

Communication from Public

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Council File No: 21-0829-S1

Comments for Public Posting: The Venice Canals Associati We strongly encourage you to oppose this project on the Venice median, which would entail a zone change from what is currently Open Space to commercial zoning via a General Plan Venice Community Plan amendment as well as unprecedented, extraordinary and unacceptable amendments to the Venice Coastal Zone-Specific Plan (VCZSP) and the certified Venice Local Coastal Program Land Use Plan (LUP). The Venice median project is to be located on what is currently Open Space. The Venice Median development by removing the public boat launching vehicle driveway is in violation of the California Coastal Conditional Use Permits for the improvement of the Venice Canals. This boat launching driveway and parking allows those with disabilities the ability to drive a boat with a trailer to the water, and drop a boat into the canals. The removal of this driveway off Venice Blvd. is in violation of the Coastal Commission permits and conditions place on the City of Los Angeles. The Venice median project is to be located on what is currently Open Space in the Dual Permit Jurisdiction Coastal Zone, just one block from the beach and the center of the Venice Boardwalk, and literally on the historic Venice Canals. We oppose incorporating the children and duck pond park at Linnie and Dell Ave. as replacement for open space. The Venice median is a significant area of Venice's Open Space, and once our precious and limited Open Space is converted to another zoning classification for purposes of new construction, it's gone forever. There are many other locations that must be considered before completely wiping out a finite resource such as Open Space near the beach, at one of the most heavily visited tourist locations in California. Sea Level Rising, Dewatering, Tsunami, Flooding and other Hazards: The City of Los Angeles, and the Federal Government has identified this location as located in the new maps for flooding and water issues. There is a high-water table at the Venice median site that will present challenges for construction. The dewatering of the Venice median site will have significant adverse impacts to the adjacent Venice Canals ecosystem, habitats and wildlife, in addition to producing significant noise during the initial dewatering construction phase as well as ongoing noise associated with any dewatering operations that may be required on a periodic basis after

construction. The California Least Tern uses the Venice Canals for Feeding and habitat. This project will have a impact on the California Least Tern. The Venice Canals are experiencing leakage. Also, there is a high risk of negative impacts from construction debris on the Venice Canals and the ocean. The Coastal Act mandates that new development not be sited in hazardous areas. Coastal Act Section 30253 states: "New development shall (a) Minimize risk to life and property in areas of high geologic, flood, and fire hazard..."



Re: DENIAL OF THE PROJECT

We strongly encourage you to oppose this project on the Venice median, which would entail a zone change from what is currently Open Space to commercial zoning via a General Plan Venice Community Plan amendment as well as unprecedented, extraordinary and unacceptable amendments to the Venice Coastal Zone-Specific Plan (VCZSP) and the certified Venice Local Coastal Program Land Use Plan (LUP).

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The Venice Median development by removing the public boat launching vehicle driveway is in violation of the California Coastal Conditional Use Permits for the improvement of the Venice Canals. This boat launching driveway and parking allows those with disabilities the ability to drive a boat with a trailer to the water, and drop a boat into the canals. The removal of this driveway off Venice Blvd. is in violation of the Coastal Commission permits and conditions place on the City of Los Angeles.

The Venice median project is to be located on what is currently Open Space in the Dual Permit Jurisdiction Coastal Zone, just one block from the beach and the center of the Venice Boardwalk, and literally on the historic Venice Canals.

We oppose incorporating the children and duck pond park at Linnie and Dell Ave. as replacement for open space.

The location is defined as APN 4238024-900 to 4238-024-911, LADOT Lot # 731, between North and South Venice Blvd and Dell and Pacific, which is 43 contiguous lots and approximately 3 acres.

The Venice median project would have an unacceptable and very significant adverse impact on this residential area and one of the most heavily visited tourist locations in the California Coastal Zone.

The Venice median is a significant area of Venice's Open Space, and once our precious and limited Open Space is converted to another zoning classification for purposes of new construction, it's gone forever. There are many other locations that must be considered before completely wiping out a finite resource such as Open Space near the beach, at one of the most heavily visited tourist locations in California.

I. Misrepresentation of the Site – Open Space and Visitor Serving parking is NOT Underutilized City Property:

In addition, the decision makers were provided these two photos, which do not clearly show the adjacent Venice Canals or the proximity to the ocean/beach and Visitor-serving center of Venice.

Rather, the City Council was informed that this was an underutilized property, which is not true and a deceptive and very misleading way of describing that property, a misrepresentation. Both the non-CD-11 City Councilmembers and the Public will have been deceived unless this project is stopped.

