ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

STAFF REPORT

TO: WEST COUNTY BOARD OF ZONING ADJUSTMENTS
HEARING DATE: DECEMBER 10, 2025

GENERAL INFORMATION

APPLICATION: Conditional Use Permit/ PLN2025-00008

OWNER/ APPLICANT: Kevin Kim and Timothy Kim, owners / F. Michael Ayaz, applicant

PROPOSAL: Conditional Use Permit to allow the operation of an Alcohol Outlet (Type 21 license) in conjunction with a convenience store.

ADDRESS AND SIZE OF PARCEL: 16900 E. 14th, northeast side, northwest of 170th Avenue, Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080A-0102-033-03; 20,619 sq. ft. in area.

SPECIFIC PLAN DESIGNATION: Located in the Ashland and Cherryland Business District, zoned CMU-C (Corridor Mixed Use Commercial), adopted December 2015

GENERAL PLAN DESIGNATION: Eden Area General Plan, designated GC (General Commercial), adopted March 30, 2010.

ENVIRONMENTAL REVIEW: Categorically exempt from the requirements of the California Environmental Quality Act, Section 15301, "Existing Facilities".

RECOMMENDATION

Staff recommends that the West Board of Zoning Adjustments deny the Conditional Use Permit, PLN2025-00008, allowing an alcohol outlet (beer, wine, and distilled spirits sales) at an existing convenience store based on drawings marked "Exhibit A" dated November 19, 2025, on file with the Alameda County Planning Department. However, if the Board considers approval, the attached Draft Resolution with conditions of approval should be considered.

BACKGROUND

On May 13, 2025, the Eden Municipal Advisory Council (EDEN MAC) reviewed Conditional Use Permit PLN2025-00008 and voted 7-0 to deny the proposed alcohol outlet. Six speakers addressed the Council, all opposing the application. They expressed concern about the already high concentration of alcohol outlets in Ashland and along East 14th Street, to the north. Public comments linked alcohol availability to negative impacts such as poor health outcomes, addiction, and DUI incidents. Speakers emphasized a desire for a more positive use of the site that would benefit the community. The Council agreed with these concerns and voiced support for economic development in the area, just not in the form of another alcohol outlet. The motion to deny the permit passed unanimously. At the time of this hearing, the Planning Department initially supported the project, but as you will see below, we changed our minds due to the public outcry and because it doesn't meet the policies, actions, and goals of the Environmental Justice Element of the General Plan, which states that alcohol outlets should be limited.

Staff is following the recommendation from the public hearing on May 13, 2025, to recommend denial of the proposed project. Staff believes that even though the proposed alcohol outlet meets the requirements of the zoning, and specific plan, staff can't ignore the overwhelming public testimony against the project. Besides the public testimony and the 7-0 vote against by the Eden MAC, the area already has many alcohol outlets; there are 4 such places to the north within 0.7 mile. Plus, the Environmental Justice Element is a portion of the County's General Plan, states that the Planning Department shall try to limit alcohol outlets, with more interest in having places with healthy food.

On October 22, 2025, the West County Board of Zoning Adjustments (WBZA) reviewed Conditional Use Permit PLN2025-00008 and voted 5-0 to continue the project until November 12, 2025. The Board stated that the plans for the project needed to be redone to show the actual space devoted to alcohol. The direction of the Board was to wait for the Planning Department to determine what method was used at a separate location, Walgreens in Castro Valley, and use the same method to calculate the total amount of space devoted to alcohol sales. The Board mentioned shelf area, not gross floor area, and the Members stated that there is a difference between the two. There were no speakers other than the applicant. It was also the direction of the WBZA to show an area in the store that was devoted to healthy food. The applicant was not ready with the new plans in time for November 12, 2025, so the matter was moved to the December 10, 2025, agenda.

PARCEL ZONING HISTORY

June 6, 1957, Zoning Unit 139th, established the zoning for the property as C-l (Retail Business) District.

June 26, 1957, Zoning Determination, the Planning Commission determined that a proposed "do-it-yourself shop" was a permitted use in the C-l District and on this property.

June 3, 1978, Zoning Unit 1316th, was rezoned from C-1 to C-2 (General Commercial) District.

September 24, 1980, Variance, V-8184, the Zoning Administrator approved V-8184, to allow expansion of a non-conforming use (residence in a commercial zone) with reduced off-street parking, by allowing the construction of a conforming addition (commercial storage building) in the C-2 District.

June 1, 1995, Rezoning, the Board of Supervisors adopted the Ashland Cherryland Business District Specific Plan which re-zoned the subject property from C-2 (Retail Business) District to TC (Transit Corridor) District.

March 14, 2007, Conditional Use Permit, C-8566, to allow the operation of a church facility in a Transit

Corridor. Approved March 14, 2007, with expiration date of April 25, 2012.

December 2015, Rezoning, Board of Supervisors adopted the Ashland and Cherryland Business District Specific Plan rezoned the property to CMU-C (Corridor Mixed Use Commercial from transit Corridor).

SITE AND CONTEXT DESCRIPTION

Physical Features: A level lot, the property is rectangular in shape. The property has access to parking in the rear from two driveways that flank the street frontage. In between is an older commercial building, separated into three vacant storefronts that are to the north of the proposed use. To the south is a Car audio business. There are two attached two-story apartment structures located to the rear of the proposed location. They contain six small apartments. These were constructed at some point prior to 1980. The remainder of the site is used as a parking lot, providing 20 parking spaces (including one handicapped-accessible). The driveway entrance at the street is 18'8" wide in both cases. The north driveway narrows to 13'4", while the south driveway narrows to l5'6". See "Exhibit A" for parking locations.

Adjacent Area: To the north of the site is a small residential trailer park. To the east, along the rear parcel line, is a one-story apartment complex. Southerly and across East 14th Street are other commercial uses. The REACH Ashland Youth Center is located at 16335 East 14th Street, which is 0.6 miles to the north. The REACH center provides at no cost recreation, education, arts, career, and health programs to youth aged 11 to 24 years of age to the Ashland Community.

R**EFERRAL RESPONSES**

Alameda County Code Enforcement: In a referral response received on February 5, 2025, Code Enforcement stated: "there are no open Code Enforcement cases. Please note: This location has a lot of building code violations dating back to 2005".

Alameda County Sheriff's Office: In a referral response received on February 19, 2025, the Alameda County Planning Department stated, "no comment". A second referral was sent October 23, 2025, asking for crime data in the area, in which there was no response as of this writing.

Public Works Agency Development Engineering: In a referral response received on February 11, 2025, Development Engineering and Permits stated that they have no comment to offer in regard to this project application.

Alameda County Environmental Health: In a referral response dated March 11, 2025, the Alameda County Department of Environmental Health stated:

> Alameda County Environmental Health Department (EHD) is the Local Enforcement Agency (LEA) for the California Department of Public Health (CDPH) with the authority to enforce the requirements of the California Retail Food Code (Cal Code) in Alameda County.
>
> Based on the information provided, the applicant is proposing to allow offsite alcohol consumption in conjunction with a convenience store located at 16900 E. 14th Street in San Leandro.
>
> Pursuant to the California Retail Food Code, Section 114381(a) A FOOD FACILITY shall not be open for business without a valid PERMIT. The permit at the existing location was inactivated in September 2021. Construction plans were submitted in 2024 for a remodeling project. Applicant is required to obtain a Permit to Operate from EHD once plan review is completed and prior to

operation.

Alameda County Fire Department: In a referral response received on January 28, 2025, the Alameda County Fire Department stated: the project must comply with all building and fire code requirements.

California Department of Alcohol Beverage Control: In a referral response dated October 23, 2025, the Alcoholic Beverage Control (ABC) confirmed that the site currently holds a valid ABC license (#635285) and has no history of violations. For Census Tract 4340.00, for which this location is located within, three (3) off-sale licenses are permitted; however, four (4) are currently active. Approval of an additional, fifth off-sale license is at the discretion of the City or County. ABC stated that even though the 5th license would be over the permitted limit, if the County chooses to approve it a license will likely be approved by ABC. ABC also noted that square footage or linear measurements are not considered when evaluating eligibility for an off-sale license. Any crime statistics or DUI-related information must be obtained from the Sheriff's Department.

Eden Municipal Advisory Council (EDEN MAC): On May 13, 2025, the Eden Municipal Advisory Council (EDEN MAC) reviewed Conditional Use Permit PLN2025-00008 and voted 7-0 to deny the proposed alcohol outlet.

Economic Civic Development (ECD): In a referral response received on May 14, 2025, ECD Staff stated: "ECD would recommend denial of the proposed market with alcohol outlet at the 16900 E. 14th Street location and encourage alternative uses, such as general retail or restaurant be considered in the future."

Eden Area/Castro Valley Chamber of Commerce: A referral letter was sent on May 19, 2025, as of this writing no comment has been received.

Neighboring Properties: Six public speakers came out in support of denying the project at the Eden Municipal Advisory Council hearing on May 13, 2025.

PROJECT DESCRIPTION

The request is for a Conditional Use Permit for a new alcohol outlet for off-site consumption of alcoholic beverages at an existing convenience store in the Ashland and Cherryland Business District, zone CMU-C (Corridor Mixed Use Commercial) seeking a Type 21 Alcohol Beverage Control (ABC) license to be able to sell beer, wine, and distilled spirits. The percentage of the store devoted to Alcohol will be a maximum of 20%. The total shelf space of the store measures 1,942 sq. ft., which results in a total of 388.4 sq. ft. devoted to alcohol sales. The current proposal provides 261 sq. ft. devoted to alcohol sales, which is 13.4% and under the 20% of shelf space previously discussed by the WBZA.

Along with the opinion of the public and the Eden Area Municipal Advisory Council, there are several groups that back up the reasons to deny a new alcohol outlet location.

- Groups like the Coalition on Alcohol Outlet Issues (COAI) work to educate and mobilize communities about the negative impacts of excessive alcohol outlets, such as increased crime and public nuisances. They often focus on specific neighborhoods, engaging residents and organizing to oppose the licensing of new alcohol establishments.
- Mothers Against Drunk Driving (MADD) are against people having more access to alcohol because it can lead to potential health problems, greater addiction, and more DUIs and related life changing accidents from the DUIs. The MADD website provides Statistical Data to support that access to alcohol leads to more traffic accidents caused by being under the influence. The website states that "*Every 85 seconds someone is killed or injured in a drunk driving crash*" and a quote

from the National Highway Safety Traffic Administration, states that "Drunk driving deaths are up by 22% since 2019."

- The CHP doesn't directly oppose new alcohol outlets, but their focus on traffic safety and enforcement means they are concerned about the potential impact of increased alcohol availability on impaired driving and public safety.

STAFF ANALYSIS

Conformance with the General Plan

The site is in the Eden Area General Plan and is designated General Commercial. The General Commercial designation allows for a wide range of commercial uses that encompass small offices, local and regional retail establishments, and automobile-oriented uses to meet the needs of Eden Area residents, employees, and pass-through travelers. Offices are particularly encouraged in commercially designated areas to enhance the employment base of the area. Commercial parcels have a maximum FAR of 1.0. Allowed uses include the following:

Neighborhood commercial uses include grocery and convenience stores, salons, professional offices, restaurants, fast-food establishments, auto service stations, drug stores, dry cleaners, day care centers, shoe stores, tool and appliance repair shops, contractors' shops, hardware stores, and banks. Neighborhood commercial uses are best located in centralized areas capable of serving the greatest number of households with the least travel distance and best access to alternate modes of transportation and freeways. In this General Plan classification (General Commercial), a convenience store is a permitted use. An alcohol outlet is not mentioned in the Eden Area General Plan however reference is made to limit access to alcohol in the Environmental Justice Element which is a portion of the Alameda County General Plan. Discussion is below.

Alameda County Environmental Justice Element (EJ): The Environmental Justice Element is a portion of the Alameda County General Plan and was adopted on August 8, 2024. The purpose of the EJ Element is to ensure that land use policy and decision-making in unincorporated Alameda County support healthy and equitable community development. The EJ Element outlines a long-range vision for community health and wellness where all residents have equitable access to social, economic, environmental, and community benefits. The EJ Element identifies Ashland area, along with Castro Valley-southwestern, San Lorenzo, and Cherryland, each as a Priority Community based on State Guidelines issued by the Office of Planning and Research, which includes pollution burdens and population characteristics. Ashland has a population of about 24,000 people, with the second-highest population density of the Priority Communities, after Hayward Acres. *Section three, Existing Conditions,* reviews existing conditions in the Priority Communities beginning with Population/Socioeconomic data, Pollution/Air Quality, Access to Public Facilities, Safe/Sanitary Homes & Neighborhoods, Access to Healthy Food, Health/Physical Activity, and Civic Engagement. In Section 3.5, Access to Healthy Food provides Table 3-18, which shows that 76% of the Ashland Community is located within 0.5 miles of a grocery store. Access to healthy food can lead to better nutrition, lower costs of obtaining food, reduced diseases, and lower risk of food insecurity. While an over-supply of unhealthy food options in a community can also contribute to higher rates of diet-sensitive diseases. In *Section four, Goals, Policies, and Actions,* provides a high-level, community-driven vision for improving health and wellness in the Priority Communities. Located in the Healthy and Physical Activity section, which supports reducing access to alcohol in the Priority Communities. On page 4-19 of the Element, Policy EJ6.10 states:

> *Limit Priority Community residents' exposure to secondhand smoke and vapors and reduce youths' exposure to, and interest in, alcohol, tobacco, and other drugs.*

Therefore, the proposed alcohol outlet located in the Ashland Community would not meet the goals, policies, and actions within the Environmental Justice Element a portion of the Eden Area General Plan by providing access to alcohol products and should not be supported by Planning Staff.

If the West County Board of Zoning Adjustments was to approve this application and allow the convenience store, the planning department in following the Environmental Justice Element would like to see an area in the store devoted to healthy food. As stated in the Environmental Justice Element page: 3-37:

Creating consistent opportunities for people within the Priority Communities to buy, prepare, and eat healthy food is important in promoting equity.

On page: 4-13 of the Element, Goal EJ5 states;

The Priority Communities will support a thriving local food economy where all residents have reliable access to affordable, healthy, and culturally appropriate food.

At this time the applicant has chosen to have a healthy food section of the store in a refrigerator measuring 15 square feet in area, as shown on "Exhibit A" dated November 19, 2025. The healthy food options will include fruits, vegetables, pre-packaged foods and salads such as ones who would find in a coffee shop or at an airport shop.

Conformance with the Specific Plan Ashland and Cherryland Business District Specific Plan (ACBD Specific Plan) designated CMU-C (Corridor Mixed-use Commercial) supports neighborhood-serving commercial uses on small and medium-sized lots in various structures, including house-form building types. Residential is allowed as a secondary use. The Specific Plan requires an Alcohol Outlet to obtain a Conditional Use Permit to operate subject to Table 6.2.2 allowed Land Uses. An alcohol outlet is defined by the Specific Plan as an "establishment engaged in sales activity associated with alcoholic beverages being purchased for off-site consumption." Therefore, approval of a Conditional Use Permit is required for the operation of an alcohol outlet.

Conformance with the Zoning Ordinance

The site is designated as CMU-C Corridor Mixed Use Commercial within the Ashland and Cherryland Business Districts, which specifically allows General Retail Convenience Stores. The retail store is permitted to use, while the request to sell alcohol for off-site consumption triggers the approval of a Conditional Use Permit. Where the Specific Plan is silent, the Zoning Ordinance provisions are required to be met. In addition to the Specific Plan and Zoning Ordinance restrictions, there is a 1995 *Alcohol Policy*, which requires a Conditional Use Permit to be obtained for all alcohol sales. This General Retail Convenience Store will be defined as an alcohol outlet since the request includes the sale of beer, wine, and distilled spirits for off-site consumption.

