

From: **Robn Rudisill** wilrudidi@mac.com
Subject: proposed project at 45 Venice Blvd (APCW-2015-4392-ZC-CDP) for October 24, 2017 PLUM Ager
Date: October 24, 2017 at 11:58 AM
To: clerk.PLUMcommittee@lacity.org
Cc: David Ewing moreseriousbus@gmail.com, James Robb jamesrobb70@hotmail.com

Date: 10/24/17
Submitted in PLUM Committee
Council File No: 17-1042
Item No.: 1

communication
from public

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:

I. 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.

¹ 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.

*For the Love of Los Angeles
and our precious Coast,*
Robin Rudisill
Venice Stakeholder
(310) 721-2343

VENICE LUP POLICIES (certified by the Coastal Commission June 14, 2001)

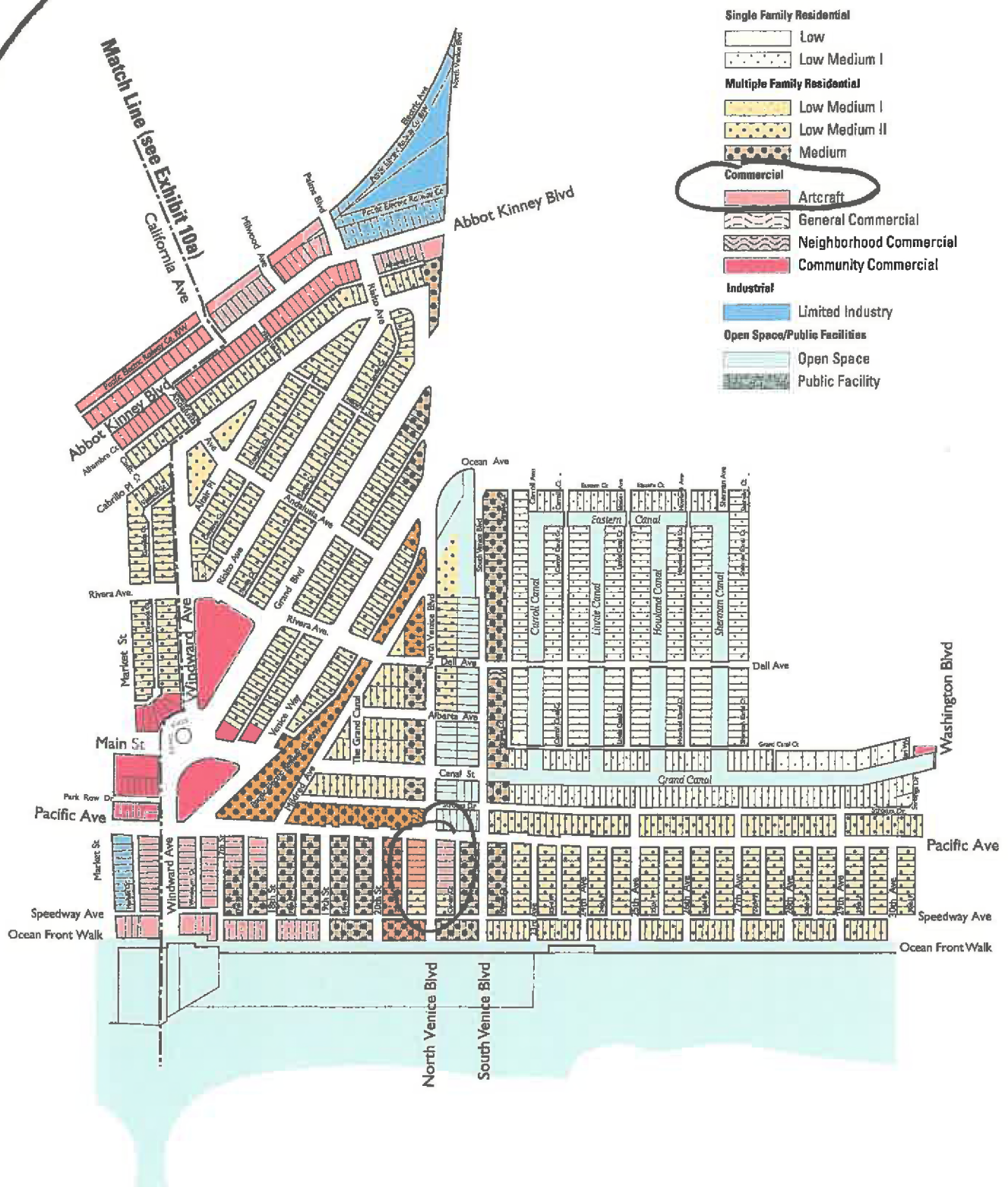


Exhibit 10b
Land Use Plan (Map): North Venice • Venice Canals



intended to help mitigate the impact of the traffic generated by the development on coastal access roads and reduce parking demand by reducing the need for automobile use by residents and encouraging pedestrian activity. Such development shall comply with the density and development standards set forth in this LUP.

