

Date: 11/7/17
Submitted in PLUM Committee
Council File No: 17-1042
Item No.: 9
Communication
from public

Item 9.

From: Robin Rudtall wilrud@mac.com
Subject: PLUM hearing Nov 7, 2017, Item 9, proposed project at 45 Venice Blvd (APCW-2015-4392-ZO-CDP)
Date: November 7, 2017 at 1:08 PM
To: clerk.PLUMcommittee@lacity.org
Cc: Planning APCWestLA APCWestLA@lacity.org, Posner, Chuck@Coastal Chuck.Posner@coastal.ca.gov, David Ewing moreserlousbus@gmail.com, James Robb jamesrobb70@hotmail.com, tbmlaw@aol.com

Esteemed City Council members of PLUM:

There are several significant Due Process issue with this case.

1. The Public Hearing Notices (for the initial November 7, 2016 Public Hearing, and for the July 5, 2017 West L.A. Area Planning Commission (WLAAPC) Public Hearing indicate that the change of use is from "art gallery and associated uses" to "art gallery and associated uses, or office, business, or professional uses." For the City Council PLUM hearing, it only notes "change of use" and is thus misleading in that it does not note the main issue relative to the change of use.
2. The LETTER OF DETERMINATION, dated August 18, 2017, from the WLAAPC indicates that the change of use is from "art gallery and associated uses" to "art gallery and associated uses, or office, business, or professional uses." This LETTER OF DETERMINATION was not corrected and reissued to the Appellants and other parties when City Planning discovered a material error. Rather, a "Planning Department Transmittal" was sent to the City Clerk's Office on October 19, 2017 to reflect this material correction.
3. The LETTER OF DETERMINATION, dated August 18, 2017, from the WLAAPC states that:
The decision of the WLAAPC is final and not appealable as it relates to the Zone Change. This is not correct and misleading to the Public.
4. At the WLAAPC public hearing on July 5, 2017, the City Planner materially modified the change of use to "an art gallery and associated uses; and office, business, or professional uses that are related, including administrative operations, to creative activities including, but not limited to, visual arts, audio arts, literary arts, design, culture, architecture and engineering; entertainment, emerging technologies, production and post-production, media, digital and electronic design and technologies; and other similar uses." It is in violation of due process to make such a material change to the project description at the Public Hearing.
5. City Planning and the WLAAPC erred when they did not require a Project Permit Compliance Review as per City Ordinance 175,693, the Venice Coastal Zone Specific Plan (VCZSP), Section 8. The proposed change in parking requirement makes this project a "Change in Intensity of Use" (the proposal changes the "shared parking arrangement" as per Condition 8, between Lot 22 and Lots 12 - 13 as it does not provide for required parking for "Office Staff" of Lots 12 and 13, the subject property, after 6 pm) as defined in the VCZSP, and thus this is a project that requires a Project Permit Compliance Review that will consider whether the "Venice Coastal Development Project...is materially detrimental to adjoining lots or the immediate neighborhood." This building is in excess of the height limit provided for in the VCZSP and thus does not meet the standards of the VCZSP. In addition, the project does not meet the parking requirements of the VCZSP as it does not provide for any parking for the new proposed use from 6 pm and later. Under the shared parking arrangement with Lot 22, the shared assigned spaces are being used starting at 6 pm for Lot 22, now the Canal Club (previously Rebecca's Restaurant).

PLUM

The WLAAPC erred in not correcting its LETTER OF DETERMINATION and reissuing it to all Interested Parties, including Appellants.

The WLAAPC erred and abused its discretion in not noting the requirement for a Project Permit Compliance Review under the VCZSP Ordinance and in not considering the lack of parking provided for the proposed office uses starting at 6 pm, or the uses allowed in the Coastal Act land use designation of Artcraft or the priority under the Coastal Act for Visitor-Serving uses.

This proposal requires a General Plan Amendment to allow office uses in this Coastal Land Use designation, as that would not currently be allowed under Coastal Act Section 30222 and the Certified Venice Local Coastal Program Land Use Plan.

The WLAAPC erred and abused its discretion in approving the Zone Change as there is no valid need for this request other than to enrich the Applicant and allow for further expansion of tech offices on the Boardwalk, which is not a preferred or allowed use in the coastal land use designation of Artcraft; and this change of use does not in any way provide a Public Benefit or conform with public necessity of convenience , general welfare and good zoning practice, as is required for a Zone Change.

