

PACIFIC CREST CONSULTANTS INC.

October 16, 2017

Planning and Land Use Management Committee
Los Angeles City Council
Room 340, City Hall
200 North Spring Street
Los Angeles, CA 90012

CF 17-1042 (APCW-2015-4392-ZC-CDP) – 45-51 VENICE BOULEVARD –
RESPONSE TO APPEAL

Honorable Councilmembers of the Planning and Land Use Management Committee:

We represent Peter Goulds (North Venice Boulevard Gallery Partnership), the applicant in Case No. APCW-2015-4392-ZC-CDP for 45-51 Venice Boulevard. On August 18, 2017, The West Los Angeles Area Planning Commission recommended that the City Council approve a zone change to amend Ordinance No. 164235 by modifying [Q] Condition Nos. 1 and 8, and approved a coastal development permit.

The applicant agrees, without exception, with the zone change recommendation, CDP approval, proposed [Q] conditions, conditions of approval and the findings in the WLA APC Letter of Determination. We respectfully request that the Planning and Land Use Management Committee, and the City Council, sustain the Commission's decision.

In summary, the applicant's request is to amend the present [Q] conditions on the property, which limit it to solely an art gallery use. Twenty-nine years have elapsed since the adoption of the original zone change ordinance, which is a long time to expect that a single specific use of land would continue to be viable for a relatively small property. The official record clearly indicates it was not the intent of the City Council to require a single use in perpetuity, irrespective of changes in conditions. The applicant seeks minor changes to the [Q] conditions governing use and hours of operation.

The required parking remains identical to the present ordinance, and the requirements of the Venice Specific Plan and Venice Land Use Plan, for both the existing and requested uses. The necessary parking is, and will continue to be, secured by recorded covenants in the parking building across the street, on the south side of Venice Boulevard.

The request comes out of a simple desire to introduce some reasonable flexibility into the potential use for the property.

RESPONSE TO APPEAL BY THOMAS MCCULLOUGH, ET AL

Appellant alleges the City did not make the proper findings for the coastal development permit, in particular whether the development is in conformity with the California Coastal Act and whether it would prejudice the ability of the City to prepare a local coastal program. *The West Los Angeles Area Planning Commission made a specific and very detailed finding on pages F-5 and F-6 of its determination that the development is in conformity with Chapter 3 of the California Coastal Act of 1976; and found on pages F-6 and F-7 that the development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976. In addition, the Commission made the other four required findings for a coastal development permit on pages F-7, F-8 and F-9.*

Appellant alleges that the project and the zone change are not in conformance with the Venice Local Coastal Program Land Use Plan. *The Land Use Plan (LUP) designates the property for aircraft commercial uses. With the [Q] Condition language recommended by the Area Planning Commission, the use of the property is, and will continue to be, in conformance with the LUP. Moreover, the requested change of zone is to the [Q]C1.5-1-O-CA Zone, which is identical to the present zone, and which will require no change to the land use designation in the LUP.*

Appellant alleges that the only use of the property which was permitted by the City Council, pursuant to a 1988 application, was as an art gallery and for no other purpose. *The referenced case is CF 89-2171, which was an appeal of a zone variance and project permit (ZA 88-0819) and a coastal development permit (CDP 88-020). These were follow-up actions to the zone change enacted in December, 1988. Condition No. 3 of CF 89-2171 makes clear the legislative intent of the City Council. Condition No. 3 states: “That the approval herein is for the project as proposed by the applicant – i.e., construction of an art gallery...and parking structure. In the event of a permanent change of use of either of these proposed uses, a new coastal development permit shall be required in addition to any other action necessary under the Municipal Code or by the City Council under related actions.” Pursuant to that, the present request is an amendment to the existing zone change and a new coastal development permit.*

Appellant questions whether Peter Goulds was authorized to act in behalf of the North Venice Boulevard Gallery Partnership, and alleges that the request is intended to serve personal purposes for the applicant. *The application which was submitted to, and accepted after careful review by, the Planning Department was signed by Peter Goulds as the sole and controlling general partner pursuant to the partnership agreement effective February 18, 2012. As to the purposes served by the application, a change of zone and use runs with the land, not with an individual. It is irrelevant which individuals, throughout the history of a site, made application for a change of zone. It is applied to a specific location based upon a determination by the City that the use is consistent and compatible with all applicable plan designations, zoning regulations and nearby land uses.*

In summary, we respectfully request that the Planning and Land Use Management Committee recommend to the City Council, that the West Los Angeles Area Planning Commission properly made all required findings for the requested change of zone and coastal development permit; that adoption of the proposed land use ordinance will be in conformity with the public necessity, convenience, general welfare and good zoning practice; and that the appeal be denied.

Respectfully submitted,

John J. Parker

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Representative for the Applicant