An alcohol outlet is defined in *Section 17.04.010 Definitions* in the Zoning Ordinance:

> *An alcohol outlet means any retail establishment engaged in the business of selling alcoholic beverages for off-premises consumption; a winery, pursuant to the definition of winery in this section is exempted.*

Alcohol Policy:

The County's policy for review and approval of new Conditional Use Permits for alcohol outlets and

taverns was adopted by the Board of Supervisors on August 3, 1995 (Resolution Number R-96-57), the 1995 "Alcohol Policy". Policies 1, 2, and 8 provide guidance for the consideration of alcohol outlets and taverns as conditional uses, and it includes a caveat that they are not intended to be rigid and final. Policies 3 through 7 establish operational requirements, such as lighting, transparency of windows, maintenance of the exterior, and compliance with state and other laws.

Policy 1 states:

> "No Alcohol Outlet/Tavern is to be located within close proximity of another similar use, so as to not allow the clustering of such uses which may adversely affect the neighborhood; a minimum distance of 500 feet should be required between two such facilities; for certain large retailers, such as supermarkets, where alcohol is not the principal venture, and where such business is otherwise required by public convenience and necessity, this distance requirement may be waived if deemed irrelevant."

In this instance, the closest alcohol outlet is Raja Liquor and Grocery, which is 800 feet away. There are no taverns or alcohol outlets within 500 feet of the proposed location.

Policy 2 of the *Alcohol Policy* also states:

> "No Alcohol Outlet/Tavern is to be located within close proximity of existing facilities that are primarily devoted to use by families with children or minors, such as parks, school, and churches; a minimum distance of 500 feet should be required…"

Based on the 500 feet guideline, there are no facilities dedicated to children or families within a 500-foot radius. The closest religious facility is a Masjid Al-Farooq, a Mosque, which is 900 feet away. Located 900 feet from the proposed alcohol outlet is the Ashland Zocalo Park and located 4,500 feet from the proposed use, the nearest school, Hillside Elementary School.

Policy 8 states simply that no outlet or tavern is to be allowed where, as a result of existing circumstances, it would have adverse effects on immediately adjacent businesses, neighborhoods, or residents. This alcohol outlet would have an adverse effect on neighborhoods and residents since this would provide access to the sale of alcohol which is against the Policies, Goals, and Actions of the Environmental Justice Element. Therefore, the proposal does not meet the Alcohol Policy in its entirety. However, the Alcohol Policy does allow consideration of these types of uses. Specifically, Policies 1, 2, and 8 provide guidance for evaluating alcohol outlets and taverns as conditional uses. The Policy also notes that these guidelines are not intended to be absolute; therefore, if the Board chooses to approve this alcohol outlet, the use may still be considered appropriate.
Policies 3 through 7 require each alcohol outlet or tavern to meet the following guidelines:

- The interior and exterior, including parking areas are to be brightly lit, sufficient to allow facial features to be identified.
- Windows must remain free and clear between 3 feet and 7 feet above ground of signage and posters to accommodate visibility both inwards to and outwards from the outlet's interior.
- Outlet owners or operators are responsible for regular pick up of litter around their establishment, and cleaning of sidewalks if necessary.
- Façades and premises are to be maintained in good condition, with prompt removal of graffiti, repair of damaged signs, windows, or other features, and renovations or upgrades 4necessary.
- Outlets and taverns shall be in compliance at all times with all state and local laws pertaining to applicable requirements of the Alcoholic Beverage Control Act.

- Bar tenders and liquor store attendants, including managers, should be required to attend responsible beverage service training to be competent, and knowledgeable in understanding the potential problems associated with alcohol and alcohol establishments, and how to handle such situations; such training should include knowledge of applicable laws, including pertinent State laws.

Section 17.52.566.(C) of the Zoning Ordinance provides regulations that restrict advertising signs for alcoholic beverages, specifically that "No person or entity shall place any advertising sign in the unincorporated area of Alameda County promoting the sale of Alcoholic Beverages if the face of the advertising sign is publicly visible from any school, child daycare center, outdoor recreation facility, playground, or library". In this case, there is no such land use in the vicinity of the store from which the façade of the store would be visible, such that would prohibit allowable advertising in the store window.

Other Zoning Ordinance Requirements: For parking supply, the Zoning Ordinance (Table 17.52.930) requires one parking space per 300 square feet of the floor area for business retail establishments under they have 19 parking spaces and 2 ADA spaces. The store is approximately 1,417 sq. ft. of retail space, which results in four (4) required parking spaces, and the site provides 21 onsite. The Ashland and Cherryland Business District Specific Plan has the same parking requirements of 1 parking spot per 300 sq. ft. of store space, which is the same requirement as the zoning ordinance, therefore both the Specific Plan and the Zoning Ordinance requirement parking spaces of 4 parking spaces are met.

Signage: The Applicant has not submitted a sign plan as part of this proposal. All Business signs will be subject to Planning Department Review through the Building Permit application process. All Business Signs will be subject to the Zoning Ordinance, per Section 17.38.100 Business Signs under the C-1 (Retail Business) District. No separate planning application is required for a business sign.

Compliance with the Performance Standards per 6.104.060: All alcohol outlets are subject to Chapter 6.104, "Alcoholic Beverage Sale Regulations," which includes performance standards. The purpose of the performance standards is to control dangerous or objectionable environmental effects of alcoholic beverage sales establishments and service stations selling alcoholic beverages for on– or off–sale consumption. There are seven standards that are required for all alcohol outlets whose purpose is to ensure the safety of persons residing or working in the surrounding area.

An alcoholic beverage sale establishment shall comply with the following performance standards. It shall assure:

1. That does not result in adverse effects to the health, peace, or safety of persons residing or working in the surrounding area;

The access to alcohol products and unhealthy food could result in adverse effects to the health of persons residing or working in the surrounding area. Otherwise, if the Board wishes to support the application to allow alcohol outlet, specific efforts can be made with the Conditions of Approval to provide needed safeguards to prevent negative impacts to the surrounding neighborhood with staff training on the sale of alcohol. As well as limiting the amount of area devoted to alcohol and requiring a minimum area devoted to healthy foods such as pre-packaged foods and salads that one would find at a coffee shop or at an airport store.

2. *That it does not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area;*

A mandatory review condition of approval can provide a time for staff to check with the Sheriff's Office for any resulting endangerment of the public health as a result of the use.

3. *That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, police detentions and arrests and sales to minors;*

The proposed alcohol outlet is currently not operating, however during the EDEN MAC public hearing on May 13, 2025, public comments included opposing the application and expressed concerns about the already high concentration of alcohol outlets in Ashland Area. Public comments noting that linked alcohol availability to negative impacts such as poor health outcomes, addiction, and DUI incidents. If approved Planning Staff has draft specific conditions of approval to address if there are any repeated nuisance activities based on public complaints which could require review of the conditions of approval through a public hearing process.

4. *That it does not result in violations of this chapter, County Ordinance, Title 12, Public Roadways and Parks, or any other applicable provision of any other county, state, or federal regulation, ordinance or statute;*

If approved, Responsible service training will be provided to the operators and employees of the business to inform them of laws and regulations that apply to their profession.

5. *That its upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood;*

If approved, conditions of approval, part of this permit process, can be included in describing what is expected to prevent these from occurring.

6. *That its owner(s), operator(s), licensee(s), server-supervisor(s), server(s), and all other employees that serve and/or sell alcoholic beverages receive responsible beverage service training no less frequently than biennially and within sixty (60) days of employment and no later than thirty (30) days after the effective date of this ordinance. To meet this requirement at least one individual described above shall receive training from and be certified by a responsible beverage service training program operated by the county of Alameda. The person certified as having completed such training program shall be responsible in turn for training the remaining owner(s), licensee(s), server-supervisor(s), server(s), and all other employees that serve and/or sell alcoholic beverages in the establishment. The person responsible for such training shall document in a form approved by the county that the remaining owner(s), licensee(s), server-supervisor(s), server(s), and employees shall have been trained to the standards of the county training program;*

If approved, this training program will be required as a condition of approval.

7. *That the person certified as having completed responsible beverage server training trains the remaining owner(s), licensee(s), server-supervisor(s), server(s), and all other employees of the establishment, documents such training on the approved county form, and submits the completed form to the enforcement officer by January 31st each year and at other times when requested by the enforcement officer;*

If approved, this will be required as a condition of approval.

The applicant understands that the operation of this establishment will require a thorough knowledge of the requirements of this type of business and will require vigilance in the day-to-day operation to maintain this business in this community.

Annual Alcohol Sales Education and Regulatory Fee (6.104.080)

All alcohol outlets are required to attend education classes and pay an annual fee to cover the costs of inspections, enforcement, and administrative hearings of the performance standards.

If approved, the applicant will be required in the conditions of approval to maintain compliance with these performance standards.

TENTATIVE FINDINGS BASED ON INFORMATION AVAILABLE PRIOR TO THE PUBLIC HEARING

1. The use is required by the public need.

   The alcohol outlet is a public need, and there are no others within 500 feet of the subject site, thereby providing a public necessity and convenience in an area where they were lacking.

2. The use will be properly related to other land uses transportation and service facilities in the vicinity.

   The use will be properly related to other land uses and transportation and service facilities in the vicinity, as the proposed use is consistent with the mixed-commercial character of the area. The existing rights-of-way provide safe and effective pedestrian and vehicular access to the property. Utility sources and electrical connections are provided to the site, and other necessary service facilities are available.

3. The use, if permitted, under all the circumstances and conditions of the particular case, will not materially affect adversely the health or safety of persons residing or working in the vicinity, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

   The addition of this alcohol outlet at this location and to the neighborhood is inconsistent with the Policies, Goals, and Actions of the Environmental Justice Element, which states that the Planning Department should reduce exposure to alcohol and provide access to healthy food. Furthermore, statistical data from Mothers Against Drunk Driving (MADD), increased access to alcohol is linked to a higher incidence of alcohol-related traffic accidents. MADD reports that “every 85 seconds someone is killed or injured in a drunk driving crash,” and the National Highway Traffic Safety Administration states that “drunk driving deaths are up by 22% since 2019.” Based on this data, the proposed use would materially and adversely impact the health and safety of individuals traveling in the vicinity.

4. The use will not be contrary to the character or performance standards established for the District in which it is to be located.

   The proposed alcohol outlet use is contrary to the character and performance standards established for the District, as it does not conform to the Eden Area General Plan. Specifically, it conflicts with the intent of the Alameda County Environmental Justice

Element, which emphasizes limiting alcohol outlet uses in order to reduce youth exposure to alcohol while providing access to healthy food.

CONCLUSION

Based on public input, the Eden MAC vote to recommend denial of the application, citing inconsistency with the Eden Area General Plan, specifically the Environmental Justice Element, which seeks to limit alcohol outlets in order to reduce youth exposure. Additionally, recent comments from Alameda County Economic and Civic Development staff recommended denial of the proposed alcohol use and encouraged consideration of alternative uses, such as general retail or a restaurant. While the Ashland and Cherryland Business District (ACBD) Specific Plan allows alcohol outlets subject to a Conditional Use Permit, the proposed use is inconsistent with broader General Plan goals and public health objectives. Planning Staff therefore recommends denial of the Conditional Use Permit. However, should the West County Board of Zoning Adjustments choose to consider approval, the attached conditions of approval are provided for reference.

RECOMMENDATION

Staff recommends that the West County Board of Zoning Adjustments deny the Conditional Use Permit, PLN2025-0008, to allow the operation of an Alcohol Outlet in conjunction with a convenience store, based on drawings marked "Exhibit A" dated November 19, 2025, on file with the Alameda County Planning Department and the Draft Denial Resolution.

However, if the West County Board of Zoning Adjustments chooses to approve Conditional Use Permit, PLN2025-00008, to allow the operation of an Alcohol Outlet in conjunction with a convenience store, the approval should be based on drawings marked "Exhibit A" dated November 19, 2025, on file with the Alameda County Planning Department, and the attached Draft Resolution and conditions of approval should be considered.

ATTACHMENTS

Draft WBZA Denial Resolution
Draft WBZA Approval Resolution
Environmental Justice Element Sections
Applicants Statement
https://www.acgov.org/cda/planning/generalplans/documents/EJElement_adoptedAug2024.pdf
Statistical Data MADD
Referrals
Graphics
Map
May 13, 2025, Staff Report

Prepared By: Michael Flemming
Reviewed By: Christine Greene

DRAFT RESOLUTION NO. Z-XX-XX OF
THE WEST COUNTY BOARD OF ZONING ADJUSTMENTS
ADOPTED AT THE HEARING OF DECEMBER 10, 2025, CONCERNING
PLN2025-00008

WHEREAS KEVIN KIM AND TIMOTHY KIM / F. MICHAEL AYAZ – Conditional Use Permit to allow the operation of an Alcohol Outlet (type 21 license) in conjunction with a convenience store, located at 16900 E. 14th, northeast side, northwest of 170th Avenue, in the Ashland Cherryland Business District Specific Plan, CMU-C (corridor mixed use commercial), with an *Eden Area General Plan* land use designation through the General Commercial, bearing Assessor's Parcel Number: 080A-0102-033-03; and

WHEREAS the Eden Area Municipal Advisory Council did hold a public hearing on said application at the hour of 6:00 p.m. on the 13th day of May 2025, through an in-person and online Zoom hybrid meeting, in the San Lorenzo Library, 395 Paseo Grande, San Lorenzo, California; and

WHEREAS the Eden Area Municipal Advisory Council cited, there is already a high concentration of alcohol outlets in Ashland Area and many more down East 14th Street to the north, and voted 7-0 to deny the proposed alcohol outlet. Six speakers addressed the Council, all opposing the application. They expressed concern about the already high concentration of alcohol outlets in Ashland Community along East 14th Street. Public comments linked alcohol availability to negative impacts such as poor health outcomes, addiction, and DUI incidents. Speakers emphasized a desire for a more positive use of the site that would benefit the community. The Council agreed with these concerns and voiced support for economic development in the area, just not in the form of another alcohol outlet. The motion to deny the permit passed unanimously.

WHEREAS the West County Board of Zoning Adjustments did hold a public hearing on said application at the hour of 1:30 p.m. on the 22th day of October 2025, through an in-person and online Zoom hybrid meeting, in the Public Hearing Rm # 160, 224 W. Winton, Hayward, California and voted 5-0 to continue the project citing that the applicant needed to show the area devoted to alcohol, and a section for healthy food; and

WHEREAS the West County Board of Zoning Adjustments did hold a public hearing on said application at the hour of 1:30 p.m. on the 10th day of December 2025, through an in-person and online Zoom hybrid meeting, in the Public Hearing Rm # 160, 224 W. Winton, Hayward, California; and

WHEREAS it satisfactorily appears from affidavits on file that the proper notice of said public hearing was given in all respects as required by law; and

WHEREAS Conditional Use Permit has been reviewed in accordance with the provisions of the California Environmental Quality Act (CEQA) and has been determined to be Categorically Exempt from environmental review per Article 19, Section 153o1, Class 1, "Existing Facilities"; and

WHEREAS a Pre-Hearing Analysis was submitted recommending the Conditional Use Permit application be denied; and

WHEREAS the Applicant appeared at said public hearing and presented testimony in support of the application; and

WHEREAS the Board did hear and consider all said reports, recommendations and testimony as hereinabove set forth.

NOW THEREFORE

BE IT RESOLVED that the Board determines that the Conditional Use Permit is inconsistent with the Eden Area General Plan, Ashland and Cherryland Business District Specific Plan, Zoning Ordinance, and 1995 Alcohol Policy Adopted by the Alameda County Board of Supervisors, and cannot make the following findings as required of the Alameda County Zoning Ordinance:

1. The alcohol outlet is a public need, and there are no others within 500 feet of the subject site, thereby providing a public necessity and convenience in an area where they were lacking.

2. The use will be properly related to other land uses and transportation and service facilities in the vicinity, as the proposed use is consistent with the mixed-commercial character of the area. The existing rights-of-way provide safe and effective pedestrian and vehicular access to the property. Utility sources and electrical connections are provided to the site, and other necessary service facilities are available.

3. The addition of this alcohol outlet at this location and to the neighborhood is inconsistent with the Policies, Goals, and Actions of the Environmental Justice Element, which states that the Planning Department should reduce exposure to alcohol and provide access to healthy food. Furthermore, statistical data from Mothers Against Drunk Driving (MADD), increased access to alcohol is linked to a higher incidence of alcohol-related traffic accidents. MADD reports that "every 85 seconds someone is killed or injured in a drunk driving crash," and the National Highway Traffic Safety Administration states that "drunk driving deaths are up by 22% since 2019." Based on this data, the proposed use would materially and adversely impact the health and safety of individuals traveling in the vicinity.