You have no choice but to deny this project.

Please see 4 attached Exhibits of support.



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r7,2017.pdf

Thank you.

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

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Findings / Specialized Requirements

ZONE CHANGE (ZC), HEIGHT DISTRICT CHANGE (HD), BUILDING LINE (BL),
and SUPPLEMENTAL USE DISTRICTS (various suffixes)

RELATED CODE SECTIONS: Section 12.32 of the Los Angeles Municipal Code (LAMC) authorizes the City/Area Planning Commission(s) to make recommendations to the City Council for its action on the above matters. Check all of the following actions that you are requesting:

- Zone Change (LAMC 12.32 F)
 - Vesting Zone Change (LAMC 12.32 Q)
 - Height District Change (LAMC 12.32 F)
 - Building Line removal, establishment or change (LAMC 12.32 R)
 - Supplemental Use District (LAMC 12.32 R, 12.32 S, and 13.01 through 13.18)
- (specify which type of district): _____

PUBLIC HEARING AND NOTICE: A request for a land use legislative action is subject to a public hearing, notification is to all property owners and occupants (i.e. tenants) within 500 feet of the subject site as well as on-site posting of the notice and on-site posting of the initial Commission meeting on the matter, except for those actions noted below:

1. Building Lines: Written notification is to Board of Public Works, the property owner(s) of the property involved and the owners of all properties abutting that portion of the street on which the building line is to be established, changed or removed. The Board of Public Works shall post notice of the public hearings at least 24 days prior to the date set for the hearing.
2. Supplemental Use Districts: In addition to the 500 foot owner/occupant notification, notice of the hearing must also include the Bureau of Engineering and the Department of Transportation.

SPECIALIZED REQUIREMENTS: When filing an application for any of the above, the following items are required in addition to those specified in the *Master Filing Instructions* (form CP-7810). On a separate page, copy each information item and provide a detailed answer or submit the required report/materials.

1. **Justification for ALL CASES:** A justification is the basis or explanation of the need for your request. Provide a thorough justification of your request expressly including language regarding the proposed project's conformity with public necessity, convenience, general welfare and good zoning practice. Zone Change and/or Height District applications must also discuss consistency with the General Plan including, but not limited to, the applicable community plan text, land use, footnotes, specific plans or other plans or guidelines. (Plans can be viewed at <http://planning.lacity.org>)

None

2. **Additional Justification for Building Line Cases:**

- a. Provide a brief statement concerning: (a) the setback of any buildings currently on the property involved; and (b) the setbacks of buildings on properties abutting that portion of the street on which the building line is to be removed, changed or established; and
- b. Provide a statement explaining what original deed restrictions concerning the location of buildings and setbacks, if any, were placed on the property involved and the date these restrictions expire.

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(2)

