

FINDINGS

A. General Plan Findings

The General Plan defines the foundation for all land use decisions. The City of Los Angeles' General Plan consists of the Framework Element, seven required Elements that are mandated by State law including Land Use, Mobility, Housing, Conservation, Noise, Safety, and Open Space, and optional Elements including Air Quality, Health, and Service Systems. The Land Use Element of the City's General Plan divides the City into 35 Community Plan areas. The subject property is located within the Venice Community Plan, which designates the subject property for Neighborhood Commercial land use with the corresponding zone of C1.5. The site is subject to the Venice Land Use Plan which assigns the land use designation of Commercial Aircraft.

General Plan Land Use Designation

The subject site is located within the Venice Community Plan which was updated and adopted by the City Council on September 29, 2000, and the Venice Land Use Plan which was certified by the California Coastal Commission on June 14, 2001. The site is also subject to the Venice Coastal Zone Specific Plan, adopted December 2, 2003. The Plan Map designates the subject property for Neighborhood Commercial with the zone [T][Q]C1.5-1-O-CA. The Venice Land Use Plan designates the site for Commercial Aircraft uses Under Exhibit 10b- Land Use Plan.

General Plan Text

General Plan Framework Element

The Citywide General Plan Framework is a guide for communities to implement growth and development policies by providing a comprehensive long-range view of the City as a whole. The General Plan Framework establishes categories of land use, including commercial uses. The project is consistent with the following objective and policy for Neighborhood Commercial Land Uses.

Objective 3.8: Reinforce existing and establish new neighborhood districts which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood activity, are compatible with adjacent neighborhoods, and are developed as desirable places to work and visit.

Policy 3.8.2: Encourage the retention of existing and development of new commercial uses that primarily are oriented to the residents of adjacent neighborhoods and promote the inclusion of community services (e.g., childcare and community meeting rooms).

Objective 5.8: Reinforce or encourage the establishment of a strong pedestrian orientation in designated neighborhood districts, community centers, and pedestrian-oriented subareas within regional centers, so that these districts and centers can serve as a focus of activity for the surrounding community and a focus for investment in the community.

The proposed project proposes a diverse set of uses while remaining consistent with neighborhood character and the underlying land use and zone, and allowing the art gallery to remain. The ordinance that specifies a single land use is nearly 30 years old and places an unreasonable burden on the private property owner, considering the wide variety of land uses the citywide C1.5 zone allows. A wider variety of land uses is encouraged by the Framework as it presents greater opportunity for neighborhoods. The existing art gallery already contains pedestrian friendly elements due to the requirements of the Venice Specific Plan, and no new construction or expansion is proposed at this time, thus the project is consistent with Objective

5.8 of the Framework. Any new construction would require approval from the Specific Plan, which requires certain pedestrian-oriented design elements, and therefore would remain consistent with Objective 5.8.

Venice Community Plan

The Venice Community Plan states a total of 15 acres within the Plan boundaries are designated for Neighborhood Commercial Uses, including the subject site. Further, the Plan acknowledges the site is designated for Commercial Artcraft uses.

The applicant proposes no present exterior physical changes to the building. Interior improvements would be dependent upon the needs of future users of the building. The instant request is primarily to permit a change of allowed use from solely an art gallery, as presently required by the [Q] conditions attached to the existing zoning on the subject property, to that and other uses which would be consistent with the extant zoning on the site, similar parking requirements and the Commercial Artcraft District.

The proposed project is consistent objectives and policies of the Community Plan:

Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.

- Policy 2-1.1: New commercial uses shall be located in existing established
- Policy 2-1.5: Require that commercial projects be designed and commercial areas or shopping centers are developed to achieve a high level of quality, distinctive character and compatibility with surrounding uses and development.

Objective 2-2: To enhance the identity of distinctive commercial districts and to identify pedestrian-oriented districts.

- Policy 2-2.1: Encourage pedestrian-oriented uses and mixed-use in designated areas.

Objective 2-3: To enhance the appearance of commercial districts. Policy 2-3.1: Require that new development be designed to enhance and be compatible with adjacent development.

- Policy 2-3.2 Preserve community character, scale and architectural diversity.

