



Planning, Land Use and Mobility Committee Case Report

PLUM Meetings: January 20, 2022; February 3, 2022

Case No: DIR-2003-4726-CUB-PA1

Site Location: 6500-6520 N. Canoga Avenue, Canoga Park, 91303
21301-21311 W. Victory Boulevard, Canoga Park, 91303

Project: The applicant seeks to extend hours of operation to allow online sales and delivery of alcohol until 2:00am daily. The retail storefront would continue to close to the public pursuant to present in-store operating hours.

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Submitted By: August Steurer, WHWCNC PLUM Case Lead Member

PROJECT DESCRIPTION

Beverages and More, Inc. (“BevMo!”) currently operates at 6520 Canoga Avenue, Los Angeles, CA (“Site”) as a high-end retailer for in-store purchases of beer, wine, and related goods between the hours of 10:00 a.m. and 9:00 p.m. Monday through Friday, 9:00 a.m. and 9:00 p.m. on Saturday, and 10:00 a.m. and 7:00 p.m. on Sunday, with extended hours during the last eight weeks of the year between 9:00 a.m. and 9:00 p.m., seven days a week. Sales of alcohol are authorized by liquor licenses issued by the California Alcohol Control Board (“ABC”)—Type 21 (Off-Sale General) and Type 42 (On-Sale Beer & Wine Public Premises).

To enhance the customer experience, BevMo! seeks to extend its hours of operation to allow customers to purchase alcohol and non-alcoholic consumer goods via its online and mobile platforms for delivery. In-store sales would remain the same, with the retail storefront closing at 9:00 p.m. Monday through Saturday, and 7:00 p.m. on Sunday, but online sales and deliveries of alcohol would occur between 6:00 a.m. to 2:00 a.m., daily.

The CUB, adopted by City Council January 7, 2004 (CF-03-2730), which is currently in effect, has 25 conditions. The filed application attests that BevMo!’s (GoPuff’s) Canoga Park operations are in compliance with all conditions.

BevMo! seeks to change Part j. of Condition 15 to read:

j. Deliveries **to the store** are allowed only between 7 a.m. and 4 p.m.

BevMo! seeks **removal of Condition 19**, which required a Plan approval after the original issuance of the ABC license. There is no record that this occurred. The applicant believes this application will satisfy the need for review of the conditions and the condition is no longer needed.

BevMo! seeks to change Condition 24 to read:

24. ~~As volunteered by the applicant,~~ The hours of in-store alcohol sales shall be 10 a.m. to 9 p.m. Monday to Friday, 9 a.m. to 9 p.m. on Saturday and 10 a.m. to 7 p.m. on Sunday. For the last eight weeks of the year, the permitted hours for **in-store sales** are 9 a.m. to 9 p.m. daily. **Online/app sales and deliveries of alcohol shall be between the hours of 6 a.m. to 2 a.m. daily.**

OVERVIEW AND ANALYSIS

GoPuff/BevMo! Operational Overview

GoPuff is a 24/7 operation operating over 450 micro-fulfillment centers, some of which are in industrial areas, and some of which are Beverages and More! retail store outlets(BevMo!). The City of Los Angeles has determined that retailers can by-right offer delivery at all hours. As such, delivery of non-alcoholic items can be at all hours, every day. GoPuff offers a wider variety of consumer items than just beverages and food. These can include cleaning and home products, over-the-counter medications, plus baby and pet products.

Consumers seeking delivery of items would select items, available from the store, only via the GoPuff mobile app or online interface. The types of goods anticipated to be available for

delivery include pre-packaged food and beverage products, beer, wine, ice cream, snacks, hand sanitizer, pet food, toilet paper, and diapers. Most of these items would also be displayed on shelves in the store for purchase by walk-in customers, but a few items, such as pet food, would be available only for delivery.

When an order is placed, BevMo! employees would bag the items and place them in bins containing orders from one to four customers. Driver partners, who are independent contractors, would pick up the bins for delivery to customers, with a goal of delivering items within 30 minutes of purchase to customers located within a fixed delivery radius, usually within 2-5 miles from the store. Multiple orders are typically delivered per trip, reducing overall trip generation and traffic.

After the store closes to walk-in sales, it is anticipated that no more than five employees would be in the store at any particular time to service online orders for delivery. Based on sales projections, BevMo! initially anticipates between 50-100 deliveries per day, with the heaviest volumes on Friday and Saturday evenings.

Delivery Overview

All driver partners delivering age-restricted products must 1) be at least 21 years of age; 2) complete alcohol beverage service training; and 3) sign an alcohol delivery service policy. GoPuff accepts valid forms of US government issued ID and US passports. The ID must be current, have a description of the individual, contain a photograph of the person, and state the name and date of birth. Some common examples include: driver's licenses, state-issued I.D. cards (if issued in the state where alcohol service is being provided), and US Passports.

GoPuff uses robust age verification and identification scanning technology to prevent age-restricted products from being delivered to minors. Before an online or mobile app order is completed, the driver partner must scan the customer's valid U.S. government-issued identification. Using advanced optical scanning identification verification technology, the driver partner must verify the identification at the site of the delivery.

If an ID is presented that does not have a barcode to scan, the driver partner takes a photo of the ID and sends it to GoPuff's team of ID specialists that will check the ID to make sure GoPuff can accept it. If it is approved, the driver partner will get a code to put in to finalize the order, and if it is denied, they will get a notification saying that it was denied. GoPuff's ID specialists receive specific training to prepare them for this task.

Finally, if the identification is verified by the system, the order can be completed and a signature is captured.

Safety Measures for Delivery Service

Proper lighting will be maintained to ensure employee and driver partner safety at all times. The entrance and receiving doors will remain locked with an electric strike lock for controlling access to the building. Delivery transfers to drivers will take place at the back receiving door which connects to the stock area.

