

Communication from Public

Name:

Date Submitted: 08/29/2023 07:00 PM

Council File No: 23-0002-S71

Comments for Public Posting: Citizens Preserving Venice (CPV) is a 501c3 non-profit organization that was founded in 2018 as a group dedicated to ensuring that the Coastal Act and certified Venice Land Use Plan are upheld. This includes preserving and protecting Venice from the relentless pressures of gentrification that have been driving the loss of affordable housing stock and eroding the social, cultural, racial and economic diversity of the Coastal Commission-designated Special Coastal Community of Venice, a Coastal Resource. Senate Bill 423 was amended on July 10, 2023 to exempt certain areas of the Coastal Zone, such as those vulnerable to sea level rise or within a 100 foot radius of a wetland, but to not exempt areas subject to a certified Local Coastal Program (LCP) or a certified Land Use Plan (LUP). The City of Los Angeles does not have a certified LCP for any of its Coastal Zone areas, including Venice, which currently has only a certified LUP. Making multi-family development proposals by right in areas with certified LUPs would eliminate Coastal Development Permits (CDPs), which are the mechanism for implementing the Coastal Act. We strongly support more multi-family housing in Venice and throughout the Coastal Zone; however, the “by right,” administrative approval process in SB 423 would not accomplish that goal. Not only would SB 423 harm our ability to preserve existing affordable multifamily units, but it would also accelerate the construction of luxury units with no way to mitigate for impacts to coastal resources such as public access, scenic resources, special communities, public views, or ESHA. Coastal Act section 30604(a) requires that prior to certification of an LCP, a CDP shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a LCP that is in conformity with Chapter 3. Applying SB 423 to areas with only a certified LUP (and not a certified LCP), such as is the case with the Venice Coastal Zone, would prejudice the ability of the local government to prepare a LCP that conforms with Chapter 3 of the Coastal Act because it would allow for projects that do not conform with the Coastal Act. In addition, section 30600(b) of the Coastal Act provides that prior to certification of its LCP, 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 CDP. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local CDPs. Section 30602 of the Coastal Act allows any action by a local government on a CDP application evaluated under 30600(b), prior to certification of its LCP, to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. The Commission's agreement with Los Angeles for its permitting program very purposely allows those permits to be appealed to the Commission so that permitted development not prejudice the ability of the City of Los Angeles to prepare a LCP that is in conformity with Chapter 3 of the Coastal Act. This is a significant factor for Los Angeles, the only jurisdiction in the Coastal Zone that has this arrangement. This is important especially in the case of the Venice Coastal Zone. When the City presented its proposed LCP (containing the LIP and LUP sections) to the Commission in 2001, the Commission rejected the LIP and the City has refused to this day to modify the areas of the LIP zoning regulations on which the Commission's rejection was based. This is why, 22 years later, the Venice Coastal Zone still has only a certified LUP. The rejected LIP became the Venice Coastal Zone Specific Plan, a non-certified City ordinance. Failing to exempt areas with only a certified LUP would leave the Venice Coastal Zone subject to a ministerial process using the very City of L.A. zoning regulations that the Coastal Commission rejected. This is especially wrong. Also, the Coastal Act and the California Code of Regulations base many of their sections on whether there is a certified LCP. They do not categorize certified LCPs and certified LUPs together (as does the current version of SB 423 with the July 10, 2023 Wiener amendment) as there are very different procedures and issues pertaining to each of them. For all of the above reasons, we strongly urge you to amend SB 423 to exempt areas areas with no certified LCP.

Citizens Preserving Venice

August 25, 2023

Assemblymember Chris R. Holden, Chair
Assembly Appropriations Committee
1021 O St., Suite 8220
Sacramento, California 95814

RE: Oppose SB 423 (Wiener) unless amended to exempt jurisdictions without a certified Local Coastal Program (LCP)

Dear Chair Holden,

Citizens Preserving Venice (CPV) is a 501c3 non-profit organization that was founded in 2018 as a group dedicated to ensuring that the Coastal Act and certified Venice Land Use Plan are upheld. This includes preserving and protecting Venice from the relentless pressures of gentrification that have been driving the loss of affordable housing stock and eroding the social, cultural, racial and economic diversity of the Coastal Commission-designated Special Coastal Community of Venice, a Coastal Resource.

Senate Bill 423 was amended on July 10, 2023 to exempt certain areas of the Coastal Zone, such as those vulnerable to sea level rise or within a 100 foot radius of a wetland, but to not exempt areas subject to a certified Local Coastal Program (LCP) *or a certified Land Use Plan (LUP)*.

The City of Los Angeles does not have a certified LCP for any of its Coastal Zone areas, including Venice, which currently has only a certified LUP. Making multi-family development proposals by right in areas with certified LUPs would eliminate Coastal Development Permits (CDPs), which are the mechanism for implementing the Coastal Act. We strongly support more multi-family housing in Venice and throughout the Coastal Zone; however, the “by right,” administrative approval process in SB 423 would not accomplish that goal. Not only would SB 423 harm our ability to preserve existing affordable multifamily units, but it would also accelerate the construction of luxury units with no way to mitigate for impacts to coastal resources such as public access, scenic resources, special communities, public views, or ESHA.

Coastal Act section 30604(a) requires that prior to certification of an LCP, a CDP shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with section 30200) *and that the permitted development will not prejudice the ability of the local government to prepare a LCP that is in conformity with Chapter 3.*

Applying SB 423 to areas with only a certified LUP (and not a certified LCP), such as is the case with the Venice Coastal Zone, would prejudice the ability of the local government to prepare a LCP that conforms with Chapter 3 of the Coastal Act because it would allow for projects that do not conform with the Coastal Act.

In addition, section 30600(b) of the Coastal Act provides that prior to certification of its LCP, 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 CDP. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local CDPs. Section 30602 of the Coastal Act allows any action by a local government on a CDP application evaluated under 30600(b), prior to certification of its LCP, to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act.

The Commission's agreement with Los Angeles for its permitting program very purposely allows those permits to be appealed to the Commission so that permitted development not prejudice the ability of the City of Los Angeles to prepare a LCP that is in conformity with Chapter 3 of the Coastal Act. This is a significant factor for Los Angeles, the only jurisdiction in the Coastal Zone that has this arrangement.

This is important especially in the case of the Venice Coastal Zone. When the City presented its proposed LCP (containing the LIP and LUP sections) to the Commission in 2001, the Commission rejected the LIP and the City has refused to this day to modify the areas of the LIP zoning regulations on which the Commission's rejection was based. This is why, 22 years later, the Venice Coastal Zone still has only a certified LUP. The rejected LIP became the Venice Coastal Zone Specific Plan, a non-certified City ordinance. Failing to exempt areas with only a certified LUP would leave the Venice Coastal Zone subject to a ministerial process using the very City of L.A. zoning regulations that the Coastal Commission rejected. This is especially wrong.

Also, the Coastal Act and the California Code of Regulations base many of their sections on whether there is a certified LCP. They do not categorize certified LCPs and certified LUPs together (as does the current version of SB 423 with the July 10, 2023 Wiener amendment) as there are very different procedures and issues pertaining to each of them.

For all of the above reasons, we strongly urge you to amend SB 423 to exempt areas with no certified LCP.

*For the Love of Los Angeles
and our precious Coast,*

Robin Rudisill

On behalf of Citizens Preserving Venice
(310) 721-2343

CC: Assembly Appropriations Committee Members and Staff
Senator Scott Wiener
Sarah Christie, Coastal Commission Legislative Director
Kate Huckelbridge, Coastal Commission Executive Director