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| **0**venicenc_logo_web_page_sm (2) | **Venice Neighborhood Council** |  |
| PO Box 550, Venice CA 90294 /[www.VeniceNC.org](http://www.VeniceNC.org)Email: info@VeniceNC.org, **LAND USE AND PLANNING COMMITTEE STAFF REPORT****Submitted to LUPC July 3, 2013****Revised July 11, 2013 (red)****Submitted to VNC Board of Officers** **July 17, 2013** |

**4214 Lincoln Blvd. (BEV MO!): Conditions of Conditional Use Permit Approval for: Type 21 Off-Site Sale of Alcohol and Type 42 On-Site Wine and Beer Tasting**

**CASE NUMBER:** ZA-2013-1399-CUB

**ADDRESS:** 4214 Lincoln Boulevard

**APPLICANT** Beverages and More, Inc.

**VNC LUPC Staff:** Sarah Dennison

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| **CASE NUMBERS:** | **ZA 2011-995****ENV-2011-996-CE** |
| **LUPC CASE MANAGER:** | Jay Goldberg, taken over by Sarah Dennison (February 2013) |
| **MOTION:** The VNC supports the project as presented, with the following conditions:* Landscaping Plan to conform to the LA City Landscape Ordinance
* No relief from Lincoln Blvd CDO
* No relief from physical on-site parking requirements
* Meeting all the alcohol Conditions noted in the LUPC staff report

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| **MADE BY:** | MOTION BY Jake Kaufman,  |
| **SECONDED:** | SECOND BY Jim Murez |
| **VOTE:** | APPROVED (7-0-0) |
| **DATE APPROVED BY LUPC:** | July 3, 2013 |

**PROJECT DESCRIPTION**

This application is for a Conditional Use Permit only to allow for the off site sales of a full line of alcoholic beverages within a 4,552 SF retail building as well as the on-site tasting of beer and wine within a 100 SF defined tasting area to be owned and operated by Bev Mo! The site area is 12,569 SF and the building will house 3,361 SF of sales area, 410 SF of backroom storage, 143 SF of restroom area and 268 SF of cooler storage space. The site will accommodate 19 parking spaces (one greater than the 18 spaces required by the City of LA). Two of the spaces will be designated to park 4 bicycles per the City of LA Bike Ordinance.

The building is located on the street side property line and is currently set back 18 FT from other storefronts due to a highway dedication not yet in use. Landscaping will be provided with trees that at maturity will provide shade for at least 50% of the parking lot area. Permeable paving will be used as a ground surface in the parking area. The parking are is entered and exited from two streets, Del Rey Avenue and Lincoln Blvd., in order to dilute the traffic impact on Lincoln.

**PROJECT INFORMATION**

General Plan Land Use: Commercial

Zone: [Q]M2-1-CDO (Lincoln Blvd. Community Design Overlay)

Lot Size: 12,569 SF

Building Size: 4,552 SF

Building Use: Retail store selling alcoholic beverages and a small number of snacks

Development: New Construction

Requests: 1. License Type 21: Off-Site Sales of Full Line of Alcoholic Beverages

 2. License Type 42: On-Site Wine and Beer Tasting

Parking Required: 18 spaces (LAMC 250 SF per space)

 9 standard stalls

 7 compact stalls

 1 accessible parking space (H/C)

 2 stalls each with space for 4 bicycles

Parking Provided: 19 spaces per LAMC (250SF / space)

Community Outreach Meeting Date: Saturday, June 26, 2013

**COMMUNITY COMMENTS**

Although more than 700 notices were sent out to occupants of buildings and residences within a 600 FT radius of the project, only one person attended the community meeting. Staff received one email from a Venice community member in favor of the project. At the LUPC meeting, community member Karen Wolfe asked whether a traffic study had been completed. The applicants responded that a traffic study was not required by LA DOT due to the fact that the number of trips calculate for the existing auto sales business on the site (to be demolished) was higher that those calculated for the new proposed retail store.

**CONDITIONS FOR TYPE 42 and TYPE 21 LICENSES**

(1) **Hours/Area:** Operating hours for wine tasting shall be the same as the retail store, 9:00 AM to 10:00 PM daily. There shall be no use of the premises (other than for office use, routine cleanup, and maintenance) before or after these operating hours, including for private or promotional events. The business hours shall be posted at the front entrance. Retail Store area shall be maintained at 4552 SF.

