



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

STAFF REPORT

TO: WEST COUNTY BOARD OF ZONING ADJUSTMENTS

HEARING DATE: June 26, 2024

GENERAL INFORMATION

APPLICATION TYPE AND NUMBER: Conditional Use Permit, PLN2022-00186

APPLICANT: Parmjit Kaur

PROPOSAL: Application to operate an alcohol sales outlet with change in alcohol license type from Type 20 (beer and wine) to Type 21 license to allow the sale of distilled spirits.

ADDRESS AND SIZE OF PARCEL: 5285 Crow Canyon Road, south side, at the intersection with Greenridge Drive, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 085-5300-005-03. The parcel size is approximately 9,116 square feet in area.

ZONING: C-N (Neighborhood Business)

GENERAL PLAN DESIGNATION: The site lies within the boundaries of the *Castro Valley General Plan* adopted by the County of Alameda Board of Supervisors, March 2012. Designated RSL (Residential, Small Lot) – This designation is intended to provide for and protect small lot subdivisions where a variety of housing types are located on lots between 2,500 and 5,000 square feet in size. Housing types include one-family detached, duplexes, townhome, and rowhouses. Residential densities range from 8 to 17 units per net acre.

ENVIRONMENTAL REVIEW: This project is Categorically Exempt from the requirements of the *California Environmental Quality Act*, Article 19, Section 15301, Class 1, Existing Facilities, involving negligible or no expansion of a use beyond that existing at the time of permit application.

RECOMMENDATION

Staff recommends approval to the West Board of Zoning Adjustments (WBZA) of Conditional Use Permit, PLN2022-00186, for an alcohol sales outlet with change in alcohol license type from Type 20 (beer and wine) to Type 21 license to allow the sale of distilled spirits.

PARCEL ZONING HISTORY

July 18, 1957, 133rd Zoning Unit established the zoning for the site as R-1 (Single Family Residence) Zoning District.

August 8, 1957, 141st Zoning Unit designated the site as R-1-B-E (Single Family Residence, 20,000 square foot minimum building site area) Zoning District.

March 13, 1961, 397th Zoning Unit designated the site as C-N (Neighborhood Business) Zoning District.

September 3, 1995, Resolution Number 96-57 was adopted designating Conditional Use Permits for “Alcohol Outlets” in defined Zoning Districts.

August 13, 2014, PLN2014-00046, was approved allowing continued operation and the expansion of alcohol sales to include distilled spirits.

August 20, 2020, PLN2020-00187, Tobacco Retailer License was approved allowing sale of tobacco products for 2020.

December 16, 2020, PLN2020-00362, Tobacco Retailer License was approved allowing sale of tobacco products for 2021.

December 6, 2022, TRL2022-00009, Tobacco Retailer License was approved allowing sale of tobacco products for 2022.

May 19, 2023, COD2023-00704, Tobacco Retailer License was approved allowing sale of tobacco products for 2023.

SITE AND CONTEXT DESCRIPTION

Physical Features: The 117-foot-deep subject property is generally rectangular in shape, with approximately 65 feet of frontage on Crow Canyon Road. Access to the property is from a 25-foot wide access drive off Shadow Creek Circle. The lot is developed with a one-story neighborhood mini-mart type retail business, with 14 parking spaces. Crow Canyon Road is designated a major thoroughfare running in a north-south direction connecting Highway 580 to Highway 680 from the Hayward/Castro Valley area. The property and building pad are generally flat, with mature trees and landscaping at the front of the property.

Adjacent Area: Located to the northeast of the site, across Crow Canyon Road, and up Greenridge Road, are single family residences. Adjacent and surrounding the site are single family, townhome, and condominium residential units. The exception is an auto repair business on a single property 80 feet to the west. The nearest Independent Elementary School is approximately 1,500 feet southwest of the site.

PROJECT DESCRIPTION

Conditional Use Permit (CUP) PLN2014-00046, approved in 2014 and issued to a prior business operator, required a mandatory review one year and three years after approval (Condition #16 of the attached 2014 approval). The applications for the Mandatory Reviews were not submitted. The 2014 CUP approval allowed an alcohol license type 21, allowing the sale of beer, wine, and spirits. The current operator purchased the property in 2018, and is currently operating with a Type 20 alcohol license (sale of beer and wine only), but wants to make use of the approved CUP Type 21 license.

