

## **DRAFT STAFF REPORT, September 25, 2007**

**Project Address:** 1142 Abbot Kinney Boulevard

**Case Number:** ZA-2007-2874-CUB, ENV-2007-2875-MND

**Applicant:** Bart Miali and Caroline Sachs (husband and wife), 629 Milwood Avenue, Venice (310) 890-2956 email: BMiali@Verizon.net

**Size of parcel:** 30' x 90', 30' street frontage on AK, 90' deep, backs onto alley called Alhambra Court, APN: 4238-003-021

Note: The building on this parcel, like the parcels on both sides of it, is divided into two separate stores/ businesses (1140 AK and 1142 AK), the proposed business, and Tales and Toys (toy store). To the south is Glencrest Bar-B-Que and Venice Vintage Paradise (furniture and accessories), and to the north is Salt (clothing) and Strange Invisible Perfumes (fragrances). The proposed business occupies half of the 2,700 square foot parcel.

**Size of project:** The building on the parcel is 2,008 square feet, and the proposed business would occupy half of the building, 1,004 square feet. (This information is taken from the site plan prepared by the applicant's Architect, Don Dimster.)

The applicant's representative, the Elizabeth Peterson Group, Inc., says that the "display area" is 598 square feet, but this does not include the "wine tasting" area of 98 square feet. It also does not include rear portion of the business, which includes the bathroom, receiving, and storage areas, which collectively total approximately 250 square feet.

The building was built in 1965, and the current owner, Harriet Benjamin, purchased the building with her deceased husband in 1977. Her daughter, Ann Benjamin (310-390-9712), manages the property and will be present at the LUPC meeting, to explain how she has received dozens of offers to rent the stores, and how she has carefully selected tenants to fill community needs on Abbot Kinney, and gives the tenants reduced rent to help them succeed. Ann Benjamin states that her family has lived in Venice for many decades.

At the rear of the parcel, extending across the width of the entire parcel (30'), there is a 20' deep structure which appears to be illegal, since the tax records show that the building on the parcel is 2,040 square feet, and this is the approximate size of the existing building, not including the rear structure. The applicant's site plan shows (and the Architect confirms) that the Applicant intends to remove the structure on the Applicant's half of the rear portion of the parcel, but not the half behind the existing toy store. The property owner states that the Applicant has already removed the structure.

**Zoning:** C2-1-0-CA

**General Plan Land Use:** Community Commercial

**Venice Subarea:** North Venice, VCZSP Section 10.F.  
VCZSP Section 11.B.2, entitled "Abbot Kinney Boulevard Ground Floor Commercial Development," provides useful guidelines

**Parking requirement:** Under the VCZSP, a “general retail store” is required to provide one parking space for each 225 square feet of floor area, and this same requirement applies to “Food Store, Grocery Store, Supermarket, or similar use.” The floor area of the entire building (1,004 square feet) is used to calculate parking, not just the “Retail area” and the “Wine Tasting Area,” such that 4 parking spaces would be required.

The Beach Impact Zone parking requirement is “One parking space for each 640 square feet of floor area of the Ground Floor,” which would be two BIZ parking spaces.

The Applicant is taking the position that no parking is required beyond what was required when the building was built, because there is no change in use from retail. The Applicant’s position is likely supported by the City of Los Angeles Department of Building and Safety Zoning Code Manual and Commentary, fourth edition, May 2005, at Section 12.21A4. Additionally, the definition of “Change In Intensity of Use” in Section 5.F. of the VCZSP does not seem to be met in this case, as there is no increase in the Service Floor area, no increase in trips generated, and no change in the required parking.

This raises the question of what parking requirement was imposed when the building was built, and the Applicant does not have an answer to this question. The Applicant’s Architect points out that, using current parking space design standards, at most 2 parking spaces might have been required when the building was built. A history of the imposition and calculation of parking requirements is found in the City of Los Angeles Department of Building and Safety Zoning Code Manual and Commentary, fourth edition, May 2005, at page 69, entitled “History Of Parking For Commercial Buildings.” The Manual appears to state that, in 1965, there was no parking requirement for commercial buildings under 5,000 square feet.

However, some Zoning Administrators view a Conditional Use (Beverage) application, which adds the serving of alcohol to an existing use, as a reasonable basis for imposing new conditions, including increased parking requirements.

The size of the Applicant’s half of the rear yard, after the apparently illegal construction is removed, is 15' wide and 20' deep, but this is interrupted to some extent by a utility pole which is located approximately 3'- 4' from the south property line, at the rear property line at the alley. Please see the Applicant’s “Floor Plan,” which shows the location of the utility pole. A compact parking space is 7'6" wide and 15' deep, and it appears (and the Applicant’s Architect concurs) that two compact parking spaces can be created in the rear of the Applicant’s premises, though these spaces may need to be slightly substandard, including with respect to turning radius.

Ideally, the apparently-illegal construction should also be removed from the rear yard of the toy store located at 1140 Abbot Kinney, which would provide 4 slightly-substandard parking spaces for both businesses. However, the toy store is a new business, and reports that it is highly dependant upon the storage space to maintain profitability, as the storage space allows for the purchase of larger quantities of merchandise at a lower price, and reduces the chance of a lost sale because an item is out of stock. The toy store states that it would cause great hardship to this new business to lose their storage space. A site visit to the toy store is recommended to assess and appreciate the high quality of this business operation.

The Applicant states that there may be as many as 5 employees on the site at any one time, but the owner lives nearby (Milwood and Electric) and intends to walk to the business.

**Applicant's representative:** Brandon Finch and Elizabeth Peterson, Elizabeth Peterson Group (323) 674-2686; email: BrandonFinch@PacBell.net; Elizabeth@EPGLA.com

**Applicant's Architect:** Don Dimster, Dimster Architecture (310) 694-8553; email: xx

**Permit Application Date:** June 16, 2007 (as per Applicant's representative)

**ZA Hearing Date:** October 6, 2007 (as per Applicant's representative)

**Position of Neighbors:** The manager of Glencrest Bar-B-Que and the employee of Tales & Toys were consulted, and both said that the owners of their respective businesses had no objection to the proposed wine shop and gourmet food store, and suggested no conditions that they wished to be imposed on the Applicant.

**ABC:** The District Director, Ms. Karemon Waddell-Peterson, was contacted to inquire into the restrictions on wine tasting with a Type 20 license, but has not responded.

**Issues and Possible Resolution:**

Receiving of shipments: should it be on AK or on Alhambra Court, the alley, which is very narrow and backs up to residences on Cabrillo?

Landscaping: planter box with xeriscape along entire length of front window; VCZSP Section 11.B.6. and Appendix B as guidelines

Parking: Applicant proposes to provide one parking space, instead require two slightly-substandard parking spaces; for scheduled wine tastings or other events, Applicant may be able to rent the parking lot behind Glencrest Bar-B-Que and Venice Vintage Paradise after those businesses close for the evening; pay In-Lieu fee?

Hours of operation: Applicant seeks 8 AM to 11 PM daily; further limited?

Conditions of license: customary conditions on ABC license?

Scheduled wine tastings: (1) frequency, (2) day of week, and (3) time of day; the property owner states that the Applicant does not intend to hold scheduled wine tastings upon opening the business

Fortified wine (greater than 16% alcohol): Applicant seeks to sell fortified wine

Single cans/bottles of beer: microbrew and specialty beer often sold in single bottle

Signage mentioning alcohol: