



Planning Commission Report

Planning Commission Meeting: October 7, 2020		Agenda Item: 10-A
To:	Planning Commission	
From:	Jing Yeo, AICP, City Planning Division Manager	
Permit:	19ENT-0468 and 19ENT-0469	
Address:	1600 Santa Monica Boulevard	
Applicant:	7-Eleven, Inc.	
Subject	Conditional Use Permits to allow the 1,787 square foot expansion of an existing 2,400 square foot convenience market for a total market area of 4,187 square feet and continuation of existing alcohol sales (Type 20 Off-Sale Beer and Wine).	

Zoning District	General Commercial (GC)
Land Use Element Designation	General Commercial
Parcel Area (SF)/Dimensions	22,500 square feet, 150' x 150' parcel
Existing On-Site Improvements	1600 Santa Monica Blvd – one-story, 8,863 square foot commercial building (1977to remain)
Rent Control Status	Commercial Property - N/A
Adjacent Zoning Districts & Land Uses	North: GC –Commercial/Auto East: GC and R2 – Commercial/ Multi-family residential South: R3 – Multi-family residential West: GC –Commercial/Auto
Historic Resources Inventory	None of the improvements are listed on the HRI

Site Location Map:



Recommended Action	1. Approve Conditional Use Permit(s) 19ENT-0468 and 19ENT-0469
	2. Adopt the Statement of Official Action

Executive Summary

7-Eleven is proposing expansion of an existing 24-hour convenience market selling various goods and products for the local community including fresh pre-prepared foods, produce, baked goods, and organic snacks delivered daily. The proposed 1,787 sq. ft. expansion is a convenience market, defined as an establishment as a market which sells a limited line of groceries and prepackaged food items primarily for off-premises consumption and typically has long or late hours of operation pursuant to SMMC 9.51.030(B)(10)(a). Convenience markets are permitted within the General Commercial (GC) zoning district subject to approval of a Conditional Use Permit (CUP).

The existing 7-11 also currently holds a Type 20 license for off-sale of beer and wine but the establishment of alcohol sales pre-dated the requirement for a CUP. As a result, pursuant to Section 9.31.040(E)(1) of the Zoning Ordinance, the expansion in alcohol sales area is a substantial change in mode or character of operation and therefore, a CUP is required for alcohol sales in the expanded convenience market.

The following issues should be considered by the Planning Commission in its review of the proposed project and are addressed in this report:

- The compatibility of an expanded convenience market and continuation of alcohol sales within the context of the surrounding neighborhood.
- The effectiveness of the recommended conditions of approval in minimizing any potential adverse impacts and alcohol-related impacts to the surrounding neighborhood in conjunction with the operation of a convenience market and alcohol sales.

Background

The 7-Eleven is located within an existing one-story, 10,010 square foot building and occupies one, 2,400 square foot tenant space. The building was constructed in 1977 and the 7-Eleven currently operates as a 24-hour convenience market, as established use at this location since the early 1980's. If the expansion is approved, the applicant will apply for a building permit for a tenant improvement that would require minor changes to the building's exterior. The current operation also includes beer and wine alcohol sales under a Type 20 license from the Department of Alcoholic Beverage Control (ABC).