4. The proposed alcohol outlet use is contrary to the character and performance standards established for the District, as it does not conform to the Eden Area General Plan. Specifically, it conflicts with the intent of the Alameda County Environmental Justice Element, which emphasizes limiting alcohol outlet uses in order to reduce youth exposure to alcohol while providing access to healthy food.

WHEREAS the testimony submitted at the Eden Area Municipal Advisory Council public hearing, and items in the public record, have been considered by the West County Board of Zoning Adjustments prior to making a recommendation;

NOW THEREFORE,

BE IT RESOLVED that the Board finds that the Conditional Use Permit (PLN2025-00008) is inconsistent with the Environmental Justice Element of the General Plan and with the direction from the Eden Municipal Advisory Council recommendation to unanimously vote to deny the request; and

BE IT FURTHER RESOLVED that the West County Board of Zoning Adjustments hereby denies the Conditional Use Permit, PLN2025-0008, to allow the operation of an Alcohol Outlet in conjunction with a convenience store, based on drawings marked "Exhibit A" dated November 19, 2025, on file with the Alameda County Planning Department.

WEST COUNTY BOARD OF ZONING ADJUSTMENTS
ALAMEDA COUNTY PLANNING DEPARTMENT

DRAFT RESOLUTION NO. Z-XX-XX OF
THE WEST COUNTY BOARD OF ZONING ADJUSTMENTS
ADOPTED AT THE HEARING OF DECEMBER 10, 2025, CONCERNING
PLN2025-00008

WHEREAS KEVIN KIM AND TIMOTHY KIM / F. MICHAEL AYAZ – Conditional Use Permit to allow the operation of an Alcohol Outlet (type 21 license) in conjunction with a convenience store, located at 16900 E. 14th, northeast side, northwest of 170th Avenue, in the Ashland Cherryland Business District Specific Plan, CMU-C (corridor mixed use commercial), with an *Eden Area General Plan* land use designation through the General Commercial, bearing Assessor's Parcel Number: 080A-0102-033-03; and

WHEREAS the Eden Area Municipal Advisory Council did hold a public hearing on said application at the hour of 6:00 p.m. on the 13th day of May 2025, through an in-person and online Zoom hybrid meeting, in the San Lorenzo Library, 395 Paseo Grande, San Lorenzo, California; and

WHEREAS the Eden Area Municipal Advisory Council cited, there is already a high concentration of alcohol outlets in Ashland Area and many more down East 14th Street to the north, and voted 7-0 to deny the proposed alcohol outlet. Six speakers addressed the Council, all opposing the application. They expressed concern about the already high concentration of alcohol outlets in Ashland Community along East 14th Street. Public comments linked alcohol availability to negative impacts such as poor health outcomes, addiction, and DUI incidents. Speakers emphasized a desire for a more positive use of the site that would benefit the community. The Council agreed with these concerns and voiced support for economic development in the area, just not in the form of another alcohol outlet. The motion to deny the permit passed unanimously; and

WHEREAS the West County Board of Zoning Adjustments did hold a public hearing on said application at the hour of 1:30 p.m. on the 22th day of October 2025, through an in-person and online Zoom hybrid meeting, in the Public Hearing Rm # 160, 224 W. Winton, Hayward, California and voted 5-0 to continue the project citing that the applicant needed to show the area devoted to alcohol, and a section for healthy food; and

WHEREAS the West County Board of Zoning Adjustments did hold a public hearing on said application at the hour of 1:30 p.m. on the 10th day of December 2025, through an in-person and online Zoom hybrid meeting, in the Public Hearing Rm # 160, 224 W. Winton, Hayward, California; and

WHEREAS it satisfactorily appears from affidavits on file that the proper notice of said public hearing was given in all respects as required by law; and

WHEREAS Conditional Use Permit has been reviewed in accordance with the provisions of the California Environmental Quality Act (CEQA) and has been determined to be Categorically Exempt from environmental review per Article 19, Section 15301, Class 1, "Existing Facilities"; and

WHEREAS a Pre-Hearing Analysis was submitted recommending the Conditional Use Permit application be denied; and

WHEREAS the Applicant appeared at said public hearing and presented testimony in support of the application; and

WHEREAS the Board did hear and consider all said reports, recommendations and testimony as hereinabove set forth.

NOW THEREFORE

BE IT RESOLVED that the Board determines that the Conditional Use Permit is consistent with the Eden Area General Plan, Ashland and Cherryland Business District Specific Plan, Zoning Ordinance, and 1995 Alcohol Policy Adopted by the Alameda County Board of Supervisors, and hereby makes the following findings as required of the Alameda County Zoning Ordinance:

1. The alcohol outlet is a public need, and there are no others within 500 feet of the subject site, thereby providing a public necessity and convenience in an area where they were lacking.

2. The proposed alcohol outlet is properly related to other land uses and transportation and service facilities in the vicinity, as the proposed use is consistent with the mixed-commercial character of the area. The existing rights-of-way provide safe and effective pedestrian and vehicular access to the property. Utility sources and electrical connections are provided to the site, and other necessary service facilities are available.

3. As conditioned herein, including but not limited to the performance standards, will ensure that the use will not have any detrimental effects upon the general public with regard to health and safety nor be materially detrimental to property or improvements in the neighborhood. The conditions placed on the operations of the alcohol outlet, including limitations on the floor space devoted to alcohol sales and requirements to provide access to healthy food, address the health and safety concerns raised and are consistent with the intent of the Eden Area General Plan, specifically the Environmental Justice Element.

4. The use will not be contrary to the specific intent clauses or performance standards established for the District in which it is to be considered, as the Ashland and Cherryland Business District Specific Plan specifically lists alcohol outlets as a conditional use, and the alcohol outlet, as conditioned, meets the overall intent of the General Plan, Specific Plan and Zoning Ordinance.

BE IT FURTHER RESOLVED that the West County Board of Zoning Adjustments does hereby approve the Conditional Use Permit, PLN2025-00008, as to allow the operation of an alcohol outlet (sale of beer, wine and distilled spirits) at an existing convenience market as shown by drawings marked "Exhibit A", PLN2025-00008 dated November 19, 2025, on file with the Alameda County Planning Department, subject to the following conditions:

1. This permit authorizes the operation of an Alcohol Outlet (type 21 license) in conjunction with a convenience store, located at 16900 E. 14th, northeast side, northwest of 170th Avenue, bearing Assessor's Parcel Number: 080A-0102-033-03, subject to drawings marked Exhibit A, dated November 19, 2025, on file with the Alameda County Planning Department.

2. The alcohol outlet shall operate only as an accessory use to the convenience market and shall not function as a stand-alone alcohol outlet at any time.

3. The hours of operation for the alcohol outlet in conjunction with a convenience store shall be limited from 9:00 am to 12:00 am, seven days a week. If the operation hours change at any time, a written

request shall be submitted for review and approval by the Planning Director prior to the change of hours.

4. The Floor plans of the alcohol outlet in conjunction with a convenience store shall remain in conformance with drawings marked "Exhibit A," dated November 19, 2025. Minor modifications to these Floor Plans may be authorized by the Planning Director upon the receipt of a written request from the applicant, accompanied by revised drawings illustrating the proposed changes, with written approval granted prior to implementing the changes. Any substantial changes shall require a new Conditional Use Permit.

5. The Permittee shall limit alcohol sales to a maximum of 20% of the convenience store's shelf space shown in "Exhibit A" dated November 19, 2025. The maximum shelf space devoted to alcohol shall not exceed 388.4 square feet. This area shall at all times remain in conformance with the drawings marked "Exhibit A," dated November 19, 2025.

6. The Permittee shall provide a minimum of 15 square feet of the shelf space devoted to healthy food options, including pre-packaged foods and salads comparable to those typically offered in coffee shops or airport retail establishments, as shown in "Exhibit A" dated November 19, 2025.

7. **Prior to the Start of Operations, the Permittee shall obtain a Permit to Operate** from the Alameda County Environmental Health Department (EHD), which is the Local Enforcement Agency (LEA) for the California Department of Public Health (CDPH) with the authority to enforce the requirements of the California Retail Food Code (Cal Code) in Alameda County.

8. The alcohol outlet shall maintain the windows clear of any signage, posters, or writing (except for the display of business hours) from three to seven feet above ground, or any object so as to remain clear and clean, allowing clear visibility.

9. Window areas along the building frontage shall be kept free and clear to improve visibility in and out of the building and the overall visual prominence of the building.

10. A Sign Plan shall be submitted for review and approval by the Planning Director, prior to Issuance of a Building Permit subject to Section 17.38.100 Business Signs in the Alameda County Zoning Ordinance.

11. Negligible or de minimis modifications of this plan may be authorized by the Planning Director upon the receipt of a request from the applicant in writing for such modifications accompanied by drawings sufficient to show the proposed changes. More substantial changes shall require a new Conditional Use Permit.

12. The Permittee shall comply with all Federal, State, and Local Laws, Regulations, and Alameda County Regulations.

13. The alcohol outlet shall be subject to Chapter 6.104 Alcoholic Beverage Sale Regulations including but not limited to:

    a. Section 6.104.080 – Annual Alcohol Sales Education and Regulatory Fee collected by the Alameda County Sheriff's Office by January 31 of each year.
    b. Section 6.104.130 – Notice of Hearing.

14. The permittee shall maintain compliance with the requirements of the following agencies:

    a. Alameda County Public Works Agency, Building Inspection Department and Land Development
    b. Alameda County Fire Department
    c. Alameda County Sheriff's Office
    d. California Department of Alcoholic Beverage Control
    e. Alameda County Environmental Health
    f. Alameda County Code Enforcement Division

15. The property owner shall defend, indemnify, and hold harmless Alameda County and or its agents, officers, and employees from any claim, action, or proceeding against Alameda County or its, agents, officers or employees to attack, set aside, void, or annul Site Development Review, PLN2025-00008, the findings of the CEQA determination, or any combination thereof. Such indemnification shall include, but not be limited to, an award of costs and attorney fees incurred by Alameda County in its defense. The County shall promptly notify the applicant of any such challenge.

16. The Permittee is subject to a Mandatory Review one (1) year after the facility opens to customers. Within 30 days of the Start of Operations, the Permittee shall provide written notification to the Planning Director of the official Start Date of Operations. The Mandatory Review of the Alcohol Outlet in conjunction with the convenience store shall occur one year from the Start of Operations and three (3) years from the approval date of PLN2025-00008. As a result of the mandatory review, a permit for renewal and public hearing may be required to review the original conditions of approval to determine compliance with the findings that supported the original permit approval. Any condition of approval modified or added will ensure the activity continues in conformance with the intent and purpose of the zoning ordinance and specific plan and shall be of the same force and effect as if originally imposed. Review costs shall be borne by the applicant.

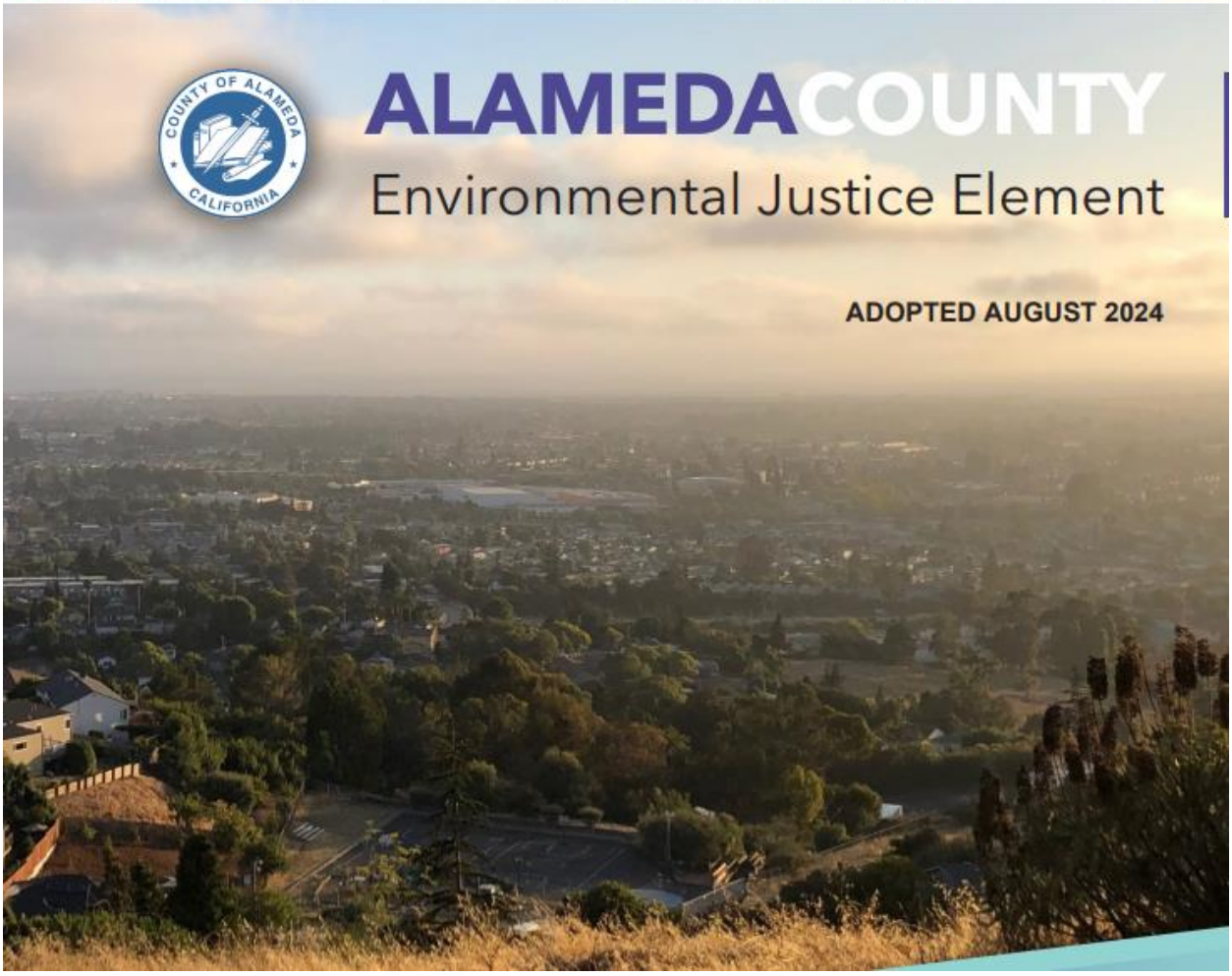
17. Pursuant to Section 17.52.050 of the Alameda County Zoning Ordinance regarding Use Permits, Conditional Use Permits, Implementation required, this Conditional Use Permit shall be implemented within a term of three (3) years of its issuance, or is shall be of no force or effect.

18. Pursuant to Section 17.54.030 of the Alameda County Zoning Ordinance regarding revocable zoning approval permits, this Conditional Use Permit shall be subject to revocation.

WEST COUNTY BOARD OF ZONING ADJUSTMENTS
ALAMEDA COUNTY PLANNING DEPARTMENT

Environmental Justice Sections cited in the staff report:





3.5 Access to Healthy Food

Context

Healthy food access means that we can safely and easily get to sources of nutritious, high-quality food (e.g., fresh fruits and vegetables, meats with lower fat content, and wholegrains) that fit our cultural preferences and budgets. Healthy food is essential to the health, economy, and culture of thriving and sustainable communities. Access to both healthy and affordable food sources affect quality of life. And food access goes beyond just the physical ability to get both nutritious and culturally appropriate food, but also the knowledge that access to these food sources is dependable. When we can't reliably get enough nutritious food, we may turn to the most affordable, accessible, and filling foods we can find, such as fast food or highly processed snack-foods and beverages, which tend to be high in calories, sodium, sugars, and additives and low in nutrients. These foods can put us at risk for chronic health conditions such as Type 2 diabetes, high blood pressure, heart disease, hypertension, asthma, and some types of cancer.