The proposed project would remove outdated language and allow a flexibility of uses that would remain compatible with the underlying land use, zone, and the Commercial Artcraft designation. The art gallery is treasured by the community and has the option of remaining in place, while allowing other office and professional uses that are still compatible with the land use designation. The applicant has volunteered to not allow any commercial land use that would not be compatible with the character of the neighborhood, such as commercial retail and medical offices, which are allowed by right in the Commercial Artcraft designation and the citywide C1.5 zone. The citywide C1.5 zone allows over 200 separate and distinct land uses, per the *List of Uses Permitted in Various Zones*, Case No. ZA-2015-2348(ZAI), October 21, 2016. The request has been specially tailored to allow only office, business, or professional uses, which is only a fraction of the uses allowed by the citywide C1.5 zone. The project proposes strict language and specific land uses in order to clarify the purpose the project, the goals of the private gallery owner, and alleviate any concerns about the site's impact to the Venice character as a whole. Thus, the request and

specific language is a compromise between the private property owner's intent and community concerns. Further, hours of operation are modified for staff only, while visitor hours are unchanged from existing conditions, to ensure that the art gallery and any future tenants will minimize any adverse impacts to the neighborhood.

The project as proposed will be consistent and compatible with the community plan designations on surrounding properties. Both sides of North Venice Boulevard are designated for Neighborhood Office Commercial land uses, with the exception of the southwest corner of the intersection of that street with Pacific Avenue, which nevertheless contains nonconforming commercial uses.

Venice Land Use Plan

The proposed project is located in Venice, which is identified in the Land Use Plan as a Special Coastal Community. Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program ("LCP"), a coastal development permit may only be issued if a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Local Coastal Land Use Plan ("LUP") was certified by the California Coastal Commission on June 14, 2001; however, the necessary implementation ordinances were not adopted. The City is in the initial stages of preparing the LCP; prior to its adoption the guidelines contained in the certified LUP are advisory.

The Land Use Plan designates the site as Commercial Aircraft, within the North Venice sub-area of the Plan.

The proposed project is consistent with the following policy:

Policy I. B. 3. Commercial Aircraft Land Use Designation. The purpose of this land use designation is to create enclaves in which the artisan segments of the population may live, create, and market their work, to maintain the variety and distinctiveness of Venice's lifestyles.

- Uses: Aircraft activities including mixed-use, combining residential and commercial uses which emphasize artist-in-residence uses, small businesses, light industrial and artisan activities are permitted in these areas. Drive-thru facilities and billboards shall be prohibited in the Commercial Aircraft land use designation.

The Commercial Aircraft designation does not place clear prohibitions on land uses except for drive-thru businesses and billboards. The intent of this Plan is to allow a flexibility for land uses for developers and community members, while at the same time encouraging a special district for artists and their art. The proposed project allows the existing private art gallery to remain, while also allowing compatible uses to join the site in the form of office, business, and professional uses. These uses could be other forms of art, visual or digital art, such as graphic design, web design, or music/film production that would enhance the Venice arts scene while remaining consistent with the intent and purpose of the original [Q] Condition. The project is consistent with the General Plan Land Use Designation of Neighborhood Commercial, and with the Venice Land Use Plan Designation of Commercial Aircraft. As such, there is no reasonable basis to limit the subject site to a single land use, and the project is found to be consistent with the General Plan.

B. Zone Change Findings

Pursuant to Section 12.32-F of the LAMC, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The LA Louver Gallery has operated at the subject site since 1995 and has contributed to the Venice community since its establishment in 1976. The project proposes no exterior physical changes to the building and no addition, nor expansion of use. Interior remodeling could occur, depending on the needs and space requirements of potential tenants. The instant request is to permit a zone change to allow a change of use from an art gallery to allow art-based office, business, and professional uses as well as allowance for the existing art gallery to continue. Currently the [Q] Condition contains strict language within Condition No. 1 to permit only an art gallery and associated uses, along with specific operating hours within Condition No. 8.

