

**Venice Neighborhood  
Council  
Post Office Box 550  
Venice, CALIFORNIA 90294**



**Land Use and Planning  
Committee**

**Staff Report to Board of Officers  
--- April 17, 2007 ---**



**Case Number: ZA-2006-8990-CUB**

**Address of Project: 1709 Lincoln Blvd.**

**Size of Parcel: 3,400 sq. ft.**

**Size of Dwelling or Project: 1,166 sq. ft.**

**Venice Subarea: Milwood/Walk Streets**

**Permit Application Date: October 17, 2006**

**Applicant: Khaled Hossain**  
**Contact Information: 310.577.9436**

**Representative: Patrick E. Panzarello**  
**Contact Information: 818.351.0059**

**Date(s) heard by LUPC: April 4, 2007**

**WLA Area Planning  
Commission Dates: (if known) April 12, 2007**

**Community Planning Bureau  
Dates: (if known) N/A**

**LUPC Motion: Arnold Springer moved to approve this project, seconded by Susan Papadakis, with the following conditions:**

- 1) Four (4) security cameras,
- 2) Parking as per application, the gate to be closed at dusk, parking restricted to employees and subject to use by the other tenants,
- 3) No deliveries in the alleyways,
- 4) No "airline" liquor minis or fortified wines,
- 5) "No Parking" signs in alleys,
- 6) Lighting on rear parking focused on Lincoln (or otherwise shaded) so the neighbors are not affected by the light,
- 7) No signage and no advertising in the windows,
- 8) Return to LUPC in one year for a review,
- 9) Tree in front of site to be protected from the signage;

**VOTE: 7 in favor; 2 against; no abstentions. The motion passed.**

**LUPC Motion: Jim Murez moved to restrict sale of single cans under 25 ounces.**

**VOTE: 2 in favor, 4 against, 1 abstaining. The motion failed.**

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## **REPORT**

**Project Description:**

The applicant seeks a new Conditional Use Permit to allow a new, off-sale, full line of alcohol license (Type 21) for retail market, with hours of operation 7am-11pm Sunday-Thursday, and 7am-12am Friday and Saturday nights, with four parking spaces provided.

**Project Description by Applicant on submitted LUPC Project Form Stating Requested Action by Venice Neighborhood Council:**

Joe's Liquor has lost their lease and is moving two blocks north, requiring a new Conditional Use Permit (Beverage) to allow full line off-sale alcohol.

**Section(s) of Venice Coastal Zone Specific Plan governing this particular site:**

*Section 2.A* specifies that the project site is in the Oakwood/Milwood/Southeast Venice Subarea, bordering on the Milwood Walk Streets.

*Section 5.Z.bb* places the site within the Venice Coastal Zone, as its frontage is on the west side of Lincoln Blvd.

*Section 5.E* refers to the site's Change in Intensity of Use, specifically "(d) a change in the number of provided or required parking spaces..."

*Section 13.C* specifies that an intensification of use must comply with parking standards set forth in *13.D [Parking Requirement Table]* and *13.E [Beach Impact Zone Parking Requirements]*.

*Section 13.D* specifies that this project type (Commercial Use: General Retail Store; Food Store, Grocery Store, Supermarket or similar) requires one parking space for every 225 feet of floor area. At 1,166 square feet in size, the project, according to the Specific Plan, is required to provide 5.18 parking spaces. Since the project is outside the boundaries of the Beach Impact Zone (*Section 5.D*), no BIZ-related requirements (e.g., in-lieu fees) apply.

**Section of Los Angeles Municipal Code governing this particular site (if VCZSP doesn't cover):**

*LAMC 12.24.W.1.a* specifies that the Zoning Administrator or Area Planning Commission may approve the "sale or dispensing for consideration of alcoholic beverages..." subject to all of the following findings:

- (1) "that the proposed use will not adversely affect the welfare of the pertinent community;"
- (2) "that the granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, considering: (a) applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration, (b) the number and proximity of these establishments within a one thousand foot radius of the site, (c) 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 (d) whether revocation or nuisance proceedings have been initiated for any use in the area; and"
- (3) "that the proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved," considering proximity to residential buildings, churches, schools, hospitals, public playgrounds and other similar uses and establishments.

**Zoning Administration Staff Findings:**

At the time of LUPC's hearing, written ZA staff findings were unavailable. A telephone discussion with ZA Staff Investigator Andre Parvenu yielded the following findings: *Visited both locations, spoke to nearby business owners, who were generally supportive of the project. Nowita residents expressed a safety concern. Most deliveries are done through the front door. The owner may install a remote-controlled gate. Adding motion-sensor controlled lighting will also mitigate the safety issue.* NOTE: Written ZA findings were received after the LUPC hearing, and are attached as an Addendum to this report.

**Points in Favor of Project/Issue:**

As a longtime local area retailer, the applicant can continue to provide market and beverage services to the community. The move provides an opportunity to remodel, reconsider and refresh both his stock offerings and his connection with local customers.

**Points in Opposition of Project/Issue:**

*The existing use adversely impacts the welfare of the pertinent community:* Certain current stock offerings ("airline" liquor mini-bottles, fortified wines and high-volume single containers) attract unwelcome clientele and associated activities. Excluding such offerings from sale is known to mitigate such activities. Denying or rigorously conditioning the applicant's request would reduce unwelcome patronage.