Implementation Strategy

The LIP (Specific Plan) shall include specific standards which provide for mixed-use development in commercial areas.

Mixed-Use - Commercial Artcraft Designation

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. Residential density in the Commercial Artcraft designation shall not exceed one unit per 800-1200 square feet of lot area.

Land designated Commercial Artcraft in the Venice Coastal Zone shall include the following areas:

North Venice: As indicated on the Land Use Policy Maps (Exhibits 10a and 10b), properties located along Abbot Kinney Boulevard from North Venice Boulevard to Westminster Avenue, along Windward Avenue from Ocean Front Walk to Pacific Avenue, and along Ocean Front Walk in that vicinity, including a small site at North Venice Boulevard and Pacific Avenue.

office not
among the
uses

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.

General Commercial Areas

Policy I. B. 4. General Commercial Land Use. This land use designation is intended to maintain the uses, density, and character of existing low intensity commercial areas. Neighborhood commercial facilities shall also be encouraged within designated General Commercial corridors which are adjacent to residential neighborhoods. This designation primarily occurs at the intersections of major and secondary streets, or as low rise, low density linear "strip" development along major and secondary streets, and includes areas identified as "Mixed-Use Boulevards". Land designated for General Commercial in the Venice Coastal Zone is shown on Exhibits 9 through 12.

Additional restrictions for General Commercial designated properties along both sides of Washington Boulevard.

Prohibited Uses: The following uses shall be prohibited: adult entertainment, automobile repair and testing, fraternity/sorority houses, rescue missions, car wash, drive-thru restaurants, dance halls, motels or hotels, nightclubs or bars, convenience stores, gas stations, recyclable materials collection, freestanding commercial sales or establishments dispensing alcoholic beverages for consumption off-site, grocery stores, billboards, and video arcades.

Neighborhood Commercial Areas

Policy I. B. 5. Neighborhood Commercial Land Use. The Neighborhood Commercial designation is intended to accommodate local neighborhood commercial facilities and services which provide daily convenience goods and services to persons living in nearby residential areas. Small scale neighborhood stores and community services shall be preserved and encouraged. Neighborhood retail goods and services include, but are not limited to the following: art galleries; barber shops or beauty parlors; dry cleaners; laundry services; shoe repair; tailors; florists; hardware stores; drug stores; food/grocery stores; newsstands; medical facilities; and job service centers. Drive-thru facilities and billboards shall be prohibited on properties designated as neighborhood commercial. Community services include day-care, community-meeting rooms, recreational, religious or cultural facilities and similar uses. The clustering of uses minimizes multiple vehicle trips and encourages walking to and from adjacent residential neighborhoods. Areas designated for Neighborhood Commercial Land Use are shown in Exhibits 9 through 12.

Physically, Neighborhood Commercial areas are generally characterized by one and two story low-rise structures. Pedestrian activities shall be encouraged by the emphasis on local serving uses, design of buildings, and the incorporation of streetscape amenities.

Community Commercial Areas

Policy I. B. 6. Community Commercial Land Use. The areas designated as Community Commercial on the Land Use Policy Map (Exhibits 9 through 12) will accommodate the development of community-serving commercial uses and services, with a mix of residential dwelling units and visitor-serving uses. The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and for visitor-serving commercial uses. They differ from Neighborhood Commercial areas in their size and intensity of business and social activities. The existing community centers in Venice are most consistent with, and should be developed as, mixed-use centers that encourage the development of housing in concert with multi-use commercial uses. The integration and mixing of uses will increase opportunities for employees to live near jobs and residents to live near shopping. Overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in the Community Commercial land use category.

Uses/Density: Community commercial uses shall accommodate neighborhood and visitor-serving commercial and personal service