The planning department would have allowed that request for a Type 21 license. However, since the previous operator did not follow through on the Mandatory Reviews of 2015 (one year) and 2017 (three years), the CUP, PLN2022-00186, is no longer considering a Mandatory Review but a new CUP application for alcohol sales outlet with change in alcohol license type from Type 20 (beer and wine only) to Type 21 license to allow the sales of distilled spirits.

The applicant (current operator) proposes a new conditional use permit to allow the sale of distilled spirits (currently, only beer and wine sales are permitted by the Type 20 ABC License.) According to the applicant, the market will maintain the current inventory of food products and other household items. The display area where the distilled spirits would be located is behind the check-out counter only. Sales of beer, wine, and distilled spirits for off-site consumption are considered under the Zoning Ordinance as an "alcohol outlet," which requires approval of a conditional use permit for the use.

REFERRAL RESPONSES

Sheriff's Office: In a referral response dated April 8, 2014, the Sheriff's Office stated it has no law enforcement issues or concerns at this time, and no objection to the request.

Code Enforcement: In a referral response dated January 20, 2023, the Code Enforcement staff stated that the Code enforcement has no open cases or comments.

California Department of Alcoholic Beverage Control (ABC): In a phone communication with ABC staff on January 19, 2024, the ABC staff stated that the current license (Type 20) is valid until September 30, 2024. The applicant needs a planning approval prior to upgrade the license. Please see the attached ABC license information.

Business License: In a response from the Business License dated June 30, 2023, the License #135937, for Valley Convenient Mini Mart is currently issued to a Partnership (Parmjit Kaur and Kamal S. Gill) with a start date of 10/15/2018. The previous owner was Valley Convenient Mini Mart Inc. from 06/01/2016-10/31/2018. Per the California Secretary of State website, Valley Convenient Mini Mart LLC (201407310185) converted to Valley Convenient Mini Mart Inc (3845905) on 11/25/2015 and was Terminated on 12/10/2018. There does not appear to be a time gap between the change in ownership from the previous owner to the current owner.

Neighboring Properties: Staff received letters and telephone messages from the Shadow Creek Circle homeowners concerning about the facility. Copy of the communications are included in the attachment.

STAFF ANALYSIS

Castro Valley Municipal Advisory Council (CVMAC): At the May 28, 2024, CVMAC hearing, the council recommended approval of PLN2022-00186 on a 4-0 vote, with the following modification to the conditions of approval:

- Condition #5, prohibiting sales of distilled spirits in containers of half pint (200 ml) or smaller.
- Condition #7, requiring signage prohibiting drinking in the parking lot to be posted 30 days from approval date.
- Condition #20, requiring a mandatory review at one year and again in three years.

The applicant (current operator) requests the expansion of the current use through the addition of sales of distilled spirits. Historically, beer and wine have been a part of the product mix at this location. Prior to 1995 the Alameda County Zoning Ordinance permitted the sale of beer and wine in retail businesses, with the required license from Alcoholic Beverage Control (ABC). According to county and state records, the building was constructed in 1969 and alcohol sales commenced in 1988, and the sales of beer and wine is legally nonconforming with respect to the requirement for a Conditional Use Permit. The inventory and product variety in the store will continue to cater to the neighborhood market population in the surrounding residential community.

Conditional Use Permit PLN2014-00046 was approved in 2014 to allow sales of beer, wine, and distilled spirits for off-site consumption under a Type 21 license. However, the prior business operator failed to comply with Condition of Approval, Condition #16, for a mandatory review at the end of one (1) and three (3) years. The applicant (current operator) has a Type 20 license for off-sale beer and wine and is requesting approval of a license change to Type 21 to allow the sales of distilled spirits. Availability of alcohol for the legal purchase would not be considered a public need. The alcohol outlet aspect as part of a neighborhood market could be considered as required by the public need for convenience.

CONFORMANCE WITH THE GENERAL PLAN

The site lies within the *Castro Valley General Plan (March 2012)* area, with the designation of RSL (Residential, Small Lot). The use on the site is an existing nonconforming retail market with beer and wine sales. The proposal to include sales of distilled spirits would expand the current use but would not constitute a new building or other major improvement that would be inconsistent with the residential use allowed by the General Plan. While the General Plan does not allow the use in the description, it has provisions for allowing continued operation of nonconforming uses, as is the case here.

CONFORMANCE WITH THE ZONING ORDINANCE

In operation since 1971, the subject business has sold beer and wine prior to the 1996 amendment of the alcohol ordinance. This legal nonconforming use has remained in continuous operation since inception, and the legal nonconforming status with respect to beer and wine sales is not in question. The Zoning Ordinance supports continued type 20 sales as noted below.

