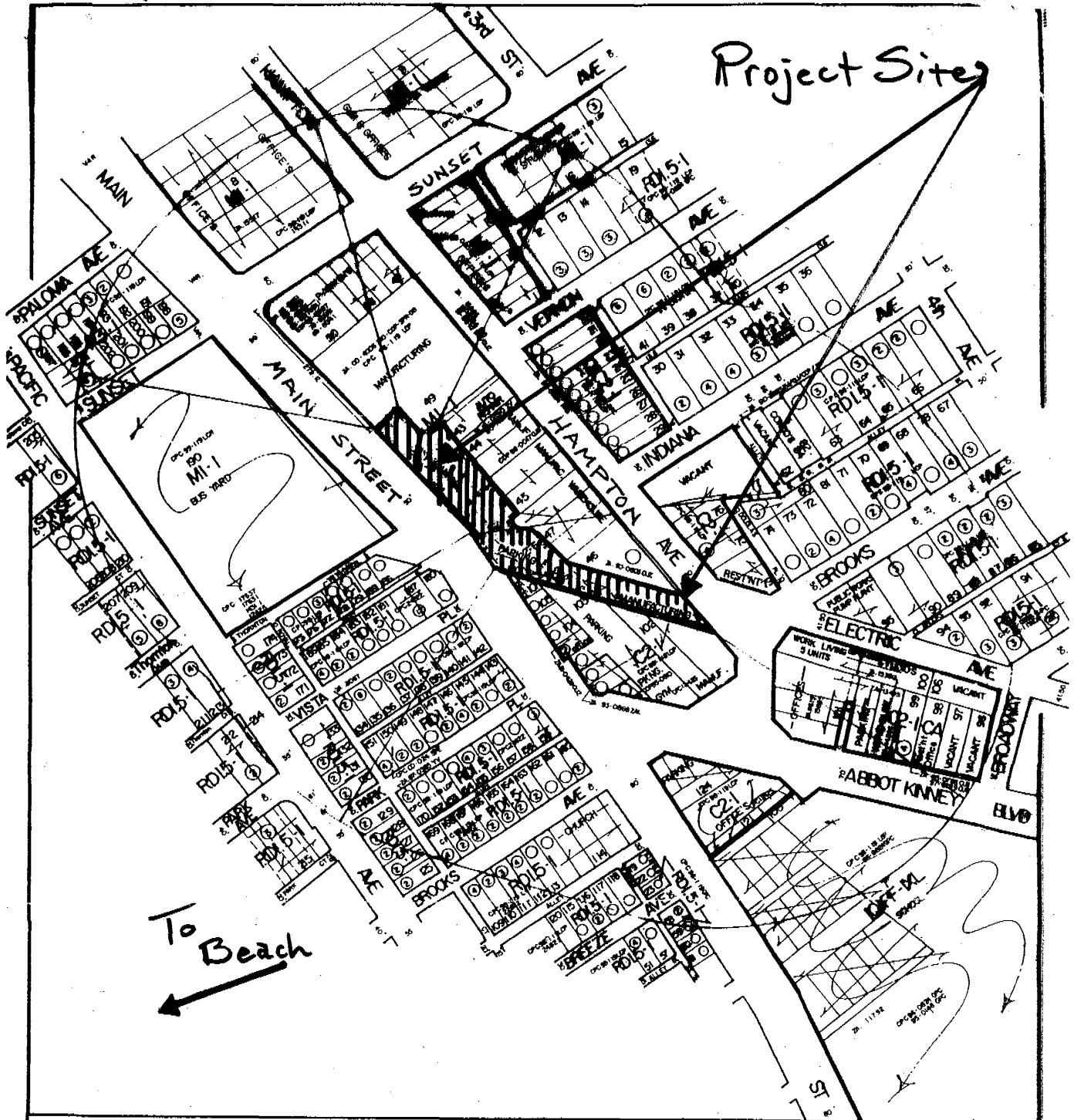
*See Policy I.B.7 for commercial and mixed-use development standards.