Creating consistent opportunities for people within the Priority Communities to buy, prepare, and eat healthy food is important in promoting equity. In order to create policy that improves access to healthy foods for the Priority Communities, we must first understand the issues surrounding this topic for the Priority Communities. This section provides information related to food insecurity, access to grocery stores, and urban agriculture in the Priority Communities.





Access to Healthy Food

The County can contribute to health and wellness in the Priority Communities by facilitating access to healthy food resources like grocery stores, nutrition education programming, and urban gardening opportunities, and by encouraging residents to participate in food policy implementation. The policies and actions in this section support an equitable and healthy food system and promote access to culturally appropriate, healthy foods in the Priority Communities.

Goal EJ5.
The Priority Communities will support a thriving local food economy where all residents have reliable access to affordable, healthy, and culturally appropriate food.

Policy EJ5.1 Actively encourage development of, and facilitate access to, healthy food retail outlets and purveyors of other basic goods such as grocery stores, healthy corner stores, and farmers' markets in the Priority Communities.

Action EJ5.1A The Economic and Civic Development Department (ECD) will work with food retail outlets (e.g., grocery stores, farmers' markets) to understand their criteria for establishing businesses in communities. ECD will utilize this information to help identify parcels for development, encourage applications, and work with the Planning Department to address barriers to the establishment of food retail outlets.

Action EJ5.1B Alameda County Health, through the Public Health Department, will prioritize implementation of the Alameda County Nutrition Services (ACNS) Healthy Retail Program in the Priority Communities. The Healthy Retail Program collaborates with corner store owners in neighborhoods of greater need to help shift demand and increase access to and consumption of healthy foods.

Action EJ5.1C The Planning Department will engage residents and consult with the Economic and Civic Development Department in any decision-making processes related to the regulation of fast food in the Priority Community, such as changes to the 1999 *Policy for Drive-in Restaurants in Ashland, Cherryland, and San Lorenzo*, including developing definitions of key terms.

Action EJ5.1D ALL IN Alameda County (ALL IN) will seek funding and partnerships to support a healthy store conversion mini-grant program through ALL IN's *Healthy Food, Healthy Families* initiative.

Action EJ5.1E The Economic and Civic Development Department (ECD) will conduct an economic development market analysis for the unincorporated areas to identify gaps and propose implementation strategies.

Action EJ6.8H The Probation Department and/or its contracted providers will coordinate with and support community groups to promote justice through dialogue between victims and offenders of crime ("restorative justice"), and provide trauma support services, including efforts to support the re-integration of formerly incarcerated residents back into community life.

Policy EJ6.9 Pursue a collaborative, community-based, and trauma-informed approach to mental health care and response in the Priority Communities.

Action EJ6.9A Alameda County Health, with the Behavioral Health Department as the lead, will conduct a needs assessment to examine gaps in mental health and addiction recovery services and infrastructure in the Priority Communities, and present the findings to County decision-making bodies.

Action EJ6.9B Utilizing the needs assessment, Alameda County Health will partner with the Sheriff's Office, local mental healthcare providers, schools, and CBOs to develop and implement a plan to address unmet mental health needs in the Priority Communities, including considering innovative strategies like horticultural therapy.

Action EJ6.9C Alameda County Health and the Sheriff's Office will expand upon the work of the Community Assessment and Transport (CAT) Team to continue to provide mobile mental health crisis intervention as an alternative to law enforcement response.

Action EJ6.9D Alameda County Health will partner with and support community groups in offering training on healthy relationships, addressing positive relationship skills, nonviolent communication, violence prevention, anger management, and conflict resolution.

Policy EJ6.10 Limit Priority Community residents' exposure to secondhand smoke and vapors and reduce youths' exposure to, and interest in, alcohol, tobacco and other drugs.

Action EJ6.10A CDA Code Enforcement will continue to enforce Chapter 3.58 "Tobacco Retailers" and Chapter 3.59 "Prohibition on The Sale of Electronic Smoking Devices" of the County Code of Ordinances. Provisions of these ordinances include a prohibition on the sale of flavored tobacco products and electronic smoking devices; a prohibition on new tobacco retail licenses within 1000 feet of a youth-populated area and/or 500 feet of another tobacco retailer; and population-based limitations on tobacco retailer license density to one per 2,500 residents.

Action EJ6.10B CDA Code Enforcement and the ACH Public Health Department will continue to enforce Chapter 6.74 of the County Code of Ordinances, the "Prohibition on Smoking in and Around Multi-Unit Residences."

Action EJ6.10C The County will continue to participate in the Alameda County Tobacco Retail Enforcement Network, whose purpose is to collaborate to share information and promote uniform enforcement of tobacco retail regulations across greater Alameda County.

BLAKE & AYAZ
2107 N. Broadway, Suite 106 Santa Ana, CA 92706
Tel: (714) 667-7171 | Fax: (714) 667-0477
legal@blakeandayaz.com
www.blakeandayaz.com

January 7, 2025

Sent Overnight via Fed Ex File No. ALI01-1000

Alameda County Community Development Agency
Planning Department
Attn: Michael Flemming
224 West Winton Avenue, Suite 111
Hayward, CA 94544
Michael.Flemming@acgov.org

Project Address: 16900 East 14th Street, San Leandro, CA 94578
Applicant: Ezzadin Ali (dba T & M Liquor)
Request: Approval of Conditional Use Permit for ABC Type 21 License and Request for Public Convenience and Necessity

Dear Mr. Flemming,

We are pleased to announce that our office has been engaged by Ezzadin Ali ("Applicant"), to process a conditional use permit and/or other required entitlement application for 16900 E. 14th Street, San Leandro, CA 94578. The request is to permit or otherwise allow the issuance of a California Department of Alcoholic Beverage Control ("ABC") Type 21 Off-Sale General liquor license and the operation of a convenience store, as described more fully herein. The project does not entail any construction or physical changes to the existing structure or landscaping. The Applicant envisions the expansion of products offered will allow for immediate economic enhancement the surrounding area and overall convenience to the community.

THE APPLICANT

Applicant is a current operator of multiple businesses and convenience stores throughout San Francisco and Alameda County. Applicant has years of experience as a convenience store operator and is very knowledgeable of the area and customer base. Applicant is seeking to add an

ABC Type 21 Off-Sale General license to the subject premises in response to consumer requests for the subject premises to expand their offerings.

REQUEST

The Applicant will file an application with the California Department of Alcoholic Beverage Control for an Off-Sale General Type 21 license for its convenience store. This license allows the applicant to sell wine, beer, and distilled spirits to its patrons for consumption offsite. This proposed establishment intends to bring the traditional wares of bottled and fountain beverages, auto supplies, household staples, grocery items, personal hygiene merchandise, and tobacco products of a convenience store. The Applicant's business hours of operation will be from 9:00 a.m. to 12:00 a.m. daily. This project will utilize the interior space of the currently closed and vacant establishment which consists of approximately 1,417 square feet (net usable).

PERMITTED USE PER MUNICIPAL CODE

The proposed use is compliant with Alameda County Municipal Code complying with the County's purpose of regulating the locations of alcoholic beverage sales in relation to one another and to certain public and private facilities and structures and to regulate the establishment and operation of land uses to ensure safety and compatibility throughout Alameda County.

This project is Categorically Exempt from CEQA under state regulations known as the "CEQA Guidelines" codified at Division 6 of Title 14 of the California Code of Regulations. The Class 1 (Existing Facilities) exception under the CEQA Guidelines, at 14 CCR Section 15301, consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project falls within existing facilities exemption because the proposed business would occur within an existing structure.

Per the County's municipal codes off-sale liquor in a retail establishment is a permitted use through a conditional use permit. Thus, by permitting an establishment of this kind the County is not only providing a benefit to the visitors and residents of the County, but also allowing for the benefit of increased sales tax revenue.

APPLICANT REQUESTS THE PLANNING DEPARTMENT MAKE THE FOLLOWING FINDINGS

1. The Use Is Required by the Public Need

The proposed convenience store will address a demonstrated public need by providing residents and visitors with access to essential goods and services in a centralized and accessible location. The inclusion of alcohol sales will meet the demand for responsible, regulated access to these

products, which is currently underserved in the immediate area. The subject premises is currently vacant and now seeks to be a convenience store with the ancillary sale of alcohol, which is consistent with the nature of commercial uses permitted. The subject premises presently provides a retail commodity to both local residents and the surrounding area to those within the region traveling along Interstate-238. Currently there is only a few other convenience store locations, all of which are approximately half a mile away from the freeway and outside a 1,000 foot radius of the Applicant's location. The addition of a liquor license to allow the sale of beer, wine, and distilled spirits, will add to the convenience of the location for local residents to purchase food items and certain alcoholic beverages in one location. The addition of a liquor license will also provide further economic enhancement to the area.

2. The Use Will Be Properly Related to Other Land Uses, Transportation, and Service Facilities in the Vicinity

The proposed site is situated in a mixed use commercial zone that complements neighboring land uses, such as retail establishments, restaurants, and service providers. Its proximity to major transportation routes and public transit options ensures accessibility for the community. Adequate parking facilities and delivery logistics have been carefully planned to ensure seamless integration into the surrounding area without imposing additional burdens on local infrastructure. Furthermore, the project will fill a currently vacant commercial space, alleviating potential issues such as vandalism, vagrancy, and property deterioration that often arise with unused properties. The proposed site is situated in a commercial zone that complements neighboring land uses, such as retail establishments, restaurants, and service providers. Its proximity to major transportation routes and public transit options ensures accessibility for the community. Adequate parking facilities and delivery logistics have been carefully planned to ensure seamless integration into the surrounding area without imposing additional burdens on local infrastructure. There are no proposed new improvements or physical changes to be made. The proposal does not include any new building construction as the proposed use will operate inside an existing structure.

3. The Use Will Not Materially Affect Adversely the Health or Safety of Persons Residing or Working in the Vicinity or Be Materially Detrimental to Public Welfare or Injurious to Property or Improvements in the Neighborhood

The proposed store will operate in full compliance with all local, state, and federal regulations, including those governing the sale of alcohol. Robust safety measures, including security systems and responsible staff training, will ensure the safety of customers and employees. Additionally, the store's design and operations will prioritize maintaining a clean and welcoming environment, preventing any negative impact on nearby residences or businesses. The current operator and applicant is very knowledgeable of the area, customer base, and operations. In that time, the applicant established himself in the community as a responsible business operator and member of the community. The request to add beer and wine follows years of operational excellence and is based on the demands of the existing customers. The subject premises is equipped with proper levels of exterior lighting, lighted on-site parking, and video cameras. With the appropriate controls and conditions remaining in place, the business and sale of alcohol will not add crime within this area.

4. The Use Will Not Be Contrary to the Character or Performance Standards Established for the District

The proposed store aligns with the character and intent of the district's zoning standards, which promote commercial and community-oriented uses. The store's design will reflect the aesthetic and architectural guidelines of the area, enhancing the district's visual appeal. Moreover, the project's commitment to sustainability and community engagement will further contribute positively to the district's development goals.

CONCLUSION

On behalf of Applicant our office respectfully requests the approval of the Conditional Use Permit and finding of Public Convenience and Necessity to allow Applicant to operate a convenience store with an ABC Type 21 off sale general license. Applicant is committed to operating responsibly and contributing positively to the community.

We are happy to provide any additional information or address any concerns you may have during the review process. Thank you for considering our application. We look forward to working with the Alameda County Planning Department to ensure the successful implementation of this project.

In conclusion, the proposed convenience store with alcohol sales will provide a valuable resource for the community, integrate harmoniously with the surrounding area, and uphold all necessary standards and regulations. We respectfully request your consideration and approval of this project.

BLAKE & AYAZ, ALC

F. Michael Ayaz

FMA:kah

Encls.

< https://madd.org/>

Every 85 seconds, someone is killed or injured in a drunk driving crash.

MADD

Drunk driving deaths in 2022 represented 30% of all traffic fatalities.

National Highway Safety Traffic Administration < https://www.nhtsa.gov/risky-driving/drunk-driving>

< https://madd.org/>

states die in drunk driving crashes that's one person every 39 minutes. In 2021, 13,384 people died in alcohol-impaired driving traffic – a 14% increase from 2020. These deaths were all preventable. people died in alcohol-impaired driving traffic deaths – a 14% people died in alcohol-impaired driving traffic deaths — a 14% increase from 2020. These deaths were all preventable.

National Highway Safety Traffic Administration < https://www.nhtsa.gov/risky-driving/drunk-driving>

Drunk driving deaths are up 22% since 2019.

National Highway Safety Traffic Administration < https://www.nhtsa.gov/campaign/buzzed-driving>

Alameda County Fire Department

Division of Fire Code Administration

Plan Review Comments

6363 Clark Ave, Dublin California 94568 Phone (925) 833-3473 Fax (925) 875-9387

PLN #	2025-00008		
Address	16900 E 14th		
Job Description	CUP to allow Liquor Sales in Convenience Store		
Reviewed By	Bonnie S. Terra, Division	**Date**	1/28/2025

Review of Planning referrals are usually based on information and plans that lacking details for specific comments. The primary focus of our review is to assure fire access to the site. Specific fire and building code issues will be addressed during the regular building permit submittal and review process.

Conditions of Approval

The following conditions shall be met prior the issuance of a building permit and fire clearance for occupancy.

1. Project must comply with all building and fire code requirements..

Environmental Health Department
Alameda County Health

Ronald Browder
Director

March 11, 2025

Michael Flemming
Alameda County Community Development Agency
Development Planning Division
224 West Winton Avenue, Room 111
Hayward, CA 94544
Michael.Flemming@acgov.org

SUBJECT: EHD Comments on the Project Referral for Case No. PLN2025-00008
16900 E 14th Street, San Leandro
Assessor's Parcel Number: 080A-0102-033-03

Dear Mr. Flemming,

Alameda County Environmental Health Department (EHD) is the Local Enforcement Agency (LEA) for the California Department of Public Health (CDPH) with the authority to enforce the requirements of the California Retail Food Code (CalCode) in Alameda County.

Based on the information provided, the applicant is proposing to allow offsite alcohol consumption in conjunction with a convenience store located at 16900 E. 14th Street in San Leandro.

Pursuant to the California Retail Food Code, Section 114381(a)

> *A FOOD FACILITY shall not be open for business without a valid PERMIT.*

The permit at the existing location was inactivated in September 2021. Construction plans were submitted in 2024 for a remodeling project. Please contact Ho Kwan once ready for a final inspection. Applicant is required to obtain a Permit to Operate from EHD once plan review is completed and prior to operation.

Please feel free to contact Ho Kwan at (510) 567-6751 or by email at Ho.Kwan@acgov.org should you have any questions.

Sincerely,

Jane Auyeung

Jane Auyeung
Supervising Registered Environmental Health Specialist

cc: Ho Kwan, Senior REHS

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

Sandra Rivera
Agency Director

Albert Lopez
Planning Director

224 West Winton Ave
Room 111

Hayward, California
94544-1215

phone
510.670.5400
fax
510.785-8793

www.acgov.org/cda

PROJECT REFERRAL

Date: 1/28/2025

RE: Case No: PLN2025-00008
CUP

Due Date: 2/18/2025

PWA DEVELOPMENT ENGINEERING
ALCO ENV HEALTH
ALCO CODE ENFORCEMENT
ALCO FIRE
ALCO SHERIFF'S DEPT.
ABC LICENSING

The following application is referred to you for your information and recommendation:

To allow the operation of an alcohol outlet (offsite consumption) in conjunction with a convenience store, located at 16900 E. 14TH St., San Leandro

Thanks,

APN: 080A-0102-033-03

CEQA: 15301, Class 1, Existing Facilities

Receipt of your comments by the indicated due date will enable the inclusion of relevant information in the preparation of a written staff report; otherwise, please initial and date below that your organization, department, or agency has no comment and return this notice by the indicated due date.

Please send a copy of your recommendation(s) to the applicant.

If you have any questions, please contact me at 510-670-5400, or at the email below.