Zoning Ordinance sections: 17.52.660, Nonconforming buildings - Exception, and 17.52.695,

Nonconforming sale of alcoholic beverages provides for the legal nonconforming status of the site, as described therein the ability, when appropriate, to make changes to the operation.

17.52.660, Nonconforming buildings- Exception. A business conducted entirely within a building may change to a different business if the new business: (D) Does not engage in the sales of alcoholic beverages; or, if existing nonconforming use engages in the selling of alcoholic beverages, does not expand in floor area, result in change in the classification of alcoholic beverages sold, including effective change or any up-grade of the state alcoholic beverage sales license, or substantially change the mode and character of operation, including, but not limited to, the addition of any type of entertainment, live or otherwise.

17.52.695. Nonconforming sale of alcoholic beverages. Any establishment with a nonconforming alcoholic beverages sales use that does not retain the same type of retail liquor license within a license classification or does not remain in continuous operation with no substantial change in mode or character of operation or both shall lose its nonconforming status, and shall not thereafter be reestablished, and any subsequent use of the premises shall be in conformity with all the regulations of this title.

The C-N (Neighborhood Business) Zoning District allows an "alcohol outlet" as a Conditional Use. This application request for a conditional use permit is the attempt to comply with the Zoning Ordinance requirement for a conditional use permit because the alcohol sales use is being intensified with the added sales of hard alcohol. In effect, the modified alcohol sales license type necessitates a new conditional use permit to regulate the new site conditions, which, approved through the Conditional Use Permit, PLN2014-00046, allows the expansion of alcohol sales to include distilled spirits in 2014.

Alcohol Outlets/Taverns and Policy Statement

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

Policy 1: "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."

Although this requirement is a "policy statement" and not a Zoning Ordinance regulation, it has been treated as such for purposes of reviewing alcohol outlets. Please note this distance requirement for large retailers may be waived as described above. There are no locations in the 500 feet area surrounding this site that would need to be addressed in this report.

Policy 2: "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; for certain large retailers, such as supermarkets, where alcohol sales 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."

None of these types of facilities are found to be within the 500 feet distance from the subject site.

Policy 8: This policy states that no new outlet or tavern is to be allowed where, as a result of existing circumstances, it would have adverse effects on immediately adjacent businesses, neighborhood or residents.

This application is for the operation of a retail business that has been in operation for many years at this location to expand the use with the addition of offering the sale of distilled spirits. Potential adverse effects are eliminated through the conditions of approval, additional performance measures, and the requirement for sales staff to attend training as part of the Alcohol Retailers Ordinance.

Compliance with the Performance Standards (6.104.060)

In addition to the above, 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 selling alcoholic beverages for on-sale 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 surround area.

Performance Standards (6.104.060)

6.104.060 - Performance Standards

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 conditions of approval to provide needed safeguards to prevent negative impacts to the surrounding neighborhood.

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 owners and all employees will attend one Alameda County Sheriff's Office, Responsible Beverage Service program on or before the first anniversary date of this permit and thereafter, every two (2) years as a condition of operation and/or employment for the convenience store 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 owners and all employees will attend one Alameda County Sheriff's Office, Responsible Beverage Service program to be well informed and aware of the potential problems and how to prevent them from occurring.

4. That it does not result in violations of this chapter, [Title 12](#), or any other applicable provision of any other county, state, or federal regulation, ordinance or statute;

Responsible service training is provided to the operators of the business to inform them of laws and regulations that apply to their sales 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;

Continued adherence to the Conditions of approval included with this report will reduce the likelihood of adverse effects of the business upon abutting properties and the surrounding neighborhood.

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.

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 convenience market establishment will require a thorough knowledge of the requirements for this

type of business and will apply 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.

Finding of public convenience and necessity (6.104.240)

Findings of “public convenience and necessity” as set forth in Business and Professions Code Sections 23817.7 and 23958.4 are required before the Board of Zoning Adjustments can approve a new alcohol outlet:

- C. The following factors are examples of criteria that shall be used to evaluate if public convenience and necessity would be served by the proposed premises:
1. Presence of elevated rates of alcohol-related crime (i.e., disturbing the peace, public intoxication, prostitution, vandalism, graffiti, etc.) in the vicinity of the proposed premises;
 2. Long-term levels of undue concentration (twenty (20) percent higher than state average);
 3. Proximity of sensitive land uses (i.e., schools, churches, residences, parks, areas designated for economic development);
 4. Whether the locale in question already draws excessive amounts of law enforcement resources;
 5. Business operations (i.e., percentage of alcohol vs. other items sold, late-night sales, underage staff, sale of inexpensive or fortified wines, etc.); or
 6. Health indicators in the locale in question (including alcoholism rates, homelessness, etc.).

