

**RECOMMENDED
CONDITIONS OF APPROVAL
PLN17-0029 - 2180 Orchard Avenue
Arash Salkhi, San Leandro Chevron Station (Applicant/Property Owner)**

I. COMPLIANCE WITH APPROVED PLANS

- A. The applicant/property owner shall comply with Exhibits A through C, attached to the staff report dated June 22, 2017, except as hereinafter modified. Exhibits are on file at the City of San Leandro Community Development Department, 835 East 14th Street, San Leandro, California.

Exhibit A – Site Plan
Exhibit B – Floor Plan
Exhibit C – Building Elevation

- B. The applicant/property owner shall be responsible for assuring that any successor in interest who assumes responsibility for this zoning approval is informed of its terms and conditions.

II. PERMITTED USES

- A. This is a conditional use permit approval to allow for the sale of beer and wine for off-site consumption from the San Leandro Chevron Station convenience store at 2180 Orchard Avenue; Alameda County Assessor's Parcel Number 75-102-10-4; Arash Salkhi, San Leandro Chevron Station (applicant/property owner).
- B. Public access to the inside of the convenience store and the sale of beer and wine shall only take place between the hours of 6:00 a.m. and 10:00 p.m. Any modification to the hours for sales of beer and wine and public access to the inside of the convenience store shall be subject to the review and approval of the San Leandro Police Department Chief of Police and Community Development Director.
- C. The interior and exterior use of the building shall remain in substantial compliance with the approved plans and exhibits. Any change to project design shall be subject to the review and approval of the San Leandro Police Department and Community Development Director who may administratively approve or require review by the Board of Zoning Adjustments as an amendment to this Conditional Use Permit.
- D. These Conditions of Approval shall be prominently posted in the convenience store building and shall be made accessible and distributed to all employees.

III. USE RESTRICTIONS

- A. Consumption of beer and wine shall not be permitted on-site.

- B. No sale of beer and wine beverages shall be made from an exterior security window, drive-up window, or outside of the building.
- C. Signs shall be in full compliance with Article 18 of the San Leandro Zoning Code. Temporary signs shall only be permitted with prior issuance of a Temporary Sign Permit. Feather signs, pin signs, inflatable signs, balloons, and moving or animated temporary signs shall be prohibited at all times from the premises.
- D. Tent sales, sidewalk sales, and temporary third-party vendors shall be prohibited from operating on the premises.
- E. Applicant/property owner shall be responsible for the maintenance of parking lot lighting to levels that create a safe environment, to the satisfaction of the Community Development Director and San Leandro Chief of Police. New or replaced light fixtures on the property shall be fully shielded, dark sky compliant and focused below the horizontal plane. Any broken or dimmed lighting shall be replaced immediately.
- F. No merchandise shall be permitted for display outdoors, with the exception of propane containers stored in a Fire Department approved enclosure.
- G. All sidewalks and accessible paths of travel shall be kept free and clear of physical obstructions at all times.

IV. MAINTENANCE

- A. The site shall be well maintained and shall be kept free of litter, debris and weeds. Twice daily, the store operator shall patrol the property and adjacent streets for a distance of 500 feet from the exterior property lines to pick up any trash or litter attributable to the convenience store and sweep street gutters.
- B. The fencing shall be structurally sound and well maintained at all times; any damage to the fence shall be promptly repaired. No barbed wire, razor wire, or ribbon wire shall be installed on any wall, fence or building on the property.
- C. Dumpsters shall remain inside the trash enclosure at all times with the exception of emptying by the disposal company. Gates to the refuse area shall be closed except when necessary to move out the dumpster or deposit trash from garbage receptacles.

V. SAN LEANDRO POLICE DEPARTMENT

- A. Signs, no less than 2'x2' in size with black lettering, no less than 2" in size on a contrasting background shall be conspicuously posed on the exterior of the building, visible from the parking lot and any rear access to the building, which state, "No Loitering, No Littering, No Consumption of Alcoholic Beverages – Violators Subject to Arrest." This shall be posted in English and Spanish.

- B. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 48 hours of being applied.
- C. The rear doors of the premises shall be equipped on the inside with an automatic locking device and shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies and maintenance does not constitute a violation.
- D. No amusement machines or video game devices shall be present in the premises at any time.
- E. The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premise.
- F. The owner and business shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, as depicted on the ABC-257 and ABC-253.
- G. The owner and business shall provide off-street parking spaces for vehicles for use by patrons of the premises.
- H. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all person on or about the parking lot. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.
- I. Trash and recyclables shall not be emptied between the hours of 10pm and 8am.
- J. No beer or malt beverage products shall be sold, regardless of container size, in quantities of less than four pre-packaged units per sale.
- K. Wine shall not be sold in bottles or containers smaller than 750ml and wine-coolers, beer coolers, or pre-mixed distilled spirit cocktails (if allowed by the license) must be sold in manufacturer pre-packaged multi-unit quantities of four or more.
- L. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on the ABC-257 and ABC-253.
- M. No person under the age of 18 shall sell alcoholic beverages.
- N. No pay phone will be maintained on the interior and exterior of the premises.

- O. Loitering is prohibited on or around these premises or this area under the control of the licensee(s) as depicted on the ABC-257 and ABC-253.
- P. The license, owner and business shall keep the property, adjacent to the licensed premises and under the control of the licensee(s) as depicted on ABC-253 clear of newspaper racks, pay telephones, and any other objects which may encourage loitering.
- Q. Interior and exterior video recording systems shall be installed and maintained in operable condition at all times in which the business is open to customers. The recording system must be capable of recording up to 72 hours of video in HD-quality.
- R. Owner and business shall be responsible for the posting of all signage, pursuant to Business and Professions Code Section 25612.5.
- S. The business, owners, employees and operators will cooperate fully with the San Leandro Police Department regarding any criminal or community-related matters.
- T. Licensee, owner, and employees are to complete and ABC LEADs instructional training course within 3 months of hire and every 2 years thereafter.
- U. Business shall participate in SLPD's Crime Free Business Program.

VI. GENERAL CONDITIONS

- A. Applicant/property owner shall obtain the necessary permits for off sale of beer and wine in the City of San Leandro and any necessary permits required under State law or regulations.
- B. The approvals granted by the City as a result of this application, as well as the Conditions of Approval, shall be recorded in the office of the County Recorder of Alameda County.
- C. No application for amendment of the application or Conditions of Approval may be accepted or submitted for processing by the City unless (i) there is full compliance with all terms of the application and Conditions of Approval; or (ii) the Community Development Director waives compliance with the terms of the application and Conditions of Approval pending application for the amendment.
- D. Pursuant to Zoning Code Section 5-2218, this approval shall lapse on August 3, 2018 unless a) there is diligent progress evidencing a good faith intent to commence the intended use, or b) a written request for a one-year extension of the site plan review is approved by the Community Development Director.