

1. **Authorizing Code Section:** 11.5.7.F (Sec. 13B.4.5.A.2. of Chapter 1A)

**Action Requested:** A Specific Plan Exception to allow a zero- (0)- foot residential setback at the second floor in lieu of the five feet required by the Venice Coastal Zone Specific Plan Section 10.F.4.a

1. **The strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan**

The subject lot maintains a two-story residential structure that is approximately 2,603.55 square feet and contains four residential units - two for-rent apartments and two for-rent guest rooms. The structure, which was built in 1965, currently observes a 9-foot setback between the building and the front property line. The project proposes (1) the redesignation of two existing dwelling units as live-work (“artist-in-residence”) with no change to the number of existing dwelling units or guest rooms, (2) the construction of an arcade in the public right-of-way to be modeled after the original historic Market Street Arcade and, (3) a 282-square foot commercial addition to the ground floor and 200-square foot residential addition to second floor of the existing building in the Single-Permit Jurisdiction of the Venice Coastal Zone. The applicant requests a Specific Plan Exception to permit a front setback of zero (0) feet in lieu of the required five-foot setback required pursuant to the Venice Coastal Zone Specific Plan Section 10.F.4.a.

The existing residential structure is located on Market Street between Speedway and Pacific Avenue in a commercial block extending to Ocean Front Walk comprised of several restaurants, bars, parking lots, and visitor-serving uses; the site is approximately 300 feet from Venice Beach. As such, the project is located in an area that attracts a large volume of visitors and residents. The total groundfloor commercial portion (after the proposed addition) includes 554 square feet of Service Floor area which encompasses a 283-square foot al fresco dining area along the property’s frontage on Market Street. The allocation of indoor, as well as outdoor, Service Floor area is characteristic of visitor-serving commercial uses within this portion of the Venice Coastal Zone Specific Plan. The indoor portion of the restaurant encompasses 271 square feet of Service Floor area along with 137 square feet of food preparation area (back-of-house), and a 75-square foot restroom for a total of 483 square feet of indoor floor area. The currently proposed 271-square foot indoor Service Floor area can accommodate 15 individual seats.

Were the property to maintain a 5-foot setback, its indoor square footage would be reduced by 118 square feet to 365 square feet. When the areas necessary to provide back-of-house and restroom facilities are subtracted, only 153 square feet of service floor area would remain, only 56% of what is currently proposed. Reducing the indoor Service Floor area to 153 square feet would limit the indoor seating capacity to seven or eight seats, making the commercial space financially infeasible.

The general intent of the development provisions in the Specific Plan is to maintain and enhance the historic appeal of the built environment for the visitors and residents of Venice. Two of the stated purposes of the Venice Coastal Zone Specific Plan are: *“To protect, maintain, enhance and, where feasible, restore the overall quality of the Coastal Zone environment and its natural and man-made resources”* (Section 3, Purpose B); and *“To regulate all development, including use, height, density, setback, buffer zone and other factors in order that it be compatible in character with the existing community and to provide for the consideration of aesthetics and scenic preservation and enhancement, and to protect environmentally sensitive areas”* (Section 3, Purpose F).

The strict application of the regulations of the Specific Plan to the subject property would result in practical difficulties and unnecessary hardships inconsistent with the general purpose and intent of the Specific Plan as the inclusion of a 5-foot front setback on the subject site’s proposed groundfloor commercial restaurant use would greatly reduce the amount of square footage available to be used as indoor Service Floor area. Furthermore, a zero-foot front setback is compatible with the character of the existing surrounding community, upholding a stated purpose of the Venice Coastal Zone Specific Plan. All of the structures surrounding the subject property (except for 60 E Market which is the subject of an identical Specific Plan Exception application) observe a zero-foot front setback (see Exhibit A). The table below provides a summary of the other nearby properties along Market Street between Pacific Avenue and Speedway.