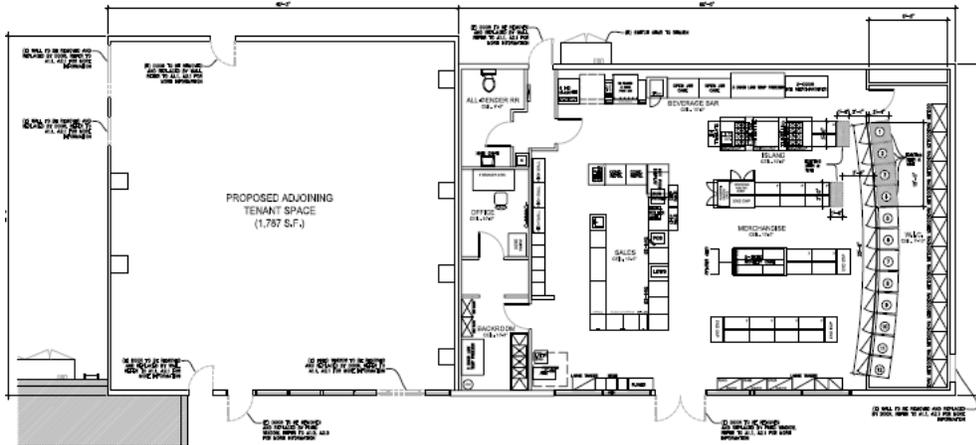


Figure 1: Existing Floor Plan



Figure 2: interior store photos

Project Analysis

Project Description

Proposed is the expansion into the adjacent tenant space and addition of items such as fresh sandwiches, produce and salads, alongside other snacks delivered daily. The existing 7-Eleven sells household essentials, such as paper goods, dog food, and over-the-counter medication but has operated at the current site without a Conditional Use Permit. The updated 7-Eleven concept also includes a “high end” coffee bar that will sell coffee, juices, and fresh ground coffee.

The current Type 20 (off-sale beer and wine) alcohol license limits alcohol sales from 6 a.m. to 2 a.m. Since the alcohol service predated Conditional Use Permit (CUP) requirements, included in this request is approval of a CUP for the existing alcohol sales.