The proposed project is found to be consistent with all of the above requirements for a Zone Change, as required per Code Section 12.32-F(1). The proposed change of use is consistent with the General Plan Land Use Designation of Neighborhood Commercial, and with the Venice Land Use Plan Designation of Commercial Artcraft. Thus, no General Plan Amendment is required or requested as part of this action. Further, the proposed change of use is consistent with the underlying C1.5 zone, which allows an art gallery, office, business, and professional office uses by-right, without any request or requirement for a zone variance. The existing [Q] Condition was established nearly 30 years ago, without any clear intent or purpose to support the mandate for a single land use, according to original staff reports from 1988. As stated earlier, the C1.5 zone can support over 200 separate and distinct land uses, when viewed on a Citywide zoning basis, including offices. According to the Venice Land Use Plan, only drive-thrus and commercial billboards are prohibited in the Commercial Artcraft land use designation. The proposed request allows the art gallery to continue, while allowing additional uses that are compatible with the neighborhood character in order to minimize impacts. The proposed land uses represent only a fraction of the 200 distinct land uses that the Citywide C1.5 zone allows. Thus, based on evidence from the original action and the interpretation/implementation of the General Plan and Zoning Code, there is no reasonable basis to restrict the subject site to a single explicit land use.

The proposed change of use does not change any parking requirements. The existing art gallery requires one parking space per 250 square feet of gross floor area, per [Q] Condition No. 7. The requested uses also require the same ratio of 1 spacer per 250 square feet, as specified in Section 13.B of the Venice Coastal Zone Specific Plan and the Venice Land Use Plan for "General office and other business, technical service, administrative or professional offices." The 29 required parking spaces will remain in place, secured by a covenant at an adjacent parking garage. A maximum of 10 special events are allowed per year, and additional parking is provided for these special events via a parking plan.

The second request in the application is a modification of hours of operation for staff only. Existing language states the gallery shall open Monday through Saturday only, between 8:00 a.m. and 5:00 p.m. for visitors, patrons, and clients, and up to 6:00 p.m. for staff only. Research of the original staff report could not find the purpose or intent of the 6:00 p.m. closing hours for staff. The citywide C1.5 zone does not place any limit on operational hours – such restrictions usually are placed on Conditional Use approvals, such as schools, auto uses, and alcohol sales. Changes in operations and new technology allow work and meetings to occur at all times of day, and no foreseeable adverse impact is expected, especially since the number of staff are much lower than the numbers of visitors and clients, on average. Thus, it is unreasonable to limit the hours for staff of the art gallery or future tenants.

The requested change of zone is well-located in relation to the availability of goods, services and facilities within the neighboring community. This consideration relates to the mandatory findings for approval of a change of zone, as well as to conformity with the objectives of the Community Plan. The project will be located in an urbanized area within the City of Los Angeles, with commercial development existing throughout the community, but particularly (in the immediate

vicinity of the subject property) along Washington Boulevard, Abbot Kinney Boulevard (approximately one-half mile to the east) and Lincoln Boulevard (approximately one mile to the east). Public service facilities within the vicinity of the site include several post offices and a community library within very close proximity. There are extensive recreational and commercial uses/activities in the immediate vicinity of the property along Venice beach. The LA Louver is a key component to the Venice character, which is a destination for tourists from all over the world. The proposed request will allow the art gallery to remain while allowing other uses that are compatible with neighborhood character. The applicant has stated he would not request a commercial land use that would be incompatible with the character of the neighborhood, such as commercial retail and medical offices, which are allowed by right in the Commercial Artcraft designation and the citywide C1.5 zone. The applicant and community understand the cultural benefits of the art gallery, and the request is a compromise between the restrictions of a single land use, the local cultural character, and the diverse land uses allowed in the C1.5 zone.

C. Coastal Development Permit Findings

In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative.

1. The development is in conformity with Chapter 3 of the California Coastal Act of 1976.

The subject property comprises two joined legal lots, which are developed with an existing art gallery within a three-story commercial building, which is located on the northerly side of North Venice Boulevard, sited between Pacific Avenue and Speedway. The site is a rectangular-shaped parcel of land, measuring approximately 60 feet in width and 83.5 feet in depth, and containing approximately 4,997 square feet of lot area. The property is located within the Venice Community Plan area, within the North Venice Subarea of the Venice Coastal Zone Specific Plan, and located within the dual jurisdiction permit area of the California Coastal Zone. It is designated in the community plan as Neighborhood Commercial land use, consistent with the C1.5 Zone.

