

# ATTACHMENT SPE-01

**GENERAL NOTE:** One of the main stated purposes of the Venice Coastal Zone Specific Plan is *“To implement the goals and policies of the Coastal Act”* which expressly calls for “visitor-serving” uses such as hotels to enhance and/or facilitate visitors’ access and experience of the coastal area. The Venice Local Coastal Program Land Use Plan (LCP/LUP) as adopted by the Coastal Commission specifically identifies an existing lack of adequate *“public support facilities,...outdoor eating areas,...visitor facilities on or near the Peninsula south of Washington Boulevard... and viewing areas”*, and offers as a primary objective the *“Encouragement of coastal development, recreation, neighborhood- and visitor-serving facilities”*. Given the expressed need for developments such as the mixed use spa-hotel resort and commercial retail project proposed herein, appropriate adjustments should be allowed where reasonable in order to meet the goal, objectives, spirit and intent of the Coastal Act, the geographically specific plan, and the LCP/LUP which are interrelated in a supportive manner.

## REQUESTS:

Requests being made for a **Specific Plan Project Permit Compliance Review** per L.A.M.C. Sec. 11.5.7.C with **Specific Plan Exceptions** as follows:

1. **EXCEPTION FROM ORDINANCE No. 175,963, SEC.10.F.3.A - SPECIFIC PLAN HEIGHT LIMIT – 30 FT. AND SEC.9.C.2 – BUILDING ESSENTIALS HEIGHT LIMIT:** To allow a maximum roof height of approximately 55 feet for architectural projections not to exceed a total of 15% of the buildable lot area; approximately 50 feet for about 19% of the lot area, and approximately 40 feet 5 inches for approximately 25% of the lot area in lieu of the allowed 30 feet for flat roofs. It is further requested that pursuant to any grant(s) of this exception, new Flat Roof height limits be established as described above, and that the height limits for roof access structures and building essentials be accordingly adjusted based upon the newly established Flat Roof height limits. Roof access structures will not exceed 10 feet above new Flat Roof height limits and building essentials will not exceed 5 feet above such new limits if granted.
2. **EXCEPTION FROM ORDINANCE No. 175,963, SEC.9.B:** To allow clear roof railings to be 42 inches in lieu of the allowable 36 inches for accessible roof areas as required by the Los Angeles Building Code.
3. **EXCEPTION FROM ORDINANCE No. 175,963, SEC.9.C.D – ROOF ACCESS STRUCTURES – 100 SQ. FT. MAXIMUM:** To allow four roof access structures to exceed the allowable 100 square feet in the following manner:
  1. The stair shaft enclosure at the northwest corner of the roof is proposed to be approximately 160 sq. ft.

2. The stair shaft enclosure at the northeast corner of the roof is proposed to be approximately 160 sq. ft.
  3. The stair shaft enclosure near the south edge of the roof is proposed to be approximately 187 sq. ft.
  4. The elevator and mechanical shaft enclosure is proposed to be approximately 242 sq. ft. which is included and wholly contained within the northeasterly penthouse unit structures that comprises a portion of the 50-foot high roof line as previously defined as being approximately 19% of the lot area.
4. **EXCEPTION FROM ORDINANCE No. 175,963, SEC.11.B.1.A – STREET WALL SETBACK - 15 FEET MAXIMUM:** The project is located at the northeast corner of Abbot Kinney and Hampton Drive and proposes to maintain an open landscaped irregularly-shaped exterior courtyard to a maximum depth of approximately 77 feet from Abbot Kinney and a maximum depth of approximately 55 feet from Hampton Drive as depicted on the plan exhibits in lieu of the maximum allowable depth of 15 feet, thus maintaining status as Street Wall to be included in the minimum 65% as required by this section.
  5. **EXCEPTION FROM ORDINANCE No. 175,963, SEC.11.B.3 - .SPECIFIC PLAN FAR LIMIT - 1.5 TO 1:** The proposed breach of the 1.5 to 1 (1.5:1) FAR limit to approximately 2.06 to 1 (2.06:1) is largely due to the cumulative effects of including a portion of the Eames Warehouse in an historically sensitive manner as well as designing a sensitive “green” building to meet the goals and objectives of the Specific Plan and Land Use Plan as adopted by the Coastal Commission while providing for the safe operation and use of a mixed use project. Notable contributing factors were the size, location and height of the Eames Warehouse structure which observes a zero lot line and is almost two stories in height. This created very specific challenges such as location of supporting columns which affect the superstructure above. Care had to be taken not only to design a building that pulled its massing away from the streets, but also observes the strict rated occupancy separation and exiting requirements through differing occupancy categories. This careful balance of concurrent issues resulted in an approximately 13,105 sq. ft. overage divided among the four floors and the two roof-top penthouse units of the structure.