Driver partners will be identified by employees inside the building via camera before being granted access inside the store for deliveries. Additional security measures include security

camera systems with footage that can be accessed by the General Manager and any Shift Lead in the store. This footage is typically stored for 30 days or longer, depending on how much activity is on a specific camera. The store also includes a telephone for calling 911 and a monitored alarm system with a hold-up panic button for employees in the case of an emergency.

Considerations:

Home delivery of alcoholic products is already established in California. Many food delivery services, such as Instacart and DoorDash, already provide the service. These services are not used by Beverages and More!. Purchases are only available through the in-house GoPuff app or website. As is the case with other existing delivery services, a valid address is required to use the GoPuff app.

While there isn't a limit to how much a customer can purchase, GoPuff only carries standard retail sizes of beverages and does not offer bulk quantities, such as kegs, on the app. This is consistent with alcohol purchase limitations that are in place at supermarkets and when shopping in-store at BevMo!.

Condition 20 requires any noise generated at the site to not be audible beyond the premises. This will become important when the adjacent residential project becomes occupied. When that occurs Beverages and More! will be an existing use but the applicant needs to enforce procedures that minimize noise between 9 p.m. and 7 a.m.

All existing conditions should be continued with the exception of number 19, which the applicant seeks to remove as the current application for plan modification should suffice for a review of the conditions.

Conditions 7, 9, 10, 12, 14, 15, 24 and 25 contain the words "As volunteered by the applicant," which should be removed as these conditions are existing and not being volunteered.

PLUM MOTION

As pertaining to *Case ZA-2003-4726-CUB-PA1*, having held 2 public teleconference PLUM meetings regarding an application for the modification of an existing CUB to allow additional off-sale and delivery of alcoholic beverages between 6 a.m. and 2 a.m. before and after the approved in-store retail hours, at 6520 Canoga Ave. Canoga Park, 91303; the Planning, Land Use and Mobility Committee hereby finds that:

WHEREAS, the applicant business is now part of GoPuff (GoPuff.com), which has an app and website for ordering products including alcoholic beverages to be locally delivered within 30 minutes; and,

WHEREAS, the applicant has an existing CUB (ZA 2003-4726(CUB)) for on-sale and off-sales of a full line of alcohols approved by the ZA on November 7, 2003 and adopted by City Council January 7, 2004 (CF-03-2730); and,

WHEREAS, the findings of the current application appear to remain valid; and,

WHEREAS, the existing CUB contains a listing of 25 conditions, some with subparts, that the applicant attests they have complied with or will remedy, if necessary; and,

WHEREAS, the applicant does not seek to change the hours for in-store retail operations; and,

WHEREAS, the applicant seeks to modify conditions 15 and 24 with regard to allowing delivery hours for orders via online sales for products that may include alcohol beyond the currently allowed retail hours and to remove condition 19 requiring a subsequent plan review; and,

WHEREAS, the current Condition 21 requires that “Any noise generated in the site shall not be audible beyond the premises;”

WHEREAS, the applicant proposes to use outside contractors for deliveries to customers that are picked up at a rear entrance or receiving entrance; and,

WHEREAS, the applicant is implementing security measures, including remote electronic door locks and camera identification of delivery drivers with video recordings; and,

WHEREAS, Cash is not accepted for payment. Digital payment is required; and,

WHEREAS, No-contact alcohol delivery is not available due mandatory age-verification. Transactions cannot be completed without electronic verification; and,

WHEREAS, GoPuff provides Occupational Accident Insurance for contract drivers; and,

WHEREAS, GoPuff policy is to terminate staff and end contracts with drivers that fail to properly deliver alcohol orders;

THEREFORE, IT IS HEREBY RESOLVED, that the Planning, Land Use and Mobility Committee, for the findings and conditions stated herein above, finds that the submitted application for condition modifications of the CUB Plan ZA 2003-4726(CUB) receive the **support** of the Board of the Woodland Hills-Warner Center Neighborhood Council (WHWCNC) contingent upon the following conditions:

Conditions:

1. With the exception of Condition 19 and other requested modifications, all current CUB conditions be continued in the new plan except as stated below.
2. The words “As volunteered by the applicant,” be removed in Conditions 7, 9, 10, 12, 14, 15, 24 and 25 in the CUB noted above as these are existing conditions and not being volunteered now.
3. For deliveries between 9 p.m. and 7 a.m., the applicant shall package deliveries to minimize noise from bottles and similar containers hitting each other.
4. The applicant shall establish protocols to ban/minimize loud outdoor conversation between employees and with contracted drivers between 9 p.m. and 7 a.m.
5. The applicant shall establish protocols to minimize vehicle generated noise between 9 p.m. and 7 a.m.

6. The applicant will not submit any significant amendments to the site plan to the City of Los Angeles planning department without presenting them to the WHWCNC for support as part of the application process.
7. On-line sales of alcohol will be cutoff at 1:30 a.m. to allow delivery by 2 a.m.
8. Age verification is required. Receiving party must have a valid form of ID in order to receive alcoholic products.
9. Alcoholic products shall be delivered to a specific address and shall not be delivered to R.V.'s, parking lots, or public parks.

Furthermore, the Planning, Land Use and Mobility Committee recommends that the Board of the WHWCNC advise the City of Los Angeles Planning Department and Council District 3 Councilmember Bob Blumenfield of its findings, and its subsequent **supporting** recommendation for this application as presented to the WHWCNC Board on February 9, 2022.

Motion: August Steurer

Second: Lauren Coffman

Vote: 6 Aye, 0 Nay, 0 Abstain, 2 Absent