Sincerely,

Michael Flemming
Development Planning Division
michael.flemming@acgov.org

cc: Applicant: Michael Ayaz legal@blakeandayaz.com
Owner: Kim Kevin and Kim Timothy

No Comment – Date 2/19/25

Attachments: Project Application Information
Project Drawings marked Exhibit "A", dated 1-21-2025

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

Sandra Rivera
Agency Director

Albert Lopez
Planning Director

224 West Winton Ave
Room 111

Hayward, California
94544-1215

phone
510.670.5400
fax
510.785-8793

www.acgov.org/cda

PROJECT REFERRAL

Date: 1/28/2025

RE: Case No: PLN2025-00008
CUP

Due Date: 2/18/2025

PWA DEVELOPMENT ENGINEERING
ALCO ENV HEALTH
ALCO CODE ENFORCEMENT
ALCO FIRE
ALCO SHERIFF'S DEPT.
ABC LICENSING

The following application is referred to you for your information and recommendation:

To allow the operation of an alcohol outlet (offsite consumption) in conjunction with a convenience store, located at 16900 E. 14TH St., San Leandro

Thanks,

APN: 080A-0102-033-03

CEQA: 15301, Class 1, Existing Facilities

Receipt of your comments by the indicated due date will enable the inclusion of relevant information in the preparation of a written staff report; otherwise, please initial and date below that your organization, department, or agency has no comment and return this notice by the indicated due date.

Please send a copy of your recommendation(s) to the applicant.

If you have any questions, please contact me at 510-670-5400, or at the email below.

Sincerely,

Michael Flemming
Development Planning Division
michael.flemming@acgov.org

cc: Applicant: Michael Ayaz legal@blakeandayaz.com
Owner: Kim Kevin and Kim Timothy

_____ No Comment – Date 2/11/25

Rosemarie De Leon Ext. 5-5209

Attachments: Project Application Information
Project Drawings marked Exhibit "A", dated 1-21-2025

Additional referrals PLN2025-00008

No open Code Enforcement cases.

Please Note: This location has a lot of building code violations dating back to 2005.

Kind Regards,

Holly Felix

Senior Code Enforcement Officer

ALAMEDA COUNTY | Community Development Agency

Planning Department

224 W. Winton Avenue, Room 111, Hayward, CA 94544

Office 510-670-6118

Holly.felix@acgov.org | www.acgov.org/cda

Additional Referrals

ABC Summarized:
California Department of Alcohol Beverage Control: In a referral response dated October 23, 2025, the Alcoholic Beverage Control (ABC) confirmed that the site currently holds a valid ABC license (#635285) and has no history of violations. For Census Tract 4340.00, for which this location is located within, three (3) off-sale licenses are permitted; however, four (4) are currently active. Approval of an additional, fifth off-sale license is at the discretion of the City or County. ABC stated that even though the 5th license would be over the permitted limit, if the County chooses to approve it a license will likely be approved by ABC. ABC also noted that square footage or linear measurements are not considered when evaluating eligibility for an off-sale license. Any crime statistics or DUI-related information must be obtained from the Sheriff's Department.

ABC correspondence:

What do you consider is an over concentration of alcohol outlets. They are proposing that 20% of their store be for alcohol, how is this measured (in square feet or linear feet, do you consider depth of shelf)?, do you think this is reasonable? Do you have crime statistics for the area, or DUIs?

Hi Michael,

There is a valid ABC license at that location (#635285) with no history of violations. For census tract # 4340.00, 3 off sale licenses are allowed and currently there are 4 active.
Determination will be up to the city if they are willing to approve a 5th license. For off sale licenses we do not take square foot or linear feet into consideration if they qualify for that type of license/
Any crime stats or DUI you will need to obtain from the Sherriff Department.

Can you explain what this means:

For census tract # 4340.00, 3 off sale licenses are allowed and currently there are 4 active.
Determination will be up to the city if they are willing to approve a 5th license.

Does this mean it is already over the limit by one currently, and the 5th one would make it two over the recommended amount?

How come the choice is up to us? Would 5 be allowed if we approve this CUP?

Hi Michael,

Yes, the 5th one will be over. However, we do not deny a license because of that. If the city will allow another license to come into that census tract and ABC has done their investigation more than likely it will be approved.
It is up to the City if you are requiring an application to apply for a CUP. ABC does not make that determination.

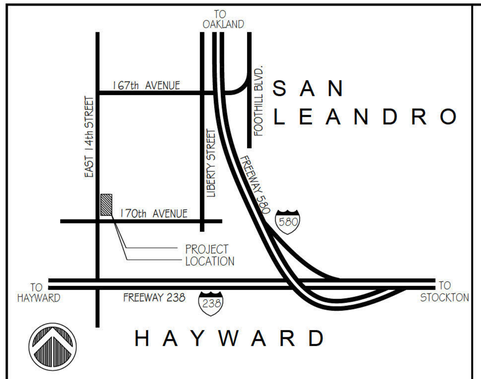
Eden Municipal Advisory Council (EDEN MAC): On May 13, 2025, the Eden Municipal Advisory Council (EDEN MAC) reviewed Conditional Use Permit PLN2025-00008 and voted 7-0 to deny the proposed alcohol outlet.

Economic Civic Development (ECD): In a referral response received on May 14, 2025, ECD Staff stated: "ECD would recommend denial of the proposed market with alcohol outlet at the 16900 E. 14th Street location and encourage alternative uses, such as general retail or restaurant be considered in the future."

ECD does n additionalot support this use given the oversaturation of liquor stores within the vicinity of the property. ECD encourages a more varied retail use at this location.

Eden Area/Castro Valley Chamber of Commerce: A referral letter was sent on May 19, 2025, as of this writing no comment has been received.

Neighboring Properties: Six public speakers came out in support of denying the project at the Eden Municipal Advisory Council hearing on May 13, 2025.



VICINITY MAP NOT TO SCALE

PROPOSED NEW TENANT IMPROVEMENTS FOR MR. EZZADDIN ALI

16900 EAST 14TH STREET SAN LEANDRO, CALIFORNIA 94578

Exhibit A
PLN2025-00008
November 19, 2025

PROJECT SUMMERY DATA:

SCOPE OF WORK:	TENANT IMPROVEMENTS CONVENIENT MARKET W/ ALCOHOL LICENSE.
PROPOSED USE:	CONVENIENT MARKET
CBC OCCUPANCY GROUP:	M OCCUPANCY
CBC CONSTRUCTION TYPE:	TYPE VB CONSTRUCT ON "NON-SPRINKLED"
CODES:	2022 CBC, CMC, CPC & 2022 CEC 2022 GREEN BUILDING STANDARDS CODE (GBSC). 2022 ENERGY STANDARDS
ACCESSORY UNIT STORIES:	TWO STORIES
SQUARE FOOTAGE TOTAL:	1,417 SQUARE FEET

CAL-GREEN REQUIREMENTS
THE 2016 CAL-GREEN CONSTRUCTION VALUATION THRESHOLD FOR ALTERATION IS $200,000 (2022 CGC 301.3) OUR PROJECT FALLS WELL UNDER THE CAL-GREEN THRESHOLD OF $200,000 .

SHEET INDEX

A-1	COVER SHEET, GENERAL NOTES AND SHEET INDEX & EXISTING SITE PLAN.
A-2	EXISTING FLOOR PLAN.
L-1	PRELIMINARY LANDSCAPE PLAN.

GENERAL NOTES:

1 THE INTENT OF THESE DRAWINGS AND SPECIFICATIONS IS TO INCLUDE ALL LABOR, MATERIALS AND SERVICES NECESSARY FOR COMPLETION OF ALL WORK SHOWN, PRESCRIBED, OR REASONABLY IMPLIED BUT NOT LIMITED TO THE EXPLICITLY INDICATED IN THE CONTRACT DOCUMENTS.

2 ALL WORK SHALL CONFORM TO ALL APPLICABLE BUILDING CODES ORDINANCES, AND REGULATIONS AS ADOPTED BY LOCAL AUTHORITIES HAVING JURISDICTION.

3 DIMENSIONS ON DRAWINGS ARE SHOWN TO CENTER LINE OF COLUMNS AND TO FACE OF CONCRETE OR FACE OF STUD AT WALLS AND PARTITIONS UNLESS NOTED OTHERWISE.

4 DO NOT SCALE THESE DRAWINGS.

5 WHERE APPLICABLE STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, CIVIL AND LANDSCAPE DRAWINGS ARE SUPPLEMENTAL TO THE ARCHITECTURAL DRAWINGS, THE CONTRACTOR SHALL REVIEW ALL PLANS AND DRAWINGS. IN THE EVENT OF CONFLICTING STATEMENTS, INSUFFICIENT INFORMATION OR ERRORS, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY NOR-CAL RESTAURANT DESIGN AT (209) 221-7090 TO OBTAIN CLARIFICATION BEFORE ANY WORK IS BEGUN. WORK INSTALLED WHERE CONFLICTING CONDITIONS EXIST SHALL BE CORRECTED AT CONTRACTOR'S EXPENSE.

6 DIMENSIONS, DETAILS, NOTES AND /OR SYMBOLS THAT APPLY TO TO ONE UNIT, APPLY TO ALL UNITS IN LIKE SITUATIONS UNLESS NOTED OTHERWISE.

7 DETAILS NOTED AS "TYPICAL" SHALL APPLY IN ALL LIKE CONDITIONS UNLESS SPECIFICALLY SHOWN, THE FRAMING OR CONSTRUCTION SHALL BE IDENTICAL OR SIMILAR TO THAT INDICATED FOR LIKE CASES OF CONSTRUCTION OF THIS PROJECT.

8 WHENEVER AN ARTICLE,DEVICE OR PIECE OF EQUIPMENT IS SHOWN, INDICATED, OR REFERRED TO ON THE DRAWINGS OR THESE NOTES IN THE SINGULAR NUMBER, SUCH REFERENCES APPLY TO AS MANY SUCH ARTICLES AS REQUIRED TO COMPLETE THE INSTALLATION.

9.THE GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL VERIFY ALL ALL DIMENSIONS AND CONDITIONS ON THE JOB SITE PRIOR TO BEGINNING CONSTRUCTION AND SHALL REPORT ANY DISCREPANCIES OR UNIDENTIFIED CONDITIONS TO NOR-CAL RESTAURANT DESIGN FOR RESOLUTION BEFORE ANY WORK IS BEGUN.

10 THE CONTRACTOR SHALL BE RESPONSIBLE FOR MEANS, METHODS,TECHNIQUES AND PROCEDURES EMPLOYED IN PERFORMANCE OF WORK IN,ON OR ABOUT THE JOB SITE: THE CONTRACTOR SHALL COORDINATE AND VERIFY ALL WORK PERFORMED BY SUB.

11. ALL CONTRACTORS AND SUBCONTRACTORS PERFORMING WORK ON, OR RELATED TO THIS PROJECT SHALL CONDUCT THEIR OPERATIONS SO THAT ALL EMPLOYEES ARE PROVIDED A SAFE PLACE TO WORK AND THE PUBLIC IS PROTECTED, AND SHALL COMPLY WITH THE "OCCUPATIONAL SAFETY AND HEALTH REGULATION" OF THE U.S DEPARTMENT OF LABOR AND WITH ANY AND ALL OTHER APPLICABLE STATE AND/OR LOCAL SAFETY COMPLETE RESPONSIBLY FOR JOB SITE SAFETY CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND THAT THE CONTRACTOR SHALL DEFEND. INDEMNIFY AND HOLD HARMLESS THE OWNER AND DESIGNER FROM ANY ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH PERFORMANCE OF WORK ON THIS PROJECT.

12 THE STRUCTURAL IS DESIGNED AS A STABLE UNIT AFTER ALL COMPONENTS ARE IN PLACE, THE CONTRACTOR SHALL PROVIDE ALL SHORING AND BRACING NECESSARY TO ENSURE THE ABILITY OF ANY AND ALL PARTS OF THE BUILDING DURING CONSTRUCTION.

13. UNLESS SPECIFICALLY SHOWN OR NOTED ON THE DRAWINGS, NO STRUCTURAL MEMBER SHALL BE CUT, NOTCHED, BORED OR OTHERWISE MODIFIED WITHOUT PERMISSION FORM NOR-CAL RESTAURANT DESIGN.

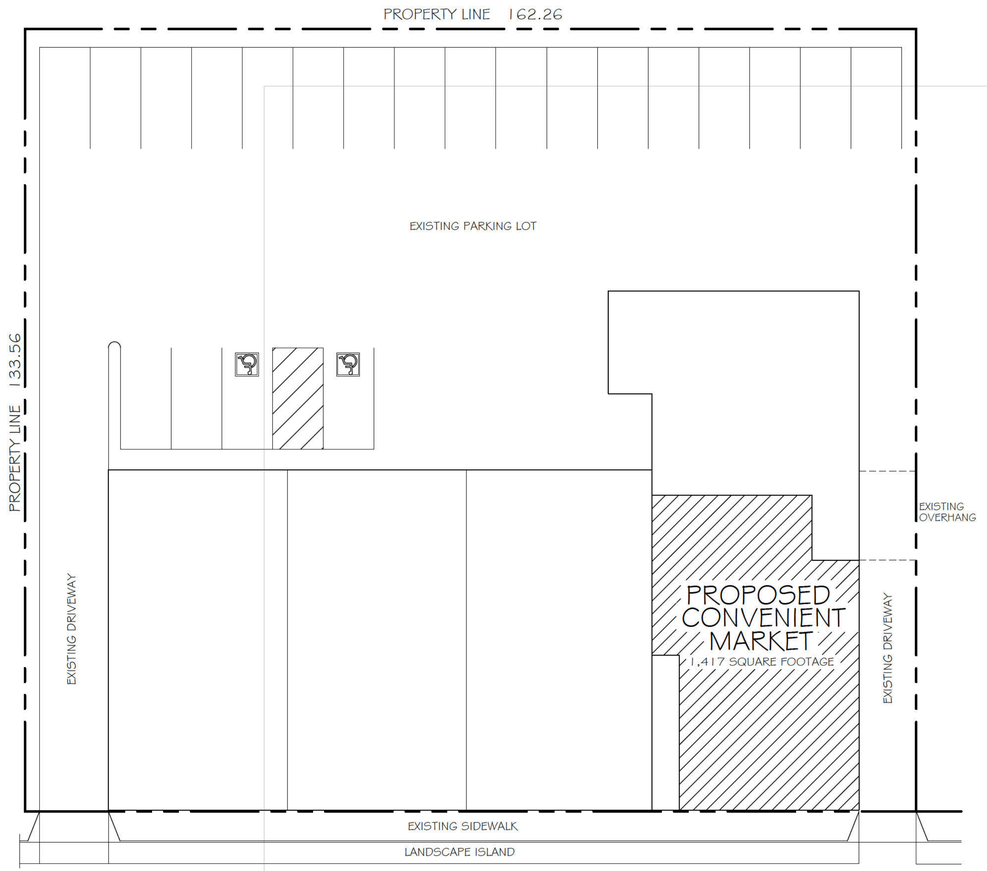
14 WHETHER OR NOT DETAILED ON DRAWINGS, THE CONTRACTOR SHALL PROVIDE AND INSTALL ALL STIFFENERS, BRACING BACK-UP PLATES AND SUPPORTING BRACKETS REQUIRED FOR THE INSTALLATION OF ALL CASEWORK AND OF ALL WALL MOUNTED OR SUSPENDED MECHANICAL, ELECTRICAL OR MISCELLANEOUS EQUIPMENT INCLUDING PLYWOOD BACKBOARDS FOR TELEPHONE AND ELECTRICAL EQUIPMENT ROOMS.

15 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING APPROVAL AND PERMITS FOR ALL DESIGN/BUILD SYSTEMS, HE SHALL ALSO BE RESPONSIBLE THAT THE SYSTEMS MEET ALL APPLICABLE CODE REQUIREMENTS.

16 ANY MODIFICATIONS TO THE BUILDING SHELL RESULTING FROM DESIGN/BUILD REQUIREMENTS SHALL BE REPORTED TO THE OWNER AND DESIGNER ALONG WITH ANY REQUIRED COSTS OR SAVINGS PRIOR TO CONSTRUCTION. ANY MODIFICATIONS NOT REPORTED WILL BE THE CONTRACTOR'S RESPONSIBLY FOR COORDINATION, CODE CONFORMANCE AND COST.

