

# CONDITIONAL USE PERMIT – ALCOHOL (CUB)

## ADDITIONAL INFORMATION & FINDINGS

10845-10857 W. Santa Monica Boulevard & 1794 S. Westwood Boulevard

### REPRESENTATIVE:

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### APPLICANT:

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### REQUESTED ACTIONS

#### Approval of Conditional Use:

In accordance with the provisions of the Los Angeles Municipal Code (the "Code") Section 12.24(W)(1), Applicant is requesting a Conditional Use Permit for the sale and dispensing of wine and beer for off-site consumption in an existing 1,273.5 square-foot convenience store in conjunction with the operation of a gasoline service station, pursuant to an Alcoholic Beverage Control Type 20 license.

#### Approval of CEQA Categorically Exempt Status:

In accordance with the City's Guidelines for the Implementation of the California Environmental Quality Act of 1970, Applicant requests that that the proposed conditional use be found to be Categorically Exempt as a Class 5 alteration in land use limitations, pursuant to Category 23, which exempts the grant of a conditional use for a non-significant change of use of land.

### BACKGROUND

Since 1995, Charles R. Khalil ("Applicant") has owned and operated "Westside Euromart," an upscale gasoline service station and convenience store catering to visitors to the City's Beverly Center area and nearby residents. Positioned on a corner lot with easy access, customers to Westside Euromart can fill their gas tanks and pickup food and beverages, including a selection of gourmet coffees. Though small in size, Applicant's convenience store provides a much needed service for those who do not have the time to drive further or wait in endless lines at the larger retail businesses in the area.

## ADDITIONAL INFORMATION & FINDINGS

Applicant is recognized nationally, and has served as an advisor to major national petroleum and retail companies, including Mobil, Cola, Pepsi, FritoLay and General Mills. He has worked with 3M to develop exclusive marketing materials that are in use in over 4000 convenience stores throughout the country. As an active member of the community, he started the Open Hand Foundation, a 501(c)(3) non-profit organization working to find a cure for Frontotemporal Dementia (FTD). Applicant also owns a similar gasoline service center known as "Beverly Center Mobil" located at 8483-8489 Beverly Boulevard.

There are several large, corporate-owned stores nearby Applicant's store with parking issues and long lines. Applicant's customers have frequently asked for the availability of beer to accompany their purchase of burritos, hot dogs, sandwiches and other food items, and a selection of wines to complement a home-cooked meal. Such beverages have been available at competing services stations throughout the City for many years. Accordingly, Westside Euromart seeks to address the consumers who want the convenience of purchasing beer and wine products without the burden having to drive further to a grocery or other retail store. The rights being requested by Applicant would allow the sale of such beverages to customers who want the expedience of combining shopping and car services at a single location, and in many cases, in a single trip.

### **THE PROPERTY**

The subject property is a rectangular-shaped, rectangular shaped lot, corner parcel of land consisting of approximately 10,904.2 square feet and fronts approximately 120 feet on the north side of Santa Monica Boulevard and an approximate depth of 75 feet. The site is designated by the Westwood Community Plan for General Commercial uses and is zoned [Q] C2-1VL-O. The property features a slight upslope from the Santa Monica Boulevard frontage. The subject site is developed with a Mobil gas station and 1,273.5 square-foot convenience store, which includes ancillary office and storage space.

### **SURROUNDING ZONING**

The surrounding properties are zoned C2-1VL-O, C4-1VL-O-POD, [Q]RD1.5-1-O and [Q]PF-1XL, and are characterized by a generally level topography, and fully-improved streets. These nearby properties are developed with one and two-story commercial buildings, multi-family dwellings with associated parking. The adjoining property to the north of the site across the alley is zoned C4-1VL-O-POD and is a single story building inhabited by a Sherwin-Williams store. The abutting property to the east of the site is zoned [Q]C2-1VL-O and is developed with two-story commercial buildings occupied by service-oriented retail businesses.

