

Public Comments Not Uploaded Submission for PLUM hearing, 5/17/22 re: Council File Nos. 21-0829 and 21-0829-S1**Safe Coastal Development** <safecoastaldevelopment@gmail.com>

Sun, May 15, 2022 at 10:00 PM

Reply-To: clerk.plumcommittee@lacity.org

To: councilmember.cedillo@lacity.org, gilbert.cedillo@lacity.org, councilmember.krekorian@lacity.org, paul.krekorian@lacity.org, councilmember.blumenfield@lacity.org, councilmember.raman@lacity.org, nitty.raman@lacity.org, councilmember.koretz@lacity.org, Paul.koretz@lacity.org, councilmember.martinez@lacity.org, Nury.martinez@lacity.org, councilmember.rodriquez@lacity.org, councilmember.harris-dawson@lacity.org, councilmember.price@lacity.org, councilmember.wesson@lacity.org, Councilmember Mike Bonin <councilmember.bonin@lacity.org>, mike.bonin@lacity.org, councilmember.lee@lacity.org, councilmember.ofarrell@lacity.org, mitch.ofarrell@lacity.org, councilmember.kevindeleon@lacity.org, councilmember.buscaino@lacity.org, joe.buscaino@lacity.org, debby.kim@lacity.org, karo.torossian@lacity.org, lisa.hansen@lacity.org, andrea.conant@lacity.org, Armando Bencomo <clerk.plumcommittee@lacity.org>, joan.pelico@lacity.org, ackley.padilla@lacity.org, christine.jerian@lacity.org, solomon.rivera@lacity.org, curtis.earnest@lacity.org, heather.hutt@lacity.org, chad.molnar@lacity.org, hannah.lee@lacity.org, jeanne.min@lacity.org, jennifer.barraza@lacity.org, jenny.chavez@lacity.org

Please see attached submission in relation to item #11 on the PLUM agenda for May 17th, 2022.

Thank you-

Coalition for Safe Coastal Development
<https://www.safecoastaldevelopment.org>



05-15-22 Ltr to City Council Postponement of Venice Median Project.pdf
127K



P.O. Box 1185
Venice, CA 90294
SafeCoastalDevelopment@gmail.com

May 15, 2022

VIA ELECTRONIC MAIL

Hon. Nury Martinez, Council President and
Los Angeles City Council
c/o City Clerk
200 North Spring Street
Los Angeles, CA 90012

Re: Postponement (or Termination) of the Reese Davidson project
VTT-82288; ENV-2018-6667-SE; CPC-2018-7344-GPAJ-VZCJ-HD-SP-
SPP-CDP-MEL-SPR-PHP-1A
Council File Nos. 21-0829 and 21-0829-S1

Dear Council President Martinez and City Council,

We write to you and your staff to plead with you to conduct an intervention to terminate the current Reese Davidson Project¹ and send the question of the future of the Venice Median Open Space back for a transparent and collaborative community-based process in the hands of the successor to Councilmember Mike Bonin.

We are not saying that supportive housing should not be developed in Venice. Indeed, other smaller and more sensitive projects have been developed without objection from the community at more logical, safe locations.

Councilmember Bonin's accusation that litigation is initiated against "all affordable housing projects on the West Side," a claim he made before the City Council at the February 2, 2022 City Council meeting in connection with this project, is another baseless accusation from him. Many thoughtful voices in the

¹ Because the Project was initially named the Reese Davidson Project, we use the project's original name for consistency. However, even the family of Arthur Reese and Geoffrey Hines demanded that their family names be removed from the project and the Community Arts Center after realizing what an insensitive boondoggle Councilmember Bonin created. Venice Community Housing and Hollywood Community Housing now call the project the "Venice Dell Project" or the "Venice Median Project." By whatever name it is called, the project remains unacceptable by vote of the Venice Neighborhood Council and over 1,000 individuals who submitted letters opposing the project.

Venice community have been villainized by Mr. Bonin – even weaponizing the Los Angeles Police Department to try to paint those asking logical questions about the project as “terrorists” seeking to intimidate him or members of the homeless community. These false narratives are coming from a public official who will soon exit the Los Angeles City Council to deal with his self-acknowledged chronic mental health issues, which becomes all of our problem for a generation or more if this City Council passively goes “goes along” without asking some important questions before allowing the project to proceed. If this project continues, the rest of you will be left to deal with the fallout.

Most of the candidates seeking to replace Mr. Bonin have expressed strong opposition to the Reese Davidson Project at public forums:

Mike Newhouse

I'm absolutely opposed to the Venice Median Project. My wife and I have been annual supporters of Venice Community Housing and the Venice Community Housing Corporation. I think they do a lot of good work. It's a bad idea. You don't have to get any further than looking at the price tag. The arithmetic just doesn't add up, it's not a good project."