17 NEITHER THE DESIGNER'S REVIEW NOR APPROVAL OF SHOP DRAWINGS SHALL RELIEVE THE GENERAL CONTRACTOR FROM RESPONSIBILITY FOR DEVIATIONS FROM DRAWINGS OR SPECIFICATIONS UNLESS HE HAS CALLED THE DESIGNER ATTENTION (IN WRITING) TO SUCH DEVIATION AT THE OF SUBMISSION NOR SHALL IT RELIEVE HIM OF RESPONSIBILITY FOR ERRORS OF ANY SORT IN THE THE SHOP DRAWINGS.

18 INSTALLATION OF GLASS SHALL CONFORM TO FEDERAL SPECIFICATION 16-CFR-1202 AND ALL LOCAL CODES AND ORDINANCES. GLASS SUBJECT TO HUMAN IMPACT SHALL COMPLY WITH U.S. CONSUMER PRODUCT SAFETY STANDARD. CERTIFICATE SHALL ACCOMPANY PRODUCT STATING DATE AND PLACE OF MANUFACTURE.



EXISTING SITE PLAN

SCALE 1/4" = 1'-0"

NOR-CAL
RESTAURANT
DESIGN

THE EXPERTS IN RESTAURANT DESIGN & PLANNING, OVER 30 YEARS IN THE BUSINESS
NORRIS J. MITCHELL
PROJECT DESIGNER
310 SOUTH CENTRAL PKWY
MTN. HOUSE, CALIFORNIA 95391
PHONE NO. (209) 221-7090
FAX NO. (209) 221-7091
EMAIL: nmitch9944@aol.com

REVISIONS:

FOR PLAN CHECK REVIEW

ENGINEER OF RECORD

COVER SHEET & EXISTING SITE PLAN

PROPOSED NEW TENANT IMPROVEMENTS FOR
MR.EZZADDIN ALI

16900 EAST 14TH STREET
SAN LEANDRO, CALIFORNIA 94578

NORRIS M.
N. J. M.
APRIL 2024
AS SHOWN
2024-10

P-1
SHEET 1 OF 3

EQUIPMENT LIST

NO.	ITEM	MANUFACTURE'S AND MODEL NO.	NSF APPROVE.	REMARKS
1	REACH-IN REFRIGERATOR	" FLORESTONE MODEL # MSR 2424 "	YES	
2	GONDOLA SHELVING	" EAGLE GROUP MODEL # HG1848 "	YES	
3	EMPLOYEE'S LOCKERS	" TENNSCO LOCKERS "	YES	
4	P.O.S. MACHINE	" AS SELECTED BY OWNER "	YES	

ROOM FINISH SCHEDULE

ROOMS	FLOOR: SHEET VINYL*	FLOOR: MARBLE FLOORING	FLOOR: WOOD FLOORING	FLOOR: COMPOSITION FLOORING	FLOOR: QUARRY TILE FLOORING	FLOOR: COMMERCIAL GRADE SHEET VINYL FLOORING	BASE: 6" HIGH COVED SHEET VINYL	BASE: 6" STAINLESS STEEL COVED BASE	BASE: QUARRY TILE COVED BASE	BASE: WOOD BASE	BASE: INTEGRAL SHEET VINYL COVE BASE	WALLS: U.S.G. GYP. BD. (2 COAT PAINTS)	WALLS: SMOOTH SURFACE-OFF WHITE	WALLS: SEMI-GLOSS PAINT-2 COATS	WALLS: FRP BOARD 4'-0" HIGH	WALLS: CERAMIC TILE 4'-0" HIGH	WALLS: SMOOTH CLEANABLE LIGHT COLOR	CEILING: 2x4 ACOUSTIC, TILE (T-BAR CEILING)	CEILING: 2x4 U.S. GYPSUM (STIPPLE WHITE)	CEILING: 5/8" GYPSUM "X" GYPSUM BOARD)	CEILING: SMOOTH CLEANABLE LIGHT COLOR	CEILING: DESIGNER CEILG TILE AS SELECTED OWNER	REMARKS
MARKET AREA		●									●	●	●	●						●			
CASHIER AREA		●									●	●	●	●						●			
(E) TOILET ROOM					●					●		●	●	●	●					●			
(E) STORAGE ROOM						●					●	●	●	●						●			

THE FOLLOWING WALLS & CEILING SURFACES IN ALL FOOD ESTABLISHMENTS MUST BE SMOOTH AND WASHABLE WITHOUT ANY TEXTURE OR STIPPLING:

THE WALLS & CEILINGS IN THE FOLLOWING AREAS MUST BE LIGHT IN COLOR (HAVING A LIGHT REFLECTANCE VALUE OF 70 % OR GREATER):

A) JANITOR MOP SINK.
B) EMPLOYEE DRESSING/LOCKER ROOMS.
C) RESTROOMS

NOTES:
IN ADDITION TO THE ABOVE REQUIREMENT, THE FOLLOWING AREAS MUST ALSO HAVE LIGHT-COLORED WALLS AND CEILINGS:

D) ALL KITCHEN AND FOOD PREPARATION AREAS (THIS INCLUDES WAITRESS STATION, AROUND SALAD BARS- DRY STORAGE EXEMPT).
E) UTENSIL WASH ROOMS.
F) WALK-IN REFRIGERATORS.
G) EMPLOYEE RESTROOMS.

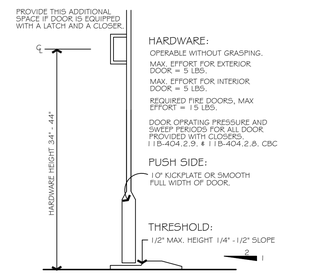
NOTES:
"MINIMUM 4-INCH HIGH 3/8" RADIUS CONTINUOUSLY COVE BASE"

RCP NOTES

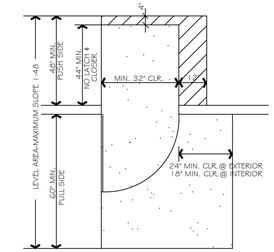
1. NOTIFY THE ARCHITECT OF ANY DISCREPANCIES BETWEEN ARCHITECTURAL AND ELECTRICAL OR MECHANICAL DRAWINGS, OBTAIN CLARIFICATION FROM THE ARCHITECT IN WRITING BEFORE PROCEEDING WITH THE WORK IN QUESTION OR RELATED WORK.
2. WHEN CEILING INTERRUPTIONS OCCUR, SUCH AS PARTITIONS, FURR DOWNS, ETC. CONTRACTOR SHALL CHECK AND VERIFY THAT WORK IS BUILDABLE AS SHOWN BEFORE PROCEEDING WITH CONSTRUCTION.
3. ALL NEW CEILING FIXTURES, SWITCHES, AND MOTION SENSORS SHALL MATCH BUILDING STANDARD, U.N.O.
4. LOCATE LIGHT FIXTURES, SPEAKERS, ACCESS PANELS, SPRINKLERS, LIFE-SAFETY FIXTURES, ETC. IN STRAIGHT LINES AND SHALL CENTER IN CEILING TILES WHERE POSSIBLE.
5. ALL NEW CONDUITS, BOXES, DUCTWORK, HVAC UNITS PIPES, ETC. SHALL BE INSTALLED AS HIGH AS POSSIBLE.
6. PROVIDE EMERGENCY LIGHTING LEVELS AS REQUIRED BY CODE.
7. REFER TO ELECTRICAL DRAWINGS FOR LOCATIONS OF EMERGENCY LIGHTING AND EXIT SIGNS.

GENERAL NOTES

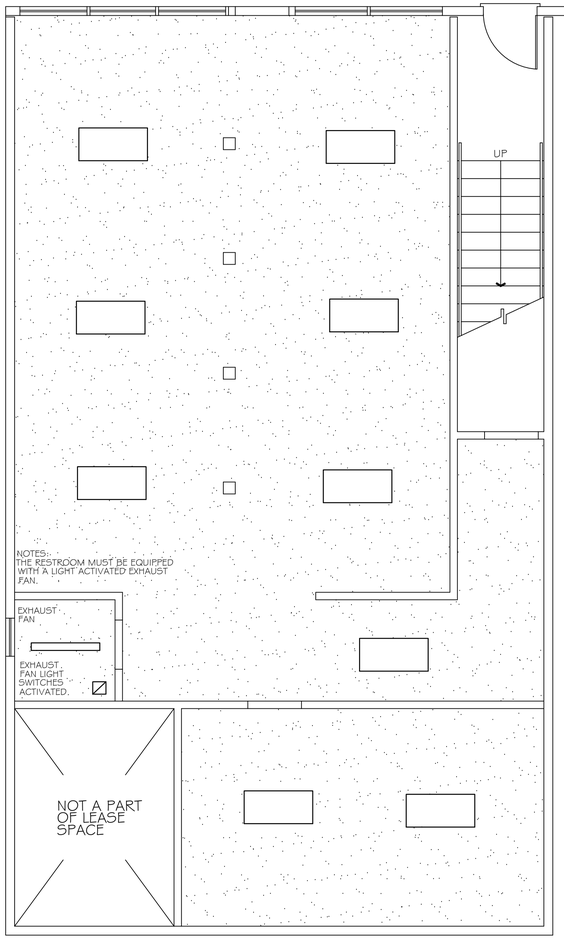
1. GRIDLINES ARE FOR LOCATION OF CENTERLINES OF STRUCTURAL STEEL COLUMNS, CENTERLINES OF STRUCTURAL WALLS AND EDGE OF WALL, U.N.O.
2. DIMENSIONS (EXCEPT GRIDLINES) ARE: EXTERIOR WALLS TO FACE OF SHEATHING AT EXTERIOR SIDE, AND FACE OF FINISH AT INTERIOR U.N.O.
3. ALL EXTERIOR SURFACE MOUNTED PLUMBING PIPES SHALL BE GALVANIZED SHEET METAL U.N.O. RE: PLUMBING FOR ADDITIONAL INFORMATION
4. FLOOR PLANS COMMUNICATE BUILDING INFORMATION ONLY. SEE CIVIL & LANDSCAPE DRAWINGS FOR ALL SITE WORK INFORMATION. NOTIFY ARCHITECT IMMEDIATELY IF DISCREPANCIES OCCUR PRIOR TO COMMENCEMENT OF WORK



SECTION @ DOOR THRESHOLD



DOOR CLEARANCE



OCCUPANT LOAD CALCULUS.

CBC 2022 TABLE 1004.1.2

MARKET AREA SQ. FT. 581 SF / 200 SF = 2.90
MARKET AREA LOAD: 3

STORAGE ROOM SQ. FT. 246 SF / 100 SF = 2.46
MARKET AREA LOAD: 3

TOTAL OCCUPANT LOAD OF MARKET: 6

⊙ FIRE EXTINGUISHER
NOTES:
A MINIMUM OF TWO 2A-10BC FIRE EXTINGUISHERS ARE REQUIRED UNLESS THE MAXIMUM TRAVEL DISTANCE TO AN EXTINGUISHER IS EXCEEDED THAN ADDITIONAL FIRE EXTINGUISHERS WILL BE REQUIRED. ONE FIRE EXTINGUISHER IS REQUIRED FOR EVERY 3,000 SQUARE FEET OF FLOOR AREA AND THE MAXIMUM TRAVEL DISTANCE TO A FIRE EXTINGUISHER FROM ANY PART OF THE BUILDING CAN NOT EXCEED 75 FEET. FIRE EXTINGUISHER SIGNARROWS SHALL BE PROVIDED.
SUGGESTED LOCATIONS ARE IN A VISIBLE LOCATION NEAR EXIT DOORS IN THE PATH OF EXIT TRAVEL.

(E) STORAGE SHELVING SQUARE FOOTAGE CALCULATION

(A) BACK SHELVING AREA	120 SQ. FT.
(B) FRONT SHELVING AREA	316 SQ. FT.
(C) WALL SHELVING AREA	11 SQ. FT.
(D) ISLAND SHELVING AREA	275 SQ. FT.
(E) ISLAND SHELVING AREA	275 SQ. FT.
(F) ISLAND SHELVING AREA	275 SQ. FT.
(G) ISLAND SHELVING AREA	275 SQ. FT.
(H) PROPOSED BEER & WINE	130 SQ. FT.
(J) PROPOSED SODA & JUICES	235 SQ. FT.
(K) REFRIGERATED HEALTHY	15 SQ. FT.
(L) SHELVING OVER WINDOW	15 SQ. FT.
TOTAL SHELVING IN STORE	1,942 SQ. FT.
ALAMEDA COUNTY ALLOWABLE 20% OF TOTAL SHELVING.	388.4 SQ. FT.

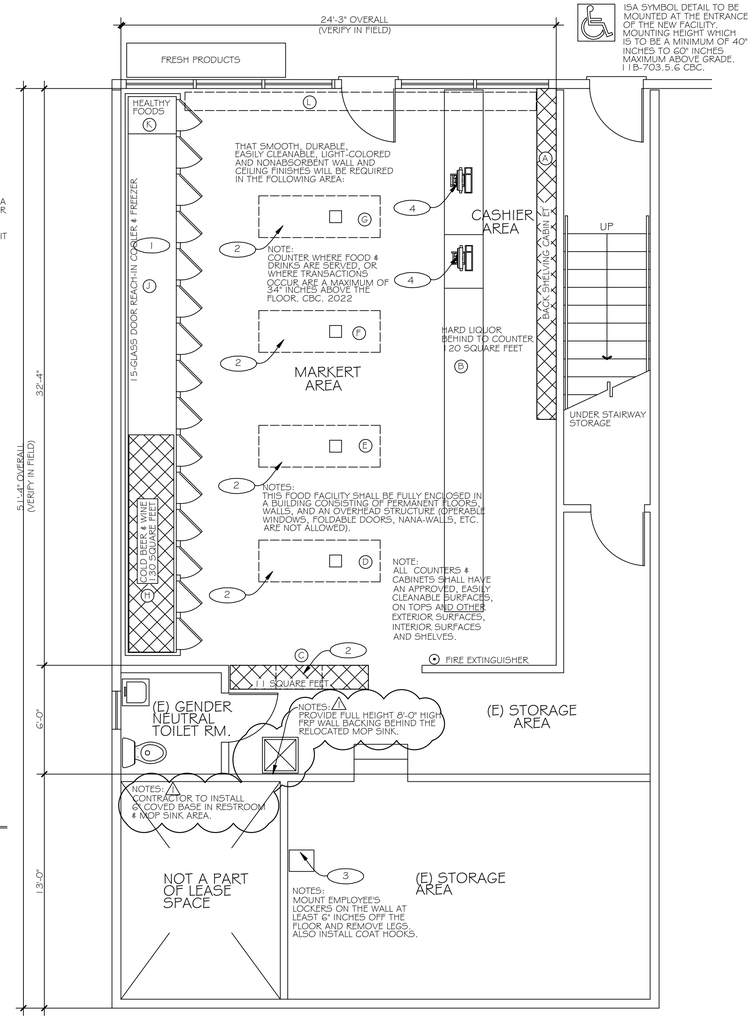
AREA WHERE OWNER WOULD LIKE PROVIDE LIQUOR.

(A) HARD LIQUOR (BEHIND COUNTER)	120 SQ. FT.
(C) NON REFRIGERATED WINES	11 SQ. FT.
(H) PROPOSED BEER & WINE	130 SQ. FT.
TOTAL ALCOHOL SQ. FT.	261 SQ. FT.

ALAMEDA COUNTY 20% ALLOWABLE 388.4 PROPOSED SHELVING SQUARE FOOTAGE OWNER REQUESTING 261 SQ. FT.

LEGEND

- SUSPENDED ACOUSTICAL CEILING.
- GYPSUM BOARD TO FRAMED CEILING MEMBERS.
- RECESSED LIGHTING
- INCANDESCENT LIGHTING
- AC SUPPLY REGISTER TO REMAIN. (REDUCING FROM EXISTING HVAC UNIT ON ROOF.
- 2x4 FOUR TUBE FLUORESCENT LIGHTING (TYPE).
- FOUR WAY MAKE-UP AIR DIFFUSER (TYPICAL).
- PEDESTAL LIGHTING
- EXHAUST FAN
- (E) AC RETURN REGISTER TO REMAIN. (REDUCING FROM EXISTING HVAC UNIT ON ROOF.