Address	Year Built	Use(s)	Front Setback
74-76 E Market St	1921	Commercial restaurant	0 feet
72 E Market St	1914	Commercial restaurant	0 feet
64 E Market St	1913	Commercial restaurant	0 feet
*60 E Market St	1965	Multifamily residential	9 feet
52 E Market St	1965	Multifamily residential	9 feet
44-46 E Market St	1922	Commercial office	0 feet
40-42 E Market St	1922	Commercial office	0 feet
83-85 E Market St	1922	Commercial retail	0 feet

79-81 E Market St	1922	Commercial office	0 feet
73-77 E Market St	1922	Commercial office	0 feet
69 E Market St	1921	Commercial office	0 feet
61-65 E Market St	1921	Commercial office	0 feet
57 E Market St	1921	Single-family residential	0 feet
51 E Market St	1981	Single-family residential	0 feet
45 E Market St	1923	Single-family residential	0 feet
41 E Market St	1972	Commercial office	0 feet
21-35 E Market St	1989	Commercial office	0 feet
<p>Table 1: Historic Frontage and Usage Surrounding Subject Site                      *The site located at 60 E Market Street is the subject of a similar land use entitlement application submitted by the same owner-applicant as the subject project.</p>			

Although the Venice Coastal Zone Specific Plan requires a front setback of not less than five feet setback in the North Venice Subarea (Section 10.F.4.a.), the subject site is on a block that provides a combination of uses built between 1913 and 1989 which all observe a 0-foot front setback. The existing structure on the subject site is the only structure that provides a setback and it currently provides a 9-foot front setback. (The adjacent property located at 60 E Market Street is the subject of an identical Specific Plan Exception application by the same applicant/owner. For the purposes of the City Planning entitlement and permitting processes, the two are considered different projects.) The additional groundfloor commercial square footage and second-story residential square footage, along with the addition of the historic Market Street arcade, will bring the property into compatibility with the historic character of the block while supporting the physical and financial feasibility of enhancing its visitor-facing recreational uses (the proposed restaurant and existing guest rooms) and preserving existing residential uses.

The provision of a front setback at the groundfloor or upper residential level poses physical limitations to the provision of the proposed restaurant use, a visitor-facing recreational facility, and creates a practical difficulty and unnecessary hardship inconsistent with the general purpose of the Specific Plan. Furthermore, the proposed 0-foot front setback resulting from the square footage additions and the reconstruction of the historic arcade in the public right-of-way “restore the overall quality of the Coastal Zone environment and its natural and man-made resources” and are “compatible in

character with the existing community” as they “provide for the consideration of aesthetics and scenic preservation and enhancement,” as intended by the Specific Plan.

**2. There are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area;**

There are exceptional circumstances applicable to the subject property and to the intended use and development of the subject property that do not apply generally to other properties in the specific plan area. As shown in Table 1 above and the attached Exhibit A, all of the other properties on the block surrounding the proposed project site observe a 0-foot front setback regardless of the year they were built or their original or current use(s). Historically, structures along the street have been used for a combination of living and working; twelve (12) of the twenty (20) existing lots with frontage on Market Street between Pacific Avenue and Speedway are listed by the LA County Assessor as “artist in residence” or “store and residential combination.” The proposed project is in a unique area within the Specific Plan that is characterized by mixed-use buildings and 0-foot setbacks. The proposed enhancement of the existing residential uses and development of a new groundfloor commercial use will require a Specific Plan Exception to address the exceptional circumstances within which the intended uses and development are situated.

Historically, the properties along the Market Street between Pacific Avenue and Speedway have activated the street through their mixture of commercial and residential uses, the provision of a 0-foot front setback, and the maintenance of an arcade over the public right-of-way. On September 18, 1990, the Venice Historical Society wrote a letter to the Council District office proposing guidelines for a “Venice Historical Arcade Area” in the Draft Land Use Plan (LUP) and Local Implementation Plan (LIP) for the Venice Coastal Zone to include the south side of Market Street between Pacific Avenue and Ocean Front Walk, portions of west-facing properties along Ocean Front Walk, portions of Windward Avenue between Pacific Avenue and Ocean Front Walk, and the east side of Pacific Avenue between Market Street and Windward Avenue. The letter states:

