

PLUM August 3, 2021, Item 13--CPC-2019-2282-CDP-MEL-SPP-DB-CUB-1A

'Robin Rudisill' via Clerk-PLUM-Committee <clerk.plumcommittee@lacity.org>

Tue, Aug 3, 2021 at
12:03 PM

Reply-To: clerk.plumcommittee@lacity.org

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PLUM City Clerk,

Please provide this letter to PLUM for the August 2nd Agenda, Item 13, and post it to Council File 21-0013.

Thank you.

To: City of Los Angeles Planning and Land Use Management Committee

Fr: Appellants

Re: Our appeal of CPC-2019-2282-CDP-MEL-SPP-DB-CUB-1A

[811-815 Ocean Front Walk](#)

CF 21-0013

This appeal is about protecting housing.

This is about commercial interests wanting to take over our housing developments in coastal commercial zones.

A similar mixed use restaurant project FOR THIS SAME PROPERTY was previously denied by the Area Planning Commission because the Mello Act does not allow a residential structure to be demolished for purposes of a non-residential mixed use project in the Coastal Zone.

West L.A. Area Planning Commissioner Joe Halper said at that hearing: "This project is in stark contradiction to the City's policy direction."

This is still pertinent today. Preventing displacement of existing residents (which would be caused by allowing the commercialization of our residential buildings) is one the main goals of our Housing Element!

To allow this project with NO replacement affordable housing and to turn 100% residential to commercial mixed use is the epitome of structural racism in land use.

The coastal Mello law is clear--it does not allow demolitions for projects that have any nonresidential/commercial use. Period. It does not allow for a commercial component as long as some level of residential use is maintained. Nowhere does the Mello Act allow for any form of commercial development to replace housing except coastal dependent uses. It says that a demolition of a residential structure for purposes of a nonresidential use is prohibited. This demolition would be in part for purposes of a nonresidential use, a restaurant, which is just not permitted.

We've proven with substantial evidence in the Council File that the Mello findings are erroneous. There was occupancy during the one year period prior to the application and the City's finding that the premises were vacant is erroneous. We've also proven that a mixed use project here would violate the Mello Act's prohibition on commercial projects unless they are coastal dependent and a residential use is infeasible.

It's a tragedy that at every turn City Planning has tried to weaken, evade and find loopholes around the Mello Act law that protects housing in the Coastal Zone.

City Planning violated the Mello Act in the 90's, resulting in a lawsuit and a settlement agreement that we've been following ever since.

City Planning also violated the Mello Act and IAP for several years with a pattern and practice of approving Mello Act Compliance Determinations using the VSO ministerial permit process when an appealable process is required.

And City Planning still violates the Mello Act by allowing applicants to count higher, illegal commercial use rents as the required housing cost information!!

And now City Planning is proposing to violate the Mello Act once again by allowing a demolition of three residential structures for purposes of a non-residential mixed use project. Mixed use contains a non-residential use, a commercial use.

As you can see, City Planning has violated the Mello Act many times over the past three decades and it is known for its long-standing illegal practices with respect to the Mello Act. It has been necessary for citizen groups, such as ours and such as the Venice Town Council and Barton Hill Neighborhood Organization, to fight and work to get the City's illegal practices corrected. This project is no different.

Also, we acknowledge that City Planning has supported demolitions or conversions of 100% structures for purposes of some mixed use projects in the past and also that City Planning has put a provision in the draft Mello Act Ordinance in that regard. However, the City is in error on this point and we the undersigned and the public interest lawyers involved are challenging such projects as well as the mixed use provision of the draft Mello Act Ordinance. The City has a pattern and practice of approving projects such as this in violation of the Mello Act state law. While this draft Mello Act Ordinance mixed use issue is being decided by the City Council, and ultimately by a court of law if necessary, this unlawful practice must not be allowed.

Mixed use projects in the coastal zone are a good thing, but they must be used to replace existing commercial uses (instead of existing residential uses) and then we are increasing housing and following the Mello law! It's a win win.

We must not allow unlawful projects that demolish residential structures for purposes of mixed use projects, resulting in the same number of units but violating the law, commercializing housing AND displacing residents! It's a lose, lose, lose.

Allowing mixed use developments such as this one to replace residential structures encourages, rather than discourages, displacement. If mixed use is allowed to replace residential structures, developers are encouraged to demolish 100% residential buildings in commercial zones and erect new buildings in their place, thus displacing families currently living in older housing stock which is always, by definition, more affordable than new units deemed "affordable" pursuant to federal and state law. The City must not encourage destruction of existing housing so that more lucrative commercial mixed use projects can be built in the Coastal Zone, especially when this is clearly prohibited by the Mello Act. This would be a boon to developers and would cause a steady stream of property owners getting richer on the backs of our existing renters in the Los Angeles Coastal Zones.

I know you understand that the increasing trend of displacement of existing residents needs to stop and that that is one of the main goals of the Housing Element. **At a time when we have record numbers of people losing housing, even more people falling into homelessness, the eviction moratorium is being lifted and even more people are going to be displaced, WHY would we violate a law that protects existing housing?!** We know quite well how it works now and the direct consequences. Homelessness will increase. Why in the WORLD would we allow something like this that would result in more displacement when we are in this crisis? We need to follow the Mello Act's mandate to protect housing in the coastal zone from developers' natural inclination to commercialize it. We must use mixed use developments to ADD housing by replacing commercial developments and not 100% residential structures.

Lastly, the applicant will try to convince you that the coastal regulations require a mixed use project in this commercial zone. That is simply not true as the coastal regulations only state that mixed use projects should be encouraged in commercial zones, but they are definitely not required.

This project would serve to perpetuate structural racism in land use in Venice. This project would violate the Mello Act. Please do the right thing and either require modification of this project to a 100% residential housing project or deny this application.

*For the Love of Los Angeles
and our precious Coast,
Robin Rudisill
(310) 721-2343*