(2) **Parking:** The new construction of this facility will provide for 19 parking spaces, including one disabled accessible space, as required by the City of Los Angeles, all of which shall be maintained for the use of customers, vendors, and employees. Three of these 19 spaces will be utilized for bicycle parking per the City’s Bicycle Ordinance. Bicycle parking provided shall include racks for 4 bikes per each of the 3 parking spaces substituted for car parking.

(3) **Delivery Loading:** There is no loading dock. Hours for deliveries shall be prior to 7:00 AM and after 4:00 PM. with no delivery truck parking to be allowed on Lincoln Blvd.

(4**) Trash:** Trash location and pick-up times shall be coordinated to coincide with other business on Del Rey Ave. The trash enclosure shall have a drain with grease trap and solids filter installed to prevent materials and pollutants from leaving the property.

(5) **Stormwater BMP’s:** The project shall conform to all applicable stormwater Best Management Practices of the City of Los Angeles. If applicable, the Applicant shall

provide a signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard required.

(6) **Sales and Dispensing of Liquor:** The Type 42 ABC license shall expressly be restricted "For wine and beer tasting only.” No beer or wine shall be sold in single cans or single bottles for less than 12 ounces per can or bottle. No malt liquor or fortified wines shall be sold in miniature bottles (2 ounces or less), pint, half-pint, or smaller containers. These restrictions do not apply to on-site wine and beer tasting.

Other than wine and beer tasting, the consumption of alcoholic beverages on the premises is prohibited. No cups, glasses, or small receptacles commonly used for the drinking of beverages, whether constructed of glass, plastic, styro-foam, or other material, shall be given away free of charge.

(7) **Wine-Tasting:** A single tasting of wine may not exceed 1 ounce per glass or container. Wine tasting shall be limited to five tastings per individual per day. Containers shall be available for any patrons who wish to taste but not drink the wine. Wine tasting samples shall be offered in washable glass containers.

(8) **Age Verification:** Electronic age verification devices that can be used to determine the age of any individual attempting to purchase alcoholic beverages shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverage.

(9) **STAR Program:** Within six months of the effective date of this Determination, all management and employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers (STAR)". Upon completion of such training, the Applicant shall request the Police Department to issue a letter identifying which management and employees completed the training. The Applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all staff.

(10) **Recycling:** All cardboard, glass, and aluminum generated by the business shall be recycled. Any glass placed or stored outdoors shall be stored so as to not disturb the occupants of adjacent residential property.

(11) **Signage:** There shall be no advertising or signs of any kind or type visible from outside the premises, promoting or indicating the availability of any alcoholic beverages or branded alcohol. Interior display of signs advertising branded alcoholic beverages that are clearly visible from the exterior shall constitute a violation of this condition. On-site signs shall be limited to the maximum allowable under the Municipal Code.

(12) **Complaints:** Applicant shall designate a person as a liaison to the adjacent residents (with respect to possible complaints about noise, odors, lighting, loitering, etc.) and shall provide a telephone number for complaints to the immediate neighbors answered by a live person during business hours. The Applicant shall document all in-person and telephone complaints in a written log, and the log shall be reasonably available for any person to view during non-peak business hours.

(13) **Lighting**: The site shall be illuminated with sufficient lighting so that the Police Department may be able to identify anyone standing outside at night in the front, rear and the perimeter of the premises. All exterior lighting shall be installed with reflectors and shielding so that the light is directed onto the premises and away from adjacent residential properties in such a manner so as not to unreasonably illuminate nearby residences.

(14) **Surveillance Cameras:** The Applicant shall install and maintain surveillance cameras in all public areas of the premises, and shall maintain the recordings for 30 days. The recordings shall be made available to police or law enforcement agencies upon request.

(15) **Site Cleanliness:** Every building and structure, and the entire premises, shall at all times be maintained in a neat, attractive, safe, and sanitary condition and in good repair, free from debris, rubbish, garbage, trash, and overgrown vegetation. Building shall be repaired and repainted on a regular basis. The Applicant shall be responsible for maintaining the premises free of litter, including all areas adjacent to the premises over which the Applicant has control.