*“The vision that Venice’s original developer, Abbott Kinney, imported to this Southern California seaside resort in 1905 was rather ambitious. In the early years, Venice was full of tourists, amusements, and recreational activity supported by a richly interwoven urban architecture. Today, although Venice and particularly its Ocean Front Walk are still a vibrant scene of visitors and activity, there remain only scattered fragments of the original architecture. However, even the few remaining original buildings, some in much disrepair, still seem to be richer and more successful, both aesthetically and urbanistically, than any of the newer projects.*”

*“Architectural diversity is an important aspect of Venice. This should continue to be encouraged, but at the same time the order and strength of the arcade as a unifying element within the center of the diverse fabric of Venice is both appropriate and pleasing. The arcade also provides climactic protection to the pedestrian. Although rare in the United States, these covered sidewalks are found in many parts of the world and, in particular, Venice, Italy, the source of architectural inspiration for Windward Avenue [and the immediate surrounding area]. We are fortunate in our community to still have enough left of the arcade to initiate planning measures that would require preservation of the already existing arcaded buildings which are historically an integral part of Venice and encourage the gradual reconstruction of the arcade in the areas in which it has been demolished (Source: Letter from the Venice Historical Society to Councilwoman Galanter, September 18, 1990).”*

As stated in the Venice Historical Society document (included as Exhibit A), the architectural style that the Specific Plan seeks to preserve is unique to the particular area bounded by the streets named within the proposed “Venice Historical Arcade Area.” The provision of a 0-foot front setback is necessary in order to provide the proposed mixture of commercial and residential uses and to maintain the historic arcade over the public right-of-way. This constitutes an exceptional circumstance applicable to the subject property which does not apply to generally to other properties in the specific plan area.

- 3. An exception from the specific plan is necessary to preserve and enjoy a substantial property right or use generally possessed by other property within the specific plan area or zoning district in the same vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question;**

As shown in Table 1 above and Exhibit A, every lot with frontage along Market Street between Pacific Avenue and Ocean Front Walk enjoys a 0-foot front setback. In total, there are twenty lots with frontage along Market Street between Pacific Avenue and Speedway that provide a mixture of uses and have structures built between 1913 and 1989 which all observe a 0-foot front setback. These properties are able to support a combination of commercial and residential uses because they incorporate additional square footage allotted by the provision of a 0-foot front setback. The subject property is the only site with frontage along Market Street between Pacific Avenue and Ocean Front Walk that observes a front setback and it currently provides a 9-foot front setback. The subject property is also the one of very few purely residential uses with frontage along Market Street between Pacific Avenue and Ocean Front Walk. (The adjacent property located at 60 E Market Street is the subject of an identical Specific Plan Exception application by the same applicant/owner. For the purposes of the City Planning entitlement and permitting processes, the two are considered different projects.) The proposed project would integrate a visitor-facing commercial restaurant use on the

ground floor while preserving and expanding the square footage of the existing residential dwelling and guest units. By expanding its square footage into the otherwise required five-foot front setback, the project is able to support a combination of visitor-facing commercial uses and enhance its existing residential uses, just as all of the other properties in the immediate vicinity.

Therefore, an exception from the Specific Plan's requirement of a 5-foot front setback is necessary to preserve and enjoy a substantial property right and use generally possessed by other properties within the specific plan area or zoning district in the same vicinity.

**4. The granting of the exception is not detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.**

The proposed project includes (1) the redesignation of two existing dwelling units as "artist-in-residence" with no change to the number of existing dwelling units or guest rooms, (2) the construction of an arcade in the public right-of-way to be modeled after the original historic Market Street Arcade and, (3) a 282-square foot commercial addition to the ground floor and 200-square foot residential addition to second floor of the existing building. A Specific Plan Exception to grant the provision of a 0-foot front setback is necessary to support the expansion of the ground floor to include a visitor-facing commercial restaurant use and to expand the second-floor residential square footage.