ISA SYMBOL DETAIL TO BE MOUNTED AT THE ENTRANCE OF THE NEW FACILITY. MOUNTING HEIGHT WHICH IS TO BE A MINIMUM OF 40" INCHES TO 60" INCHES MAXIMUM ABOVE GRADE. 11B-703.5.6 CBC.

WALL LEGEND

- NEW PARTITION WALLS.
- (E) WALLS TO BE REMOVED
- (E) WALLS TO REMAIN

1,417 SQUARE FEET

REFLECTED CEILING PLAN

SCALE 1/4" = 1'-0"

PROJECT FLOOR PLAN

SCALE 1/4" = 1'-0"

NOR-CAL
RESTAURANT DESIGN

THE EXPERTS IN RESTAURANT DESIGN & PLANNING, OVER 30 YEARS IN THE BUSINESS

NORRIS J. MITCHELL
PROJECT DESIGNER

310 SOUTH CENTRAL PKWY
MTN. HOUSE, CALIFORNIA 95391
PHONE NO. (209) 221-7090
FAX NO. (209) 221-7091
EMAIL: nmitch9944@aol.com

REVISIONS:

FOR PLAN CHECK REVIEW

ENGINEER OF RECORD

PROJECT FLOOR PLAN & REFLECTED CEILING PLAN

PROPOSED NEW TENANT IMPROVEMENTS FOR

E & A FAMILY INC
CONVENIENT MARKET

16900 EAST 14TH STREET
SAN LEANDRO, CALIFORNIA 94578

NORRIS M.	
N. J. M.	
APRIL 2024	
AS SHOWN	
2024-10	

A-3
SHEET 3 OF 5

PLANT PALETTE

SYM.	SIZE	QUANTITY	BOTANICAL	COMMON NAME
SHRUBS				
✳	5 GALLON	23	HIEROCHLOE OCCIDENTALIS	VANILLA GLASS
✷	5 GALLONS	17	LEDUM GLANDULOSUM	LABRADOR TEA
⊛	5 GALLONS	45	TWINBERRY HONEYSUCKLE	LONICERA INVOLUCRATA
⊛	5 GALLON	20	ARCTOSTAPHYLLOS "UVA URSI"	MANZANITA

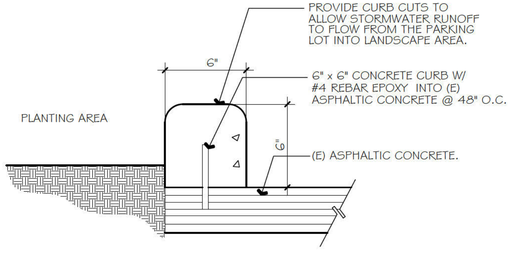
✳ ALL PLANTING MUST BE DROUGHT TOLERANT AND NO INVASIVE SPECIES SHALL BE UTILIZED.

✳ PRIOR TO FINAL BUILDING INSPECTION, THE PROPERTY OWNER SHALL ENTER INTO MAINTENANCE AGREEMENT WITH THE CITY TO ENSURE PROPER MAINTENANCE THE FORM AND CONTENT OF AGREEMENT SHALL BE APPROVED BY THE CITY MANAGER.

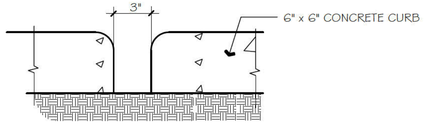
LOT ANALYSIS:

TOTAL LOT AREA:	21,546 SQ. FT.
REQUIRED LANDSCAPE AREA AT 15%	2,249 SQ. FT.
TOTAL PROPOSED LANDSCAPE AREA:	2,624 SQ. FT.

NOTES:
1. ALL PLANTING AREA TO RECEIVE MIN. 2" DEPTH SHREDDED WOOD MULCH OR EQUAL.
2. ALL PLANTS SHALL BE WATERED AND MAINTAINED AS PER CONDITION OF APPROVAL.

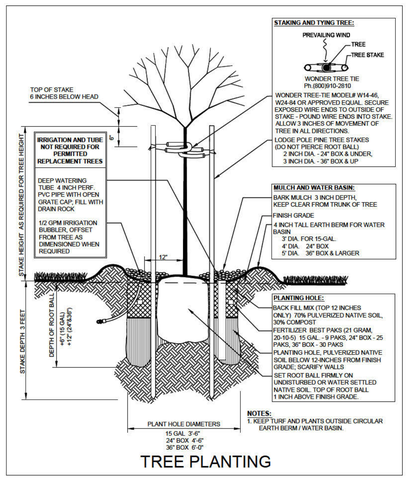


1 CONCRETE CURB DETAIL

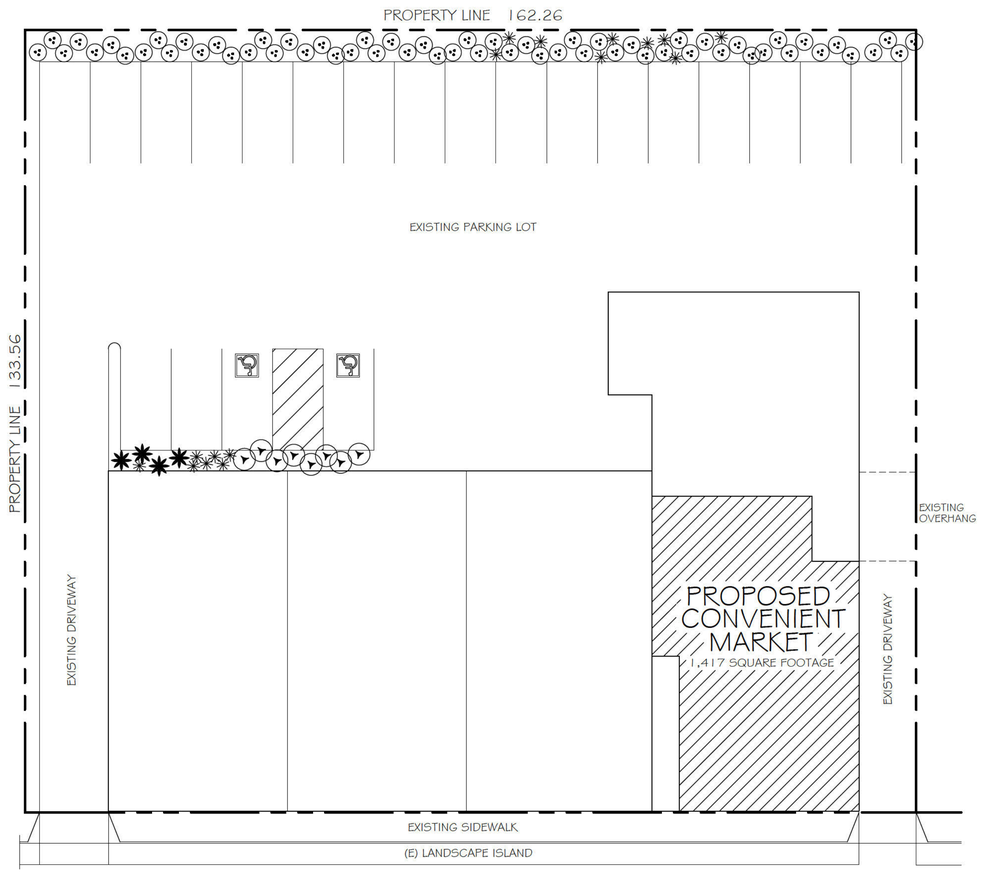


2 CONCRETE CURB CUTS DETAIL

✳ EVERY 12'-0" ON CENTER (O.C.)



TREE PLANTING



EAST 14TH STREET

PRELIMINARY LANDSCAPE PLAN

SCALE 1/4" = 1'-0"

NOR-CAL
RESTAURANT DESIGN

THE EXPERTS IN RESTAURANT DESIGN & PLANNING, OVER 30 YEARS IN THE BUSINESS

NORRIS J. MITCHELL
PROJECT DESIGNER

310 SOUTH CENTRAL PKWY
MTN. HOUSE, CALIFORNIA 95391
PHONE NO. (209) 221-7090
FAX NO. (209) 221-7091
EMAIL: nmitch9944@aol.com

REVISIONS:
FOR PLAN CHECK REVIEW
ENGINEER OF RECORD

LANDSCAPE SITE PLAN

REGISTERED LANDSCAPE ARCHITECT STEVEN GEORGE WONG 2097 Signature 12-31-25 Exp. Date STATE OF CALIFORNIA

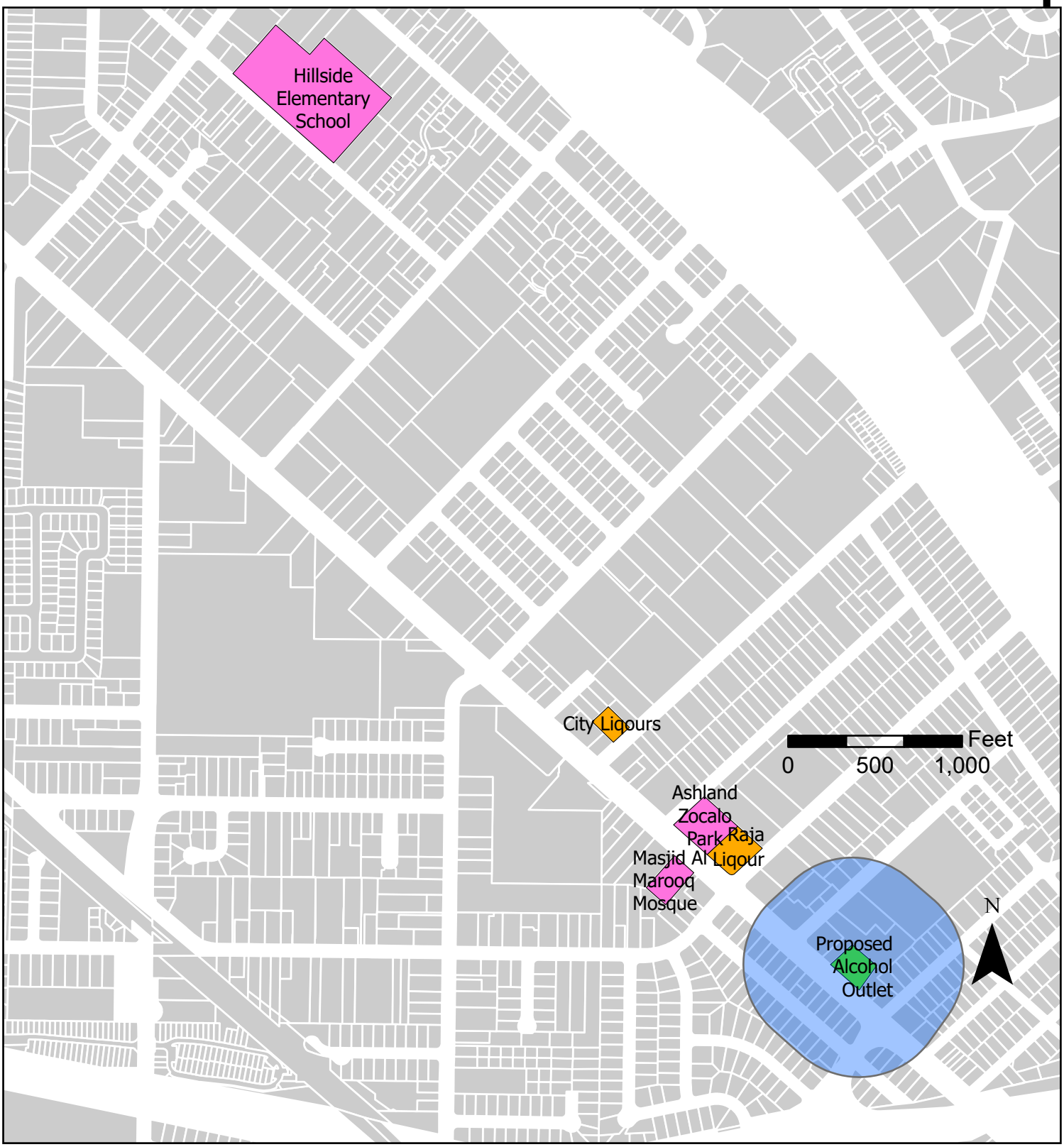
PROPOSED NEW TENANT IMPROVEMENTS FOR
MR. EZZADDIN ALI

16900 EAST 14TH STREET
SAN LEANDRO, CALIFORNIA 94578

NORRIS M.
N. J. M.
APRIL 2024
AS SHOWN
2024-10

L-1
SHEET 3 OF 3

16900 E. 14th ABC License Map



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

STAFF REPORT

TO: EDEN AREA MUNICIPAL ADVISORY COUNCIL
HEARING DATE: MAY 13, 2025

GENERAL INFORMATION

APPLICATION: Condition Use Permit/ PLN2025-00008

OWNER/ APPLICANT: Kim Kevin and Kim Timothy, owners / F. Michael Ayas, applicant

PROPOSAL: Conditional Use Permit to allow the operation of an Alcohol Outlet (Type 21 license) in conjunction with a convenience store.

ADDRESS AND SIZE OF PARCEL: 16900 E. 14th, northeast side, northwest of 170th Avenue, Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080A-0102-033-03; 20,619 sq. ft. in area.

SPECIFIC PLAN DESIGNATION: Located in the Ashland and Cherryland Business District, zoned CMU-C (Corridor Mixed Use Commercial), adopted December 2015

GENERAL PLAN DESIGNATION: Eden Area General Plan, designated GC (General Commercial), adopted March 30, 2010.

ENVIRONMENTAL REVIEW: Categorically exempt from the requirements of the California Environmental Quality Act, Section 15301, "Existing Facilities".

RECOMMENDATION

Staff recommends that the Eden Area Municipal Advisory Council recommend to West Board of Zoning Adjustments approval of Conditional Use Permit, PLN2025-00008 allowing an alcohol outlet (beer, wine, and distilled spirits sales) at an existing convenience store based on drawings marked "Exhibit A" date January 23, 2025, on file with the Alameda County Planning Department.

PARCEL ZONING HISTORY

June 6, 1957, Zoning Unit 139th, established the zoning for the property as C-l (Retail Business) District.

June 26, 1957, Zoning Determination, the Planning Commission determined that a proposed "do-it-yourself shop" was a permitted use in the C-l District and on this property.

June 3, 1978, Zoning Unit 1316th, was rezoned from C-1 to C-2 (General Commercial) District.

September 24, 1980, Variance, V-8184, the Zoning Administrator approved V-8184, to allow expansion of a non- conforming use (residence in a commercial zone) with reduced off-street parking, by allowing the construction of a conforming addition (commercial storage building) in the C-2 District.

June 1, 1995, Rezoning, the Board of Supervisors adopted the Ashland Cherryland Business District Specific Plan which re-zoned the subject property from C-2 (Retail Business) District to TC (Transit Corridor) District.

March 14, 2007, Conditional Use Permit, C-8566, to allow the operation of a church facility in a Transit Corridor. Approved March 14, 2007 With expiration date of April 25, 2012.

December 2015, Rezoning, Board of Supervisors adopted the Ashland and Cherryland Business District Specific Plan rezoned the property to CMU-C (Corridor Mixed Use Commercial from transit Corridor).

SITE AND CONTEXT DESCRIPTION

Physical Features: A level lot, the property is rectangular in shape. The property has access to parking in the rear from two driveways that flank the street frontage. In between is an older commercial building, separated into three vacant storefronts that are to the north of the proposed use. To the south is a Car audio business. There are two attached two-story apartment structures located to the rear of the proposed location. They contain six small apartments. These were constructed at some point prior to 1980. The remainder of the site is used as a parking lot, providing 20 parking spaces (including one handicapped-accessible). The driveway entrance at the street is 18'8" wide in both cases. The north driveway narrows to 13'4", while the south driveway narrows to l5'6". See "Exhibit A" for parking locations.

Adjacent Area: To the north of the site is a small residential trailer park. To the east, along the rear parcel line, is a one-story apartment complex. Southerly and across East 14th Street are other commercial uses.

R**EFERRAL RESPONSES**

Alameda County Code Enforcement: In a referral response received on February 5, 2025, Code Enforcement stated: "there are no open Code Enforcement cases. Please note: This location has a lot of building code violations dating back to 2005".

