



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

November 26, 2024

California Coastal Commission
301 East Ocean Boulevard
Long Beach, California 90802-4830

Re: Commission Appeal No. A-5-VEN-22-0042 (Venice Dell, Venice)
City of Los Angeles LUP Amendment No. LCP-5-VEN-23-0037-1 (Venice Dell)
CDP Application No. 5-22-0588 (Venice Dell, Venice)

Honorable Commissioners:

This letter is written to ensure that the record for your December 11, 2024 meeting is comprehensive and considers the following issues in connection with the above-captioned appeal (“Appeal”) of the City’s approval of a Coastal Development Permit, and the application (“Application”) for a Coastal Development Permit from the Coastal Commission for the proposed mixed-use development (the “Proposed Project”) on the public parking lot colloquially known as LADOT Lot No. 731 at Venice Boulevard and Pacific Avenue owned by the City of Los Angeles (the “City”):

1. As presently configured with public parking spaces located inside a multistory private apartment building, the Proposed Project cannot be approved unless it satisfies Section 30211 of the Coastal Act. That section, of course, provides that new development in the coastal zone cannot interfere with existing public access, including in terms of parking. While the City has been advised that the Applicants changed the original design to remove the most problematic aspect -- mechanical lifts from inside the parking structure (which was a positive step) -- the decision to locate most of the replacement public parking spaces on the east side of the site up to 300 feet further away from the beach, in elevated parking levels, and surrounded by privately owned and operated housing units continues to impede existing public access and presents ongoing challenges in terms of preserving existing public access.

The Proposed Project will change public beach access in a manner that the Coastal Act appears to prohibit. Currently, beach patrons can park on the west side of the Proposed Project, take their keys with them and easily carry items to/from the open air surface public parking spaces directly across public sidewalks and streets to the beach with

unimpeded access. Patrons can easily go back and forth to carry to and from the beach the items they may need over the course of a day (e.g. blankets, coolers, umbrellas, surfboards, glasses, clothing, or other items which can be carried in several trips). The Proposed Project changes this accessibility and ease by requiring patrons to walk further and navigate through a large, privately owned housing development to utilize the suggested replacement beach parking. By design, the public parking is such that the public patrons will have to drive or walk across to the middle of the private housing development and, on returning, whether to retrieve a forgotten item or to leave the beach, navigate on foot and across elevations to their automobile.

The need to travel across private property at least four times for each trip to the beach (twice in the car driving into and out of the lot and twice on foot as a pedestrian walking away from and to the lot to get out to and back from the beach) is itself an impediment. In addition, the increased distance from the beach, the large size of the privately owned development, the likelihood that residents will occupy the parking spaces intended for the public when these are located in the middle of the residential development, the need to install elevators and ADA required disability access, the inability to easily return to one's car to retrieve a forgotten item, leave in a hurry in case of emergency or simply reload one's car to drive out of the lot, all are changes to public access that present significant impediments and deterrents to current access currently on the site, and must be evaluated under Sections 30211 and 30252 of the Coastal Act.

2. As referenced in correspondence between the City and the California Department of Housing & Community Development, the project's design and schedule have changed multiple times, and there are many issues yet to be negotiated and documented between the City and the Applicants, including but not limited to easements and priority for public and City access to the parking structure and the boat launch ramp if the Proposed Project remains as currently configured, proposed ground lease structure and financing terms, allocation of property taxes, insurance costs, maintenance and indemnification, and financial obligations for private resident parking. As the City Attorney, I do not believe that the City can commit to be a co-applicant on a CDP for the Parking Management Program nor am I able to confirm the City's willingness to participate in the financing and operation of the public parking structure until these issues are resolved and properly documented. The City's Board of Transportation Commissioners ("BOTC") is scheduled to consider the project for the first time on December 10, 2024 and as the BOTC will consider various options that may include significant changes to the project's configuration, it seems premature for the Coastal Commission to issue any final determinations with respect to the Proposed Project until the City has resolved these remaining issues with the Applicants and the design has been finalized.
3. Even if the Proposed Project were found to meet the requirements of Coastal Act Sections 30211 and 30252 and did not impede public access, the Proposed Project would still have to satisfy the requirements of Section 30214 of the Coastal Act to allow public access in a manner that considers the unique characteristics of new development, and provides for public access tailored in an appropriate manner considering that context to

preserve the public beach access. The current project configuration relies on a commitment by the City to provide \$20 million or more in general obligation bond funding for the portion of the Proposed Project that would provide the replacement public parking required under the Coastal Act, which was not presented to the City with sufficient detail to allow the City to make the appropriate findings. Given the current challenging economic climate and the City's budget deficit, City financing for the public parking structure would appear to be infeasible and thus the Proposed Project should not be approved without requiring the Applicants to provide an updated budget with accurate cost estimates and other items.¹

4. The City's Venice Land Use Plan (LUP) amendment depends on reaching agreement and obtaining approvals on a number of issues that are still pending such as resolving the conflict between residential parking and beach access parking for visitors, and addressing inadequate off-street parking close to or along the beach frontage for visitors and residents. The Applicants' current public parking plan is more likely to exacerbate rather than assuage these conflicts by mixing public parking spaces in with residential parking spaces on the west side of the site and placing most of the replacement public parking inside of a residential structure on the east side of the site.

This matter is not now and may not ever be ripe for determination by the Coastal Commission because, among other things the City must receive accurate and complete information on the Proposed Project from the Applicant to enable the City to consider and approve, disapprove or resolve issues related to beach access, the public parking plan, the funding sources and the ongoing financial feasibility for the construction and maintenance of the proposed new public parking facility before the Commission takes any final action. The City requests that the Commission defer its decision until such time as the Proposed Project has been presented to City Council with accurate project information, including sufficient details for the City to assess the identified resource impacts, complete a consistency analysis with the Venice LUP and the Coastal Act, and consider recommendations by BOTC or, in the alternative, that the Commission deny the Application at this time with leave to the City to refile an application if and when the beach access, parking plans and other issues have been resolved to the City's satisfaction.

¹ For example, interest rates on construction and permanent financing as well as materials costs have risen considerably since the Proposed Project's budget was originally submitted to the City, but the Applicants recently submitted a budget that showed a reduced construction cost and the same total project cost.

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Thank you for your consideration.

Sincerely,



Hydee Feldstein Soto
Los Angeles City Attorney

JWH: mh

cc: Executive Director Kate Hucklebridge
Deputy Director Steve Hudson & Coastal Commission Staff
Lourdes Castro Ramirez, Chief of Housing and Homelessness Solutions
David Michaelson, Counsel to Mayor Karen Bass
Sharon Tso, Chief Legislative Analyst
Matt Szabo, Chief Administrative Officer
Tricia Keane, Interim General Manager – LAHD
Vince Bertoni, Director of Planning
Laura Rubio-Cornejo, General Manager – LADOT
Hon. Traci Park, Councilmember, 11th District