**Exhibit 14a
Height
Subarea: North Venice • Venice Canals**

**AS-VEN-06-156
COASTAL COMMISSION**
Not to Scale

EXHIBIT # 2
PAGE 1 OF 1



ZA 2002 2721 VESTING TENTATIVE TRACT NO. 53996

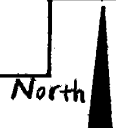
QMS Quality Mapping Service
 Mapping Consultants,
 14549 Archwood St, Suite 301
 Van Nuys, California 91405
 Phone (818) 997-7949 - Fax (818) 997-0351

DRAWN BY : DIAZ

THOMAS BROTHERS
 Page: 671 Grid: G5 C.D.: 6 CASE NO.:
 LEGAL C.T.: 2734
 LOT: C P.A.: 329 (VENICE)
 TRACT: PARCEL MAP 3605, M.B. 110-51-52
 LOT: Andres Antonio Rafael Machado USES: FIELD
 TRACT: PL of rancho la ballona offered to
 the heirs of Augustino Machado; M.R. 3-204-209
 CONTACT: RAD VENICE, L.L.C. "SEE APP'S"

D.M.: 109,5483,
 108A143
 SCALE: 1" = 10'
 PHONE: 30.399.4474

COASTAL COMMISSION
 AS-VEN-06-156
 EXHIBIT # 3
 PAGE 1 OF 1



CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

John Davis
P.O. 10152
Marina del Rey CA 90295 (310) 823 4867
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Los Angeles

2. Brief description of development being appealed: Large Building in cz under construction with no coastal development permit.

3. Development's location (street address, assessor's parcel no., cross street, etc.): 602-670 Main or 700 Main Venice CA

- 4. Description of decision being appealed:
a. Approval; no special conditions: [checked]
b. Approval with special conditions:
c. Denial:

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A5-VEN-06-156

DATE FILED: 4-21-2006

DISTRICT: Su. Coast

H5: 4/88

RECEIVED

APR 21 2006

COASTAL COMMISSION

EXHIBIT # 4
PAGE 1 OF 5

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

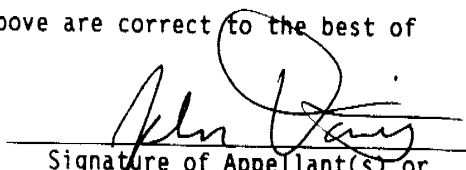
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment - 3 pages

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.


Signature of Appellant(s) or
Authorized Agent

Date 4/21/06

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant **COASTAL COMMISSION**

Date _____

EXHIBIT # 4
PAGE 2 OF 5

Meg Caldwell, Chair California Coastal Commission April, 6, 2006
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach , CA 90802-4302

APPEAL CDP No. ZA2002-2721

**Violation of Due Process guaranteed by the California Coastal Act
Not consistent with Coastal Act Provisions regarding CEQA Compliance
Land Fraud
Conspiracy**

The Coastal Commission has **FAILED TO SUPERVISE IT'S STAFF**. I hereby report a violation of the California Coastal Act at 620-670 Main Street in Venice Ca. The three distinct parties associated with the violation are the applicants for ZA2002-2721, the City of Los Angeles and it's Employees, and the California Coastal Commission and it's Employees. Major Un-permitted Development has occurred in the Coastal Zone. Neither the Coastal Commission nor the City of Los Angeles has enforced the Coastal Act. Instead the **Coastal Commission and City have CONSPIRED** to commit **LAND FRAUD** against Citizens of the United States.

Both the Commission and City have together and knowingly adopted an **FRAUDULENT PROCESS** whereby un-permitted development may be excused violating the public rights of due process thereby. The California Coastal Act describes the Commission's duty as upholding the Coastal Act. Due process provisions are contained in the Coastal Act. This complaint is pursuant to the California Coastal Act of 1976, the U.S. Coastal Zone Management Act of 1972, the U.S. False Statements Act, the California Coastal Zone Management Plan, and/or any other applicable law of the State of California or the United States (law hereinafter).

This **FRAUDULENT PROCESS** is in regular use by the Commission and is now an established pattern and practice that stands with other similar schemes.

On March 23, 2006 Commission Staff became aware of facts surrounding ZA2002-2721.

ILLEGAL ACTION AND FALSE STATEMENT BY THE CITY OF LOS ANGELES

Commission Staff was aware that ZA2002-2721 was **FRAUDULENTLY "MADE FINAL AND IN EFFECT"** on August 27, 2003 **BY THE CITY OF LOS ANGELES** as is obviously shown in the **Notice of Permit Issuance (NOI** hereinafter) dated March 21, 2006 bearing a Commission date stamp March 23, 2006.

It was legally impossible for the City to make such a **FALSE STATEMENT** thwarting the law with intention thereby.

A Coastal Development Permit issued locally may ONLY become final at the CALIFORNIA COASTAL COMMISSION in effect after an appeal period has closed at the Commission and the Commission has made a determination.

FALSE STATEMENT NO. 2 BY THE CITY OF LOS ANGELES

Commission Staff was aware that ZA2002-2721 NOI contained a **SECOND FALSE STATEMENT**. ZA2002-2721 states the CDP was not "subject to any appeals.