## ADDITIONAL INFORMATION & FINDINGS

The property directly across Santa Monica Boulevard is zoned C2-1VL-O and is being used for a car wash and has a large freestanding billboard. Diagonally to the south, the property is zoned C2-1VL-O and is developed with a single-story commercial building that is occupied by Cost Plus. The adjoining property to the west of the site across Westwood Boulevard is zoned [Q]C2-1VL-O and is developed with a single-story commercial buildings and occupied by a Chevron service station.

Santa Monica Boulevard, fronting the subject property to the south, is a divided roadway designated as a Boulevard II and is dedicated to a variable width of 183.50 feet and improved with curbs, gutters, and sidewalks.

Westwood Boulevard, adjoining the subject property to the west, is also designated as a Boulevard II and is dedicated to a width of 100 feet and improved with curbs, gutters, and sidewalks.

The alley, adjoining the subject property to the north, is a through alley and is improved with asphalt pavement and concrete gutter within a 20-foot dedication.

### **GENERAL PLAN AND COMMUNITY PLAN**

The property is located in a West Los Angeles neighborhood within the area governed by the Westwood Community Plan area (hereinafter, the "Community Plan"). Applicant's property is within an area that has is governed by an Interim Control Ordinance to protect single family neighborhoods. The property is located within the West Los Angeles Transportation Improvement and Mitigation Specific Plan area and is also designated as a Preliminary Fault Rupture Study Area and a Transit Priority Area.

The Community Plan designates the subject property for General Commercial land uses with corresponding zones of C1.5, C2, C4, CR, RAS3 and RAS4, and is governed by Height District 1VL and further limited by a 45-foot height restriction and a Floor Area Ratio than may not exceed 1.5:1. The subject property lies at the intersection of two major highways, that meet in a spacious intersection with a high traffic volume. A divided Santa Monica Boulevard is improved with landscaping and trees and contains three to six lanes on each side of the divider. Westwood Boulevard contains two to four lanes with no roadway divider.

### **NEARBY ALCOHOL USES**

The development and use of the subject property complies with all applicable provisions of the [Q]C2-VL-O Zone. As proposed by Applicant, the convenient store's business day will be unchanged from its current 24 hours a day, Monday through Sunday. Applicant is requesting the right to sell beer and wine during these store hours.

## ADDITIONAL INFORMATION & FINDINGS

There are eight businesses within a radius of 600 feet from the subject property that have the right to sell or serve alcoholic beverages, with two of these licenses being for off-site consumption:

**Sunnin Lebanese Cafe** – 1776 Westwood Boulevard - On-Sale Type 41.

**Ramayani Westwood** – 1777 Westwood Boulevard - On-Sale Type 41.

**Sprouts Famers Market** – 1751 Westwood Boulevard - Off-Sale Type 20.

**Cost Plus World Market** – 10860 Santa Monica Boulevard - Off-Sale Type 21 and an instructional tasting license, Type 86.

**Philly West Bar & Grill** – 1870 Westwood Boulevard - On-Sale Type 47.

### PREVIOUS ZONING CASES:

#### Subject Property

**Case No. ZA 90-1043(ZV)** – On July 26, 1995, the Zoning Administrator denied a conditional use permit to allow the sale of beer and wine alcoholic beverages at a convenience store for off-site consumption in conjunction with the operation of an existing gasoline service station.

#### Surrounding Properties

**Case No. ZA 2012-2243(CUB)(CU)** - On July 2, 2013, the Zoning Administrator approved a conditional use for the sale of alcoholic beverages (beer and wine) for off-site consumption in association with the operation of a supermarket on a commercial corner property.

**Case No. ZA 2007-4376(PAD)** - On April 28, 2008, the Zoning Administrator approved a conditional use for the continued use of a car wash on a lot zoned C2 having hours of operation from 8 a.m. to 6 p.m. daily and the addition of a 37'x37' canopy to an existing car wash.