4. Landscaped Setback: A 5-foot landscaped setback shall be maintained along the southwesterly side property line of Lot 28.
5. Building Separation: New construction on Lot 12 shall observe a 3-foot side yard setback along the southwesterly property line.
6. Parking-Residential: Parking for new or existing dwelling units shall be provided at a ratio of 2 spaces per dwelling unit plus 1/4 space guest parking per dwelling unit. A total of 27 parking spaces shall be dedicated for use by residents and guests of the King Apartments (55 N. Venice Blvd.) and shall be made available at a rate not to exceed the daily rate charged in the County operated beach parking lots on Venice Beach.
7. Parking-Commercial: Parking for commercial uses in the building on Lot 14 and for new commercial uses shall be at the ratio of 1 space for each 250 square feet of gross floor area enclosed within the walls of buildings, exclusive of floor area devoted to off-street parking and accessory areas defined under Municipal Code Section 12.21 and any amendment thereto. Parking for new retail commercial uses above the gallery shall be at the ratio of 1 space per 225 feet of gross floor area.
8. Parking Existing Agreements: In addition to the above, parking shall be provided on-site to continue existing parking obligations for on-site and off-site uses, including 22 spaces for Rebecca's Restaurant (Lots 17 and 18) and 26 spaces for the West Beach Café (24). Copies of the affidavits or other evidence of the extent of these and any other off-site parking obligations shall be submitted to the satisfaction of the Department of City Planning. The required 22 spaces for Rebecca's Restaurant may be combined with 22 of the required spaces for Lots 12 and 13 (the proposed art gallery) under a shared parking arrangement covering all affected properties (Lots 12, 13, 17, 18, 25, 26, 27, and 28). Said agreement shall specify (a) the required parking; (b) that the shared agreement shall apply only so long as both the existing restaurant use and the proposed gallery and office uses on the respective properties are maintained; (c) that hours of operation for the restaurant use on Lots 17 and 18 shall be limited to 6:00 p.m. to 12 midnight Monday through Thursday, 11 a.m. to 2 a.m. Friday and Saturday, and 11 a.m. to 12 midnight on Sunday; (d) that hours of operation for gallery and office uses on Lots 12 and 13 during which uses are open to the public shall be limited to 8:00 a.m. to 5:00 p.m. for visitors, patrons and clients, and to 6:00 p.m. for staff Monday through Saturday, except that the art gallery may operate until 10:30 p.m. regardless of the day of the week for not more than ten special events per year; and (e) a plan for the management of parking on the evenings of the ten special art gallery events, including but not limited to: provision of a minimum of 22 additional parking spaces during the special event; the location of said special event parking spaces, any necessary agreements to secure these special event parking spaces; and valet parking services. A covenant and agreement concerning all of the information contained in this condition shall be recorded by the property owner of Lots 12, 13, 17, 18, 25, 26, 27, and 28 in the County Recorder's Office. The covenant and agreement shall run with the land and shall be binding on any subsequent owners, heirs, or assigns of the affected properties. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number shall be attached to the subject file.
9. Trash storage: Adequate space for the storage of 6 trash dumpsters, (2 for the subject use and 4 for Rebecca's Restaurant), in containers to store source-separated recyclable materials (glass, metal, office paper and newsprint), at a minimum shall be provided on the art gallery site adjacent to, but not encroaching on 20th Place; and appropriate facilities shall be provided to accomplish recycling at the West Beach Cafe; or an alternative means to accomplish both subject site trash and recyclable storage and correction of the illegal trash storage in connection with Rebecca's Restaurant, and to accomplish recycling at the West Beach Cafe, shall be submitted to the satisfaction of the Department of City Planning.

Shared
agmt
Starting
at 6 pm

Up to
6 pm

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13. Unusually intense opposition to the project exists, voiced primarily by residents of the immediate neighborhood, whose quality of life evidently has already been seriously impacted, not only by extreme traffic congestion, but also by noise, frequent truck deliveries, trash and litter. There is especially a problem at 2:00 a.m. when the nearby restaurant bars close, and it is reported that patrons emerge exhibiting noisy, unruly, unsanitary and sometimes illegal behavior. More than one letter attested to problems in the neighborhood with human wastes and drug abuse. Several residents complained of late night whistling and car racing by the parking valets. The traffic congestion reportedly approaches gridlock on summer weekends. One person stated that it can take up to 40 minutes to travel two blocks on certain days. The proposed project will not significantly add to the congestion because there will be minimal traffic generated by the art gallery, and the project should actually ease the parking problem due to the ample parking proposed in a multi-story structure.
14. The art gallery, according to the applicant, generates only approximately 15 vehicular trips per day on an average day, and 50 trips on a day of a special event such as a reception for a new showing. This combination of low traffic generation and high visitor service makes it particularly suitable for a high intensity area with existing high pedestrian traffic. According to letters of support received from numerous luminaries in the art world, the gallery has an international reputation and is an important community cultural resource. Finally, the applicant believes that the gallery should not be penalized because of traffic and problems already existing in the area caused by other uses and by the beach itself. The gallery will generate minimal traffic. Also, the gallery operates primarily during daytime hours, while the restaurants do their heaviest business in the evenings, so parking demand and traffic generation by the two uses would be staggered.
15. "Visitor Serving" Facilities are a Coastal Act Objective: Two major purposes of the Coastal act are to "maximize public access" and to "assure priority for coastal dependent development." The Coastal Guidelines emphasize meeting these objectives through protection and provision of "visitor serving" facilities. On North Venice Boulevard, a Major Highway, there is a large amount of visitor traffic, both pedestrian and vehicular. The General Plan calls for residential, which would preclude visitor-serving facilities. A Plan Amendment would therefore serve the objectives of the Coastal Act, to serve a public purpose. In the present case, the art gallery and parking structure are unquestionably "visitor serving".

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But office uses, even if office for "creative activities" are not visitor serving. This would be "Spot Zoning" a General Plan amendment.

Coastal Act

Section 30222 Private lands; priority of development purposes

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

includes offices

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