

## Findings - 52 E Market Street

### 1. Authorizing Code Section: 12.24 W. 1

**Action Requested:** New conditional use permit to allow the on-site sale of a full-line of alcoholic beverages in conjunction with a proposed restaurant/cafe operating under a Type 47 ABC license.

#### 1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.

The subject property - located at 52 E Market Street is located at the core of Venice's tourism and recreation zone. The location is part of the Windward Avenue Historic Arcade District in the Venice Land Use Plan which is both an important hub for eating, drinking, socializing, and exploring in Venice as well as an area of architectural significance. Because of the opportunities presented by its locational significance, Market Street has uniquely been identified as a "potential enhanced circulation area" intended as a "pedestrian enhanced district" in the City's Mobility Plan 2035. The property will be utilized the space in a way that cultivates an inviting atmosphere for the tourism and recreational visitors who congregate at a beachside pedestrian promenade.

Furthermore, the proposed use of the property will provide vital employment benefits to hospitality workers and social and recreational benefits to local and visiting patrons as the region recovers from the economic and social effects of the COVID-19 pandemic.

#### 2. The project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The proposed project includes a 282-square foot commercial addition to the ground floor and 200-square foot residential addition to second floor of the existing building, the construction of an arcade in the public right-of-way to be modeled after the original historic Market Street Arcade and, the redesignation of two existing dwelling units as "artist-in-residence" with no change to the number of existing dwelling units or guest rooms. 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 and accommodates 42 seats. The square footage additions will bring the building forward such that it will have a 0-ft front setback once construction is complete.

Currently, the subject site is improved with a four-unit residential structure, including two guestrooms and two residential dwelling units. As shown in Table 1 below and the attached Exhibit A, all other lots with frontage on Market Street between Pacific Avenue and Ocean Front Walk contain commercial uses and enjoy a 0-foot front setback. The subject property is one of

very few purely residential uses with frontage along Market Street between Pacific Avenue and Ocean Front Walk. The subject site also contains the only structure on the block that contains purely residential units and a front setback (currently 9 feet). (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.) There is no height increase proposed as part of the project. Therefore, the proposed project is compatible in scale and character with the existing neighborhood, and that the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.

<b>Address</b>	<b>Year Built</b>	<b>Use(s)</b>	<b>Front Setback</b>
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>			

**3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific 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.”*

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

*“Policy 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.*

## Supplemental Findings

**In addition to the above findings for approval, the decision maker must also consider the following matters. The information is required but should not be considered as a limitation upon materials to be submitted. The applicant is encouraged to include any additional relevant materials.**

**1. The proposed use will not adversely affect the welfare of the pertinent community.**

52-60 Market Street is situated in an animated, neighborhood-oriented district of commercial establishments including restaurants, bars, convenience stores, and tourism-related vendors. Currently, only four (4) other commercial establishments sell alcohol within 1,000 feet of the subject property, with one of them being a liquor store 1/10 of a mile away on Horizon Avenue and Main Street that distributes alcohol only for off-site consumption. The other three are nearby restaurants with full onsite bars for on-site alcohol consumption in conjunction with food sales. Given tourist- and neighborhood-facing recreational nature envisioned for the area, the property's use as a restaurant with subordinate alcohol sales enhances, rather than over-concentrates, the area's social and entertainment assets. Indeed, sale of alcoholic beverages in conjunction with the new retail space's restaurant use will add to the economic base of the community, create and maintain employment opportunities, and generate tax revenue. The granting of the request will offer a wider range of food and drink options for the customers close to Venice Beach and will revitalize the commercial corridor along Market Street, complementing the other commercial establishments and residential community in the area.

**2. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to**

**the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

The subject property is located at the core of Venice's tourism and recreation zone. The site already has a long-established history as an important hub for eating, drinking, socializing, and exploring in Venice. Consequently, the granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages in the area of the City involved.

Currently, only three (3) other commercial establishments sell alcohol within 1,000 feet of the subject property, with one of them being a liquor store 1/10 of a mile away on Horizon Avenue and Main Street that distributes alcohol only for off-site consumption. The other three are nearby restaurants with full onsite bars for on-site alcohol consumption in conjunction with food sales. Given tourist- and neighborhood-facing recreational nature envisioned for the area, the proposed continuation of the property's use as restaurant with subordinate alcohol sales enhances, rather than over-concentrate, the area's social and entertainment assets.

In active commercial areas such as that of the Project site, there is a higher demand for ABC licenses. In these areas where a concentration of licenses exists, the ABC has acknowledged that strong retail and commercial centers are supported by a growing resident and employee population. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to the public welfare and will not interfere with the quiet enjoyment of property by residents. In addition, conditions of approval included in this Determination will prevent public drinking, driving under the influence, and public drunkenness.

**3. The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The project site itself includes existing residential uses in the form of artist-in-residence units and guest rooms. However, these existing units are not currently occupied, and any prospective tenants will be aware of the increased activity caused by the restaurant use before deciding to lease one of the units. It is expected that prospective tenants leasing one of these units will consider the presence of the restaurant and the general commercial activity of the area an overall asset, rather than a nuisance. Additionally, these units will primarily use the alley for entry and exit, and therefore residents will not need to come in direct contact with restaurant use in order to access their homes.

Aside from the immediate residential uses, the commercial district surrounding the property has a distinct character, and visitors to the area will expect to encounter restaurant uses, including restaurants serving alcoholic beverages.