Traci Park

I will squash this on day one. Not only did the VNC vote it down, over 1,000 community members have objected to this. It violates the Venice Local Plan, it violates CEQA, it violates the Coastal Act, it's a waste of money, it's wrong for the community, it's a no go, it's done.

Alison Polhill

I'm absolutely against the Monster on the Median project, I think it's a travesty. I think it's a great example of the corruption in our City because of spot zoning. I think it's unacceptable that this happened, and with the price tag now of \$1.1 million dollars per unit, you can take up a wing at the Ritz Carlton and load it with people [for less]. Cuckoo bananas.

In addition, here are six Councilmember candidate statements in support of postponing this project:

Jim Murez

As President of the Venice Neighborhood Council, I plan to use the power of the office to call into the City Council's Planning and Land Use Management Committee meeting being held on Tuesday, May, 17th at 2:00 pm to give them the vote the VNC took on the matter, and ask for the postponement.

Mike Newhouse

Not only do I support immediately tabling the Venice Median Project until our new Councilperson is elected, but based on the changed legal requirements under the recent LA Alliance Settlement, on Day #1 of my term I will move that the City

Council send the project back to PLUM for reconsideration based on the Settlement's modifications to current shelter and housing requirements.

Traci Park

The Venice Median development is extremely controversial in the Venice community. Over 1000 people have expressed serious concerns and objections. As this project will forever change the look and character of the historic Venice Canals community, I urge the Council to defer any action until after the new Mayor and CD11 Councilmember take office in January 2023 in order to bring new vision, collaboration, and leadership to resolution of the outstanding issues.

Allison Holdroff Polhill

I support postponing to allow for public input and to abide by all procedural steps in an open and transparent process.

Matt Smith

Once elected, I would use all legal options to prevent developments like this from being constructed anywhere in CD11. Large scale subsidized housing doesn't fit in our communities. It's been tried and has been an abject failure. I would send this back to the Planning and Land Use Committee (PLUM) for reconsideration. I will also use the power of this office to advocate for FEMA style shelters and whatever else is REQUIRED by law.

Greg Good

It would be wise and appropriate to take a step back and reevaluate the project's scope, aesthetic, and impacts on the community and the environment. This specific project has inspired significant controversy and many in the community feel their concerns have been ignored. I believe permanent supportive housing is a crucial part of the equation to getting people off the streets with the services they need, but I believe a pause to allow CD11's next City Council member to engage in this particular project makes sense.

When the Reese Davidson Project comes before PLUM Committee and perhaps City Council, there are some important questions that City Council members, as trustees of the public purse, ought to be asking City staff instead of remaining quiet to appease Mike Bonin in the lame duck months of his term.

Are City Council Members ready to defend the exorbitant cost per unit of this project?

If the true market rate of the land value given by the taxpayers is factored in, which is some of the most expensive real estate in the city, the cost per square foot for each unit balloons to an estimated \$1.1 million per 460 square feet, and that cost continues to grow. In the future, when the expenditures of HHH are compared to the outcomes, are the other members of the City Council

ready to defend Mr. Bonin's forcing this unjustified costly project on the taxpayers?

Will other funding agencies be willing to commit public funds to this project when it is at high risk of sea level rise/saltwater intrusion impairing the integrity of the building before the end of its useful life?

Mr. Bonin might trick this City Council to commit HHH funds or other public funding to construct an oversized project at this ill-conceived location. Those are local funds for which the City has imposed few environmental study requirements. (In fact, Mayor Garcetti lobbied for and obtained an exemption from environmental review for supportive housing activities, however the massive commercial additions to this project are not exempt from CEQA regardless of what Mr. Bonin may claim.)

Will any state or federal funds proposed to fund the project construction be as forgiving as the Los Angeles City Council in spending HHH funds? Are federal or state officials required to determine the risks of loss of the investment due to sea level rise, saltwater intrusion, etc. before authorizing the investment of millions of dollars of federal taxpayer monies in a project at risk of early failure?

The Coastal Commission, which has approval authority over this project, is now routinely imposing Permit Conditions that indemnify the Commission and require the applicant to assume all risks of sea level rise, including potential abandonment **and demolition** of a building due to the sea level, salt water intrusion, tsunami, and liquefaction risks of building sites along the coast.

Here are sample Coastal Commission project conditions, from a recent nearby Project, very likely to be applied to the Reese Davidson Project:

“10. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards including but not limited to waves, erosion, storm conditions, liquefaction, flooding, and sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

11. No Future Shoreline Protective Device.

A. By acceptance of this permit, the permittee agrees, on behalf of themselves and any successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to CDP No. XXXXX, including, but not limited to, the new development at XXXXX, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, flooding, sea level rise, or any other natural hazards in the future. By acceptance of this permit, the permittee hereby waives, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235, any similar provision of a certified LCP, or any applicable law.

