

## Communication from Public

**Name:**

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**Council File No:** 12-0460-S4

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Processes & Procedures Ordinance Council File 12-0460-S4

PLUM Agenda, June 1, 2021, Item 19 **OPPOSED**

**COASTAL CONCERNS REGARDING PROCESS  
AND PROCEDURE DRAFT ORDINANCE**

Dear Committee members of PLUM,

Citizens Preserving Venice is a 501(c)3 organization with the goals of preserving the character and scale of Venice as a Special Coastal Community, including its history and its social, cultural, racial and economic diversity, and of stabilizing affordable housing in Venice.

This Ordinance, if you approve it, effectively excludes us and all community organizations from the public process in all planning and land use issues. Hearings and Appeals have been our most effective tools in pursuing our goals by helping the City optimize its administration of local land use.

We stand with the majority of public comment and Community Impact Statements that object to this proposed Ordinance. We urge you to not forward it further to City Council for final approval without substantial amendments.

This Ordinance as written is so sloppily and inconsistently organized as to make it all but impossible to make sense of what is being proposed. The document begins with page after page of strikethroughs of The Comprehensive Planning Program's language, leading readers to believe all these sections were excised from the Staff Recommendation Draft. It is not until more than 300 pages later that we encounter the reorganized and rewritten version being proposed.

Most of this is the same as the language being replaced. However, there is no redlining or underlining to note most of the specific changes, many of them extremely important. This necessitate spending a great deal of time comparing the existing language with the proposal being presented, often to find that only a single word was deleted or added or sections moved around: no extensive rewriting was involved. Surely there was a better way to present this for the Public's review. As it is, the burden is on the Public to understand the Planning Department's intent.

We found many of the shortcomings cited by others: the lack of transparency, the exclusion of the public from giving input on decisions that are now to be put into the hands of non-elected staff, the lack of clarity of definitions and criteria for items like feasibility, appealable/non-appealable, jurisdiction, adjustments, exemptions and variances.

The fact that it wasn't until last week, in the Technical Corrections, that "the appellant(s)" were added to the parties required to receive mail notice, speaks volumes about the state of this draft ordinance.

Because Venice is one of the few coastal zone communities in L.A., we will direct our comments to the sections dealing with the issuance of Coastal Development Permits.

Many of the requirements that are currently discretionary are now to be made ministerial and solely decided by planning staff without the ability for the public to add input. This would make it crucial that Planning staff assigned to Coastal permits must be experienced and knowledgeable in the applicable coastal regulations: the state Coastal Act, the certified Venice Local Coastal Program Land Use Plan (LUP): the forthcoming certified Venice Local Coastal Program (LCP) and the state Mello Act.

The California Coastal Act and the Mello Act, which both apply only in the Coastal Zone, have been unevenly administered by the City and its Planning staff. The Area Planning Commission and the California Coastal Commission have often had to play strong corrective roles.

This is especially concerning as the City is entering a new era with both of these state statutes. The Venice LCP is just being written, as well as the pending Mello Ordinance. When they come into effect, nobody will have experience with them. This is hardly a wise time to scrap the main mechanism for shaking out problems that will undoubtedly arise with the implementation of these two new land use laws.

In addition, it is critical (and in fact is a finding required by the Coastal Act) that decisions leading up to its approval do not prejudice the ability of the City to approve an LCP that is in conformance with Chapter 3 of the Coastal Act. Thus, coastal development decisions must continue to be appealable, as required by the Coastal Act.

This makes it especially important that decisions made must be appealable. Presumably, the new Local Coastal Program will include elements that are not metrics and would require judgements, because the LCP, like the current LUP and the Venice Coastal Zone Specific Plan, will require findings of compatibility with the mass, scale and character of the existing neighborhood. This is critical to protecting and preserving Venice as a special coastal community (LUP Policy I. E. Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the Coastal Act of 1976.)

Appeals are an important part of Public Participation, which is specifically called out and valued in the Coastal Act as an important part of the coastal development permit process.

Also concerning is the limitation of who may appeal: That PLUM placed the Ordinance on its agenda two days after the DCP posted "technical corrections", which substantially reduces noticing requirements for appeal hearings. (p. 3 of the Technical Corrections). It is alarming that appellants will be limited to Owners of all properties abutting, across the street or alley from or having a common corner with the subject property." It is foolish to think that other neighbors, those on the block and immediate vicinity will not be impacted by a project and thus should be part of the appeal process. For that matter, all residents in Venice, which the California Coastal Act specifies is to be preserved as a special coastal community, would also be impacted by a project that did not meet all the findings required by the Coastal Act and the standards and policies of the LUP.

Among the many inadequacies of the current draft of the Processes and Procedures Ordinance:

- This section never defines or lists the criteria for what is appealable or non-appealable, though the terms appear several times in the sections regarding approving CDPs and what is appealable.
- It does not provide an adequate definition for “feasible” (p.625), nor for “reasonable accommodation.” Interpretations of both these terms already have an abusive history that has negatively impacted Venice housing, particularly RSO housing, and directly undermined the purpose of the Mello Act. Yet these decisions are being put to the sole discretion of the Planning Director.
- There is no mention of the Mello Act in this ordinance, which is another state law governing land use in the Coastal Zone. While this Ordinance addresses the Coastal Act at length, it completely omits the very important Mello Act, which determines the replacement of affordable housing, inclusion of affordable housing in new multifamily housing, and protection of housing in general from demolition or conversion to nonresidential uses.
- Leaving discretion to the Director of Planning to determine adjustments without allowing public input will continue the abuse of these determinations, which has become more the rule than the exception, exacerbating the loss of neighborhood character and our existing affordable housing. Leaving many of these decisions to the Director of Planning removes the requirement for notice, due process or public hearings and thus removes the general public from the decision making process.
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    - All sections related to the Coastal Development Permit process must be reviewed and approved by the California Coastal Commission.

Because of these and the many other discrepancies and overall lack of clarity, we urge you to either reject this plan altogether or allow for a more robust process of public review and input.

It is our understanding that public meetings regarding this highly complex and impactful ordinance have totaled only three hours. If true, this is shocking. It is just too important and too long of a document to not allow for more scrutiny.

Sincerely,

Sue Kaplan, President  
Citizens Preserving Venice

Citizens Preserving Venice (CPV), a nonprofit 501c(3), founded as a group dedicated to preserving and protecting the character and scale of Venice as a Special Coastal Community. We work with the Venice community preserving the history, including the social, cultural and economic diversity, and protecting affordable housing by promoting healthy growth throughout Venice