

RECOMMENDED FINDINGS OF FACT

PLN18-0031
2175 Marina Blvd., APN 79A-568-10-7
RADC Enterprises, Inc. (Applicant)
Anabi Real Estate Development, LLC (Property Owner)

The Board of Zoning Adjustments hereby approves PLN18-0031, subject to the following findings:

CONDITIONAL USE PERMIT

Per Zoning Code [§4-1644.A](#), a Conditional Use Permit is required for concurrent sale of motor vehicle fuel and alcoholic beverages and the application must meet all of the following required findings.

1. The proposed location of the project conforms to the objectives of the Zoning Code as well as the purposes of the district in which the site is located.

The addition of beer and wine sales the proposed location conforms to the purpose of the CN(S) Commercial Neighborhood (Special Review Overlay), which is to provide sites for businesses serving the daily needs of nearby residential areas. The purpose of the S Overlay is to ensure that proposed uses in the Marina gateway area are compatible with adjacent uses. Given that the proposed use is accessory in nature to the existing convenience store and conditioned to comply with all City of San Leandro and State laws and regulations, the proposed use will not create adverse effects on adjacent areas and is appropriate to the existing commercial and residential neighborhood.

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 harmful to the public health, safety or welfare of persons residing or working in, or nearby, to the neighborhood of the proposed use; and will not be detrimental to properties or improvements in the area or to the general welfare of the City.

The provision of the concurrent sale of motor vehicle fuel and the sale of beer and wine for off-site consumption from the existing Shell Station convenience store is consistent with the General Plan for several reasons. The proposed use is accessory to—and wholly within—the existing convenience store. The proposed beer and wine sales space will occupy approximately three percent (3%) of the total sales floor area and is expected to generate minimal additional traffic. Finally, the project provides a local-serving function for nearby residential areas.

The General Plan designates this site as Neighborhood Commercial within the Marina Blvd. corridor, between Doolittle Dr. and the railroad. The block is characterized by “a mix of unrelated commercial uses, including restaurants, a sports bar, small offices, and local serving businesses.” The project does not involve an expansion or alteration

of existing structures, and would be consistent with the following General Plan Land Use policies:

Policy LU-2.1 Complete Neighborhoods. Strive for “complete neighborhoods” that provide an array of housing choices, easy access to retail stores, commercial services, and medical care.

Policy ED-4.1 Retail Diversity. Encourage a diverse range of commercial uses, offering goods and services that fully meet the needs of San Leandro residents and businesses.

Policy LU-8.1(c) Retail Hierarchy. Maintain a range of retail uses in the City, consisting of Neighborhood shopping districts located within subareas of the City, providing basic goods and services within easy access of neighborhood residents.

Policy LU-8.12 Marina Boulevard. Improve the Marina Boulevard corridor as an east-west connector between Downtown San Leandro and the waterfront.

In addition, the property and its use will be subject to the following conditions to ensure compatibility with the surrounding commercial and residential neighborhood:

- 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 posting "no loitering" signs; and
- Policing the area for litter or trash attributable to the business.

3. The proposed use will comply with the requirements of the Zoning Code, including any specific condition required in the district in which it will be located.

The provision for sales of beer and wine for off-site consumption will comply with the requirements of the CN Commercial Neighborhood designation at the subject location because the property has been operating as a convenience store for over 25 years and the proposed accessory use is appropriate in the commercial neighborhood as prescribed in the definition of the CN District. Additionally, the proposed use is in an existing facility with no proposed expansions or interior alterations.

4. The proposed use will not create negative 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 will not affect the public utilities and facilities already serving the existing immediate area. The existing gas station, car wash, and convenience store employs a total of ten staff, with one to two staff per shift, and the proposed accessory use will not increase the number of employees on site. The property complies with the off-street parking as

approved by SD-88-23 and it is unlikely that the proposed use will generate significant traffic and parking, or result in a hazard or nuisance to persons or property in the vicinity.

This segment of Marina Boulevard has a speed limit of 30 miles per hour and a recorded average daily traffic of 7,711 vehicles per day, with a peak traffic flow at 4:45 PM (November 2016).

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 subject property.

CEQA ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review under the California Environmental Quality Act pursuant to Article 19, Section 15301 of the State CEQA Guidelines, as an Existing Facility with no expansion, interior alterations, and not located in an environmentally sensitive area.