By granting the exception, the project would be able to restore the historic arcade, uses, and architectural forms that characterize the area. The project would also be able to incorporate visitor-facing commercial resources which it would not be able to accommodate while observing the otherwise required five-foot front setback. Additionally, the granting of the Specific Plan exception facilitates the project's preservation, enhancement the site's existing residential dwelling units which, as a result of the project, would become live-work units. According to the Ordinance No. 184099 which updated the LAMC to establish an "HI" Hybrid Industrial Live/Work Zone in order to enable and regulate live/work uses throughout the City of Los Angeles, live-work unit types are "a means to preserve land for jobs and to foster job creation." Furthermore, live-work developments bolster local economies by providing opportunities for small businesses and entrepreneurs, and reduce the impacts associated with commuting. This is consistent with Venice Land Use Plan Policy I. B. 2. Which encourages mixed-use development "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." Relatedly, the Draft Community Plan map created during the (currently ongoing) Venice Community Plan updated process lists the proposed zoning of the subject site as "Hybrid Industrial."

The granting of the exception also facilitates the preservation of the site's two existing residential guest units, providing further support for visitors to the Venice Coastal Zone.

The an exception to the Specific Plan's front setback requirement will also allow the project to restore the historic street conditions through the activation of the public realm and the construction of the historic arcade in the public right-of-way. This supports the Specific Plan's stated purpose: "To protect, maintain, enhance and, where feasible, restore the overall quality of the Coastal Zone environment and its natural and man-made resources." (Venice Coastal Zone Specific Plan Section 3. C.)

The front setback exception is needed to accommodate the proposed groundfloor commercial restaurant use. Without it, the amount of square footage available to be used as indoor Service Floor area would be reduced beyond feasibility. According to the California Coastal Act, visitor-serving commercial development are considered a priority use. The California Coastal Commission considers visitor-serving commercial uses a greater public benefit than community commercial uses because they are designed to serve a larger segment of the population that can take advantage of and enjoy the use of the property, and such uses support visitors to the coast. This also supports the Specific Plan's stated purpose: "To assure that public access to the coast and public recreation areas is provided as required by the Coastal Act and the LCP." (Venice Coastal Zone Specific Plan Section 3. D.)"

Additionally, the granting of the exception would preserve and enhance the two existing residential dwelling units.

Approval of the requested 0-foot front yard setback would allow the project to preserve and enhance the four existing residential dwelling units and guest rooms, construct a historic arcade, and add a visitor-serving commercial restaurant use to the ground floor of the existing building. Furthermore, all other properties on both sides of the block currently enjoy 0-foot front yard setbacks (see Table 1 above and Exhibit A, attached). Therefore, the granting of the exception is not detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.

**5. The granting of an exception is consistent with the principles, intent and goals of the specific plan, zoning district, and any applicable element of the General Plan.**

The proposed project includes (1) the redesignation of two existing dwelling units as "artist-in-residence" with no change to the number of existing dwelling units or guest rooms, (2) the construction of an arcade in the public right-of-way to be modeled after the original historic Market Street Arcade and, (3) a 282-square foot commercial addition to the ground floor and 200-square foot residential addition to second floor of the existing building. A Specific Plan Exception to grant the provision of a 0-foot front setback is

necessary to support the expansion of the ground floor to include a visitor-facing commercial restaurant use and to expand the second-floor residential square footage.

The project components and holistic results will uphold stated principles, goals, and policies of the relevant land use documents as outlined below.

### **Venice Coastal Zone Specific Plan**

- *Section 3, Purpose B: “To protect, maintain, enhance and, where feasible, restore the overall quality of the Coastal Zone environment and its natural and man-made resources”*
- *Section 3, Purpose F: “To regulate all development, including use, height, density, setback, buffer zone and other factors in order that it be compatible in character with the existing community and to provide for the consideration of aesthetics and scenic preservation and enhancement, and to protect environmentally sensitive areas”*

By adding square footage to the groundfloor to create a visitor-serving commercial use, redesignating and enriching the existing residential units, reconstructing the historic Market Street arcade, and implementing a 0-foot front setback, the proposed project enhances and restores the quality of the Coastal Zone’s man-made resources as well as increasing the structure’s compatibility with the character, aesthetics, and scenic preservation of the existing community. As described in Table 1 above and Exhibit A, all other developments with frontage along Market Street between Pacific Avenue and Ocean Front Walk maintain 0-ft front setbacks and some amount of commercial usage. Furthermore, the building next door at 64-72 Market Street is named in the Venice Land Use Plan as a “Historic and Cultural Resource.” Additionally, the property located at 74-76 E Market Street (approximately 90 linear feet from the subject site) is listed in *Historical Places Los Angeles* - the City’s historic resources survey - with the note that the site appears eligible for California Register as an individual property. Both the structure at 64-72 Market Street and the one at 74-76 Market Street are built with 0-foot front setbacks and arcades in the public right-of-way.