There are many City sites which actually are underutilized that must be considered for this project. Open Space should never be taken away from a community, especially in a visitor-serving area of the California Coastal Zone, Dual Zone.

This property is not an underutilized City-owned property. It is nonsensical and irresponsible to build on valuable, near-beachfront land when far less expensive locations are available, which actually are underutilized properties, including unused/abandoned facilities already owned by the City. If this project is approved, it is tantamount to a theft of the public's property and Open Space.

II. Sea Level Rising, Dewatering, Tsunami, Flooding and other Hazards:

The City of Los Angeles, and the Federal Government has identified this location as located in the new maps for flooding and water issues.

There is a high-water table at the Venice median site that will present challenges for construction. The dewatering of the Venice median site will have significant adverse impacts to the adjacent Venice Canals ecosystem, habitats and wildlife, in addition to producing significant noise during the initial dewatering construction phase as well as ongoing noise associated with any dewatering operations that may be required on a periodic basis after construction.

The California Least Tern uses the Venice Canals for Feeding and habitat. This project will have a impact on the California Least Tern.

The Venice Canals are experiencing leakage. Also, there is a high risk of negative impacts from construction debris on the Venice Canals and the ocean.

The Coastal Act mandates that new development not be sited in hazardous areas. Coastal Act Section 30253 states: "*New development shall (a) Minimize risk to life and property in areas of high geologic, flood, and fire hazard...*"

The Venice Local Coastal Program (LCP) currently under review is focusing its response to sea level rise primarily on "managed retreat" (surrendering as opposed to protecting imperiled properties).

III. Permanent Loss of Open Space in the Dual Coastal Zone:

Recent government studies have documented that Venice has a significant deficit with respect to parks and other types of Open Space.

The Venice Community Plan (VCP) has an objective to preserve existing Open Space resources and where possible to develop new Open Space, as the purpose of Open Space is for the preservation of natural resources, managed production of resources and wildlife corridors, outdoor recreation, *connecting neighborhoods and people, and the protection of life and property due to natural hazards*. Removing such a large area of Open Space flies in the face of policies and programs to protect and conserve Open Space.

The VCP states that **communities must have sufficient Open Space in order to balance new urban development in the community, in order to serve the recreational, environmental, health and safety needs of the community, and to protect environmental and aesthetic resources.**

The VCP states that land designated as Open Space represents only 16% of the VCP area, and includes the beach, the canals, Ballona Lagoon and the esplanades, the Venice Blvd median, and the parks; and that the City should preserve facilities and park space by designating City recreation and park facilities as Open Space.

The VCP directs that Open Space function in one or more of the following ways: recreational and education opportunities, scenic, cultural and historic value, public health and safety, preservation and creation of community identity, rights of way for utilities and transportation facilities, preservation of physical resources or ecologically important areas, and preservation of physical resources.

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Coastal Act Section 30250 Location; existing developed area states: "New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and *where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*" **The beach, the Boardwalk and the historic Venice Canals are all Coastal Resources on which this project would have significant adverse effects.**

Elimination of Open Space on the Venice median could amplify the impact of a tsunami and other flooding events on surrounding structures, including the historic Venice Canals, by impeding, deflecting or otherwise redirecting flood waters, while significantly impeding escape and evacuation. This would have a huge, devastating impact on the residential neighborhoods to the north and south of the Venice median.

Councilmember Bonin campaigned on express promises that he would preserve Open Space, put an end to Spot Zoning and require that new developments be consistent with the surrounding community. This project would eliminate Open Space. It requires

Spot Zoning (General Plan Venice Community Plan, VCZSP and LUP amendments applied to a specific parcel) and it violates the VCZSP and LUP standards and policies in terms of lot consolidation, height and setbacks and parking. The project is grossly incompatible with the surrounding community. Councilmember Bonin has reneged on his promises.

IV. Coastal Act requires priority for visitor serving uses:

The LUP Recreational Opportunities Policy III.A.1. General states: "New recreational opportunities should be provided, and existing recreational areas shall be protected, maintained and enhanced for a variety of recreational opportunities for both residents and visitors, including passive recreational and educational activities, as well as active recreational uses....acquisition, expansion and improvement of parks and facilities throughout the Venice Coastal Zone **shall** be encouraged and accelerated.....where feasible and compatible with the surrounding neighborhood, recreational uses shall be located in conjunction with other new public facilities, such as public parking lots, and recreation facilities shall be refurbished and constructed to maximize recreational opportunities."

