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June 9, 2021

**LETTER OF VENICE STAKEHOLDERS ASSOCIATION  
OPPOSING “TINY HOUSE” OR “SAFE CAMPING” PROJECT  
AT WILL ROGERS STATE BEACH**

**VIA ELECTRONIC MAIL AND U.S. MAIL**

Richard H. Llewellyn, Jr.  
Chief Administrative Officer  
City of Los Angeles  
200 N. Main St. Suite 1500  
Los Angeles, CA 90012-4137

Re: Evaluation of Will Rogers State Beach county-operated parking lot as temporary site for single-occupancy tiny homes or safe camping (Council File 21-0350)

Dear Mr. Llewellyn:

I represent the Venice Stakeholders Association (VSA), a non-profit organization committed to civic improvement. On May 27, 2021, the City Council adopted a motion instructing you to “evaluate and identify funding for” various potential projects addressing homelessness in the City, including “a. A temporary site for single-occupancy tiny homes or safe camping at the county-owned parking lot at Will Rogers State Beach. . . .”

VSA opposes any use of the Will Rogers State Beach or its parking lot (or any other beach or beach parking lot within the City) for this purpose. Indeed, VSA is concerned that the use of Will Rogers State Beach for shelter would set a precedent that could soon be applied to open Venice's three beach parking lots to shelter structures without the necessary consideration of the impact to beach access, coastal views and other environmental and safety factors.

At a minimum, VSA requests that in your evaluation of the Will Rogers State Beach site, you take into consideration the issues raised in this letter.

**A. The Establishment of a “Tiny Homes” or “Safe Camping” Site at the Will Rogers State Park Parking Lots is “Development” Requiring a Coastal Development Permit from the Coastal Commission.**

This site is within the Coastal Zone and therefore under the jurisdiction of the California Coastal Commission. The Coastal Commission broadly defines “development” for purposes of the Coastal Act, so as to require a Coastal Development Permit for a wide range of activities. See Pub. Res. Code sec. 30106 (“‘Development’ means, on land, in or under water, the placement or erection of any solid material or structure . . . [or] change in the density or intensity of use of land . . .”) So-called “tiny homes” are structures, so they are development on their face. A “safe camping” site also consists of structures (e.g., tents and support facilities such as bathrooms), which constitute development under the above definition. In addition, both types of facility constitute a “change in the intensity of the use of land,” because they place multiple living facilities in a location where there were none before.

Accordingly, there is no question that the establishment of a “tiny homes” or “safe camping” project at this parking lot qualifies as “development” under the Coastal Act and requires a Coastal Development Permit from the Coastal Commission.

**B. The Will Rogers State Park Parking Lots Are a Vital Source of Parking for Beach Visitors.**

The County-operated parking lots at Will Rogers State Park together contain over 2,000 parking spaces along a strip approximately 2 miles long immediately adjacent to Pacific Coast Highway. This parking is heavily used by visitors to the beach and coastal area. Indeed, due to a combination of limited parking on Pacific Coast Highway itself, coastal bluffs blocking access to nearby city streets, a dearth of signalized pedestrian crosswalks or tunnels across Pacific Coast Highway, and limited available parking in commercial and residential neighborhoods that are accessible at the south end of the state park, the beach parking lots are the primary means by which visitors are able to access the beach.

The primary area apparently targeted for the homeless housing project is located in a bulge at the eastern end of Parking Lot #2, about 2,000 feet from the intersection of Pacific Coast Highway and Chautauqua Boulevard, as shown on a 2017 aerial view map from the City of Los Angeles’ ZIMAS database depicted below. This area alone consists of more than 500 parking spaces.



**500+ parking spaces targeted for homeless housing**  
(based on 2017 aerial from City ZIMAS database)



**Lot is close to Santa Monica Canyon business district**  
(based on 2017 aerial from City ZIMAS database)

The removal of any parking spaces from this public parking supply would require the City to apply for, and obtain, a Coastal Development Permit (CDP). Moreover, this project, by removing hundreds of parking spaces (and perhaps all 500-plus spaces) is so impactful to public access that no CDP should be granted at all.