**Case No. ZA 2006-9721(CU)** – On February 13, 2007, the Zoning Administrator denied a conditional use to permit the expansion of two existing pole signs.

**Case No. ZA 1998-219(CUZ)** – On June 15, 1998, the Zoning Administrator approved a conditional use for a service station convenience store in the (Q)C2-1VL-O zone.

**Case No. ZA 1995-0135(CUB)** – On May 31, 1995, the Zoning Administrator approved a conditional use for the sale and dispensing of beer and wine for off-site consumption in conjunction with a proposed 17,400-square-foot retail store (Cost Plus) with hours of operation from 9 a.m. to 10 p.m. (and November/December holiday hours of 8 a.m. to 11 p.m.), seven days a week.

**Case No. ZA 90-1044(CCR)** - On March 26, 1991, the Zoning Administrator denied a commercial corner review at 10867 Santa Monica Boulevard, to permit the reconstruction of service station with small food mart and an automated drive through car wash.

**Case No. ZA 90-1043(ZV)** - On February 12, 1991, the Zoning Administrator partially approved the reconstruction of a service station with a car wash within 100 feet of a residential property, while denying the construction and operation of a car wash and convenience store.

#### **GENERAL FINDINGS**

**1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

Despite the requested conditional use, the built environment will remain unchanged for Applicant's Westside Euromart. The business is located on a spacious corner lot with easy access from Santa Monica and Westwood Boulevards. The property is kept meticulously clean and is well-lit during the evening hours. The site bears no graffiti marks and has ample parking for customers. Applicant is committed to maintaining an attractive and inviting location for the benefit of its customers and the surrounding neighborhood.

The convenience store is thoroughly buffered from any sensitive uses or residential uses because it is located on a corner lot and faces a busy urban intersection and commercial buildings. The rear of the convenience store is approximately 50 feet from a multi-family residential dwelling, however the store is solidly constructed of masonry and there are no windows or door facing the residential property. The footprint of the existing convenience store is limited and is expected to attract business from the existing gas station customers, rather than becoming a specific destination for the purchase of alcohol. Hence, it is believed that the conditional use will have a negligible impact on area traffic.

If granted, the conditional use will enable Applicant to provide a service that is highly beneficial to the local community. Applicant believes that by combining the availability of

food, gas and a selection of alcoholic beverages at a single location, customers will be able to combine multiple trips into one. While certainly a convenience for local residents and visitors, this combined availability will foster travel efficiencies that are crucial in an urban setting that has long been burdened by traffic congestion and poor air quality. Currently, Applicant's customers must leave the site and navigate local traffic to reach nearby crowded parking lots in order to purchase a bottle of wine or six-pack of beer.

The convenience of being able to purchase beer and wine beverages while shopping for gas will greatly enhance the customer experience and promote loyalty to Applicant's business, while reducing vehicular congestion in a frequently traveled part of Los Angeles. The result would be highly beneficial to the community and Southern California region by reducing trip distance and multi-stop trips. As a result, the grant of these rights to Applicant will have the essential benefit of improving local traffic conditions, decreasing the chances of accidents, conserving the usage of gasoline and reducing hydrocarbon emissions, all of which are desirable objectives that have long been encouraged by local community organizations, City government and the State of California.

**2. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

Applicant's convenience store covers only 1,273.5 square feet, and only a very small area will be dedicated to the merchandising of beer and wine products. The primary use of Applicant's property is sale of gasoline, with the operation of the convenience store being an ancillary use. Although needed to meet the shopping needs of its customers, the majority of Applicant's sales are of gasoline, with the convenience store providing a smaller, but essential secondary revenue source. Given its modest size, Applicant's convenience store is well-stocked with a diverse selection of food and beverages. While having alcoholic beverages will allow Applicant to better meet the needs of its customers, it is expected that the size and scope of such sales will be relatively small.

