

City Hall East
200 N. Main Street
Room 800
Los Angeles, CA 90012

(213) 978-8100 Tel
(213) 978-8312 Fax
CTrutanich@lacity.org
www.lacity.org/atty



CARMEN A. TRUTANICH
City Attorney

October 1, 2010

VIA U.S. MAIL & FAX (562) 590 5084

Andrew Willis
District Enforcement Analyst
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, California 90802-4302

RE: LAMC section 63.44(B)(14)(b)

Dear Mr. Willis:

We have considered your letters and accompanying documents regarding your investigation into the laws of the City of Los Angeles concerning beach hours.

Please be advised that LAMC section 63.44(B)(14)(b) is a duly-adopted ordinance and law of the City of Los Angeles. As such, the ordinance is not in need of a coastal development permit or any other written permission of the California Coastal Commission for its continued existence and enforcement. The City of Los Angeles will therefore not be applying for a coastal development permit from the Commission.

You would have the Commission exercise the powers of a super-legislature or court with powers to effectively veto or nullify the laws of Charter Cities. The Coastal Act simply cannot be interpreted that way. Indeed, your interpretation of the Coastal Act is contrary to the separation of powers defined by the Constitution of the State of California.

Andrew Willis, District Enforcement Analyst

RE: LAMC section 63.44(B)(14)(b)

October 1, 2010

Page 2

Additionally, a duly-adopted municipal ordinance or law regardless of its subject matter is not a "development" as that word is used in the Coastal Act. A "development" in the Coastal Act always refers to physical structures and things: buildings, walls, fences, etc.

If the Commission believes that City law violates state or federal law, the Commission has the same civil capacity as individuals and other legal entities to raise that issue in a judicial proceeding. But the Commission is without jurisdiction to adjudicate the merits of its own legal contentions about local law. Again, the Commission is not a court.

We trust that the concept of the democratic process is not completely lost on the Commission and its staff. Therefore, you are respectfully reminded that the Commission and/or its staff can engage the political process in an effort to persuade the City Council of the City of Los Angeles to change its law regarding beach hours or any other subject.

It has not escaped our notice that you have proceeded with your "investigation" into LAMC section 63.44(B)(14)(b) only *after* the City initiated an administrative mandate proceeding in the Superior Court to challenge the Commission's decision regarding overnight parking districts in Venice. If the City had not taken the Commission to court, the Commission and its staff would not now be investigating a law concerning beach hours which has existed in some form for more than three decades. The Commission obviously intends its investigation to harass the City into abandoning its litigation against the Commission. The ongoing investigation is totally unjustified, without any legal merit, and represents retaliation against the City of Los Angeles for exercising its constitutional right to seek redress in the court against the Commission's abuses of discretion. We therefore demand that the investigation be terminated forthwith. *You are requested to send us written confirmation of this termination by the end of business October 11, 2010.*

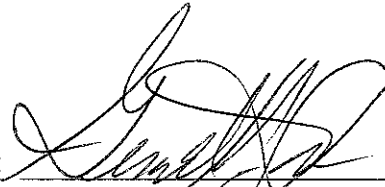
Andrew Willis, District Enforcement Analyst
RE: LAMC section 63.44(B)(14)(b)
October 1, 2010
Page 3

Please consult legal counsel about the matters discussed above. Your immediate attention to this matter is requested.

Very truly yours

CARMEN A. TRUTANICH, City Attorney

By:



GERALD M. SATO
Deputy City Attorney

CAT:GMS:sf
(213) 473-6875

cc: Wyatt Sloan-Tribe, Deputy Attorney General
Bill Rosendahl, Member of the City Council, City of Los Angeles
Janice Hahn, Member of the City Council, City of Los Angeles
Jon Kirk Mukri, General Manager, Department of Recreation and Parks