(Continued from Form CP-7777)

#### **4. FINDINGS**

- a. **That strict application of the policies, standards and regulations of the geographically specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of such specific plan.**

**Height:** One of the primary elements that precipitated the request to build above the 30 foot limit of the Specific Plan is the fact that to incorporate the tall Eames Warehouse in an historically sensitive manner, the second story of the hotel had to be pushed up above the warehouse. Also in doing so, two guestrooms were lost from the second floor and thus were relocated on the roof as penthouse guestrooms. Additionally, three of the four residential yards must be observed for the residential hotel portion of the building: a 5' front yard on Hampton as required by the Venice Coastal Zone Specific Plan; a 7' side yard to the north; and a 16' rear yard to the east. The proposed building has been designed to incorporate those requirements that would not be required of a strictly commercial use. A fully commercial use would have an advantage in that it could utilize the entire lot area observing no yards, and thus provide the same floor area in a lower structure which would actually have a more significant visual impact by massing at the street frontages. After careful review and sensitivity to design issues as outlined above, and after listening to community concerns and those of the Grass Roots Neighborhood Council (GRNC) relative to their concerns about massing at the street faces, the applicant decided to pull the volume of the building significantly away from the street faces to create large open and green areas above the first floor, minimizing the visual impact of the structure at the street faces. This was specifically met with the unanimous approval of the GRNC. The highest areas on top of the main roof line have been oriented and/or located at the center and near the northerly edge of the building so as to minimize any visual impact and be virtually removed from view at the street frontages. The actual height above the roof area upon which each roof access structure is located will not exceed 10 feet above that portion of the roof, and the height of building essentials will not exceed 5 feet above their respective roof locations. Nowhere will 55 feet be exceeded anywhere on the property. The average height of the project taking into account open space and all heights in their respective percentages as related to the total buildable site area is actually less than 30 feet (approximately 27.5 feet).

In terms of the scale and character of the project in relation to existing development in the area; there are several notable and consistent projects:

235-255 S. Main Street ("The Clown Building"), at the northwest corner of Main and Rose; approximately 1,950 feet from the proposed project, has an architectural feature to a height of approximately 63 feet with the remainder of the residential portion of the building reportedly to a variable roofline maximum height of 55 feet. Much of the building massing is at the street wall.

340 Main Street ("The Binocular Building) located approximately 1,483 feet westerly of the proposed project appears to be approximately 45 to 50 feet high from the street wall, however a large portion of the building frontage actually leans toward and even over the sidewalk so the visual impact is even

more intense as the view to the sky is more obscured than even a lower building might cause.

Also of note in the City of Santa Monica at 3101 Main Street is the historic BPOE building at Pier Street which is a 5-story building build to the street wall and to an approximate height of 60 feet.

**Clear Roof Railings:** The Los Angeles Building Code requires 42-inch minimum railings for accessible roof areas at the roof edge. All roof railings will be of clear glazed design.

**Roof Access Structures:** The height of the roof access structures is included as a technical mention because if the roof sections upon which they are situated are permitted to exceed the 30-foot Flat Roof height limit, then the access structures would also be elevated so that they will be above 40 feet absolute height (10 feet above the code Flat Roof height limit of 30 feet). In no case will roof access structures exceed 10 feet above the roof sections upon which they are situated and in no case be above approximately 50 feet in absolute height.