Alameda County Sheriff's Office: In a referral response received on February 19, 2025, the Alameda County Planning Department stated, "no comment".

Public Works Agency Development Engineering: In a referral response received on February 11, 2025, Development Engineering and Permits stated that they have no comment to offer in regards to this project application.

Alameda County Environmental Health: In a referral response dated March 11, 2025, the Alameda County Department of Environmental Health stated:

> Alameda County Environmental Health Department (EHD) is the Local Enforcement Agency (LEA) for the California Department of Public Health (CDPH) with the authority to enforce the requirements of the California Retail Food Code (Cal Code) in Alameda County.
>
> Based on the information provided, the applicant is proposing to allow offsite alcohol consumption in conjunction with a convenience store located at 16900 E. 14th Street in San Leandro.
>
> Pursuant to the California Retail Food Code, Section 114381(a) A FOOD FACILITY shall not be open for business without a valid PERMIT. The permit at the existing location was inactivated in September 2021. Construction plans were submitted in 2024 for a remodeling project. Applicant is required to obtain a Permit to Operate from EHD once plan review is completed and prior to operation.

Alameda County Fire Department: In a referral response received on January 28, 2025, the Alameda County Fire Department stated: the project must comply with all building and fire code requirements.

California Department of Alcohol Beverage Control: A referral was sent on January 28, 2025, no reply was received.

Neighboring Properties: None received.

PROJECT DESCRIPTION

The request is for a Conditional Use Permit for a new alcohol outlet for off-site consumption of alcoholic beverages at an existing convenience store in the Ashland and Cherryland Business District, zone CMU-C (Corridor Mixed Use Commercial) seeking a Type 21 Alcohol Beverage Control (ABC) license to be able to sell beer, wine, and distilled spirits. The percent of store devoted to Alcohol will be 20%. The store itself measures 1,417 sq. ft. in total, and 283 sq. ft. is proposed to be devoted to Alcohol.

STAFF ANALYSIS

Conformance with the General Plan

The site is in the Eden Area General Plan and is designated General Commercial. The General Commercial designation allows for a wide range of commercial uses that encompass small offices, local and regional retail establishments, and automobile-oriented uses to meet the needs of Eden Area residents, employees, and pass-through travelers. Offices are particularly encouraged in commercially designated areas to enhance the employment base of the area. Commercial parcels have a maximum FAR of 1.0. Allowed uses include the following:

Neighborhood commercial uses include grocery and convenience stores, salons, professional offices, restaurants, fast-food establishments, auto service stations, drug stores, dry cleaners, day care centers, shoe stores, tool and appliance repair shops, contractors' shops, hardware stores, and banks. Neighborhood commercial uses are best located in centralized areas capable of serving the greatest

number of households with the least travel distance and best access to alternate modes of transportation and freeways. In this General plan classification (General Commercial), a convenience store is a permitted use. An alcohol outlet is not mentioned in the Eden General Plan but is allowed through the zoning classification through a Conditional Use Permit. This project meets the intent of the Eden General Plan land use designation of General Commercial for Neighborhood commercial uses by the operation of a convenience store with an alcohol outlet because a convenience store is one of the intended uses of this designation.

Conformance with the Specific Plan

The Ashland and Cherryland Business District Specific Plan (ACBD Specific Plan) designated CMU-C (Corridor Mixed-use Commercial) supports neighborhood-serving commercial uses on small and medium-sized lots in various structures, including house-form building types. Residential is allowed as a secondary use. The Specific Plan requires an Alcohol Outlet to obtain a Conditional Use Permit to operate subject to Table 6.2.2 allowed Land Uses. An alcohol outlet is defined by the Specific Plan as an establishment engaged in the sales activity for off-site consumption. Therefore, approval of a Conditional Use Permit is required for the operation of an alcohol outlet.

Conformance with the Zoning Ordinance

The site is designated as CMU-C Corridor Mixed Use Commercial within the Ashland and Cherryland Business Districts, which specifically allows General Retail Convenience Stores. The retail store is a permitted use, while the request to sell alcohol for off-site consumption triggers the approval of a Conditional Use Permit. Where the Specific Plan is silent, the Zoning Ordinance provisions are required to be met. In addition to the Specific Plan and Zoning Ordinance restrictions, there is a 1995 *Alcohol Policy*, which requires a Conditional Use Permit to be obtained for all alcohol sales. This General Retail Convenience Store will be defined as an alcohol outlet since the request includes the sale of beer, wine, and distilled spirits for off-site consumption.

An alcohol outlet is defined in *Section 17.04.010 Definitions* in the Zoning Ordinance:

> means any retail establishment engaged in the business of selling alcoholic beverages for off-premises consumption; a winery, pursuant to the definition of winery in this section is exempted.

Alcohol Policy:

The County's policy for review and approval of new Conditional Use Permits for alcohol outlets and taverns was adopted by the Board of Supervisors on August 3, 1995 (Resolution Number R-96-57), the 1995 "Alcohol Policy". Policies 1, 2, and 8 provide guidance for the consideration of alcohol outlets and taverns as conditional uses, and it includes a caveat that they are not intended to be rigid and final. Policies 3 through 7 establish operational requirements, such as lighting, transparency of windows, maintenance of the exterior, and compliance with state and other laws.

Policy 1 states:

> "No Alcohol Outlet/Tavern is to be located within close proximity of another similar use, so as to not allow the clustering of such uses which may adversely affect the neighborhood; a minimum distance of 500 feet should be required between two such facilities; for certain large retailers, such as supermarkets, where alcohol is not the principal venture, and where such business is

otherwise required by public convenience and necessity, this distance requirement may be waived if deemed irrelevant."

In this instance, the closest alcohol outlet is Raja Liquor and Grocery, which is 800 feet away. There are no taverns or alcohol outlets within 500 feet of the proposed location.

Policy 2 of the *Alcohol Policy* also states:

"No Alcohol Outlet/Tavern is to be located within close proximity of existing facilities that are primarily devoted to use by families with children or minors, such as parks, school, and churches; a minimum distance of 500 feet should be required…"

Based on the 500 feet guideline, there are no facilities dedicated to children or families within a 500 foot radius. The closest religious facility is a Masjid Al-Farooq, a Mosque, which is 900 feet away. Located 900 feet from the proposed alcohol outlet is the Ashland Zocalo Park and located 4,500 feet from the proposed use, the nearest school, Hillside Elementary School.

Policy 8 states simply that no outlet or tavern is to be allowed where, as a result of existing circumstances, it would have adverse effects on immediately adjacent businesses, neighborhoods, or residents. Staff does not believe the proposed alcohol outlet will cause an adverse effect on the immediate area.

The proposal does meet the Alcohol Policy in its entirety.

Policies 3 through 7 require each alcohol outlet or tavern to meet the following guidelines:

- The interior and exterior, including parking areas are to be brightly lit, sufficient to allow facial features to be identified.
- Windows must remain free and clear between 3 feet and 7 feet above ground of signage and posters to accommodate visibility both inwards to and outwards from the outlet's interior.
- Outlet owners or operators are responsible for regular pick up of litter around their establishment, and cleaning of sidewalks if necessary.
- Façades and premises are to be maintained in good condition, with prompt removal of graffiti, repair of damaged signs, windows, or other features, and renovations or upgrades 4necessary.
- Outlets and taverns shall be in compliance at all times with all state and local laws pertaining to applicable requirements of the Alcoholic Beverage Control Act.
- Bar tenders and liquor store attendants, including managers, should be required to attend responsible beverage service training to be competent, and knowledgeable in understanding the potential problems associated with alcohol and alcohol establishments, and how to handle such situations; such training should include knowledge of applicable laws, including pertinent State laws.

Section 17.52.566.(C) of the Zoning Ordinance provides regulations that restrict advertising signs for alcoholic beverages, specifically that "No person or entity shall place any advertising sign in the unincorporated area of Alameda County promoting the sale of Alcoholic Beverages if the face of the advertising sign is publicly visible from any school, child daycare center, outdoor recreation facility, playground, or library". In this case, there is no such land use in the vicinity of the store from which the façade of the store would be visible, such that would prohibit allowable advertising in the store window.

Other Zoning Ordinance Requirements: For parking supply, the Zoning Ordinance (Table 17.52.930) requires one parking space per 300 square feet of the floor area for business retail establishments under

they have 19 parking spaces and 2 ADA spaces. The store is approximately 1,417 sq. ft. of retail space, which results in four (4) required parking spaces, and the site provides 21 onsite. The Ashland and Cherryland Business District Specific Plan has the same parking requirements of 1 parking spot per 300 sq. ft. of store space, which is the same requirement as the zoning ordinance, therefore both the Specific Plan and the Zoning Ordinance requirement parking spaces of 4 parking spaces are met.

Compliance with the Performance Standards per 6.104.060: All alcohol outlets are subject to Chapter 6.104, "Alcoholic Beverage Sale Regulations," which includes performance standards. The purpose of the performance standards is to control dangerous or objectionable environmental effects of alcoholic beverage sales establishments and service stations selling alcoholic beverages for on– or off–sale consumption. There are seven standards that are required for all alcohol outlets whose purpose is to ensure the safety of persons residing or working in the surrounding area.

An alcoholic beverage sale establishment shall comply with the following performance standards. It shall assure:

1. That it does not result in adverse effects to the health, peace, or safety of persons residing or working in the surrounding area;

Specific efforts are made with the Conditions of Approval to provide needed safeguards to prevent negative impacts to the surrounding neighborhood with staff training on the sale of alcohol.

***2.** That it does not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area;*

The mandatory review condition of approval will provide a time for staff to check with the Sheriff's Office for any resulting endangerment of the public health as a result of the use.

***3.** That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, police detentions and arrests and sales to minors;*

As of this writing, there are no known complaints received for the use. Planning Staff will be able to review any repeated nuisance activities based on the recommended conditions of approval.

***4.** That it does not result in violations of this chapter, County Ordinance, Title 12, Public Roadways and Parks, or any other applicable provision of any other county, state, or federal regulation, ordinance or statute;*

Responsible service training will be provided to the operators and employees of the business to inform them of laws and regulations that apply to their profession.

***5.** That its upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood;*

Conditions of approval, part of this permit process, describe what is expected to prevent these from occurring.

6. *That its owner(s), operator(s), licensee(s), server-supervisor(s), server(s), and all other employees that serve and/or sell alcoholic beverages receive responsible beverage service training no less frequently than biennially and within sixty (60) days of employment and no later than thirty (30) days after the effective date of this ordinance. To meet this requirement at least one individual described above shall receive training from and be certified by a responsible beverage service training program operated by the county of Alameda. The person certified as having completed such training program shall be responsible in turn for training the remaining owner(s), licensee(s), server-supervisor(s), server(s), and all other employees that serve and/or sell alcoholic beverages in the establishment. The person responsible for such training shall document in a form approved by the county that the remaining owner(s), licensee(s), server-supervisor(s), server(s), and employees shall have been trained to the standards of the county training program;*

This training program is required as a condition of approval herein.

7. *That the person certified as having completed responsible beverage server training trains the remaining owner(s), licensee(s), server-supervisor(s), server(s), and all other employees of the establishment, documents such training on the approved county form, and submits the completed form to the enforcement officer by January 31st each year and at other times when requested by the enforcement officer;*

This is required as a condition of approval.

The applicant understands that the operation of this establishment will require a thorough knowledge of the requirements of this type of business and will require vigilance in the day-to-day operation to maintain this business in this community.

Annual Alcohol Sales Education and Regulatory Fee (6.104.080)

All alcohol outlets are required to attend education classes and pay an annual fee to cover the costs of inspections, enforcement, and administrative hearings of the performance standards.

The applicant will be required in the conditions of approval to maintain compliance with these performance standards.

TENTATIVE FINDINGS BASED ON INFORMATION AVAILABLE PRIOR TO THE PUBLIC HEARING

1. The use is required by the public need.

   Yes. The alcohol outlet is a public need, and there are no others within 500 feet of the subject site, thereby providing a public necessity and convenience in an area where they were lacking.

2. The use will be properly related to other land uses transportation and service facilities in the vicinity.

   The use will be properly related to other land uses and transportation and service facilities in the vicinity, as the proposed use is consistent with the mixed-commercial character of the

area. The existing rights-of-way provide safe and effective pedestrian and vehicular access to the property. Utility sources and electrical connections are provided to the site, and other necessary service facilities are available.

3. The use, if permitted, under all the circumstances and conditions of the particular case, will not materially affect adversely the health or safety of persons residing or working in the vicinity, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

   As regulated under the County Alcohol Outlet Policy and the State Department of Alcoholic Beverage Control, the use should not have any detrimental effects upon the general public with regard to health and safety, or be materially detrimental to property or improvements in the neighborhood.

4. The use will not be contrary to the character or performance standards established for the District in which it is to be located.

   The use will not be contrary to the specific intent clauses or performance standards established for the District in which it is to be considered, as the Ashland and Cherryland Business District Specific Plan specifically lists alcohol outlets as an allowed use through Conditional Use Permit.

Summary: As proposed, the operation of this alcohol outlet does meet the *1995 Alcohol Policy* since there are no alcohol outlets located within 500 feet, and there are no facilities dedicated to children or families within 500 feet of the proposed use. The proposal does meet the overall intent of the Zoning Ordinance, the Specific Plan, and the General Plan. Staff recommends that the alcohol outlet should be approved since there are no other alcohol outlets located in the near area.

CONCLUSION

Approval subject to plans marked "Exhibit A" received on January 23, 2025, on file with the Alameda County Planning Department and the following conditions:

1. This permit authorizes the operation of an alcohol outlet (sale of beer, wine, and distilled spirits) at an existing convenience market located at 16900 E. 14th Ave.

2. The hours of operation for the alcohol outlet shall be limited to from 9:00 am to 12:00 am, seven days a week.

3. **Prior to the Start of Operations, the Permittee shall obtain a Permit to Operate** from the Alameda County Environmental Health Department (EHD) which is the Local Enforcement Agency (LEA) for the California Department of Public Health (CDPH) with the authority to enforce the requirements of the California Retail Food Code (Cal Code) in Alameda County.

4. The alcohol outlet shall maintain the windows clear of any signage, posters or writing (except for the display of business hours) from three to seven feet above ground, or any object so as to remain clear and clean allowing clear visibility.

5. Window areas along the building frontage shall be kept free and clear to improve visibility in and out of the building and the overall visual prominence of the building.

6. The Permittee shall comply with all Federal, State, and Local Laws, Regulations and Alameda County Regulations.

7. The alcohol outlet shall be subject to Chapter 6.104 Alcoholic Beverage Sale Regulations including but not limited to:

   a. Section 6.104.080 – Annual Alcohol Sales Education and Regulatory Fee collected by the Alameda County Sheriff's Office by January 31 of each year.
   b. Section 6.104.130 – Notice of Hearing.

8. The permittee shall maintain compliance with the requirements of the following agencies:

   a. Alameda County Public Works Agency, Building Inspection Department and Land Development
   b. Alameda County Fire Department
   c. Alameda County Sheriff's Office
   d. Alcoholic Beverage Control
   e. Alameda County Environmental Health

9. The property owner shall defend, indemnify, and hold harmless Alameda County and or its agents, officers, and employees from any claim, action, or proceeding against Alameda County or its, agents, officers or employees to attack, set aside, void, or annul Site Development Review, PLN2025-00008, the findings of the CEQA determination, or any combination thereof. Such indemnification shall include, but not be limited to, an award of costs and attorney's fees incurred by Alameda County in its defense. The County shall promptly notify the applicant of any such challenge.

10. A mandatory review shall be conducted three years from approval for PLN2025-00008. As a result of the mandatory review, a permit for renewal and public hearing may be required to review the original conditions of approval to determine compliance with the findings that supported the original permit approval. Any condition of approval modified or added will ensure the activity continues in conformance with the intent and purpose of the zoning ordinance, and shall be of the same force and effect as if originally imposed. Review costs shall be borne by the applicant.

ATTACHMENTS

Applicants Statement
Referrals
Graphics
Map

Prepared By: Michael Flemming
Reviewed By: Christine Greene