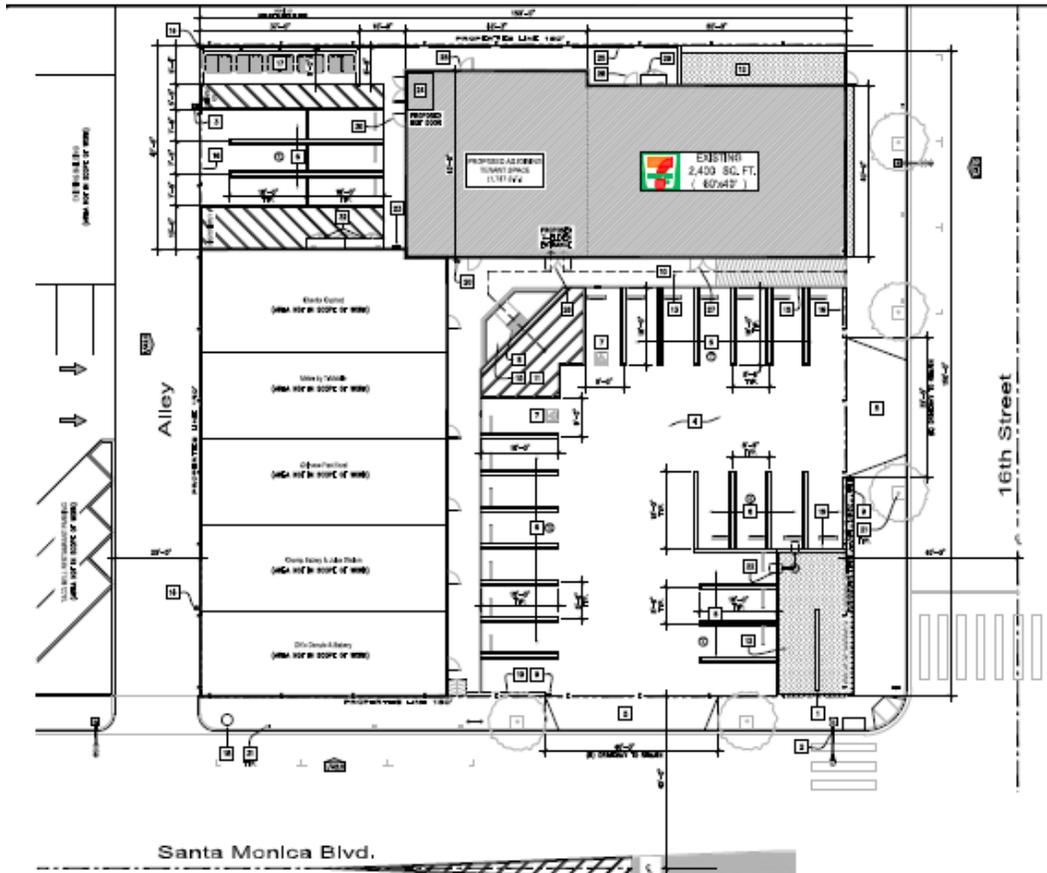


Figure 3: Proposed Site Plan

City Regulatory Requirements and Operational Standards

The existing 7-Eleven is defined and functions as a “convenience market” as described in SMMC 9.51.030(B)(10)(a). As per SMMC Section 9.11.020, convenience markets are permitted within the General Commercial (GC) zoning district subject to the granting of a Conditional Use Permit by the Planning Commission.

The City’s Municipal Code does not establish specific operational convenience market standards. However, the project and operation would be required to comply with generally applicable City and County building, sanitary, and health and safety regulations and laws, including those typically relate to general markets. Further, SMMC Section 9.31.040 establishes regulations and processes for alcoholic beverage sales.

Conditional Use Permit – Convenience Market Expansion

7-Eleven proposes to continue to operate as a 24-hour convenience market, with the expansion allowing for sale of prepared foods, a limited selection of fresh produce, and household goods such as over-the counter medicine and dry goods. The prepared foods would be delivered daily, an operational change included in this proposal. Daily deliveries have been approved by the Mobility Division via the existing loading space accessed from 16th Court Alley.

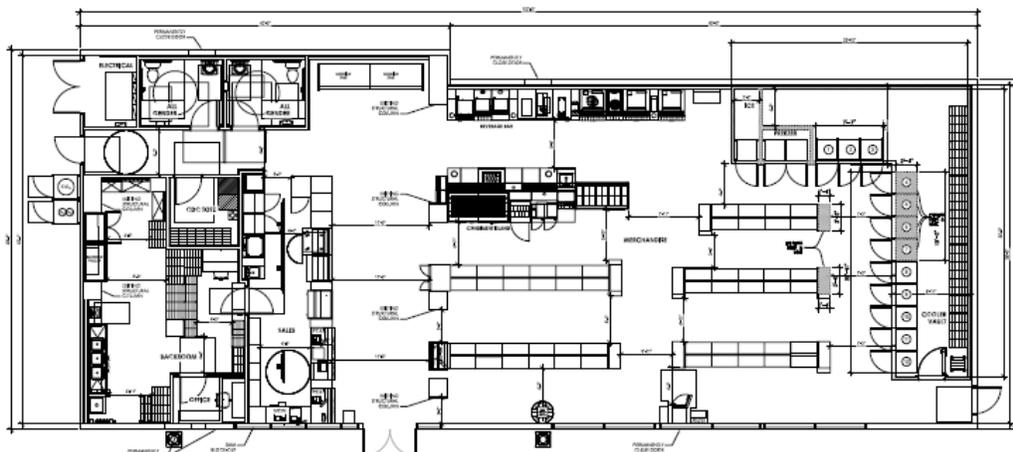


Figure 4: Proposed Floor Plan

The convenience market serves the surrounding neighborhood or businesses along the Santa Monica corridor and the extended hours of operation differentiate it from a general market. In order to allow the residents to have more opportunities to purchase household products, over the counter medications beverages and food items, a convenience market typically operates 24/7 (24 hours a day/ 7 days a week). This market is located within a strip-mall sited along the southwest corner of the site with the proposed expansion into a neighboring vacant tenant space. The expansion would fill a difficult-to-lease tenant space at the intersection of the “L” shaped complex. The potential impacts to adjacent development are not anticipated to increase because the store would expand to provide a wider variety of food, convenience items and beverages. The adjacent parcel to the south has been vacant for at least 10 years but is residentially zoned. Staff has received residential support letters for the proposal from neighboring properties, particularly east of 9th Court.