Any locally issued Coastal Development Permit (CDP hereinafter), is subject to appeal to the California Coastal Commission.

VIOLATION OF CONDITION AND CONTRADICTION WITH NOI AND NORAI

No. 9, "CDP is valid for and initial 2 years and is extendable.

The NOI states the permit was issued on March 21, 2006.

The NOI further states the permit was "final and in effect on October 8, 2003.

The **Notice of Receipt and Acknowledgment** and Issuance of Coastal Development (**NORAI hereinafter**) is dated March 8, 2006.

The two-year period imposed by Condition No. 9 passed on October 8, 2005.

The permit was not extended.

Both the City and the Applicant signed the NORAI on March 8, 2006, a full five months after Condition No. 9 terminated the valid CDP.

Commission Staff then opened an appeal period by utilizing a **FRAUDULENT PROCESS** opening an appeal period for a non-existent permit.

Therefore statements of fact contained in the **NOI** and the **NORAI** are in **direct contraction** and are therefore mutually exclusive.

The applicant and the City together knowingly affixed signatures to the **NORAI FRAUDULENT DOCUMENT**.

ZA2002-2721 is NOT a valid CDP and the Commission cannot consider it upon appeal without violating its duty to ensure due process for the public and to uphold other applicable provisions of law.

FURTHER INFORMATION

The **ILLEGAL DEVELOPMENT IN THE COASTAL ZONE** is proceeding unimpeded by enforcement of the Commission or the City with their knowledge.

Several City entities issued construction permits based upon the premise of a valid CDP.

Therefore several opportunities were available to the City to correct this problem however it failed each time.

Vesting Tentative Tract 53996 was approved by the City without a CDP.

Therefore the Commission does not know if the Tract approval is consistent with the California Coastal Act.

California Code of Regulations requires any CDP must be found to be consistent with the California Environmental Quality Act. Since no valid CDP exists it is impossible for the Commission to determine CEQA compliance with the illegal development.

COASTAL COMMISSION

EXHIBIT # 4
PAGE 4 OF 5

The Commission has failed to supervise its Staff in that Staff had no legal authority whatsoever to open an appeal process on a locally issued **FRAUDULENT COASTAL DEVELOPMENT PERMIT.**

The Commission has failed to perform its duty prescribed in the California Coastal Act as enforcing the Coastal Act and providing due process for the public and to discourage violators by levying fines and penalties in addition to issuing Cease and Desist and Restoration Orders.

Staff has allowed the Commission to open an appeal period for ZA2002-2721.

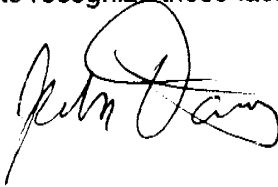
In accordance with the law the Commission should rightfully issue a cease and desist order, a restoration order, and levy fines and penalties against the violator of the Coastal Act or allow an after the fact CDP process to begin.

Furthermore the Commission is legally obligated to investigate and discipline it's own Staff and the City of Los Angeles in this respect, especially since the Commission is aware that the City is also engaged in a **PATTERN AND PRACTICE OF ISSUING FRAUDULENT COASTAL DEVELOPMENT PERMITS WITHIN THE CITY OF LOS ANGELES.**

The Coastal Commission is also bound to report known criminal violations of the law committed by the public, the City of Los Angeles, or itself and it's Staff to the proper State and Federal authorities.

I implore the Commission to recognize these facts and now call you immediately to your duty.

Sincerely,
John Davis
PO 10152
Marina del Rey Ca, 90291



COASTAL COMMISSION

EXHIBIT # 4
PAGE 5 OF 5

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
CITY PLANNING COMMISSION
JANE ELLISON USHER
PRESIDENT
ANDRES F. IRLANDO
VICE-PRESIDENT
DIEGO CARDOSO
REGINA M. FREER
ROBIN R. HUGHES
SABRINA KAY
FR. SPENCER T. KEZIOS
WILLIAM ROSCHEN
MICHAEL K. WOOD
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NOTICE OF PERMIT ISSUANCE

Date: March 21, 2006

TO: California Coastal Commission
FROM: City of Los Angeles Advisory Agency
SUBJECT: Coastal Development Permit No.
ZA 2002-2721-CDP-ZAD-SPP-MEL-YV
Related Case: Vesting Tentative Tract Map No. 53996

Pursuant to a December 18, 2002 hearing for 35 artist-in-resident units located at 602-607 Main Street, the Associate Zoning Administrator approval of Coastal Development Permit ZA 2002-2721-CDP-ZAD-SPP-MEL-YV. The Coastal Development Permit became final and in effect on August 27, 2003 and was not subject to any appeals. Related case Vesting Tentative Tract 53996 was appealed on October 8, 2003. The WLA Area Planning Commission issued their determination and conditions and the tract was not appealed to City Council. Unless an appeal has been filed with your office after Commission receipt of the enclosed Letter of Determination, and Notice of Receipt and Acknowledgment and Coastal Permit with conditions signed by the permittee, the action on Coastal Development Permit No. 02-2721 should also become final and effective 20 days after receipt of the enclosures.

