

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

The Board of Zoning Adjustments hereby approves the Conditional Use Permit to allow for the concurrent sale of motor vehicle fuel and the sale of beer and wine for off-site consumption from the San Leandro Chevron Station convenience store located at 2180 Orchard Avenue, and finds the project categorically exempt from CEQA subject to the following findings:

The Board of Zoning Adjustments hereby approves the Conditional Use Permit, subject to the following findings:

1. The proposed location of the use is in accord with the objectives of this Code and the purposes of the district in which the site is located.

The Zoning Code requires that for businesses engaged in the concurrent sale of motor vehicle fuel and alcoholic beverages a conditional use permit be obtained (Section 4-1644). The existing San Leandro Chevron self-service gas station and convenience store are commercial/retail type uses, which are located in the IL (S) Industrial Limited District (Special Review Overlay District). The proposed sale of beer and wine for off-site consumption at this location is in accord with the objective of the Code and purpose of the IL Industrial Light District, which is to provide commercial uses, subject to conditions of approval, that service surrounding uses and nearby establishments. The conditions of approval will maintain the character of the area and prevent impacts to the adjacent commercial, industrial, and residential uses. Thus, the proposed sale of beer and wine for off-site consumption would be subject to certain limitations to avoid adverse effects on adjacent uses and properties and the convenience store would be required to continue to operate in an orderly manner at the site with no advertising of beer or wine allowed on the motor fuel islands, building, and windows.

2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city.

The property is designated General Commercial in the City's General Plan Land Use Map. General Commercial areas "corresponds to larger shopping centers, shopping districts, and commercial uses providing a broader range of goods and services and serving a broader market than the neighborhood commercial areas. Allowable uses include but are not limited to supermarkets, department stores, apparel stores, theaters, and non-retail services such as offices and banks. These areas also contain primarily auto-oriented uses such as hotels and motels, car dealerships, auto service and repair businesses, and construction suppliers. The uses are generally designed for the convenience of persons arriving by car" (General Plan page 3-27), therefore, the provision of the concurrent sale of motor vehicle fuel and the

sale of beer and wine for off-site consumption from the San Leandro Chevron Station convenience store will be consistent with the City of San Leandro General Plan for this land use designation. In addition, the following General Plan policies would apply:

Policy LU-8.1 Retail Hierarchy - Maintain a range of retail uses in the City, consisting of: (a) Regional shopping concentrated around the existing centers at Bayfair, Marina Square, and Westgate; (b) Community retail uses centered in Downtown San Leandro, reinforcing the area's image as the City center; (c) Neighborhood shopping districts located within subareas of the City, providing basic goods and services within easy access of neighborhood residents; and (d) Larger-scale general commercial activities such as building suppliers, lumberyards, and home improvement stores that occur on the edges of industrial areas.

Policy LU-8.5 Commercial Uses with an Industrial Character - Maintain areas in the City that are appropriate for lumberyards, construction suppliers, automotive repair shops, and other commercial uses that are industrial in character or that typically locate in industrial areas. While development standards in these areas should respect the operational characteristics of these uses, they should still promote aesthetic improvements, adequate buffering for nearby uses, traffic safety, and a more positive visual image.

Policy LU-8.12 Marina Boulevard - Improve the Marina Boulevard corridor as an east-west connector between Downtown San Leandro and the waterfront. This should include continued investment in regional retail and Auto Mall development between I-880 and San Leandro Boulevard. It should also include the gradual transformation of the area between Merced and Doolittle from industrial to higher value retail, service, and other commercial uses, with accompanying changes to make the street more pedestrian and bicycle friendly. Marina Boulevard should be viewed as the "front door" into San Leandro -- a major gateway that communicates a positive impression of the city.

The proposed use, with the conditions of approval, will not be materially detrimental to public health, safety or welfare of persons working in or adjacent to the area; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City because the property and its use would be subject to the following conditions:

- No consumption of beer and wine on-site
- Installation of video cameras for security and crime prevention purposes
- No sale of beer and wine from the cashier's exterior security window
- Mandatory training for cashiers that sell beer and wine
- Restricting hours allowing public access to the interior of the store
- Prohibiting loitering and post "no loitering" signs
- Policing the area for litter or trash attributable to the business

3. The proposed use will comply with the provisions of this Code, including any specific condition required for the proposed use in the district in which it would be located.

Pursuant to Article 16 Development Regulations, a conditional use permit application is required for the concurrent sale of motor vehicle fuel and alcoholic beverages, such as beer and wine. A use permit application is discretionary and the Board of Zoning Adjustments will determine if the proposed use is compatible with the existing and proposed uses in the general vicinity. As outlined in the finding above, the use of the property will include specific conditions of approval relating to its function, operation, and maintenance to avoid adverse effects on adjacent properties and persons working or residing in the nearby area.

4. The proposed use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities which cannot be mitigated.

The existing property and convenience store is adequately served by streets, utilities and other public facilities without detriment to the immediate area. The proposal with the interior alterations will not significantly affect the public utilities and facilities already serving the existing immediate area. The property has adequate off-street customer parking and employee parking. It is unlikely that employee and customer traffic and parking will result in a hazard or nuisance to persons or property in the vicinity. Further, the San Leandro Police Department conducted a review of the proposal and added to the conditions of approval to address security concerns and operations at the San Leandro Chevron Station convenience store.

California Environmental Quality Act Categorical Exemption Findings

This item is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15301 as it is an Existing Facility that involves no expansion; interior alterations; and is not located in an environmentally sensitive area.