**C. The Loss of Parking Would Severely Affect Public Access to the Historic Santa Monica Canyon Business District.**

The parking lot targeted for the housing project is not just literally adjacent to the beach. It is also only about 2000 feet (about 5 minutes' walk) from the popular Santa Monica Canyon business district located at Chautauqua Boulevard, which also includes Channel Road and Entrada Drive and contains numerous shops, restaurants and historic buildings. Santa Monica Canyon was the location of one of the City's earliest settlements proximate to the Pacific Ocean, dating to the 1880s, and during the mid-20<sup>th</sup> century the neighborhood became a western outpost of the City's growing gay community. Residents and visitors alike still appreciate and value its low-slung scale, narrow canyon streets and small-town feel.



**Entrance to Santa Monica Canyon, circa 1880s**  
(from Water and Power Associates Museum, at <https://tinyurl.com/3d2chuje>)

In nearby Venice, the Coastal Commission vigilantly guards public access to beachside neighborhoods such as the historic Abbott Kinney district by protecting the public parking supply, whether it be on-street or in public parking lots. The Santa Monica Canyon business district is deserving of the same protection. The Will Rogers beach parking lots give beach visitors a close-by parking option. In doing so, they relieve the already severe parking burden on public streets in Santa Monica Canyon. Any reduction in parking at the beach would directly, and negatively, affect the public's access to this vital and historic beachside business district.

**D. There is No Available Parking on Pacific Coast Highway Adjacent to the Subject Parking Lot.**

The subject parking lot is sandwiched between Will Rogers State Beach and Pacific Coast Highway. Only a narrow strip with bushes and a few bollards and chains separates the lot from busy Pacific Coast Highway and its six lanes of traffic traveling at 50-plus miles per hour. In this area there is no parking on Pacific Coast Highway itself, as the driving lanes have been developed right up to the parking lot on one side and the coastal bluffs on the other.



**Parking Lot #2 East, looking northwest**  
(based on Google Maps at <https://tinyurl.com/5hf7mpkt>)



**Parking Lot #2 East, looking north**  
(based on Google Maps at <https://tinyurl.com/24kxjw5c>)



**Pacific Coast Highway, looking east toward Lot #2**  
(based on Google Maps at <https://tinyurl.com/2nme2kwu>)



**Pacific Coast Highway, looking west toward Lot #2  
(based on Google Maps at <https://tinyurl.com/3henxf2j>)**

**E. Any Reduction in Parking Supply Would Have a Negative Impact on Visitor Access to the Beach and Accordingly Constitutes “Development” Requiring a Coastal Development Permit.**

As the Coastal Commission and its staff have repeatedly recognized, any reduction in public parking in the coastal areas of the City of Los Angeles manifestly has a negative impact on visitor access to the beach and coastline. Thus, the permanent removal, 7 days per week and 24 hours per day, of some or all of the present 500-plus parking spaces at Parking Lot #2 East from the parking supply available to beachgoers would constitute “development” under the Coastal Act. Before removing these spaces from the public parking supply the City must obtain a Coastal Development Permit from the Commission.

The Commission’s longstanding policy on this issue, and its application to the City’s own decisions to reduce parking on the street and in city parking lots, are recited in a staff report that Charles Posner, the former Supervisor of Planning for the South Coast District Office authored in August 2010, concerning an appeal of the City’s decision to issue a Coastal Development Permit to the City’s Department of Transportation to allow overnight parking districts (“OPDs”) in a portion of Venice:

The definition of “development” as set forth in Section 30106 of the Coastal Act includes: “change in the intensity of use of water, or access thereto...” The proposed development (overnight parking districts) would adversely affect access to the water because the primary parking supply that supports coastal access (the public streets) would be unavailable for use by the general public when it is being reserved exclusively for local residents. The Commission has a long history of requiring coastal development permits for proposals to restrict the availability of parking to the general public in areas where such restrictions would affect the public’s ability to gain access to the shoreline.

(8/25/10 Staff Report on Appeal No. A-5-VEN-08-344 (CDP 08-11) at pg. 7.)

In addition to requiring the City to obtain a Coastal Development Permit before reducing public parking supply, the Commission and its staff have carefully guarded public parking supply in their review of private development projects, such as restaurants. Commission staff routinely rejects proposals by project proponents for relief from the strict parking requirements contained in the certified Venice Land Use plan (LUP), on the ground that allowing such establishments to be “underparked” by just a few spaces would cause the patrons and employees of the establishments to compete with the beachgoing public for scarce parking on nearby public streets.

