

RECOMMENDED CONDITIONS OF APPROVAL
PLN18-0031
2175 Marina Blvd.
Alameda County Assessor's Parcel Number 79A-568-10-7
RADC Enterprises, Inc. (Applicant)
Anabi Real Estate Development, LLC (Property Owner)

I. COMPLIANCE WITH APPROVED PLANS

1. The project shall comply with Exhibits A and B, attached to the staff report dated June 7, 2018, 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 A – Site Plan
 - Exhibit B – Floor Plan
2. **Successor Notification.** 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.
3. **Expiration.** Pursuant to [Zoning Code Section 5-2218](#), this approval shall lapse on June 7, 2019, unless a) a business license has been issued, coupled with diligent progress 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 Board of Zoning Adjustments, and there are no outstanding enforcement complaints.

II. PERMITTED USE

4. **Permitted Use.** This is a conditional use permit approval to allow for the sale of beer and wine for off-site consumption from the San Leandro Shell station convenience store at 2175 Marina Blvd.; Alameda County Assessor's Parcel Number 79A-568-10-7; RADC Enterprises, Inc. (applicant); Anabi Real Estate Development, LLC (property owner).
5. **Hours of Operation.** 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.
6. **Obtain All Beer/Wine Sales Permits.** 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.
7. **Building Interior/Exterior.** 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.

8. **Posted Conditions.** 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

9. **No On-Site Alcohol Consumption.** No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on Exhibits A and B.
10. **No Drive-Up Sales.** No sale of beer and wine beverages shall be made from an exterior security window, drive-up window, or outside of the building.
11. **No Temporary Sales.** Tent sales, sidewalk sales, and temporary third-party vendors shall be prohibited from operating on the premises.
12. **No Outdoor Merchandise.** No merchandise shall be permitted for display outdoors, with the exception of propane containers stored in a Fire Department approved enclosure.
13. **No Outdoor Storage.** No products, pallets, or containers are permitted to be stored in the parking lot and in the required off-street parking spaces.
14. **No Alcoholic Beverages Near Cash Register and Front Door.** 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.
15. **No Alcohol Sales from Ice Tubs.** No display of alcoholic beverages shall be made from an ice tub.
16. **No Outdoor Alcoholic Beverage Advertising.** 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.
17. **Minimum Age to Sell.** No person under the age of 18 shall sell alcoholic beverages. Employees on duty between the hours of 10:00 pm and 2:00 am shall be at least twenty-one (21) years of age to sell alcoholic beverages.

IV. REQUIRED ON-SITE IMPROVEMENTS

18. **Fencing.** All on-site fencing shall conform to the Zoning Code §[4-1682](#), which permits a maximum height of eight (8) feet except in the required 10 foot front and corner side yard in the CN Zoning District, where the maximum height shall be three (3) feet.

V. POLICE DEPARTMENT REQUIREMENTS

19. **No ABC License Exchange.** The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premise.
20. **Wine Alcohol Content.** No wine shall be sold with an alcoholic content of greater than 15% by volume except for “Dinner Wines” which have been aged two years or more and maintained in corked bottles.

21. **No Individual Sale of Beer or Malt Beverages.** No beer or malt beverage products shall be sold, regardless of container size, in quantities of less than six per sale or sold in manufacturer pre-packaged multi-unit quantities.
22. **Minimum 750 ml wine containers.** Wine shall not be sold in bottles or containers smaller than 750 ml. 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.
23. **“No Loitering, No Littering” Signs.** Signs, no less than 2’ x 2’ in size with black lettering, no less than 2” in size on a contrasting background shall be conspicuously posted 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.
24. **No Loitering.** Loitering is prohibited on or around these premises or this area under the control of the licensee(s) as depicted on Exhibits A and B.
25. **No Objects that Encourage Loitering.** The licensee, owner and business shall keep the property adjacent to the licensed premises, and under the control of the licensee(s) as depicted on Exhibits A and B, clear of newspaper racks, pay telephones, and any other objects which may encourage loitering.
26. **Litter Maintenance.** 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 Exhibit A.
27. **Graffiti Removal.** 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.
28. **Rear Automatic Locking Doors.** 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.
29. **Provide Customer Parking.** The owner and business shall provide a minimum of nine (9) off-street parking spaces for vehicles for use by patrons of the premises.
30. **Parking Lot Lighting.** 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.
31. **Trash Hours.** Trash shall not be emptied between the hours of 10:00 pm and 8:00 am.
32. **No Pay Phones.** No pay phone will be maintained on the interior or exterior of the premises.
33. **No Amusement Machines or Video Game Devices.** No amusement machines or video game devices shall be present in the premises at any time.
34. **Security Monitoring.** 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 30 days of video in HD-quality.

35. **Signage.** Owner and business shall be responsible for the posting of all signage, pursuant to Business and Professions Code §[25612.5](#). Alcoholic Beverages, Regulatory Provisions.
36. **San Leandro Police Department.** The business, owners, employees and operators will cooperate fully with the San Leandro Police Department regarding any criminal or community-related matters.
37. **Mandatory Training.** Licensee, owner and employees are to complete a California Department of Alcohol Beverage Control Licensee Education on Alcohol and Drugs (ABC LEADs) instructional training course within 3 months of hire and every 2 years thereafter.
38. **Crime Free Business Program.** Business shall participate in SLPD's Crime Free Business Program.

VI. MAINTENANCE

39. **Parking Lot Lighting.** 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.
40. **Litter, Debris, Weed Maintenance.** 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.
41. **Fence Maintenance.** 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.
42. **Trash and Dumpsters.** Waste receptacles and dumpsters shall be placed in an orderly fashion behind the convenience store at all times with the exception of emptying by the disposal company.

VII. GENERAL CONDITIONS

43. **Clear Paths of Travel.** All sidewalks and accessible paths of travel shall be kept free and clear of physical obstructions at all times.
44. **Signage.** 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.
45. **Review and Revocation.** The City shall maintain the ability to review or revoke this Conditional Use Permit and set a new public hearing date to correct problems that may

arise such as property maintenance, parking, public safety, code violations, and nuisance issues.

46. **Recorded Agreement to Conditions.** 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.
47. **Amendments or Modifications.** 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.