(16) **Graffiti:** All graffiti painted or marked upon the premises, fences, or on any areas adjacent to the premises over which the Applicant has control, shall be removed or painted over to match the original color within 24 hours of its occurrence.

(17) **Amusements:** Pool or billiard tables or coin operated electronic, video or mechanical amusement games, machines, or devices, or similar game activities or equipment, shall not be permitted on the premises. Official California State lottery games and machines are allowed. Adult books, magazines, and DVDs shall not be sold on the premises. No pay phone shall be installed on the exterior of the premises.

(18) **Tobacco Sales:** No cigarette sales shall be allowed on the premises. Cigar and cigar smoking accessories shall be permitted.

(19) **Licensee’s Name:** In addition to the business name or entity, the name of the individual Applicant(s) shall appear on the alcohol license and any related permits.

(20) **Evidence of Non-Compliance:** If at any time during the period of the grant, should documented evidence be submitted to the City Planning Department and/or the Department of Building & Safety showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator shall require the Applicant to file a Plan Approval application together with the associated fees, and a public hearing shall be held to review the Applicant’s compliance with, and the effectiveness of, these conditions. Upon this review the Zoning Administrator shall modify, add, or delete conditions, in order to protect the peaceful enjoyment of the adjoining and neighboring properties.

(21) **Copy of Determination Letter:** In the event of a change in the ownership of the property and/or of the operator of the Applicant’s business, the property owner and/or the business operator shall provide the prospective new property owner/business operator with a copy of this Determination prior to the close of escrow for the acquisition of the property and/or the business, and satisfactory evidence that a copy of this Determination was so provided shall be submitted to the Director of Planning.

(22) **Change of Operator/Owner:** At any time should there be a change in the ownership and/or the operator of the business, the new owner or operator shall be required to file a Plan Approval application and associated fees at the Planning Department Public Counter. At that time an application for Plan Approval shall be submitted to the Planning Department within 30 days of the date of legal acquisition by the new owner or operator. A public hearing shall be conducted with notification of all owners and occupants of property within a 600-foot radius. The purpose of the plan approval will be to review and establish conditions deemed applicable to the use as maintained and conducted by the new owner or operator consistent with the intent of the Conditions of this grant. Upon this review the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

 (23) **Covenant of Compliance:** Within 30 days of the effective date of this action, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's 'Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

 (24) **Term of Approval**: Notwithstanding any other provisions of the Code or permitted time extensions, the authorization granted herein for the wine tasting aspect of the sale and dispensing of alcoholic beverages is for a period of five (5) years from the effective date of this Determination. Thereafter, this authorization shall become null and void, and a new conditional use application shall be required. The Applicant is advised that he/she should file the new conditional use application well in advance of the date of expiration to allow sufficient time for processing.

(25) **Employees:** The management and all employees shall be knowledgeable of these conditions and shall be thoroughly trained with respect to their responsibilities in implementing these conditions. A copy of these conditions shall be provided to and reviewed by all management and employees, and all management and employees shall sign a document acknowledging receipt of these conditions and acknowledging that they will be disciplined for violating these conditions, including termination of employment.

(26) **Code Compliance:** All other use, height and area regulations of the Municipal Code, including all those regulations that are a part of the Lincoln Blvd. Community Design Overlay and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

(27) **Posting Conditions:** The Applicant shall post a laminated copy of the conditions of approval, in a conspicuous place on the premises where the public can see them.

(28) **Plot Plan Conformance:** The use and development of the property shall be in substantial conformance with the floor plan and/or plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

No further additions or structural alterations shall be made to the subject building unless necessary to comply with an order issued by a governmental agency in the interests of health, safety, or welfare.

(30) **Use of Property:** The use of the property shall be conducted at all times with due regard for the character of the surrounding neighborhood. The right is reserved to Zoning Administrator to impose additional corrective conditions, and the Zoning Administrator shall impose additional corrective conditions, if such conditions are reasonably necessary for the protection of the occupants, residents, business owners/operators, and/or the property owners of the surrounding properties.