



Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



October 21, 2009

Councilman Bill Rosendahl
City of Los Angeles, City Hall, Room 451
200 North Spring Street
Los Angeles, California 90012

Re: ZA 2008-3557 CUB ZV, 1205 Abbot Kinney Blvd Venice, CA 90291

Dear Councilman Rosendahl:

The applicant for the above caption Zone Variance and Conditional Use Permit- Beverage license, Case Number ZA 2008-3557 CUB ZV for a project located at 1205 Abbot Kinney Blvd Venice, CA 90291 (Proposed Project), presented the Project before the Venice Neighborhood Council (VNC) Land Use and Planning Committee (LUPC) a number of times and on October 20, 2009 appeared before the VNC Board of Officers. At that regularly scheduled VNC Board meeting the applicant presented the Proposed Project as well as a representative from VNC LUPC presented the LUPC staff report and subsequent findings for the Proposed Project, and the Board of Officers passed a motion for recommendation of the Proposed Project. After a review of the Proposed Project, Project Application Materials and the LUPC Staff Report, the VNC Board of Officers denied the Proposed Project's recommendation of approval for the Conditional Use Permit- Beverage license for the sale of on-site and off-site alcohol sales. Additionally, the VNC Board of Officers, in its motion adopts and recommends the following LUPC conditions to the Proposed Project:

The VNC Board of Officers Motion, as amended, is as follows:

1. No customer ingress or egress to the back of either business on this parcel. No breaks will be made to alley from either business. No Outdoor Dining.
2. Best Management Practices, which are appended to this motion, shall be followed by the applicant.
3. Following conditions shall be followed by the applicant:
 - (1). Applicant will post on the premises a laminated copy of the conditions of approval, in a conspicuous place where the public can see them;
 - (2.) Applicant shall provide two (2) substandard parking spaces;
 - (3) Indoor hours of operation are from 7am to 1am,



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- (3.1) All outdoor cleanup activities shall occur within these hours;
- (4) That the use and development of the property shall be in substantial conformance with the floor plan submitted and marked Exhibit "A.@ - Service Equipment Plan;
- (5) 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;
- (6) The subject building and property shall be maintained in a neat, attractive, and safe condition at all times including repainting of the building on a regular basis;
- (7) No adult books, magazines, and video tapes shall be sold on the premises;
- (8) No tobacco sales allowed on the premises;
- (9) No pay phone will be maintained on the exterior of the premise;
- (10) There shall be no coin-operated games or video machines maintained upon the premises at any time;
- (11) Any graffiti painted or marked upon the premises or on any adjacent area under the control of(14) There shall be no coin-operated games or video machines maintained upon the premises at any time;
- (12) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Petitioner(s) shall be removed or painted over within 24 hours of being applied, and the paint shall match the original color;
- (13) The Petitioner(s) shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control;
- (14) The Petitioner(s) shall install and maintain security cameras and a one-month video library that covers all common areas of the business, high-risk areas and entrances or exits. The videotapes shall be made available to police upon request;
- (15) Any future operator or owner for this site must file a new Plan Approval Application to allow the City of Los Angeles to review the Amode and character of the usage;
- (16) If at any time during the period of the grant, should documented evidence be submitted 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 will have the right to require The Petitioner(s) to



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file for a plan approval application together with the associated fees, to hold a public hearing to review The Petitioner(s) compliance with and the effectiveness of the conditions of the grant. The Petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained;

(17) Applicant self-imposing Basic Management Practices as per appended BMP document;

(18) Applicant self-imposes local, within the Coastal Zone, incentives to encourage public and alternate transportation for both employees and customers; and

(19) No trash pick up or deliveries prior to 8:00 am.

4. That it conforms to the current Venice Coastal Zone Specific Plan parking requirements.
5. Approval of Hours of Operation, from 7:00 am to 1:00 am, for the interior Deli operation of the Proposed Project.
6. No outdoor dining on either the sidewalk or the rear patio area.
7. No on- or off-site alcohol sales shall be permitted for the Proposed Project.
8. That any external clean-up operations cease by 11:00 am.
9. That applicant observes Basic Maintenance Practices (BMP) for trash.
10. That applicant observes and voluntarily conditions himself to the previous conditions as appended to the VNC Board of Officers Motion.
11. That the applicant observes the usual conditions as determined by Planning and Building & Safety.

Though the VNC opposes it, in the event that the Conditional Use Permit- Beverage license for the sale of on-site and/or off-site alcohol sales is approved, the VNC requests the following conditions:

- (1) No branded alcohol advertisements shall be placed in the window or door glass of the property which is visible from the outside of the premises;
- (2) Malt beverages shall not be sold in single-serving containers larger than 16 ounces capacity and all malt beverages sold must be priced \$5.00 per unit or greater. Malt beverage based coolers in containers of 16 ounces or less may only be sold in four-pack quantities as pre-packaged by the manufacturer. All other malt beverages in containers of 16 ounces or



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less may only be sold in six-pack quantities as pre-packaged by the manufacturer. Applicant may only sell fortified wines that 20% fortification or less and priced at \$10.00 per unit or greater. The sale of alcoholic beverage miniature bottles (2 ounces or less), and pint or half pint containers will not be permitted;

- (3) No self-service alcohol vending machines shall be allowed on the premises;
- (4) In addition to the business name or entity, the name of the Applicant shall appear on the alcohol license and any related permits; and
- (5) Electronic age verifications device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premise at each point-of-sale location. This 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 or tobacco product.

Sincerely,

Mike Newhouse
President
Venice Neighborhood Council

CC: City of LA Zoning Administrator, Lourdes Green
secretary@venicenc.org