(Ord. 2008-2 § 1 (part); Ord. 2006-21 § 1)

Staff responses to findings of public convenience and necessity:

1. For this location, the Sheriff has responded to calls for service seven times in the past two years, between January 2022 and November 2023.
2. When approving the Type 21 license at this location, ABC has not indicated local concentration of such alcohol outlets at levels exceeding the state average.
3. No sensitive land uses have been identified within a 500 feet radius of the subject property during a staff level field study.
4. The Sheriff’s response with no comment to the application referral. Additional communication with the Sheriff has not revealed an excessive number of calls for service.
5. Sales of alcohol products comprise 15 percent of total sales from this location.
6. No issues with regard to loitering or vandalism have been reported at the subject property, and the store clerk has been properly trained to avoid attempts to purchase alcohol by minors.

Criteria related to alcohol outlets precludes the approval of outlets within close proximity of one another. This is done to eliminate clustering of such uses that may adversely affect neighborhoods. The policy recommends a minimum distance of 500 feet between such similar uses. There are no such alcohol outlets that would preclude this outlet from operation if approved. The policy recommends a minimum of 500 feet between uses that could be adversely affected by the existence of the alcohol type business. There are no such uses in the vicinity of this location.

Floor Plan: There are three double sided free-standing shelving units on one side of the space, and a single double-sided free-standing shelving unit at the other side of the retail space that stand front to back in the store and hold food items. Refrigerated shelf space is located on two walls for food and beverage stock, including beer and wine. The distilled spirits (hard liquor) would be displayed behind the check-out counter on a 24-foot section of shelving. An estimate of the store area dedicated to liquor products would be 3.25 percent.

Site and Building Plan Improvements: The improvements to the building, and in general to the site, have been focused on cleaning and bringing up the appearance of the area and the new operators have continued this focus.

Operating Hours: The market is open seven days a week – Monday through Saturday 8:30 am to 9:00 pm, and Sundays 9:00 am to 8:00 pm. In keeping with the findings of public convenience and necessity, staff would recommend hours of operation for the market to be open seven days a week at the current schedule.

Required Parking: For retail stores with floor area up to 6,000 square feet, parking standards in the Zoning Ordinance require of parking in a ratio of one space per 300 square feet. The sales floor area for the market is about 2,400 square feet. The required parking for this space would be eight (8) parking spaces. There are thirteen (13) parking spaces provided at the front of the store on the property.

Until recently, the applicant has conducted a U-Haul operation on the site. Staff notified the applicant that this use is not permitted in the C-N District. The applicant is aware of the violation and has terminated the automobile rental operation. This use is also addressed under Conditions #2 and #3.

Response to the neighbors' concerns:

A minimum distance of 500 feet is required between alcohol facilities and within close proximity of existing parks, schools, and churches. None of these facility types are located within 500 feet of the subject site. The nearest, Shadow Creek Middle School and Bay Trees Park are located approximately 2,112 feet (0.4 miles) and 3,168 feet (0.6 miles) from the facility's property. It is 0.9 miles from the nearest Holy Cross Episcopal Church.

Per the ABC licenses record, the alcohol sales outlet (beer and wine) has been permitted to the retail business since 1988. There are few incidents, according to the Sheriff's calls for service on the subject site, however, it does not show any patterns or indicates an increasing crime or a decline in home value in the area. Also, as conditioned, the operator is required to keep the property clean and free of litter.

Conformance with Previous Conditions: The operation of this retail business, with the sales of beer

and wine was permitted without the need of a conditional use permit for the use as an Alcohol Outlet. The 2014 approved CUP, PLN2014-00046, allows the sales of beer, wine, and distilled spirits at this location. The applicant (new operator) likes to renew the CUP application, upgrade their current license to Type 21 and continue the operation of this business.

Summary: The market has been at this location and operating for over 30 years, and has had a current ABC license issued through the State of California. As previously approved per PLN2014-00046, the operation of this retail market with beer, wine, and distilled spirit sales at this location meets the overall intent of the Zoning Ordinance.