This location has not had a history of Code Enforcement complaints. However, Staff also has contacted the Santa Monica Police Department for information regarding calls for service at this location. The number of calls received at the site during the previous year was 111. In comparison the 7-Eleven stores located at 630 Wilshire Boulevard and 1835 Lincoln (801 Pico Boulevard) have 232 and 463 respectively within the same one-year time frame. These calls which include other business located within the strip mall at 1600 Santa Monica Boulevard, generally related to disturbance of the peace, disorderly conduct and assault.

A business operating 24/7 will typically generate more calls for service than a typical general market use. The requested CUP for the expansion of the convenience market allows additional conditions to be applied to the existing business. Should the CUPs not be approved, the market can remain a legal non-conforming use with a legal non-conforming license to sell alcohol.

In order to ensure that this use would not create adverse impacts, the following special operational conditions are recommended by staff:

1. The permitted hours of operation shall be 24 hours daily.
2. No exterior activity such as trash disposal, disposal of bottles or noise generating trash, deliveries or other maintenance activity generating noise audible from the exterior of the building shall occur during the hours of 11:00pm to 7:00am daily. In addition, there shall be no outdoor cleaning of the property with pressurized or mechanical equipment during the hours of 9:00pm to 7:00am daily. The trash/ recycling containers shall be upgraded and secured with locks upon final inspection of the proposed tenant improvement permit.
3. Loading off the alley shall be limited to the hours of 8 a.m. to 6 p.m. daily. Loading may take place in the front parking area if space permits during any hour of the day/ seven days per week.

Specific limitations on alcohol sales as described further in this report.

Conditional Use Permit – Continuation of Alcohol Sales

The 7-Eleven currently has a Type-20 (off sale beer and win) ABC license. The sale of alcoholic beverages is considered legal non-conforming at this location since a Conditional Use Permit was not required when the alcohol sales were initially offered. The proposed CUP for alcohol sales will set a base line establishing the shelf area (cold and room temperature alcohol display area) used for beer and wine sales, consistent with the existing condition. Table 1 shows that there are two other alcohol outlets within a 500-foot radius of the site.

Business	Address	Alcohol license
Co-Opportunity Market	1525 Broadway	Type-20 Off-sale Beer and Wine
Hank's Wine and Liquor	1432 Santa Monica Blvd.	Type-21 Off-sale General

Table 1: Alcohol Outlets within 500-foot radius

These two business, Co-Opportunity Market and Hank's Wine and Liquor are open fewer hours than a convenience market: the Co-Op market hours are from 7 a.m. to 10 p.m. and the liquor store hours are from 9 a.m. to 10 p.m. daily.

As noted previously, the existing 7-Eleven has operated with an ABC Type-20 (off-sale beer and wine) license for decades. The ABC has imposed no existing conditions and therefore, the current alcohol restrictions per California State Law permits sales from 6 a.m. - 2 a.m. Conditions of the CUP will regulate the current alcohol sales with proposed additional conditions beyond the ABC's limit on alcohol sales hours. The proposal was reviewed by the Santa Monica Police Department who recommended restriction of single bottle/can sales in an effort to decrease the calls for drunk and disorderly conduct on or near the premises. However, Staff has not received comments in opposition to the market

expansion or the request to add a Conditional Use Permit for the sale of alcoholic beverages. Since the Type 20 alcohol license only allows beer and wine, such a condition could also have inadvertent impacts on the majority of customers who do not want to purchase multiple bottles of beer or wine. Therefore, staff is not proposing a change to the existing hours or manner of alcohol sales.

