

Project Description

Beverages & More, Inc. (“BevMo!”) seeks a modification to the Conditional Use Permit that was granted pursuant to Project Application # 08-018 (the “CUP”) for its operations located at 1820 41st Avenue, Suite A in Capitola, California (generally, the “Site”). The CUP restricts business hours to 9:00 a.m. and 9:00 p.m. seven days a week; the last six weeks of the year, November 16 through December 31, the hours are limited to 9:00 a.m. to 10:00 p.m. This modification would allow BevMo! to establish online delivery sales of alcohol and non-alcohol retail goods at hours outside of current permitted hours.

BevMo! currently operates as a high-end retailer for in-store purchases of beer, wine, and related goods. 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 Beers and Wine Public Premises). To enhance the customer experience, BevMo! seeks to allow customers to purchase alcohol and non-alcoholic consumer goods (described below) via its online and mobile platforms for delivery. In-store sales would remain the same, but deliveries of non-alcoholic goods would occur 24 hours/day and deliveries of alcohol would stop at 2:00 a.m.

Customers would select items available from the store via an app or online interface. BevMo! employees would bag the items and put them in bins containing orders from one to four customers. Drivers, 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 2- 5 miles from the store. The types of goods anticipated to be available for delivery include beer, wine, distilled spirits, ice cream, snacks, hand sanitizer, pet food, toilet paper, and diapers. Most of these items would also be displayed on shelves in the store and would be available for purchase for walk-in customers, but a few items, such as dog food, would be available only for delivery. Driver-partners would enter and exit the store via an existing receiving door in the rear of the facility, even when the storefront is open. Driver-partners would be able to use any parking spaces in the shopping area. Based on sales projections, BevMo! initially anticipates between 50-100 deliveries per day, with the heaviest volumes on Friday and Saturday evenings, which is also when most of the other tenants in the vicinity have their lowest volume of driver traffic as a result of their closing hours.

Age Verification

BevMo! utilizes robust age verification and ID scanning technology to help prevent age-restricted products from being delivered to minors. Customers are notified in the app that products are age-restricted and require ID verification: first when they put the item in their cart and again when they checkout. Next, BevMo! uses on-the-spot technology to scan IDs and verify age at the point of delivery.

1. **On-the-Spot Verification:** Before an order is closed, the delivery-partner must scan the customer’s valid U.S. government-issued ID.

2. **Optical Scanning Technology:** Using advanced optical scanning ID verification technology, the delivery-partner must verify the ID at the site of the delivery.

3. **Signature Required:** If the ID is verified by the system, the order can be completed and a signature is captured.

Due to these policies, contactless verification is not an option for orders containing age-restricted products. However, BevMo! has implemented a procedure to check and scan IDs from a distance in order to keep both the customers and delivery-partners safe.

If a customer does not have an ID at the time of delivery, or fails to provide a valid form of ID, the customer will be charged a non-refundable fee and will not receive the order.

Delivery Partner Eligibility Requirements:

BevMo! requires all delivery partners delivering age-restricted products meet the following criteria:

1. **Age:** Be at least 21 years of age.
2. **Training:** Complete alcohol beverage service training.
3. **Delivery Service Agreement:** Sign the Alcohol Delivery Service policy.

Lighting and Security

Proper lighting will be maintained to ensure employee and driver-partner safety at all times. The rear entrance door will remain locked with an electric strike lock for controlling access to the building. Driver-partners will be identified by employees inside of 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.

Changes to the Premises

Minor changes to the configuration of the interior retail space and stock room will be needed, including rearranging shelving and storage areas. None of these changes are expected to require plumbing or electrical work. BevMo! anticipates that approximately 20 to 30 percent of the retail floorspace will be dedicated to non-alcohol items. There are no planned exterior modifications.

Requested Changes

Requested Change to Permitted Hours: Condition 5 ends business hours at 9:00 p.m. daily, with extended closing hours of 10:00 p.m. between November 16 through December 31. BevMo! is requesting that Condition 5 be modified to state the following: "Business hours for in-store

shopping will be limited to 9:00 A.M. – 9:00 P.M., seven days a week. The last six weeks of the year, November 16 through December 31, the hours for in-store shopping will be limited to 9:00 A.M. – 10:00 P.M. Online/app sales and deliveries can occur 24-hours/day, Monday through Sunday, provided there are no sales/deliveries of alcohol between the hours of 2:00 a.m. and 6:00 a.m."

Requested Change to Delivery Hours: BevMo! is requesting that Condition 7 be revised to clarify that the intention of the condition is to limit the permitted hours of deliveries to the store. BevMo! is requesting that Condition 7 be modified to state the following: "Hours for deliveries to the store shall be limited to 8:00 A.M. – 8:00 P.M. Monday through Friday, to minimize noise impacts to neighboring residents. Delivery vehicles shall not be permitted to remain at idle during non-delivery hours."