The conditional use should not affect adjacent properties, as all alcohol sales will consist of packaged products that will not be consumed on site. In contrast to a restaurant, nightclub or bar, Applicant's customers are at the site for a relatively short period of time and primarily for the purpose of buying gasoline. Accordingly, the requested conditional use is not expected to cause parking, noise or crime issues for nearby businesses or residents. The property is well-lit and clean. Security cameras are installed throughout the property.

As a result of the foregoing, should the requested rights be granted, Applicant respectfully submits that the gas station and convenience store will continue to successfully coexist with the other land uses in the vicinity, and will not adversely affect or degrade adjacent

properties, the surrounding neighborhood, or health, welfare and safety of the general public.

**3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The General Plan sets out a long-range vision guiding future development and land use priorities in the City of Los Angeles. At a local level, Community Plans provide the specific, neighborhood detail, policies, and implementation strategies necessary to achieve General Plan objectives. However, the General Plan does not specifically designate land uses that are permitted by conditional use, including the sale and service of alcoholic beverages. Except for the entitlements described herein, Applicant's use of his property will not deviate from any of the requirements of the Code.

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. Applicant's property is located within the area governed by Westwood Community Plan (the "Community Plan"). The Community Plan map designates the property for Neighborhood Commercial land uses with a Zone of C2 and Height District No. 1VL. The proposed conditional use addresses some of the commercial goals and objectives identified in the Community Plan, including:

**Objective 2-1**

Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.

**Policy 2-1.1**

Enhance the viability of existing neighborhood stores and businesses which support the needs

**Policy 2-1.3**

Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.

The General Plan addresses the need for compatibility in neighboring land uses. The proposed conditional use will not be detrimental to the character of development in the area because the proposed uses are in keeping with surrounding uses. A rich variety of developments are located in the immediate vicinity and the area is characterized by a mix of commercial and retail uses.

## ADDITIONAL INFORMATION & FINDINGS

The high caliber of the services provided by Westside Euromart has already positively contributed to the improved character of the surrounding neighborhood, providing customers a clean, spacious and safe facility. The convenience store provides a diverse selection of food and beverages, and was established for the purpose of supporting the needs of local residents. Moreover, the scale and intensity of the current convenience store is compatible with surrounding buildings and is appropriate for an urban setting, especially within an area designated by the General Plan for neighborhood, community and regional commercial uses. The scale and intensity of Applicant's land use will not be rendered excessive and disruptive if Applicant were to be awarded the right to add wine and beer to its beverage selection.

Applicant's location also lies within the Westwood Community Plan area, which does not provide neighborhood-level land use specifications. However, like the General Plan, the Community Plan does recognize the importance of using zoning laws and policies to promote compatible land uses for adjacent properties. Applicant's business contributes to the diversity of the Westwood district by providing residents and visitors with essential services to maintain the operation of automobiles. Situated on a major intersection, Applicant's gas station and convenience store are compatible with, and complementary to, the surrounding neighborhood.

The proposed conditional use will provide the public with a valued convenience and will not detract from the character of development in the immediate area. The scale and intensity of the current mini-mart are compatible with the surrounding community and are appropriate for this urban area. The addition of the requested alcohol use rights for Applicant's modest-sized store will not disrupt the harmony which has characterized the coexistence of the gas station with local businesses and residents for many years.

The proposed grant of a conditional use will further contribute to the objectives set forth in the Community Plan by reducing traffic congestion and unnecessary travel. Adding beer and wine sales to Westside Euromart beverage choices will allow customers to minimize their vehicle trips by having the ability to shop for food, snacks, tobacco products and alcoholic beverages at a single, central location. The expected result will be to both stimulate increased economic activity at the market while advancing the public's convenience and reducing unnecessary travel. Both results are consistent and would advance the goals of the City's General Plan

By allowing the applicant's business the right to sell beer and wine products, the City will not only be acting to support a locally owned and innovative business, it will also be serving the convenience and welfare of the greater Westwood community. The City's approval of the requested rights will elevate the quality of Westside Euromart's service to the



## ADDITIONAL INFORMATION & FINDINGS

surrounding community, and will not affect either the outward appearance of the business or its ability to serve customers who have no interest in purchasing alcoholic beverages. A successful business with a more complete selection will bring increased spending to the Westwood area.