B. By acceptance of this Permit, **the permittee further agrees**, on behalf of themselves and all successors and assigns, **that they are required to remove all or a portion of the development authorized by this permit and restore the site**, if:

i. The City or any government agency with jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, **determining that the structures are currently and permanently unsafe for occupancy or use due to damage or destruction from waves, erosion, storm conditions, flooding, sea level rise, or other natural hazards related to coastal processes, and that there are no feasible measures that could make the structure suitable for habitation or use without the use of bluff or shoreline protective devices**;

ii. **Essential services to the site (e.g. utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above**;

iii. Removal is required pursuant to LCP policies for **sea level rise adaptation planning**; or

iv. The development requires new or augmented shoreline protective devices that conflict with applicable LCP or Coastal Act policies.

Approval of CDP No. XXXXX does not allow encroachment onto public rights-of-way and/or beach. Any future encroachment onto public rights-of-way and/or beach shall be removed unless authorized by the Coastal Commission.” (Emphasis added.)

The pro forma of this project does not include a reserve for the developer to pay for removal of the building should sea level rise, saltwater intrusion or other risks not studied to date make the building uninhabitable. Thus, because the City will own the underlying fee simple title to the land, **it will fall on City taxpayers to pay for the demolition of the building should it become uninhabitable within its useful life.**

Is the City Council aware that due to Mike Bonin’s failed oversight the City has been cited by the Coastal Commission for violation of coastal development permits of the Venice Canals related to the Venice Canal boat

launch and seven space parking lot required by law to be open to the public from 6 am to sunset each day?

We have learned the Venice Canals Association filed notice of failure to enforce with the California Coastal Commission that the City of Los Angeles, during the tenure and oversight by Councilmember Mike Bonin, removed signage required by the Coastal Commission informing the public of its right to use the Venice Canal Boat Launch and parking lot. In further violation, the City has been locking the parking lot all hours of the day except when its canal maintenance contractor is onsite. The contractor has been instructed by City officials to lock the parking lot up when it leaves the site as early as 3 pm.

Thus, the City of Los Angeles with the neglect of Councilmember Bonin, has fallen into noncompliance with multiple Coast Development Permits, and the Coastal Commission has stated that they are working with the City to correct these violations. Mr. Bonin has led the effort to deny low-income persons access to the Venice Canals, a right guaranteed to the public in the California Constitution.

Is the City Council aware that Mike Bonin processed an ordinance related to trespass penalties in the Venice Canal Environmentally Sensitive Habitat Area (“ESHA”) that, inconsistent with adopted Coastal Commission documents and findings, excluded from the ESHA the portion of Grand Canal between North and South Venice Boulevard at the Project site?

The California Coastal Commission and other relevant regulatory agencies identify the Venice Canals, including the portion at the most northern point between North and South Venice Boulevards to be ESHA. Despite this fact, recently, Councilmember Mike Bonin processed an ordinance to criminalize trespasses into the Venice Canals that impact its sensitive bottom and plantings.

The ordinance environmental review, project description, and ordinance can be found in the City Council File at 20-0645.

Although the trespass ordinance had an appropriate intent, contrary to the project description in the environmental review document, the City Attorney, in conjunction with Mr. Bonin, presented an ordinance that included a definition of the Venice Canal ESHA to NOT include the portion of the Grand Canal between North and South Venice Boulevard. This change in the project was not disclosed to the public by the City Attorney report or any other document during its processing before City Council. In other words, **Mr. Bonin failed to inform this City Council that the text of the ordinance the City Council approved, created a conflict between City of Los Angeles laws and the Coastal Commission maps and regulations.**

The City of Los Angeles has no jurisdiction to purport to change the boundaries of the Coastal Commission's mapped ESHA for the Venice Canals, yet that is precisely what Mr. Bonin and the City Attorney did without notice to City Council members. Thus, Mr. Bonin's actions have created an unnecessary conflict with Coastal Commission records, that will have to be corrected by the City Council when he is gone.

CONCLUSION

The Reese Davidson Project should be sent back to the drawing board. More and more public officials are joining the Venice Neighborhood Council's conclusion that the Project is ill-conceived, too large for its site, and places its low-income residents in harms way from tsunami and sea level rise. Precious public funding, which removes the risks from the non-profit developer, should not be invested in this boondoggle project.

Now, before the City embarrasses itself before the Coastal Commission, this Project must be sent back to City Planning with directions to study environmentally appropriate and lawful uses of the Venice Median Open Space and identify more feasible locations for safe development of taxpayer funded affordable housing.

Thank you for your consideration of these important issues.

Sincerely,

Coalition for Safe Coastal Development