

**RECOMMENDED
CONDITIONS OF APPROVAL**

PLN2022-0051

**1935 Washington Avenue, APN: 075-073-001-03
(west side of Washington Avenue, south side of Castro Street)
Salvador Soto (applicant), Christopher Dabit (property owner)**

I. COMPLIANCE WITH APPROVED PLANS

- A. The project shall comply with the attached Exhibit C, Site Plan and Floor Plan, except as hereinafter modified. (Exhibits are on file at the City of San Leandro, Community Development Department, 835 East 14th Street, San Leandro, California, 94577).

Exhibit C: Site Plan and Floor Plan

- B. The applicant and/or 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.
- C. Conditional Use Permit approval shall lapse after two (2) years following Board of Zoning Adjustments approval of the application unless diligent progress has been made evidencing a good faith intent to commence the intended use; or an occupancy permit has been issued; or the approval is renewed, as provided in Section 5.08.136.A of the Zoning Code. Pursuant to Zoning Code Section 5.08.136.E upon written request the approval may be renewed by the Zoning Enforcement Official for one (1) year, with one additional (1) one-year renewal allowed for a total period not to exceed two (2) years without notice or public hearing if the findings required by Section 5.08.124.A of the Zoning Code. remain valid. Application for renewal shall be made in writing to the Community Development Director not less than 30 days or more than 120 days prior to expiration of the Conditional Use Permit approval. Denial of a request for renewal of the Project approval may be appealed.

II. PERMITTED USE

- A. This Conditional Use Permit approval is to allow the sale of beer and wine at 1935 Washington Avenue for off-site consumption. Alameda County Assessor's Parcel Number 075-073-001-03.
- B. No application for amendment of the application or Conditions of Approval may be submitted or accepted for processing by the city unless (i) there is full compliance with all other legally binding documents regulating development on the property; and (ii) there is full compliance with all terms of the application and Conditions of Approval, or (iii) the Community Development Director has waived compliance with the terms of the application because they are minor in content.
- C. Operation of the project shall remain in substantial compliance with the approved Conditions of Approval. The Zoning Enforcement Official may approve changes to

approved plans or in Conditions of Approval without a public hearing upon determining that the changes in conditions are minor and are consistent with the intent of the original approval. Revisions involving substantial changes in Conditions of Approval shall be treated as new applications, to be reviewed as a new project.

II. PLANNING DIVISION REQUIREMENTS

- A. Project shall comply with all of the minimum requirements in the Zoning Code.
- B. No alcoholic beverages shall be displayed within five (5) feet of the cash register or the front door of the establishment, unless it is in a permanently affixed cooler.
- C. No sale of alcoholic beverages shall be made from a drive-up window.
- D. No display of alcoholic beverages shall be made from an ice tub.
- E. No alcoholic beverage advertising shall be located on motor fuel islands or otherwise visible from outside the building in which the alcoholic beverage is sold.
- F. Hours of operation for the convenience store shall be only take place between 6:00 a.m. and 10:00 p.m. Any modification to the hours for sales of beer and wine and convenience store operations shall be subject to the review and approval of the San Leandro Police Department Chief of Police and Community Development Director.
- G. The Applicant/property owner shall obtain the necessary permits for the sale of beer and wine for off-site consumption as required under State and local laws and regulations.
- H. These Conditions of Approval shall be prominently posted in the convenience store building and shall be made accessible and distributed to all employees.

III. POLICE DEPARTMENT REQUIREMENTS

- A. Alcoholic beverages may only be offered for sale at the business if a State of CA Department of Alcoholic Beverage Control license issued to the applicant/owner/business is valid at the time that alcoholic beverages are offered for sale on the business premises.
- B. Patrons may not enter the office or any designated “*employee only area*” at any time.
- C. Business must post all required signage, pursuant to Business and Professions Code section 25612.5.
- D. The business, owners, employees and operators will cooperate fully with the San Leandro Police Department and City of San Leandro regarding any criminal, code enforcement or community-related investigation(s) conducted by employees of the San Leandro Police Department or City of San Leandro.
- E. Owners, managers, and employees of the licensed business are to complete an ABC LEADs or RBS instructional training course within 3 months of hire and every 2 years

thereafter. Courses may be completed online as offered by the CA Department of Alcoholic Beverage Control's website: www.abc.ca.gov

- F. Licensed business should participate in SLPD's Crime Free Business Program.
- G. 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.
- H. 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 does not constitute a violation.
- I. There shall be no amusement machines or video gaming devices determined to be games of chance – in which players pay to play, are issued credits by the machine, and are later paid out in US currency or other by anything in value by the establishment on the premises at any time. This includes sports "pools" and any other type of gambling games.
- J. The owner and business shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control to include streets, sidewalks, parking lots and alleys, regardless if they are the owner of the adjacent property.
- K. 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 persons on or about the parking lot. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.
- L. Trash shall not be emptied between the hours of 10PM and 6:00AM on any day.
- M. No person under the age of 21 shall sell or deliver alcoholic beverages.
- N. No pay phone will be maintained on the interior or exterior of the premises.
- O. Loitering is prohibited on or around these premises or this area under the control of the owner and business.
- P. The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages is prohibited on or around the licensed business.
- Q. The licensee shall keep the property, adjacent to the licensed premises and under the control of the licensee(s) clear of newspaper racks, pay telephones, and any other objects which may encourage loitering.
- R. Peace officers, as listed in CA Penal Code section 830.1, and the Director and other persons employed by the Department of Alcoholic Beverage Control for the administration and enforcement of the Alcoholic Beverage Control Act are authorized to visit and inspect the proposed business, without a search warrant, at any time during

business hours, if the business has a valid license issued by the State of California Department of Alcoholic Beverage Control to sell and/or serve alcoholic beverages, and the business is exercising those privileges authorized by the license at the business where the business and ABC licenses are issued.

V. MAINTENANCE

- A. The project site shall be well-maintained and shall be kept free of litter, debris, and weeds at all times.
- B. Any graffiti shall be promptly removed from building walls, perimeter soundwalls and/or fences. The developer and its successors in interest shall comply with the rules and regulations of the City's graffiti removal program and shall grant a license and right of entry as requested to enforce the terms of such program.
- C. Fencing along the southerly property line shall be replaced. All fencing and walls on the project site shall be structurally sound, graffiti- free, and well maintained at all times.
- D. All dead, dying, and sparse landscaping shall be replanted and maintained in a healthy, growing condition at all times.

VII. GENERAL CONDITIONS

- A. 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.
- B. Pursuant to Zoning Code Section 5.08.136, this approval shall lapse on **April 7, 2025**, unless a) diligent progress is made evidencing a good faith intent to commence the intended use, or b) a written request for a one-year extension of the use permit is approved by the Community Development Director, and there are no outstanding enforcement complaints.