By adding beer and wine sales, Applicant's convenience store is expected to generate greater revenues, maintain employment in the local community, and better serve the needs of area residents. Therefore, by using its reserved powers to grant Applicant's requested alcohol rights, the City will be promoting economic development in this deserving part of Los Angeles, contributing to jobs, tax revenues and improving the economic vitality of this coastal Los Angeles neighborhood. Consequently, Applicant submits that the City's grant of the requested alcohol rights would be in harmony with the various elements and objectives of both the City's General Plan and the Community Plan.

### ADDITIONAL ALCOHOL-RELATED FINDINGS

#### **4. The proposed use will not adversely affect the welfare of the pertinent community.**

Westside Euromart's location is appropriate for the mixed-use, urban character of the surrounding area. With a high population density, the area requires services to be conveniently located and easily accessible. With the approval of the conditional use, Applicant's store will be able to provide consumers with the beverage choices they expect. The welfare of the community will not be adversely impacted. Proper security and age confirmation will be performed by trained personnel prior to any sale of alcoholic beverages. Electronic age verification devices and systems will be in place and all store employees will receive the appropriate STAR training. Moreover, the convenience store will continue to provide well-maintained and well-lit parking areas. Security cameras will continue to be used and the surveillance records will be available to law enforcement personnel upon request. A 24-hour information hot line number will be posted at the site for issues and complaints related to Applicant's business.

There are no hospitals, parks or public schools within a 1000-foot radius. The site is approximately 870 feet from the Los Angeles California Temple of The Church of Jesus Christ of Latter-day Saints. Applicant has been an active member of the local community for over 25 years. The store's management will continue to maintain a close working relationship with the Los Angeles Police Department ("LAPD") to ensure the safety of Westside Euromart's customers and the Westwood community. Applicant will ensure that his business remains in compliance with all applicable City guidelines and requirements.

In 1995, the Applicant had been denied the right to sell wine and beer at his convenience store in Case No. ZA-95-0124(CUB). In rejecting Applicant's request, the Zoning

Administrator voiced concern about the effects such a grant might have on local traffic, crime and residential tranquility. Although these concerns are always relevant to the consideration of granting alcohol rights in a highly-populated urban environment, the character of the Westwood area has substantially improved since Applicant's 1995 request. Recently a large-scale renovation of Santa Monica Boulevard has greatly improved traffic flow through the intersection. Given the modest size of Applicant's convenience store, the addition of wine and beer products to his beverage inventory should not have any significant incremental negative effects on local traffic, loitering or crime.

Previous concerns that sales of beer and wine at gas station convenience store would result in increase in of DUI cases has not been borne out by the facts. Crime reports show zero DUI arrests in the area over the past six months. It is not likely that the grant of a single off-sale permit could affect this large urban center. Although there are other locations in the area with off-sales licenses, this should not preclude Applicant from receiving an opportunity to provide beer and wine to his customers. With thousands of potential customers and workers traveling through this area, multiple options should be available.

In consideration of the foregoing, Applicant submits that the use of the City's reserved powers to grant the conditional use will not only improve the financial results of his Westside Euromart's business, but will also help promote the economic development in this deserving part of Los Angeles by contributing to jobs, tax revenues and improving the economic vitality of this vibrant Westwood neighborhood.

**5. The approval of this application will not result in, or contribute to, an undue concentration of alcohol establishments**

According to the State of California Department of Alcoholic Beverage Control ("ABC") licensing criteria, 4 on-site and 2 off-sale licenses have been allocated to Census Tract No. 2655.20, where the subject property is located. According to information currently available through ABC's online License Query System, there are currently 6 on-site and 3 off-site active retail licenses in this Census Tract.