Venice Beach is arguably the most popular visitor destination in Southern California and the parking lot on the median supports beach access for visitors. The proposed project would be a significant deterrent to beach visitors.

Coastal Act Section 30213 states: "Lower cost visitor and recreational facilities shall be protected, encouraged and where feasible, provided. Development providing public recreational opportunities is preferred."

Coastal Act Section 30220 states: "Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses."

Coastal Act Section 30222 states: "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." commercial development, but not over agriculture or coastal-dependent industry."

Coastal Act Section 30224 states: "Increased recreational boating use of coastal waters **shall** be encouraged, in accordance with this division, by developing dry storage areas, **increasing public launching facilities**, providing additional berthing space in existing harbors, limiting non-water dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land."

The LUP Policy Coastal Waterways Policy III.D.2. Boating Use of Canals states: "...A public boat launch facility was built as part of the Venice Canals Rehabilitation Project at the Grand Canal and North Venice Blvd. The City **shall** protect the public's ability to

access the canals by boat by maintaining public access to the Grand Canal public boat launch. The facility shall provide adequate on-site public parking consistent with the sizes and types of boats to be launched and frequency of launching pursuant to the County Department of Small Craft Harbors standards." The Coastal Commission has mandated these conditions for this public boat launch access connected to 7 parking spaces at that location, and the project would violate this policy and mandated conditions.

The Coastal Act requires, and it is to L.A.'s significant economic advantage, that Venice Beach be made more attractive to beachgoers, tourists and other visitors, by improving beach access while enhancing Venice Beach as a destination, with some combination of expanded parking, perhaps a transportation terminal, expansion of Open Space, expansion of restrooms, showers and other tourist facilities, and a visitor's center.

It is the policy of City, County, State and U.S. agencies to increase Open Space and never to decrease it. There are many organizations that have funds for purposes of acquiring Open Space. In fact, the LUP Policy Recreational Opportunities Implementation Strategies states: "...The City shall maintain an inventory of vacant land suitable for potential acquisition as public Open Space, and **shall** encourage continuing efforts by County, State and Federal agencies to acquire such land and work with the Quimby (Park) funds, the Tide-Lands Oil Trust Funds, and the Venice Surplus Real Property Fund. Unutilized or underutilized public land (including rights-of-way), particularly publicly-owned lands having potential for multiple uses, such as school playgrounds, should be made available for park and recreational uses." We need more Open Space and not huge, incompatible structures taking over our existing Open Space.

The LUP Coastal Waterways Policy III.D.6. Venice Canals Parks states: "New parks, **with parking to the rear**, shall be considered on some of the City-owned lots on the canals [**in other words, the Venice median**], *provided that such facilities are compatible with the existing residential use of the area.*"

LUP Policy I . F. 3 . Venice Canals: "The historic integrity of the Venice Canals shall be preserved. The canals are deemed to be significant as an early example of community recreational planning in a coastal marshlands area. Included in the historic district are the six canals, their associated sidewalks and a number of pedestrian and vehicular bridges. The Venice Canals are listed on the National Register of Historic Places as an historic district (August 30, 1982). Additionally, the City of Los Angeles Cultural Heritage Commission declared the Venice Canal System a Los Angeles City Historic-Cultural Monument (HCM No. 270, August 2, 1983)." **This project would be built on/over the Historic Venice Grand Canal footprint!! Such sites are afforded special regulations governing alteration, and Canal footprint!! Such sites are afforded special regulations governing alteration, and Federal and State laws do not allow an Historic-Cultural Monument such as the Venice Canals to be modified and degraded.**

The City of L.A. has already destroyed the vast majority of the Venice Canals system (and attendant features) for which Venice is named and first gained its worldwide reputation, and what little remains today must be assiduously protected.

Additional restrooms are sorely needed near the Boardwalk, and the Venice median location is the best and only available location for this visitor-serving, recreation-related use.