Parking and Loading

Parking for the expanded 7-Eleven would be accommodated within the existing rear surface parking lot access from the alley and the parking located in front of the commercial store fronts accessed both from Santa Monica Boulevard and 16th Street. In this instance, no additional parking is required for the convenience market as it is expanding into an existing commercial space. The on-site parking is accessible from 16th Street, Santa Monica Boulevard and 16th Street Alley. Additionally, one loading space accessed from the 16th Court alley will remain. The table below demonstrates a breakdown of the project’s proposed uses. The site has 29 existing parking spaces (10 compact, 17 standard and 2 ADA parking spaces). Pursuant to SMMC Section 9.28.020(B), the required expansion parking for the 7-Eleven is the difference between the prior parking rate (1 space / 300 SF) and the parking rate required for the proposed convenience market use (1 space / 500 SF). The current parking rate is less than the rate at the time this building was constructed and since a lower parking demand does not increase the need for additional parking, no additional spaces are required. The Interim Zoning Ordinance (IZO) 2637 (Citywide Economic Recovery Ordinance) also does not require any parking if the resulting calculation creates an increase of up to 10 spaces.

Land Use	Parking Requirement	Parking Required	Parking Provided
Commercial/ Convenience Market	1 space/500 SF (1,787,SF expansion)	(1/300 rate = 5.95 - 1/500 rate =3.5)	Existing 29 spaces are grandparented for commercial use
Total		0 spaces (no additional parking required)	29 spaces

Table 2: Vehicle Parking

Neighborhood Compatibility

The market is situated within a commercial area of the City bordering residential properties on the 16th side street. Located on the southeast corner of 16th and Santa Monica Boulevard, with the primary parking and buffered from residential uses to the south. Santa Monica Boulevard is a commercial corridor with auto dealerships, surface lots and repair operations on or near the 1600 block of Santa Monica Boulevard. The site and commercial uses have been part of the development since its construction in 1977; the strip-mall houses retail and bakery operations including the current tenants: 7-Eleven, check cashing operation, T-Mobile retail, Chinese fast food, a juice station and DK

Donuts. As previously indicated, there is no record of Code Enforcement complaints for the market in its operating history. However, staff received calls for service information from SMPD. The proposed special operational conditions would seek to address any potential impacts that could result, particularly with respect to loading, noise and alcohol sales.

Conformance with Land Use and Circulation Element (LUCE)

The subject property is designated as General Commercial (GC) in the Land Use and Circulation Element (LUCE). General Commercial land use policies and goals are intended to encourage local-serving retail and a diverse, attractive pedestrian-friendly boulevard. LUCE Goal B4.6 encourages convenience markets that support surrounding neighborhood uses with retail, grocery and drugstore type goods where transparent window displays along the Santa Monica Boulevard General Commercial District allow visibility into the store. Santa Monica Boulevard is a major east/west corridor that is described in the LUCE envisioned as a “pedestrian-preferred transit street with a mix of local services, commercial and retail uses”. Implementing alcohol-related conditions is consistent with Policy LU1.3 which seeks to mitigate the impact of commercial uses on residential uses.

Environmental Analysis

This request is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Class 1), Existing Facilities, of the State Implementation Guidelines in that the project involves expansion of an existing convenience store use with the sale of alcohol for off-site consumption. The scope of the improvements will occur within existing tenant spaces and involve only minor alterations.

Alternative Actions:

In addition to the recommended action, the Planning Commission could consider the following with respect to the project if supported by the evidentiary record and consistent with applicable legal requirements:

- Continue the project for specific reasons, consistent with applicable deadlines and with agreement from the applicant;
- Articulate revised findings and/or conditions to Deny, with or without prejudice, the subject application.

Conclusion

Staff believes that the expansion of the existing 7-Eleven would be compatible within the context of its commercial surroundings and would provide operational conditions where none exist today. The proposed operational standards by staff would provide the necessary safeguards against any environmental or neighborhood impacts that could result. Additionally, conditions of approval are recommended, which seek to mitigate potential adverse impacts that could be associated with the continuation of alcoholic beverage sales. As conditioned, the request is not anticipated to create any negative impacts to the surrounding neighborhood. Staff recommends that the Planning Commission approve Conditional Use Permits 19ENT-0468 and 19ENT-0469 subject to the conditions described in the attached draft Statement of Official Action.

Prepared by: Gina Szilak, Associate Planner

Attachments

- A. General Plan and Municipal Code Compliance Worksheet
- B. Draft Statement of Official Action
- C. Public Notification
- D. Project Plans
- E. Site Photos