Overconcentration can be undue when the addition of a license will negatively impact a neighborhood. Overconcentration is not undue when the approval of a licensed does not negatively impact an area, but rather such license benefits the public welfare and convenience. Although the Census Tract data evidences a numerically high concentration of licenses, most of these licenses are for on-site uses, such as restaurants. This is made clear when closely examining the Census Tract. All of the licenses in Census Tract 2655.20 are located either on Westwood Boulevard or Santa Monica Boulevard, both of which contain many restaurants and shopping centers to accommodate the needs of residents to the busy urban neighborhood, as well employees and visitors to the area.

## ADDITIONAL INFORMATION & FINDINGS

The granting of the application will not result in an undue concentration of alcohol sale establishments in the immediate area. The request is for one additional retail location to sell wine and beer for off-site consumption, where Applicant's property is situated at the intersection of two of the most active commercial corridors in West Los Angeles.

Corresponding to the density and intensity of nearby land uses, there is not surprisingly a large concentration of alcohol uses in the immediate area. However, it is not uncommon to have concentrations of this nature in regionally significant commercial areas of the City.

Conditional uses involving alcohol have been chiefly allowed along the area's principal transit arteries, so as to preserve the tranquility and character of the nearby residential neighborhoods. As a result, the area's main thoroughfares such as Westwood and Santa Monica Boulevard have a higher than average number of ABC licenses than are found in other areas of the City. With a total of three existing off-site licenses for the Census Tract, and an allowance of two, the grant of a new off-site license would mildly result in an overconcentration of alcohol licenses in the area, but not an undue concentration. The Westwood community has always been one of Los Angeles's top shopping destinations. Consequently, large numbers of alcohol licenses are found in this Census Tract, as will be found in other abutting Census Tracts. The high volume of visitors is served by a diversity of businesses holding ABC licenses.

Granting the requested conditional use will increase the off-sale choices from three to four. Such an increase will provide customers with one additional choice for take-home purchases. This additional option serves not only the clientele residing in the Census Tract but also the many visitors and workers who travel to and from this area daily. It is these non-residents that are not factored into the overconcentration calculation, which is rooted in Census Tract data, but that nevertheless provide much of the demand for alcohol sales in the area.

The overconcentration has also seen improvement since 1995. The State's Department of Alcohol Beverage Control licensing reports that the Census Tract 2655.2 which includes the subject property has a total of three Off-Sale licenses down from the previous five, and the adjacent Census Tract 2672 has eight, down from ten in 1995.

An undue concentration of licenses may exist when there is twenty percent more reported crimes within the local district than the average number reported crimes from all crime-reporting districts in the City. Applicant intends to work closely with LAPD staff and adopt the best retail security practices identified by law enforcement and the ABC.

## ADDITIONAL INFORMATION & FINDINGS

According to crimemapping.com, within a one-mile radius of the applicant's location there were 447 total crimes reported in the six months of 2016, none of which involved DUI or other drug/alcohol violations. This number represents a 50 percent drop since 1994. The crime rate in Westwood, which includes the applicant store, remains lower than 75 percent of Los Angeles neighborhoods. These statistics compare favorably with some of the Southland's leading communities. According to *The Los Angeles Times'* Mapping L.A. Project<sup>1</sup>, Westwood ranks 163 in violent crimes (out of a total of 209 neighborhoods ranked), with 8.5 violent crimes 11.4 Per capita. Pacific Palisades 11.4 Per capita The Times acquires its data through electronic records provided by the Los Angeles Police Department<sup>1</sup>

The final consideration of whether the neighborhood can sustain another alcoholic beverage license will be given by the Department of Alcoholic Beverage Control. The majority of activities at Applicant's property will not involve the sale of alcoholic beverages. However, the proposed sale of alcoholic beverages is of critical importance to Applicant's customers. Moreover, the small size of Applicant's convenience store will limit the volume and variety of alcoholic beverages that will be on sale. Applicant intends to utilize less than 25 square feet of his store for the display and merchandising of alcoholic beverages. Since the sale of alcoholic beverages will be limited in size, incidental to the primary operations of the gas station and convenience store, and no loitering will be permitted, Applicant does not expect that his business will become a destination for drinking or assume any of the negative characteristics of a liquor store or tavern.