*Concentration of off-sale permits in the area:* Notwithstanding census-based statistics that approving the project would not cause an "undue concentration" of off-sale permits, geographical analysis shows a wealth of local off-sale permits (25 within a one-mile radius<sup>1</sup>).

*The existing use detrimentally affects the nearby residentially zoned community:* Residents near the proposed location expressed concern about a variety of detrimental activities.<sup>2</sup> They claim these activities result from a combination of proximity to Lincoln Blvd, the applicant's inability to self-police and the stock offerings noted above. In an effort to reduce or prevent these activities at the proposed location, the residents are petitioning to request that specific conditions be applied to the project's Conditional Use Permit.

**Summary of LUPC Deliberation:**

The committee debriefed the applicant and his representative regarding the following issues: current and new leases, parking, stocked items, deliveries, store hours, security plans, license history, multiple store ownership, disciplinary actions, proposed store design, exterior signage, tree protection and community outreach. It was favorably noted that the applicant had accepted invitations to meet with neighborhood groups three times, including once with ABC District Administrator Karemeon Waddell-Peterson in attendance, at which time he agreed to an initial set of conditions.

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<sup>1</sup> See attached store list and radius map.

<sup>2</sup> Robberies, drug use, homeless sleeping nearby, public defecation, intimidation and a sense of fear among neighbors in close proximity to the store

Committee concerns pertained to reducing and discouraging detrimental activities. Concern was expressed regarding parking, specifically securing the parking lot from use and abuse by patrons, and preventing delivery vehicles and patron vehicles from blocking the alley next to the store. Arnold Springer noted that the early 20<sup>th</sup> century vintage of the building provided for a "grandfathering" per prior codes, so that customer parking would not be required.

It was noted that ABC guidelines are limited in terms of nuisance abatement. Current guidelines dictate that a licensee's responsibility extends only twenty feet from his store. Beyond this distance, the responsibility falls on LAPD, which lacks the flexibility for timely response to complaints. Motion-sensor-controlled lighting in the residential section can mitigate this issue.

ABC representatives had affirmed, during a field visit through Venice, that conditions prohibiting sale of known high-risk alcoholic items (mini-bottles, fortified wine, single cans) are not uncommon. The community supported this prohibition, while the applicant insisted that single can sales were too significant a part of his business to prohibit. The committee was split on this issue, thus favoring the applicant's argument.

Further considerations included closing at 11pm on Friday and Saturday, providing appropriate exterior lighting, prohibiting window signage, the effects of store-related adverse activity on residential property frontages, Joe's Liquor license history (see attached), Type 20 and 21 liquor licenses within a 1-mile radius (see attached), and the value of adding geography-based weighting to the existing census-based quota for CUB permits.

### **Summary of Public Comments:**

The public was conditionally supportive of the project. Two stakeholders spoke in favor of the application as presented. Three stakeholders spoke favorably about the applicant's meetings with the community, while requesting that additional conditions be considered in order to obtain broad community support. Jeb Milne suggested forgoing motion-sensor-controlled lights in favor of always-on lights. Ursula Collison presented a series of conditions in a petition (attached hereto) signed by 29 neighbors. The petition also includes a stock request list, suggesting items which community members would like to see at the store (e.g., fresh fruit, deli items, etc.). It was noted that fulfilling such stock requests could benefit both the applicant's project and the community. Sue Kaplan spoke in favor of the application and of the process which enabled positive exchange between the applicant and the community.

### **Summary of Findings from April 12 ZA Hearing:**

Zoning Administrator Lourdes Green heard the case. The applicant's representative reviewed the case history and represented that the applicant had performed significant community outreach, including meetings with neighbors and the Neighborhood Council (NC). He repeated the conditions (voted by LUPC) at the applicant's recent meeting with the NC. The applicant, through

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his representative, withdrew his original offer<sup>3</sup> to include a nighttime onsite security guard, in favor of the four security cameras and a one-year status review, and answered questions from the ZA regarding the project history, security and parking. LUPC Chair Challis Macpherson highly commended the applicant's willingness to discuss the issues during multiple meetings with the neighborhood and with LUPC. Jed Pauker also spoke in favor of the applicant's responsiveness, adding that the neighborhood petition included stock requests which can benefit the project going forward, and taking exception to withdrawal of the security guard, pending review and approval of the LUPC minutes. The ZA stated that she was inclined to approve the application, would likely set a 5-year Term Grant (allowing annual review by the NC as appropriate), and would keep the file open until April 18 to accommodate receipt and review of the NC's final recommendation.

**Author of Report**

By: Jed Pauker

Date: April 17, 2007

Addenda:

*Attached:*

Zoning Administration Staff Findings  
Joe's Liquor License History  
One-mile radius Type 20 & 21 licenses  
Neighborhood Petition  
Additional Information for ZA Cases

*Internet address:*

[http://grvnc.org/files/Joes\\_Liquor\\_ZA\\_Findings\\_06-8990.pdf](http://grvnc.org/files/Joes_Liquor_ZA_Findings_06-8990.pdf)  
[http://grvnc.org/files/Joes\\_Liquor\\_ZA\\_Findings\\_06-8990.pdf](http://grvnc.org/files/Joes_Liquor_ZA_Findings_06-8990.pdf)  
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[http://grvnc.org/files/Joes\\_Liquor\\_app\\_addl.pdf](http://grvnc.org/files/Joes_Liquor_app_addl.pdf)

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<sup>3</sup> "Additional Information for ZA Cases," items F. and V, attached.