As one example of this longstanding policy, in a 2010 staff report Mr. Posner authored concerning the appeal from a Coastal Development Permit for a restaurant on Abbot Kinney Boulevard, he recommended approval of the project contingent upon the operator providing all 13 of the on-site parking spaces provided for under the Venice LUP:

### C. Public Access/Parking

The primary Coastal Act policy raised by the proposed project is the restaurant’s parking demand and its relationship to public access. The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. Further intensification of uses in the project area will increase the demand for parking on Abbot Kinney Boulevard and on the surrounding residential streets. The community was established early in the nineteenth century and many of the businesses have very little or no on-site parking. The competition for the limited amount of on-street parking is intense, especially in the evenings and on weekends when many of the residents of the surrounding neighborhood are at home. The demand for parking on this commercial street already surpasses the supply during peak use periods. The peak use periods in the Venice area are primarily summer weekends when beach attendance increases, although the restaurants in the area generate a significant demand for parking during the dinner hours.

The Coastal Act requires that new development shall enhance public access to the coast by, among other things, providing adequate parking.

(9/22/10 staff report, Appeal No. A-5-VEN-10-138 (1305 Abbot Kinney Blvd), at pg. 8.)

In that 2010 restaurant case, 12 of the spaces in question were tandem spaces. Mr. Posner drafted numerous stringent conditions to ensure that these spaces were actually used for patrons, specifically in order to protect the public parking supply on nearby streets:

Pursuant to the parking standards set forth in the certified Venice LUP, thirteen on-site parking spaces are adequate to meet the demands of the proposed restaurant. The project's parking issue, however, is not solved simply by providing the required number of stalls. The proposed project includes a plan to ensure that the proposed tandem parking arrangement will actually be used to provide the parking supply that keeps the employee and customer vehicles off of the surrounding streets.

(9/22/10 staff report, Appeal No. A-5-VEN-10-138 (1305 Abbot Kinney Blvd), at pg. 11.)

Five years later, the same restaurant operator came back to the Commission seeking a permit amendment by which it would provide just 10 on-site parking spaces in lieu of the 13 required by the Venice LUP. In a staff report recommending approval of that amendment, Mr. Posner again emphasized that the 13-space requirement was essential to protect public access. Mr. Posner recommended granting the amendment, but only contingent upon a series of detailed conditions requiring stringent offsetting mitigation measures, including (1) the provision of an electric vehicle charging station; (2) 12 outdoor bicycle parking spaces; (3) two indoor bicycle parking spaces; and (4) the institution of an employee transit pass program:

The proposal to provide 10 conforming vehicle parking spaces instead of the 13 required by the underlying CDP is not consistent with the Venice Land Use Plan, which would require 12 parking spaces on-site plus one additional Beach Impact Zone parking space on-site or payment in-lieu. However, the applicant's proposal can be found to be consistent with the Coastal Act and with recent Commission actions which encourage alternate modes of transportation and less intense energy uses. . . .

The Commission finds that, only as conditioned to minimize impacts to the parking supply in Venice and the surrounding residential neighborhoods, where parking demand may overlap with beach parking demand, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities.

(6/19/15 Staff Report re Permit Amendment (Application No.: A-5-VEN-10-138-A1), at pg. 11.)

If a restaurant project in Venice can be heavily conditioned (or even denied) because it would during restaurant hours potentially consume just three spaces of the on-street public parking supply, then a homeless housing project that permanently displaces more than 500 public parking spaces immediately adjacent to the beach, for 24 hours a day and 7 days a week, should at a minimum be subject to stringent review by way of the Coastal Development Permit process.

**F. A Reduction of 500 Parking Spaces Would Deprive Thousands of People Per Day of Access to the Beach and Coastal Zone.**

The proposed project would likely remove more than 500 parking spaces from the parking supply, 24 hours a day and 7 days a week. One of the purposes served by the Coastal Development Permit process would be to quantify how many Los Angeles residents and out-of-town visitors would not be able to visit the beaches adjacent to the parking lots in a given year.

The County Department of Beaches and Harbors operates the parking lot pursuant to a contract with the State of California and charges a fee for use of the spaces. Accordingly, it surely maintains a record of the number of cars parked at the lot on any given day, and how often the parking lot is at capacity. Further, it must have a record of the average turnover of parking spaces there is on a given day. Although some people pay the fee and park for an entire day, others come and go in a shorter period of time, freeing up their space for yet more visitors, such that several vehicles use that space over the course of the day. Finally, any given vehicle parking at a beach lot can carry multiple people, perhaps even five or six people. The County may maintain some sort of data on the average number of people in cars parking at the beach, and even if it doesn't such averages can be estimated with reference to reliable sources.