TENTATIVE FINDINGS BASED ON INFORMATION AVAILABLE PRIOR TO THE PUBLIC HEARING

1. Is this use required by the public need?

Yes. The alcohol outlet aspect as part of a neighborhood market would be considered as required by the public need from the convenience issue. There are no other markets that offer the sales of alcohol for off-site consumption within 500 feet. Without the subject use, there would be only a limited number of locations with distilled spirits available.

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

Yes. Since its establishment, the use continues to be properly related to the area and transportation uses.

3. Will the use, if permitted, under all circumstances and conditions of this particular case, materially affect adversely the health or safety of persons residing in the vicinity, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood?

No. Per responses from the Sheriff, ABC, and from Code Enforcement, the use has continued to meet general standards for alcohol outlets. As conditioned herein, the use will continue to be properly managed and adequately maintained so as to not adversely affect the neighborhood.

4. Will the use be contrary to the specific intent clauses or performance standards established for the District in which it is to be considered?

No. The use, as discussed herein, is consistent with the Ordinance and the adopted Policy Statement. As conditioned, affirmative findings may be made as required.

RECOMMENDATION

Staff recommends approval subject to plans marked “Exhibit A” on file with the Alameda County Planning Department and the following conditions:

1. This permit authorizes a Type 21 off-sale general liquor license in conjunction with a retail

market located at 5285 Crow Canyon Road, south side, south across from Greenridge Road, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 085-5300-005-03.

2. The operator shall provide evidence of termination of the automobile rental (U-Haul) from this site to the Planning Director.
3. The operator shall not apply for an alcohol type 21 license prior to the cessation of the automobile rental (U-Haul) use.
4. The display of distilled spirits shall be at a location behind the staffed checkout counter and shall not exceed 5% of the shelf space.
5. Sales of distilled spirits in containers of half pint (200 ml) or smaller container shall be prohibited.
6. The hours of operation shall be seven days a week – Monday through Saturday 8:30 am to 9:00 pm, and Sundays 9:00 am to 8:00 pm.
7. **Within 30 days from the approval**, signage shall be placed on the exterior of the building that prohibits drinking in public, loitering, and littering.
8. Compliance with all laws and Regulations. Prior to issuance of Demolition, Grading, Site, Stormwater, Encroachment, or Building Permits, the applicant, property owner, or successor shall provide to the satisfaction of the Alameda County Public Works Agency, and the Alameda County Planning Director, evidence of compliance with all laws, policies, and regulations applicable at the time of application for respective Demolition, Grading, Site, Stormwater, Encroachment, or Building Permits.
9. Indemnification. Applicant, property owner, and successor shall defend, indemnify, and hold harmless Alameda County and its agents, officers, and employees from any claim, action, or proceeding against Alameda County and its agents, officers and employees to attack, set aside, void, or annul PLN202-00186, Conditional Use Permit, or any subsequent Permit. 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 owner or successor of any such challenge.
10. Responsibility for fees. The applicant, property owner, and successor shall be responsible for payment of all reasonable costs associated with the necessary permit processing or inspections of the conditions of approval contained in the authorization of the facility, including costs incurred by the Community Development Agency, the County Fire Department, the Building Inspection Division, the Public Works Agency or any other applicable Federal, State or County department or agency. Nonpayment of fees may subject the permit to revocation in accordance with conditions of approval herein and per the Alameda County Zoning Ordinance Section 17.54.030.
11. Maintain the existing landscaped area located along the north side of the structure and along the frontage of the parking area. In the event graffiti appears on any structure or wall, the

graffiti shall be eliminated within 48 hours of its appearance, and the structure or wall returned to its original condition.

12. Property shall be kept clean and free of litter; litter/trash removal, if necessary, shall take place on a daily basis.
13. The windows of the subject store front, from a point 3 feet to a point 7 feet above ground, shall be remained free of any signage, posters or writing (except the display of business hours, etc.) or any object so as to remain clear and clean, allowing clear visibility in both directions.
14. Operator or successor of the subject alcohol outlet shall adhere to, and shall be knowledgeable and understanding of, all applicable State rules and regulations pertaining to alcohol sales.
15. The owners and all employees shall attend one Alameda County Sheriff's Office, Responsible Beverage Service program on or before the first anniversary date of this permit and thereafter, every two (2) years as a condition of operation and/or employment for the convenience store use.
16. Business signage shall be in compliance with existing retail center criteria, and the Zoning Ordinance, and the Neighborhood Preservation Ordinance.
17. Advertising signs for Alcoholic Beverages shall adhere to Zoning Ordinance Title 17, 17.52.566.
18. The retail market with beer, wine, spirits sales 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.
19. All requirements of the following Alameda County and California State Agencies shall be met and maintained:
 - a. Fire Department;
 - b. Business License;
 - c. Sheriff's Department;
 - d. Zoning Code Enforcement;
 - e. Building Inspection Department;
 - f. Environmental Health Department;
 - g. State Department of Alcoholic Beverage Control (ABC).
20. A mandatory review shall be conducted at the end of **ONE (1) YEAR and THREE (3) YEARS** from approval of this Conditional Use Permit, PLN2022-00186 and every five years thereafter. 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