The size of the stair shaft enclosures measured in square feet is dictated by the exiting requirements of the building code to provide for safe emergency exiting from the roof and all floors below, all the way out to the public way within rated protected shafts and corridors. The requirements of the Building Code for utilization of the roof area conflicts with the 100 sq. ft. restriction of the Specific Plan, yet the recreational use of the roof as proposed is wholly consistent with the goals of the plans as previously mentioned.

All three of the stair shaft enclosures have been oriented by location and/or direction so as to minimize visual impacts from the public ways. The elevator and mechanical shafts enclosure size is the result of carrying the elevators to the roof to provide access to the lap pool and spa tubs as well as the viewing deck/brunch area. Elevator access is not only provided for the convenience of hotel guests, but also to satisfy ADA disabled access requirements. The elevator and mechanical shafts are located wholly within the easterly roof-top penthouse.

**Street Wall setback:** The proposed project was designed with the input from and ultimately the approval of the Grass Roots Neighborhood Council (GRNC). Two very specific issues for the GRNC were the sensitive inclusion of the former “Eames Warehouse” into the project to include an historic context and community fabric even though the Eames building is not on any historic lists nor identified as even eligible; and that the building’s massing be pulled away from the street faces as much as possible with open spaces incorporated to minimize visual impacts of structure at the street wall. These two desires actually work very well together in that the large open space

proposed to be left at the corner of Abbot Kinney and Hampton with allow the view of the portion of the Eames Warehouse being incorporated into the project to be seen from both streets. This project is to be a signature project at the northern gateway to Abbot Kinney as well as the southern gateway to the Venice Main Street walking district. Further, this space will be used for public art and activities that will bring activity to the street wall.

**Floor Area Ratio:** The proposed approximately 2.06:1 floor area ration (FAR) in lieu of the allowed 1.5:1 is largely due to the cumulative effects of including a portion of the Eames Warehouse in an historically sensitive manner as well as designing a sensitive “green” building to meet the goals and objectives of the Specific Plan and Land Use Plan as adopted by the Coastal Commission while providing for the safe operation and use of a mixed use project. Notable contributing factors were the size, location and height of the Eames Warehouse structure which observes a zero lot line and is almost two stories in height. This created very specific challenges such as location of supporting columns which affect the superstructure above. Care had to be taken not only to design a building that pulled its massing away from the streets, but also observes the strict rated occupancy separation and exiting requirements through differing occupancy categories. This careful balance of concurrent issues resulted in an approximately 13,105 sq. ft. overage divided among the four standard floors above grade and the two roof-top penthouse units of the structure at the 5<sup>th</sup> story.

**b. That 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.**

As already stated, the desire for visitor-serving and visitor-friendly facilities that has resulted in special recognition, preference and exception in the Specific Plan, LCP/LUP, and the Coastal Act is evidence of the exceptional circumstance applicable to the intended use and development. The location of the site is unique as it is in an area of the Venice community that is in need of revitalization.

**c. That the exception from the geographically specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity, but which because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.**

There are other properties and projects within the Specific Plan area that have received similar exceptions, none of which is a new mixed use hotel-spa

resort that will provide amenities so greatly needed for those visiting the Venice coastal area. As already stated, practical difficulties and unnecessary hardships have arisen due to requirements not applicable to strictly commercial developments as well as the effects of designing a sensitive building which incorporates an existing structure on the site while keeping its massing pulled away from the street faces as desired by the community.

**d. That the granting of the exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the same vicinity of the subject property.**

The granting of the exceptions as requested will not be detrimental or injurious, but rather will enhance the revitalization of the area while providing uses consistent with the goals and objectives of the General Plan, Specific Plan, Local Coastal Program/Land Use Plan, and the California Coastal Act. The building is being designed as a “green building” aiming for a LEED Silver Certificate as well as being designed to minimize the visual impacts by orienting massing away from the street frontages and providing large open space.

**e. That the granting of the exception will be consistent with the principals, intent and goals of the geographically specific plan and any applicable element of the General Plan.**

The point has been made throughout this application that the proposed project is in harmony with and consistent with the applicable plans.