The proposed development would bring the subject site into compliance with the architectural character of the immediate vicinity.

### **Venice Land Use Plan**

- *“Policy I. F. 4. Windward Historic Arcade - The Windward Historic Arcade District boundaries are the south side of Market Street between Pacific Avenue and Ocean Front Walk on the north, the east side of Ocean Front Walk between Horizon Avenue and the 17th Avenue on the West, both sides of Windward Avenue between Pacific Avenue and Ocean Front Walk on the south, and the*



*east side of Pacific Avenue between Market Street and Windward Avenue on the east. New development shall maintain and preserve the historical arcade area of Venice and be required, where feasible, to restore or replicate the arcade if they fall within the historic arcade locations.”*

The proposed project includes the restoration of the historic Windward arcade as detailed in the above policy from the Venice Land Use Plan. The request to develop the property with a visitor-facing restaurant use and implement a 0-foot front setback furthers the policy’s intent of restoring the historic nature of the street.

## **Venice Community Plan**

### *Issues*

*“Lack of cohesiveness and continuity of complementary uses along commercial frontages.”*

### *Opportunities*

*“Develop a distinctive character and cohesive visual identity for the community through the upgrade of commercial areas, especially at the entry points on major streets of Venice and Washington Boulevards, Rose Avenue and around Windward Circle.”*

*“Physical improvement of commercial buildings by incorporating appropriate design criteria and landscaping to promote a healthy retail environment.”*

*“Promote beach-oriented and visitor-serving commercial activities and other coastal-dependent uses.”*

*“GOAL 2: A strong and competitive commercial sector which promotes economic vitality, serves the needs of the community through well designed, safe and accessible areas while preserving the historic, commercial and cultural character of the community.”*

*“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 2-1.5: Require that commercial projects be designed and developed to achieve a high level of quality, distinctive character and compatibility with surrounding uses and development.”*

*“Policy 2-1.6 West Washington Boulevard, Windward Avenue and the beach frontage are envisioned as Commercial Artcraft areas intended to provide local artisans the opportunity to work, sell their goods and live in the same location.”*

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

*Program: The Plan Map identifies specific areas for mixed-use and pedestrian activity. The implementation of this plan will ensure the creation of pedestrian friendly commercial areas in conjunction with mixed-use development.*

*2-2.2 New development in designated areas should focus on pedestrian street activity.*

*2-2.3 Require that mixed-use projects and development in pedestrian-oriented areas are developed according to specific design guidelines to achieve a distinctive character and compatibility with surrounding uses.*

*“Policy 2-3.2: Preserve community character, scale and architectural diversity.”*

*“Policy 2-3.4 Establish street identity and character of commercial areas through appropriate sign control, landscaping and streetscape improvements.”*

*“Streetscape Community Design Guidelines:*

*1. Provide for a coordinated streetscape design at identified entries to the Plan Area, the Community Center and Neighborhood Districts that includes street lighting, street furniture, and sidewalk and crosswalk improvements in the public right-of-way.*

*2. Establish a comprehensive streetscape and landscape improvement program for identified corridors and districts that will set standards and priorities for the selection and installation of street trees, street lighting, street scape elements (sidewalk/crosswalk paving, street furniture) and public signage.”*

#### *Mobility Plan*

*The area surrounding the project site is included in Mobility Plan 2035, the City’s Transportation Element, as a Pedestrian Enhance District. Pedestrian Enhance Districts are areas where pedestrian improvements are prioritized relative to other modes typically located near schools, transit stations, areas of high pedestrian activity, areas with high collision frequency, or other placemaking opportunity areas. They are*

*prioritized to provide better walking connections to and from the major destinations within communities.*