In granting a grocery store located approximately 400 feet from Applicant's business the right to sell wine and beer for off-site consumption, the Zoning Administrator in Case No. Case No. ZA 2012-2243(CUB)(CU) found that: "the crime rate in the census tract where the existing grocery store is located is below the citywide average and is not a high crime area." In addition, the Zoning Administrator also noted the improvement of traffic flow through the Westwood area in finding that the Los Angeles Department of Transportation had determined that the proposed project would not have significant traffic impacts on any of the intersections studied.

As an ancillary use within a gas service station, the sale of alcoholic beverages is unlikely to be considered undesirable. In the subject case, the availability of beer and wine will transform Westside Euromart into a more complete market, with few of the risks that often affect the

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<sup>1</sup> *The Los Angeles Times* acquires its crime data through electronic records that are provided by the Los Angeles Police Department.

businesses of ABC licensees. In light of the foregoing, although the approval of the requested alcohol rights will contribute to an undue concentration of alcohol licenses in the area, no detrimental effects will result and the public convenience will be served.

**6. The approval of the application will not detrimentally affect nearby residential zones or uses.**

The nearby residential zones are bordered by Westwood Boulevard to the west and Santa Monica Boulevard to the south, with nearly all of the nearby businesses located along one of these major thoroughfares. Applicant's convenience store is approximately 58 feet from the closest structure with residential uses, and has no facing windows or doors. The gas station's location and purpose is consistent with the assortment of retail, service, and commercial businesses in the immediate area. While there is one private school within a 1000-foot radius, there are no additional sensitive uses nearby. To date, it does not appear that this school or the any of the residential developments in the area have been negatively impacted by other ABC licensees operating nearby within the Census Tract.

Applicant's business is primarily a gas station with an ancillary convenience store. The sale of wine and beer is itself ancillary to the operation of the convenience store. There is sufficient parking on-site for the gas station and convenience store customers. The conditional use will be limited to the sale of beer and wine for off-site consumption only. Proper security and age confirmation will be required of all buyers. Moreover, Applicant's convenience store will continue to be well-maintained, with no recesses or other areas not illuminated in the evening hours.

With the proposed sale of wine and beer products, Westside Euromart will be able to meet the demand of its customers without becoming a burden to local residents. In a small, but significant way, the City's approval of the requested rights will enable Applicant to become a "one-stop shop" and extend an important convenience to local residents and visitors to the Westwood community.

**FINDINGS FOR A CEQA CATEGORICAL EXEMPTION**

In accordance with the City's Guidelines for the Implementation of the California Environmental Quality Act of 1970, Applicant requests that the proposed conditional use is Categorically Exempt as a Class 5 alteration in land use limitations, pursuant to Category 23, which exempts the grant of a conditional use for a non-significant change of use of land.

Applicant is not planning to undertake any construction activities in conjunction with the requested conditional use. Applicant's gas station and convenience store have existed for many years, and the proposed conditional use will not noticeably increase the intensity of

## ADDITIONAL INFORMATION & FINDINGS

use of the land— it will not generate appreciably more round-trips that does the current store without alcohol sales, nor will the sale of beer and wine result in more litter or other environmental impacts than does the sale of soft drinks or snack foods. Indeed, the right to sell alcoholic beverages falls into a class of land use rights that have do not have a significant effect on the environment, and which have been determined to be exempt from the provisions of CEQA in accordance with state law and the City's CEQA guidelines.