

APPLICANT STATEMENT

San Leandro CUP Application Project Description and Findings Sheet

PLEASE NOTE: This application is being submitted pursuant to San Leandro Zoning Code section 4-1644, which allows alcohol to be sold in conjunction with the sale of motor fuel if the City issues a CUP allowing such a use. The Applicant is seeking permission to sell beer and wine pursuant to a Type-20 ABC License.

Additionally, the Applicant is requesting that the City make a determination that the sale of beer and wine at this location will serve the public convenience or necessity and report such finding to the ABC.

The following are the Applicant's responses to the required findings for a CUP listed in San Leandro Zoning Code section 5-2212:

1. That 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 Applicant owns and operates a Shell service station at 2175 Marina Boulevard, located at the northeastern corner of Marina Boulevard and Doolittle Drive. Both Marina Boulevard and Doolittle Drive are four-lane roads carrying a significant amount of vehicle traffic through a thin strip of Neighborhood Commercial-zoned areas, which operate as a buffer between a large industrial zone to the north and east, and a residential area to the west and south.

The Applicant's existing service station has operated within San Leandro for several years, and has provided significant convenience to the local community both through the provision of fuel, and by the sale of ancillary items to the general public for off-site consumption. In the process of beginning a heavy investment in the property, potentially up to and including either a complete remodel or raze-and-rebuild, the Applicant wants to supplement the services it has historically offered to the public by including a small amount of beer and wine among the items it provides to the public, and to that end submits this application for a Conditional Use Permit (CUP).

While alcohol sales in conjunction with service stations are not permitted as a matter of right in the City of San Leandro, under the San Leandro Zoning Code section 4-1644, alcohol may be sold in conjunction with the sale of motor fuel if the City issues a CUP allowing such a use.

Neighborhood Commercial districts are described by the San Leandro Zoning code as aiming "[t]o provide sites for businesses serving the daily needs of nearby residential areas, subject to development standards that prevent significant adverse effects on adjoining neighborhoods." The existing service station directly serves the needs of residents of the nearby residential district by allowing them a local and cost-effective means of purchasing motor fuel for their travelling needs. Approval of the Applicant's CUP would expand on that utility, by allowing those individuals to also purchase alcoholic beverages for consumption in their homes in a single, convenient stop. This would cut down on the total vehicle-miles traveled, as shopping trips that used to take several stops, can be completed at a single location.

For these reasons, the Applicant believes that approval of the proposed CUP would be in keeping with the San Leandro Zoning Code, and the purposes of the Neighborhood Commercial zone in which the Applicant's service station is located.

- 2. That 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 site is located within a Neighborhood Commercial zone. Neighborhood Commercial areas, per the San Leandro 2035 General Plan's Land Use Element, are designated for "small shopping centers or clusters of street-front buildings with local-serving businesses and services. Allowable uses include groceries, local-serving offices, pharmacies, laundromats, dry cleaners, restaurants, and other businesses that serve the daily needs of nearby residential areas." The fueling and retail services provided to the nearby residential neighborhood by the Applicant's service station already fit smoothly into the City's plan for Neighborhood Commercial areas, and with approval of this application Applicant intends to heavily invest in further visual and service-based improvements. Expansion of those services to encompass sales of beer and wine would only increase the diversity of services available to local residents in a single, well-run, and conveniently-located establishment.

Further, the sale of beer and wine on the Applicant's shelves would provide local employers increased exposure and visibility. The General Plan's Economic Development Element rightly touts San Leandro's thriving craft breweries as being a key growth sector for the city, providing both direct and indirect employment as brewery tours and other local events featuring artisan-produced alcohols bring in visitors from the broader Bay Area. The increasing popularity of these breweries additionally increases the City's visibility and prestige, acting as a magnet for other beneficial and profitable development. Increasing the number of off-site retailers of alcohol in and near San Leandro's residential neighborhoods will allow those same craft breweries to present their product to city denizens in more diverse and numerous settings, allowing for higher sales volume and more publicity for local businesses hungry to grow.

Even though the Applicant is confident that approval of its proposed CUP would bring significant benefits to San Leandro, the Applicant is cognizant that many communities have concerns about negative externalities which might be associated with the sale and consumption of alcohol. As a result, the Applicant is dedicated not only to being a responsible and law-abiding vendor, but also to ensuring that no sensitive uses are located within such a small distance that the health, safety, or welfare of the community might be implicated.

The Applicant is willing to abide by the following voluntary restrictions and conditions in order to preemptively address any negative consequences the sale of alcohol might possible incur:

1. The sales floor space allocated to alcoholic beverages shall not exceed 10% of the total sales floor area.
2. The licensee shall post signs in the area under its control with regard to prohibitions of open containers and loitering at the location and no loitering will be tolerated.
3. No display of alcohol shall be made from an ice tub, barrel or similar container.
4. Digital security cameras shall be installed to monitor the interior and exterior of the premises. Footage shall be maintained in digital format for not less than thirty (30) days. Footage will be shared with law enforcement upon request.
5. Cooler doors for alcoholic beverage products will be locked during hours when alcoholic beverages may not be sold.
6. Alcoholic beverages will be displayed and/or located in the rear of the store.

The closest sensitive uses to the Applicant's Shell station are "Our Future Tots Learning Center" and "Learning Clock Montessori School." Each of these are more than 600 feet away from the Applicant, and safely buffered by Marina Boulevard and Doolittle Drive. And while there are residential developments in close proximity to the Applicant's location, they are also buffered by the significant vehicle traffic present on Marina Boulevard and Doolittle Drive, as well as several large commercial lots interposed between the residential areas and the Applicant's service station. Further, the location's immediate neighbors are separated from the grounds of the Applicant's property by a hedgerow and a chain link fence, which should discourage easy ingress and egress other than by the general access points from the street and sidewalk.

For these reasons, the Applicant believes that the approval of this application would be in accordance with the City's General Plan, be beneficial to the economic health of the community, and would not endanger the public health, welfare, or property of community residents.

3. That 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; and

The proposed CUP is being requested in accordance with the San Leandro Zoning Code, section 4-1644, which regulates the sale of alcoholic beverages at businesses, like the applicant's service station, where motor fuel is being sold. Section 4-1644 requires that businesses wishing to sell both alcohol and motor fuel follow the following restrictions:

1. 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;
2. No sale of alcoholic beverages shall be made from a drive-up window;

3. No display of alcoholic beverages shall be made from an ice tub;
4. 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; and
5. Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. shall be at least twenty-one (21) years of age to sell alcoholic beverages.

The applicant is perfectly willing to abide by these conditions, as well as other, self-imposed restrictions enumerated above.

4. That 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.

While the proposed CUP would increase the offerings available to customers at the Applicant's service station, no construction is proposed at this time which would alter the traffic patterns on the Applicant's property (though if this application is approved, Applicant intends to separately pursue further development and remodeling of the property). Further, the proposed beer and wine sales will be incidental to the retail offerings already present on site, and the sale of alcoholic beverages at service stations is explicitly provided for by the San Leandro Zoning Code, section 4-1644. While the Applicant believes that this increased range of products will bring an increased number of customers to its service station, the Applicant does not anticipate a sufficient volume of additional customers that local traffic patterns would be negatively impacted.