Adjacent lots on the block face, and the majority of the block face on the southeast side of North Venice Boulevard, are also in the [Q]C1.5-1-O-CA Zone. The subject property abuts multifamily residential buildings both to the southwest and the northeast. The property located directly across Venice Boulevard is improved with a parking building, and other commercial and residential uses/buildings. Properties to the northwest of the subject site, on 20th Avenue, are improved with single- and multifamily residential buildings in the R3-1-O Zone.

The subject property is developed with an existing commercial building containing an art gallery, constructed between 1992 and 1995. It contains approximately 7,162 square feet of floor area, comprising of gallery spaces and supporting office uses, within two stories plus a substantially smaller third floor. No parking is located on-site; the 29 required parking spaces are provided by a parking structure across the street from the gallery at 42 E. Venice Boulevard and secured by a covenant.

The project proposes no new construction, additions, expansion, or other exterior physical changes. The subject request is solely to modify specific portions of an existing "Q" Condition that limits the use of the building to an art gallery and associated uses exclusively, and restricts operating hours for visitors and staff. Since no demolition or new construction of housing units is proposed, the project does not require a Mello Act determination. In addition, it was found that a Project Permit Compliance nor a Venice Sign-Off for the Venice Coastal Specific Plan is not required, according to a Community Planning Referral Form dated June 21, 2017.

Chapter 3 of the Coastal Act includes provisions that address the impact of development on public services, infrastructure, traffic, the environment and significant resources, and coastal access. Applicable provisions are as follows:

Section 30244 requires reasonable mitigation measures to reduce potential impacts on archeological or paleontological resources. The project does not propose any new construction, excavation, or grading, and is limited to a request for a zone change. Further, the subject site is not located within an area with known Archaeological or Paleontological Resources. In addition, the project is subject to regulatory compliance measures with Federal, State and Local regulations that are already in place.

Section 30250 states that new development shall be located in areas able to accommodate it, areas with adequate public services, and in areas where such development will not have significant adverse impacts on coastal resources. The proposed project is located in a developed neighborhood, and no new construction or expansion is proposed. The lot is in close proximity to Ocean Front Walk which abuts Venice Beach, but since the project scope is limited to a change of use, no adverse impacts to coastal resources will occur.

Section 30251 states 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 subject site is approximately 850 feet from the coastline, and the surrounding area is relatively flat with no direct views to and along the ocean due to adjacent buildings; no natural land forms will be altered as part of the project. The project proposes no new construction or expansion of the existing building, and is limited to a request to modify the existing "Q" Condition as it pertains to a specific land use and operating hours.

Section 30252 states that new development should maintain and enhance public access to the coast. The project proposes a zone change to allow a change of use for an existing art gallery. No new construction or expansion is proposed. The project will not obstruct access on North Venice Boulevard which provides pedestrian access to the beach. No permanent structures would be placed within the public right-of-way and public access to the coast would not be impacted.

Section 30253 requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard, minimize impacts along bluffs and cliffs, and protect special communities and neighborhoods that are popular visitor destination points for recreational uses. No new construction or grading is proposed, thus no geologic, flood, and fire hazard, or special communities are impacted. The proposed use would have no adverse impacts on public access, recreation, public views or the marine environment, as the property is located within a developed area and located more than 850 feet from Venice Beach. The project will neither interfere nor reduce access to the shoreline or beach. There will be no dredging, filling or diking of coastal waters or wetlands associated with the request, and there are no sensitive habitat areas, archaeological or paleontological resources identified on the site. The proposed dwelling will not block any designated public access views. As conditioned, the proposed project is in conformity with Chapter 3 of the California Coastal Act.

- 2. 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.**

Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program (“LCP”), a coastal development permit may only be issued if a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Local Coastal Land Use Plan (“LUP”) was certified by the California Coastal Commission on June 14, 2001; however, the necessary implementation ordinances were not adopted. The City is in the initial stages of preparing the LCP; prior to its adoption the guidelines contained in the certified LUP are advisory.

As discussed, the project consists of a zone change to allow a change of use for an existing art gallery. No new construction or expansion is proposed. The site is zoned [T][Q]C1.5-1-O-CA and designated for Neighborhood Commercial Land Uses and Commercial Artcraft.

The following are applicable policies from the Venice Local Coastal Land Use Plan:

Policy I. B. 3. Commercial Artcraft Land Use Designation. The purpose of this land use designation is to create enclaves in which the artisan segments of the population may live, create, and market their work, to maintain the variety and distinctiveness of Venice's lifestyles.