V. Violations of the VCZSP and LUP re. Shoreline Access/Parking:

A principal objection to the project is the impact on parking in the area. **The subject parking lot is not an underutilized use.** On any summer day and for much of the off season, cars line up for blocks on North Venice Blvd, waiting to enter that lot. Many properties in the immediate area are grandfathered with no off-street parking. Taxpaying residents already must rely on street parking for themselves and their visitors. Also, taxpaying residents already compete with beach visitors for street parking during peak hours. **The best and highest use of the Venice median property is for visitor-serving parking.**

The VCZSP Section 14. Venice Coastal Parking Impact Trust Fund ("Fund") states: "The Fund shall be used for the purpose of accepting and retaining funds collected by the Department of Transportation pursuant to this Specific Plan for any expenditure only for parking mitigation measures in, adjacent to or serving the Beach Impact Zone. Those improvements shall include but not be limited to: Venice Blvd median public parking facility improvement, including land acquisition and construction."

As per at least the last two Councilmembers for the area, the In Lieu Parking fees that have historically been paid into the Venice Coastal Parking Impact Trust Fund were to go towards expansion of parking, specifically on the Venice median, in order to mitigate the impact on public parking of the additional residential and commercial parking requirements for which the fees were paid.

The LUP designates the parcel where the Venice median project is to be built for parking.

Developers who have not provided adequate parking for their projects in Venice have paid "in-lieu" fees to the City of L.A. for years, with those fees being earmarked for parking solutions and expansion. By law (the VCZSP and the LUP), these funds are required to be funneled back into parking solutions for development/expansion of public parking facilities that improve public access to the Beach Impact Zone area, using this very site at the Venice median. LUP III.D.6. specifically requires that new parks, with **parking** to the rear, shall be considered on City-owned parking lots on the canals (aka Venice median). **Placing the project at this location would eliminate the ability to meet that LUP requirement.**

The LUP Parking Policy II.A.1. General states: "It is the policy of the City to provide increased parking opportunities for both visitors and residents of Venice, and improve summer weekend conditions with respect to Venice Beach parking and traffic control."

The LUP Policy II.A.2. Expansion of Public Beach Parking Supply states: "The construction of new public parking facilities should be implemented, as well as maximizing the use of new public parking facilities should be implemented, as well as maximizing the use of existing ones by restriping existing parking lots or converting

them to multi-level structures where consistent with other Coastal Act policies...the established Venice Coastal Parking Impact Trust Fund, into which in-lieu parking fees shall be paid, will continue to be utilized for expenditure on improvement and development of public parking facilities that improve public access to the Venice Coastal Zone as specified in the LUP."

Inadequate parking near the beach for visitors and residents is one of the LUP's Venice Coastal Issues. According to the Coastal Commission, *Venice has one of the most serious parking/coastal access problems in the state's Coastal Zone*. The coastal regulations prohibit expansion of the beach surface parking lots. **There are no substitutes for the Venice median for purposes of addressing the significant and growing parking deficit in Venice.**

In addition, in conjunction with the VCP, the City is recommending that the Windward Ave block between Ocean Front Walk and Pacific Ave become a pedestrian promenade, which would result in the loss of 40 parking spaces on that block. The only possible location for an expansion of parking to replace the loss of those spaces is at the Venice median.

VI. Character, Mass and Scale/Aesthetics:

This is an out of proportion, misguided project. This project would not only obliterate any remaining, valuable and much-needed Open Space in the community, but the sheer size of the project would overwhelm the adjacent neighborhood. The proposed architecture is incompatible with the surrounding neighborhood. The foreboding façade does not convey a pedestrian feel or a welcoming appearance to those who would call it "home."

There is a requirement in the Agreement with the City that the use must be consistent with the City's adopted land use plans. In fact, **the project does not comply with numerous sections of the current VCZSP and LUP, including lot consolidation, heights, setbacks, parking, etc. Thus, in order to comply the applicant is requesting significant changes to these laws (aka Spot Zoning).** These are laws that have applied to every other project in Venice and have not been changed for almost 20 years.

As a condition of approval of the Venice median site, the project was required to comply with the existing VCZSP and LUP and did not allow for the VCZSP and LUP to be amended with Spot Zoning!

VII. Public Participation:

The development and approval process around this project has not been transparent.

The Venice Canals Association has not been included in discussion, review and comment on the project at a series of barely-publicized workshops, seemingly only

after architectural plans were completed. A project of this size and scope deserves unfettered public feedback, which should have been facilitated by the city earlier in the planning process, **prior to the site being identified**, but specifically the community organization nonprofit that has been the caretaker of the historic Venice Canals.

The Public access and the environment are of vital concern to all, and should not be left unvetted.

IX. Conclusion:

The Venice median proposed project violates the conditions and pre-requisites of the site approval, violates the law, and violates the Public Trust. Please do not vote in favor of this project.

Sincerely,

**Mark Galanty
President
Venice Canals Association**