
proposed project at 45 Venice Blvd (APCW-2015-4392-ZC-CDP) for October 24, 2017 PLUM Agenda

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Posted in group: **Clerk-PLUM-Committee**

Esteemed Councilmembers,

First and foremost, this is a Coastal Zone matter, a DUAL Coastal Zone matter. This property lies in the area where the Coastal Commission has ultimate jurisdiction.

In this Coastal land use area, visitor-serving uses are preferred and office uses are discouraged.

A Zone Change requires a basis or explanation of the NEED for the request. There's no reason for this change of use other than to enrich the current owner and allow Snap or another tech company to continue to expand on the Venice Boardwalk where office use is discouraged.

Please ask your planners and lawyers and your CD-11 Council Office to properly brief you on the Coastal requirements, as they are not. This is simply a political favor to the owner, nothing more.

You can't change a Q condition that was clearly meant to be for perpetuity just because some time has passed. A deal is a deal. You would need to go back and consider the loss of housing, the 10 foot variance given for the height, the fact that the Neighborhood fabrics is predominantly residential. This very specific project was allowed as there was a displacement of housing, SENIOR CITIZEN HOUSING, likely affordable housing, in the Coastal Zone. If anything, if the owner doesn't want to have the gallery any more, this property should convert back to affordable housing.

From all indications, the only reason this was approved was because the Art Gallery fit the coastal designation as Artcraft—the purpose of which is to create enclaves in which the artisan segment of the population may live, create and market their work, to maintain the variety and distinctiveness of Venice's lifestyles.

Refer to the Certified Venice Land Use Plan Policy I. B. 3. North Venice, Uses. THE FACT IS THAT OFFICE USE is not among the uses listed there.

Also, refer to Certified Venice Land Use Plan Policy I. B. 6., where it states that "...a mix of residential dwelling units and visitor-serving uses."

A project to change the use to tech offices must not be allowed. This is a direct result of the Silicon Beach expansion eating up the existing footprint of Venice Coastal Zone and the resulting loss of existing uses, both visitor-serving commercial and residential. This conversion impacts Coastal Access for lower income residents, mainly people of color, and is also an Environmental Justice issue.

The Venice Coastal Zone balance of uses must not be impacted just because tech workers like working near the beach. Residential and Artcraft uses must not be decreased for purposes of more office space. The cumulative impact by allowing such a decision will have a very material adverse impact on the Venice Coastal Zone.

We must acknowledge the fact that this zoning was to be in perpetuity and the property is in the Coastal Zone and any new use must be a visitor serving, coastal serving use, as intended by the Coastal Act.

This is a General Plan amendment, also known as Spot Zoning. We all know that Spot Zoning is where all the corruption in City Hall happens.

Keep this Public Benefit and Visitor-serving use in place. Don't make a change just to enrich an individual and to provide for a use that should be strongly discouraged in this area.

Heed your City of Los Angeles Code of Ethics!

Don't do it!

In addition, recent appellate case from September 2016, Kalnel Gardens v. City of L.A., case law, clarifies that the current Certified Venice Local Coastal Program Land Use Plan ("LUP") is both a part of the City's General Plan and is a matter of local law that embodies state policy, which prevails over local government concerns.

See excerpts from Kalnel case--City of L.A. filing and Judge's decision, respectively:

Excerpts from *Kalnel Gardens LLC v. City of Los Angeles*:

1. The Venice LUP

The City adopted the Venice LUP "to comply with the California Coastal Act of 1976." (SAR749-50.) The Venice LUP was adopted "by means of a plan amendment to the Venice Community Plan," which is part of the City's General Plan Land Use Element.¹ (SAR763.) Thus, the Venice LUP is part of the City's General Plan. The Coastal Commission certified the Venice LUP on June 14, 2001. (SAR749.)

The Coastal Act relies heavily on local government "to achieve maximum responsiveness to local conditions, accountability, and public accessibility" (Pub. Resources Code, § 30004, subd. (a).) It requires local governments to develop local coastal programs, comprised of a land use plan and implementing ordinances to promote the Coastal Act's objectives. (Pub. Resources Code, §§ 30004, subd. (a); 30001.5; 30500-30526.) In 2001 the Coastal Commission certified the City's Venice Land Use Plan as the local coastal program governing the City's issuance of coastal development permits.

*5 Once the Coastal Commission certifies a local government's program, the Coastal Commission delegates authority over coastal development permits to the local government. (Pub. Resources Code, §§ 30519, subd. (a); 30600.5, subds. (a), (b) & (c).) Under the Coastal Act, the local coastal program and development permits issued by local agencies are not just matters of local law. Instead, they embody state policy. A fundamental purpose of the Coastal Act is to ensure that state policies prevail over local government concerns.

The *Kalnel Gardens/City of L.A.* case law clarifies that the Certified Venice Local Coastal Program Land Use Plan (CV-LCP-LUP) is both a part of the City's General Plan and is a matter of local law that embodies state policy, which prevails over local government concerns.

A project in the Venice Coastal Zone must be in conformance with the LUP, which is a legal authority certified by the Coastal Commission to be in conformance with Chapter 3 of the Coastal Act (and not just guidance).

A Zone Change for a proposed project in the Coastal Zone requires a corresponding change to the land use designation in the LUP. Such a change requires approval of both the City of Los Angeles and the Coastal Commission.

The City is in the process of finalizing its full Local Coastal Program, including the Coastal Commission's certification of the implementing/zoning regulations. Approval of this project and related zoning change on a piecemeal basis for purposes of just this project would prejudice the City's ability to prepare a Local Coastal Program that is in conformance with Chapter 3 of the Coastal Act.

The West Los Angeles Area Planning Commission erred and abused its discretion in not considering these factors and thus in not denying the proposed project. **The City Planning decision maker(s) and the WLAAPC erred and abused its discretion in approving this Spot Zoning and I recommend that you send it back them and ask them to reconsider it in light of the Coastal requirements.**

and our precious Coast,
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