- Uses: Artcraft activities including mixed-use, combining residential and commercial uses which emphasize artist-in-residence uses, small businesses, light industrial and artisan activities are permitted in these areas. Drive-thru facilities and billboards shall be prohibited in the Commercial Artcraft land use designation.

The proposed zone change is consistent with the policies of the Land Use Plan and will not prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.**

The Los Angeles County Interpretative Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement the Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620 (b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the coastal zone prior to the certification of a local coastal program. As stated in the Regional Interpretative Guidelines, the guidelines are intended to be used “in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources. In addition to the Regional Interpretative Guidelines, the policies of Venice Local Coastal Program Land Use Plan (the Land Use Plan was certified by the Coastal Commission on June 14, 2001) have been reviewed and considered. The project consists of a change of use with no new construction or expansion. The Regional Interpretive Guidelines have been reviewed and the proposed project is consistent with the requirements for the North Venice Subarea; the project also complies with the policies of the LUP; it is not considered a project per the standards of the Specific Plan.

4. **The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the**

Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

The project consists of a change of use; the project not conflict with prior decisions of the Coastal Commission. The Coastal Commission recently approved the following projects in the Venice Coastal Zone:

In March 2017, the Commission approved a Coastal Development Permit for the remodel of an existing restaurant at 2 Rose Avenue. (Application 5-82-819-A2)

In February 2017, the Commission approved a Coastal Development Permit for the remodel and addition to an existing community senior center, in order to create a 6,800 square foot community senior center with one residential unit, at 201 Ocean Front Walk. (Application 5-16-0798).

As such, this decision of the permit granting authority has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

5. **The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

Section 30210 of the Coastal Act states the following in regards to public access:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, right of private property owners, and natural resources from overuse.

Section 30211 of the Coastal Act states the following in regards to public recreation policies:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The subject property is located approximately 850 feet from the coastline. Despite the distance to the water, the project could have a cumulative effect on public access to the coast if it resulted in a loss of on-street parking spaces or did not provide adequate parking for the project. All required parking is located off-site within an adjacent parking garage. As proposed, the project will not conflict with any public access or public recreation policies of the Coastal Act.

6. **An appropriate environmental clearance under the California Environmental Quality Act has been granted.**

A Categorical Exemption, ENV-2015-4393-CE, has been prepared for the proposed

project consistent, with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The Categorical Exemption prepared for the proposed project is appropriate pursuant to Article III, Section 1, Class 5, Category 23 of the City's CEQA Guidelines.

The Class 5 Category 23 categorical exemption allows for the granting or renewal of a variance or conditional use for a non-significant change of use of land, and is suitable when there are discretionary actions to permit a zone variance, non-conforming use, or General Plan Amendment for projects that do not propose any new construction or expansion. As previously discussed, the project consists of a zone change to modify a [Q] Condition that mandates only a single land use along with other operating conditions.

Furthermore, the Exceptions outlined in the State CEQA Guidelines Section 15300.2 do not apply to the project:

- (a) Location. The project is not located in a sensitive environment. Although the project is located within the Coastal Zone, the adjacent neighborhood is not identified as an environmental resource. The proposed project is consistent with the scale and uses proximate to the area. The subject site is not located in a fault or flood zone, nor is it within a landslide area. Although the project is located within a liquefaction area, the project is subject to compliance with the requirements of the Building and Zoning Code that outline standards for residential construction.
- (b) Cumulative Impact. The project is consistent with the type of development permitted for the area zoned C1.5 and designated Neighborhood Commercial use. The proposed project will not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in significant cumulative impacts.
- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed project consists of a change of use consistent with the General Plan and underlying zone, no unusual circumstances are present or foreseeable.
- (d) Scenic Highways. The project site is not located on or near a designated state scenic highway.
- (e) Hazardous Waste Sites. The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code.
- (f) Historical Resources. The subject site and existing structure have not been identified as a historic resource or within a historic district (SurveyLA, 2015), the project is not listed on the National or California Register of Historic Places, or identified as a Historic Cultural Monument (HCM).

Therefore, the project is determined to be categorically exempt and does not require mitigation or monitoring measures; no alternatives of the project were evaluated. An appropriate environmental clearance has been granted.