

Legado's attorney says opponents are twisting the Coastal Act to reduce beach access

By Benjamin M. Reznik

Reznik is a land use attorney representing the Legado Companies in their efforts to build on Culver Boulevard.

The commercially zoned lot at 138 Culver Blvd. in Playa del Rey — two blocks from the ocean and owned by my client, Legado — has been empty for many years, having been a gas station in the past. We obtained approval from the city Planning Department for a density bonus project of 72 units, of which eight units (11%) are very low income units that will be subsidized for 55 years by the owner of the project (which includes 7,500 square feet of ground-floor neighborhood retail).

Under state and city law, the density bonus allows for an additional floor or 11 feet in height above zoning restrictions, whichever is greater, in order to accommodate the additional units that are allowed. It is this additional floor that helps pay for (i.e. subsidize) the low-income units for the next 55 years.

Opponents argue that at four stories (48 feet in height), the building is too large. We provided evidence of scores of four-story buildings in the area, so opponents turned to the Coastal Act to argue that the building is "visually incompatible" for the Coastal Zone. However, the building does not block views and is in the middle of the commercial part of Playa del Rey, at the terminus of Metro Line 115.

Opponents also argue that the Coastal Act governs over density bonus, notwithstanding the fact that the Coastal Act has no objective criteria for height, density, etc. Rather, it provides general guidelines for new development in the Coastal Zone, such as "maintain and enhance public access to the coast," "protect views to and along the ocean and scenic coastal areas," "be visually compatible with the character of surrounding areas," and so on.

The Planning Department found that this project actually enhances public access to the coast, as it provides new housing at the coast and has retail and parking that will serve the visiting public.

But opponents argue that a four-story building violates the Coastal Act, and since the Coastal Act guidelines are subjective in nature, opponents are free to argue that they are being violated without the burden of providing objective evidence of adverse impacts or Coastal Act incompatibility. Total subjectivity.

And if the City Council goes along with this line of argument and denies this housing project, then for all practical purposes the Coastal Zone will have been turned into a "Red Line Zone" for any housing projects that include low-income units. Why? Because all such projects require the use of density bonus incentives, thereby making them slightly larger and able to subsidize the cost of the low-income units.

So in the name of "protecting" the coast, opponents are actively denying people of lesser means and minorities access to the coast!

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AUG 17 2018
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This is not a case where a proposed density bonus project looms over an adjacent neighbor's house. The 138 Culver project is fully surrounded by public streets. No, this is a case of pernicious discrimination that must not be legitimized by the City Council. The Coastal Act was never intended to be a tool used to deny housing in the Coastal Zone.

And if you think I am overstating the case, just look at what some of the opponents have written on social media. One opponent wrote this: "I for one happily welcome visitors to our town (many of whom are our inland neighbors) for the 3-4 months of the year when so many people just love coming to the beach. In exchange for that we have our town mostly to ourselves for the rest of the year. In my book, that's a great deal."

Indeed, opponents want to turn the coastal zone into an "exclusionary zone." Make no mistake, the fight against this project is intended to target a specific group of L.A. residents who heretofore have not had the financial means to live in the Coastal Zone.

This point became all too evident at last month's city Planning Commission hearing, where not one of the 50 people who spoke out against the project was a person of color or of a race other than white, while the nearly 100 supporters included a mixture of races and ethnicities. One of the supporters even pointed this out to the commission, though he really didn't have to because it was blatantly obvious.

Supporters included Playa del Rey locals as well as housing advocates, who argued that residents of all income levels should have the opportunity to live on the coast. While much has been written on how coastal access has been historically restricted through private property rights, physical gates and fences, and other physical means (see Steve Lopez columns in the LA Times), there is another form of coastal access being denied — but this time using the Coastal Act itself as the weapon! Hopefully, the L.A. City Council will act not to exclude housing, including low-income housing, from the Coastal Zone.