Note: Project is in the (single) permit jurisdiction area.


EMILY GABEL-LUDDY
Deputy Advisory Agency

EGL:jh

cc: Applicant's representative

COASTAL COMMISSION
AS-VEN-06-156

EXHIBIT # 5
PAGE 1 OF 3

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CITY OF LOS ANGELES
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March 8, 2006

RAD Venice, LLC
615 Hampton Drive
Venice, CA 90291

NOTICE OF RECEIPT AND ACKNOWLEDGMENT AND
ISSUANCE OF COASTAL DEVELOPMENT PERMIT
No. ZA 2002-2721-CDP-ZAD-SPP-MEL-YV

The Deputy Advisory Agency has approved Vesting Tentative Tract 53996 and Coastal Development Permit No. ZA 2002-2721-CDP-ZAD-SPP-MEL-YV, both found to be respectively in accordance with Section 17.53, and 12.20.2 of the Los Angeles Municipal Code, as well as the 1976 California Coastal Act.

Please sign below and return no later than 10 working days from March 7, 2006. Return to City of Los Angeles, Planning Department, Attn: Judia Hall, 200 North Spring Street, Room 750, Los Angeles, CA 90012

Vesting Tentative Tract Map No.: 53996

Development Location: 602 - 670 Main Street

Development Description: Construction for a maximum 35 artist-in-resident units.

I, Robert DiElla, hereby acknowledge receipt of this Permit No. ZA 2002-2721-CDP-ZAD-SPP-MEL-YV and accept the attached conditions herein made a part. [Ⓢ]

3/20/06
(Date)

[Signature] [Ⓢ] See Attached Letter
(Signature)

Pursuant to the California Coastal Act of 1976, the proposed development is subject to the attached conditions and conditions of approved Vesting Tentative Tract No. 53996.

S. Gail Goldberg
Advisory Agency

[Signature]
EMILY GABEL-LUDDY
Deputy Advisory Agency

EGL:jh

Attachment

cc: Applicant's Agent
California Coastal Commission

CP-1926

COASTAL COMMISSION
AS-VEN-06-156

EXHIBIT # 5
PAGE 2 OF 3

CONDITIONS OF COASTAL DEVELOPMENT PERMIT
ZA 2002-2721-CDP-ZAD-SPP-MEL-YV

1. That the conditions imposed under the approval of Vesting Tentative Tract Map No. 53996 be strictly complied with.
2. That the Coastal Development Permit is applicable only for a permit to construct apartments and/or condominiums upon the recordation of Vesting Tentative Tract Map No. 53996.
3. That the subject property shall be developed substantially in accordance with the building plans, Appendix A-1, attached to Coastal Development Permit File No. ZA 2002-2721-CDP-ZAD-SPP-MEL-YV, on file in the Los Angeles City Planning Department.
4. That any assignment of the Coastal Permit shall be in compliance with Section 13170 of the Coastal Commission Administrative Regulations.
5. That the Coastal Development Permit is valid for an initial 2 years, and effective 20 days after the Coastal Commission receives Notice of Issuance, unless an appeal is filed with the Commission. The permit is renewable annually, for 1-year periods, if a request to extend the time is submitted before the 2-year expiration date and before construction begins.
6. That a second Coastal Development Permit to allow construction of apartments and/or condominiums shall be obtained from the California Coastal Commission, insofar as such may be required by the California Administrative Code, Title 14, Division 5.5, Section 13301.
7. That construction of project herein authorized shall start within 2 years from the recordation of Vesting Tentative Tract No. 53996, unless a coastal permit time extension is filed with the Planning Department.
8. That if the acknowledgment of receipt of Coastal Development Permit No. ZA 2002-2721-CDP-ZAD-SPP-MEL-YV is not signed and returned within the prescribed 10 day period, March 7, 2006, an application for a time extension may not be accepted.

CP-1923 (1/98)

DATE: March 8, 2005

COASTAL COMMISSION
AS-VEN-06-156

EXHIBIT # 5
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