Clearly, the result of removing a single parking space is to deny multiple people access to the beach. The only question is how many people. This number should be multiplied by the average number of parking spaces used per day to arrive at a total number of people deprived of beach access. If, for example, a typical space is used by three vehicles per day, and the average vehicle contains two people, then the removal of that space deprives 6 people per day of access to the beach. Using this number, on peak days, 500 spaces lost would mean 3,000 people are deprived of access on that single day. If the lot is at capacity 100 days per year, that would be 300,000 people deprived of beach access just on at-capacity days.

**G. The City Should Consider Mitigation Measures to Offset the Loss of Parking Spaces.**

In the course of the Coastal Development Permit process, the Coastal Commission will require the City to propose mitigation measures to offset any loss of parking spaces. Therefore, the CAO should consider those measures now and report on them to the City Council. Among these measures should be the following:

1. Paving presently sandy areas to allow for additional parking;
2. Termination of agreements with private businesses that presently rent parking from the County at nearby beach parking lots, such as Parking Lot #4 of the Will Rogers State Park;
3. Widening of the Pacific Coast Highway right-of-way (and commensurate trimming of the adjacent coastal bluffs) to allow for one or two parking lanes adjacent to the highway.
4. Reduction of lanes from 3 to 2 in the north and/or southbound direction to allow for one or two parking lanes adjacent to the highway.

Of course, none of these measures is appealing. In fact, all of them would have significant (and in some cases devastating) impacts on public beach access, the physical environment, traffic, safety, economic activity and/or the City's and County's fiscal condition. Nonetheless, if the project is to be considered at all the CAO should fully evaluate these and other mitigation measures and their respective impacts.

**H. The Project Would Have a Negative Impact on Traffic and Pedestrian Safety.**

At the proposed location, Pacific Coast Highway (PCH) is a crucial part of the State Highway system with an average of 160,000 vehicles per day passing by the parking lot site according to Caltrans. PCH is also a major evacuation route for numerous cities and neighborhoods, including the Topanga neighborhood of Los Angeles County, the Pacific Palisades neighborhood of the City of Los Angeles, and the City of Malibu.

The section of PCH that includes Will Rogers State Beach is a designated roadway in the City and County of Los Angeles' Vision Zero High Injury Network (HIN). An HIN roadway is one with a high concentration of traffic collisions that result in severe injuries and deaths, with an emphasis on those involving people walking and bicycling. The Vision Zero program aims to reduce crashes on these roadways by making sure that safety is the first priority in all planning and implementation efforts. The HIN-designated portion of PCH consists of 1.35 miles between mileposts 36.89 and 38.24 (i.e., Entrada Drive to Seaview Drive), with the subject parking lot approximately at its center. This segment of PCH is the only designated HIN roadway in the entire City of Los Angeles that is located next to a beach parking lot.

The numbers are daunting: Between 2010 and 2020, there were a total of 205 reported fatal or injury collisions and 14 pedestrian deaths or significant injuries just within this 1.35-mile stretch of PCH. And it is not difficult to understand why. As discussed above, the lot is not protected or isolated by any pedestrian-impenetrable fencing or barriers whatsoever. There are merely a few plantings and bollards and chains between the lot and the driving lanes of PCH.

Further, there are no crosswalks or tunnel crossings to commercial services located nearby; the nearest tunnel crossing and crosswalk are each approximately 2,000 feet to the south, at the intersection of Pacific Coast Highway and Chautauqua Blvd. Finally, during normal wind events, sand from the beach is regularly dispersed into the subterranean tunnels, thus hampering access by this means and increasing illegal, cross-highway pedestrian crossings.

In this area, traffic collisions have impacts well beyond the persons involved. They often disrupt or close vital evacuation roadways and overwhelm local and regional routes both upstream and downstream from the event, while increasing exhaust emissions, stress, and additional collisions on detour routes.

Any study of this location should include an evaluation of pedestrian and traffic safety from a large homeless housing site and consider the cost of improvements within the HIN roadway area that would mitigate these impacts.

#### **I. The Project Would Have a Negative Impact on Fire Safety.**

The subject parking lot and the entire adjoining Pacific Palisades neighborhood are within a Very High Fire Hazard Severity Zone as mapped by the City of Los Angeles pursuant to state law. In mid-May 2021, a large fire burned over 1,200 acres in Pacific Palisades. The fire resulted in mandatory evacuation orders for 500 homes in the nearby Topanga State Park area. A homeless man, Ramon Rodriguez, was arrested for arson and charged with setting the fire.

Homeless individuals regularly set fires on beaches and in nearby bluff areas, whether for cooking, warmth or other reasons, and they are frequently undeterred by laws that prohibit fires. The Los Angeles Times reported recently that fires in homeless encampments have nearly tripled in the first four months of 2021. A recent house fire in Venice is believed to have been caused by a homeless person retaliating against the resident of the home. The resident was not home at the time, but her dog was trapped in the burning building. The dog's desperate bark was heard by a passerby but he could not get into the burning building despite heroic attempts to do so. Gradually the barking stopped.

Quite aside from the propensity of homeless persons to build (or set) fires, reducing the parking capacity at the subject parking lot would interfere with critical life-safety activities related to wildfires, because the lot is used by the Los Angeles County Fire Department as an emergency staging area during major fire events. In the recent Pacific Palisades fire, the lot served as a command post and critical staging area for firefighting personnel and equipment, and in the larger Woolsey Fire that devastated Malibu in November 2018, the lot was used for this purpose and for the evacuation of residents.

Of course, any use of the parking lot for "tiny houses" or for "safe camping" is utterly inconsistent with its use during emergencies. Automobiles can be quickly removed by their owners in the event that the parking lot is needed by the Fire Department. Structures, on the

other hand, cannot be quickly moved. Moreover, even if they could be, there is no alternative place for the residents – and their possessions – to be immediately moved when such an event occurs. Therefore, in order to facilitate fire safety in the Pacific Palisades and surrounding areas, the subject parking lot should remain dedicated only to parking.

**J. The Project Would Have a Negative Impact on Public Views of the Ocean and Coastal Bluffs.**

Section 30251 of the Coastal Act provides:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The Statewide Interpretive Guidelines adopted by the California Coastal Commission pursuant to Public Resources Code section 30620(b) elaborate on these principles. The Guidelines state, in relevant part:

VIEW PROTECTION. Section 30251 of the 1976 Coastal Act states that “the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas . . .” The primary concern under this section of the Act is the protection of ocean and coastal views from public areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, coastal streams and waters used for recreational purposes, and other public preserves rather than coastal views from private residences where no public vistas are involved.

A “tiny house” project or “safe camping” site would degrade the scenic and visual quality of the Will Rogers State Beach and the vicinity. First, to the extent it includes “tiny houses,” it would add structures perhaps 9 or 10 feet tall to an area presently occupied by vehicles generally less than 6 feet in height. Second, regardless of whether it consists of “tiny houses” or “safe camping,” the project would necessitate the construction of ancillary facilities. These would include not only bathrooms and other structures perhaps 9 or 10 feet in height, but very likely also a series of lengthy 6-foot or taller fences or walls along the entire site sufficient to buffer the residents of the site from the adjoining beach and public bike path on the one side and the Pacific Coast Highway traffic on the other side. These structures, and especially the site walls, would be far larger, taller, and closer to the viewer than the scattered cars that presently occupy the parking lot. Moreover, they would be present 24 hours a day, 7 days a week – unlike the cars, which tend to be present only on days (and at times of day) when people are visiting the beach.

At present, drivers and cyclists on Pacific Coast Highway can view Will Rogers State Beach and the ocean beyond with little interference from intervening structures. This includes when they pass Parking Lot #2 East, where there are only two small County Parks Department structures, one about 50 feet wide and the other about 100 feet wide. On days (or at times of day) when few people are parked at the beach, drivers and cyclists view the ocean largely without any intervening parked vehicles.

The proposed project would destroy that experience. As the driver or cyclist approaches the subject parking lot at any time of year, and at any time of the day or night, a walled-off “city” perhaps 500 feet in length would emerge, blocking views of the beach and ocean beyond. The blockage would be especially severe as experienced from the southbound lanes of Pacific Coast Highway, which are closest to the lot. There, many cyclists and drivers would likely see a 6-foot or taller wall just a few feet away, replacing formerly expansive views of the ocean with something more akin to a “tunnel” effect.

As the Coastal Act and Statewide Interpretive Guidelines make clear, the relevant “public views” under the Coastal Act are not just views toward the ocean. Rather, the Coastal Act protects all “ocean and coastal views from public areas,” including views of the coastal bluffs from the beach. Here, the beach bike path runs along the ocean facing side of the subject parking lot. The users of the bike path, and visitors to the beach beyond it, have relatively unobstructed views through the parking lot and toward the coastal bluffs on the other side of Pacific Coast Highway. The project would place a lengthy fence or wall, perhaps 6 feet tall and 500 feet long, between the bike path and the parking lot, so as to buffer the residents of the project from fast-moving bicycles and skaters on the bike path. This wall would remain in place 24 hours a day, 7 days a week. The experience of the beach and bike path users would be severely diminished.

**K. The Project Does Not Qualify for a “De Minimis” Waiver From the Requirement of a Coastal Development Permit.**

The Executive Director of the Coastal Commission may issue “waivers from coastal development permit requirements for any development that is de minimis.” (Public Resources Code section 30624.7.) However, a proposed development is de minimis only “if the executive director determines that it involves no potential for any adverse effect, either individually or cumulatively, on coastal resources.” (Id. (emphasis supplied); see Yamagiwa v. City of Half Moon Bay (N.D. Cal. 2007) 523 F.Supp.2d 1036, 1077 (holding that “[t]he Coastal Commission may only grant a de minimis waiver when the proposed project ‘involves no potential for any adverse effect, either individually or cumulatively, on coastal resources ...’”).) Conversely, if there is any potential for any adverse effect to coastal resources, no matter how insubstantial, no waiver can be granted. (See Burke v. California Coastal Commission (2008) 68 Cal.App.4th 1098, 1108 (holding that Coastal Act must be “‘liberally construed’ to accomplish its objectives, and any exception to a statute’s main purpose must be strictly construed.” (citation omitted)).)

The homeless housing project is not properly the subject of a de minimis waiver because there is at least some potential for some adverse effect on coastal resources – and especially on beach parking, which directly facilitates coastal access.

**L. The Project Does Not Qualify for a Emergency Permit or an Emergency Waiver From the Requirement of a Coastal Development Permit.**

The City of Los Angeles has adopted various ordinances pursuant to state law allowing it to waive various zoning and building requirements on land owned or leased by the City based upon the City’s declaration of a “shelter crisis” emergency. (See Los Angeles Municipal Code section 12.80.) It may thus be tempting for City officials to believe that the Coastal Commission staff has similar authority to waive or otherwise avoid the requirement for a Coastal Development Permit based upon a finding that the homeless crisis constitutes an “emergency.” However, the Coastal Commission has no such authority.

The Executive Director of the Coastal Commission may issue a permit or waiver allowing development necessary to address an “emergency,” but only in two specified circumstances. First, under Public Resources Code section 30611, the Executive Director may waive the requirement of a Coastal Development Permit under these conditions:

When immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency, the requirements of obtaining any permit under this division may be waived upon notification of the executive director of the commission of the type and location of the work within three days of the disaster or discovery of the danger, whichever occurs first. Nothing in this section authorizes permanent erection of structures valued at more than twenty-five thousand dollars (\$25,000).

The proposed homeless housing project does not qualify as an “emergency” for purposes of this section. Moreover, even if it did, the Executive Director has not notified the Coastal Commission of the “type and location of the work within three days of the disaster or discovery of the danger”. The homeless crisis, if it qualifies as an “emergency” at all, is presently known to the Executive Director, and to the extent it is a “disaster” or a “danger” he has had notice of its existence for some time. Yet the Executive Director has not notified the Coastal Commission of the “type and location of the work” within three days of the “disaster or discovery of the danger” as required by the statute. Therefore the Executive Director lacks any authority to invoke the emergency waiver authorized by section 30611.

The other manner by which the Executive Director can avoid the requirements for a Coastal Development Permit in an “emergency” is pursuant to section 30624 of the Coastal Act. That section requires the Commission to promulgate regulations authorizing the Executive

Director to issue a Coastal Development Permit himself “in cases of emergency, other than an emergency provided for under Section 30611.” However, the Commission regulations, in turn, provide a narrow definition of the term “emergency”:

[California Code of Regulations section] 13009. Emergency.

“Emergency,” as used in Public Resources Code Section 30624, and these regulations means: a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

The homeless crisis is not a “sudden unexpected occurrence.” Rather, it is a longstanding condition, well documented by the press, government officials and the courts. Indeed, the sheer persistence of the homeless crisis is described in detail in the recent injunction granted by Judge David O. Carter in the L.A. Alliance for Human Rights v. City of Los Angeles case. (See <https://ca-times.brightspotcdn.com/47/f7/c117263f4f03b6be5f1b5bef207d/injunction.pdf> .) Thus, the Executive Director has no authority to issue a Coastal Development Permit himself pursuant to section 30624 of the Coastal Act.

The Executive Director’s emergency authority is tightly constrained by these two statutes, and there is no basis for stretching the bounds of that authority simply because City politicians find it expedient to do so. (See Burke v. California Coastal Commission (2008) 68 Cal.App.4th 1098, 1108 (holding that Coastal Act must be “liberally construed’ to accomplish its objectives, and any exception to a statute's main purpose must be strictly construed.” (citation omitted).).

**M. A Beachside Area Subject to Flooding and Mudslides is Unsuitable for Housing Persons in Temporary Structures or Tents.**

At just 15 feet above sea level, the parking lot site is lower than any other location in this area of the City and adjoining Santa Monica, making it more susceptible than any other location to abnormal high tides, storm surge and wind driven events, as well as to any mudslide or severe runoff event from Potrero Canyon (also known as George Wolfberg Park), which empties directly into the parking lot from across Pacific Coast Highway and is largely unmapped and untested for geotechnical hazards. With this canyon and surrounding coastal bluffs pushed right up to PCH in the area of the subject parking lot and with no cross streets nearby, the only feasible evacuation routes from the site require either traveling on Pacific Coast Highway or traversing 2,000 feet of beach southward to Chautauqua Blvd. or 3,000 feet of beach northward to Temescal Canyon Boulevard.

A site with these constraints is simply unsuitable for a project that would house persons in temporary “tiny houses” or allow them to camp in tents and other temporary structures.

**N. The Project is Infeasible Because it Violates the County Code.**

The Los Angeles County Code expressly prohibits habitation/dwelling on beaches and in beach parking lots. (See LACC Sec. 17.12.232(H) (beach parking lots); Sec. 17.12.250 (beaches).) Therefore, this project cannot be approved without a modification of the County Code.

**O. Conclusion.**

Before any housing project can be developed at the County-operated parking lot, the City must apply for, and obtain, a Coastal Development Permit. Thus far, there has been no process for such a permit, and the City has not offered any measure to offset or otherwise justify the loss of 500-plus parking spaces now available to support public access to the beach.

We request that the CAO do the following:

1. Advise the Council that the City is required to obtain a Coastal Development Permit in order to remove any of the parking spaces at Will Rogers State Beach.
2. Calculate the net impact of the project on coastal access, and specifically how many people per day and per year would be deprived of access as a result of the loss of public parking resulting from the project.
3. Propose mitigation measures for the loss of parking including, but not limited to, the paving of presently sandy areas for additional parking, the termination of parking agreements with private businesses, and the modification of Pacific Coast Highway to allow additional parking lanes.
4. Consider the impacts of the project on other environmental factors, including, but not limited to, traffic and pedestrian safety and fire safety.
5. Consider the impacts of the project, and especially the surrounding fences or walls, on public views of the beach, ocean and coastal bluffs.
6. Advise the Council that the project would not qualify for either a “de minimis” waiver or a waiver or permit based upon a finding of “emergency” under the Coastal Act.
7. Consider the feasibility of the project given its location in an area especially susceptible to flooding.
8. Advise the Council that habitation on County beaches and parking lots violates the Los Angeles County Code.

Mr. Llewellyn  
June 9, 2021  
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Thank you for your urgent consideration of this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John A. Henning, Jr.", with a stylized, cursive script.

John A. Henning, Jr.

cc: Mayor Eric Garcetti  
Councilmember Mike Bonin (CD-11)  
City Attorney Mike Feuer  
Steve Hudson, District Director South Coast District Office, California Coastal Comm'n  
Jack Ainsworth, Executive Director, California Coastal Commission