Draft Resolution
Alcohol CUP Review and Approval Policy
Referral Comments
Neighboring Comments
PLN2014-00046 Reso.
U-Haul termination letter
Graphics

PREPARED BY: Pat Anekayuwat, Planner
REVIEWED BY: Damien Curry, Senior Planner



Figure 1. View of the subject facility from Crow Canyon Road.



Figure 2. Interior of the store at the staffed check-out counter. Note: distilled spirits will be located behind the counter)

**RESOLUTION NO. ~~Z-XX-XX~~ OF
THE WEST COUNTY BOARD OF ZONING ADJUSTMENTS
ADOPTED AT THE HEARING OF JUNE 26, 2024, CONCERNING
CONDITIONAL USE PERMIT, PLN2022-00186**

WHEREAS KULWINDER SANDHU has filed for CONDITIONAL USE PERMIT, PLN-2022-00186, an application to operate an alcohol sales outlet with change in alcohol license type from Type 20 (beer and wine) to Type 21 license to allow the sale of distilled spirits, in a CN (Neighborhood Business) District, located at 5285 Crow Canyon Road, south side, 100 feet east of Greenridge Drive, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 085-5300-005-03; and

WHEREAS the Castro Valley Municipal Advisory Council did hold a public hearing on said application at the hour of 6:00 p.m. on the 28th day of May 2024, in the Castro Valley Library Building, 3600 Norbridge Avenue, Chabot Room, Castro Valley, California; and

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

WHEREAS the Castro Valley Municipal Advisory Council did recommend approval of said application, with the conditions included; 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 26th day of June 2024, in the Alameda County Building, 224 West Winton Avenue, Public Hearing Room, Hayward, California; and

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

WHEREAS this application has been reviewed in accordance with the provisions of the California Environmental Quality Act and has been found to be categorically exempt; Article 19, Section 15301, Class 1, Existing Facilities, involving negligible or no expansion of a use beyond that existing at the time of permit application; and

WHEREAS a Pre-Hearing Analysis was submitted recommending the application be conditionally approved; and

WHEREAS the Applicant and a Representative appeared at said public hearings and presented testimony in support of the application; and

WHEREAS Neighbors appeared at the public hearings to offer testimony opposed to 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 finds that:

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- (a) The use is required by the public need as the alcohol outlet aspect as part of a neighborhood market would be considered as required by the public need from the convenience issue. There are no other markets that offer the sales of alcohol for off-site consumption within 500 feet. Without the subject use, there would be only a limited number of locations with distilled spirits available.
- (b) The use will be properly related to other land uses and transportation and service facilities in the vicinity as since its establishment, the use continues to be properly related to the area and transportation uses.
- (c) The use, if permitted, under all the circumstances and conditions of this 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 injuries to property or improvements in the neighborhood as per responses from the Sheriff, ABC, and from Code Enforcement, the use has continued to meet general standards for alcohol outlets. As conditioned herein, the use will continue to be properly managed and adequately maintained so as to not adversely affect the neighborhood.
- (d) 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 use, as discussed herein, is consistent with the Ordinance and the adopted Policy Statement. As conditioned, affirmative findings may be made as required.

NOW THEREFORE

BE IT FURTHER RESOLVED that the Board does hereby approve the said application as shown by materials labeled Exhibit "A" on file with the Alameda County Planning Department subject to the following conditions:

1. This permit authorizes a Type 21 off-sale general liquor license in conjunction with a retail market located at 5285 Crow Canyon Road, south side, south across from Greenridge Road, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 085-5300-005-03.
2. The operator shall provide evidence of termination of the automobile rental (U-Haul) from this site to the Planning Director.
3. The operator shall not apply for an alcohol type 21 license prior to the cessation of the automobile rental (U-Haul) use.
4. The display of distilled spirits shall be at a location behind the staffed checkout counter and shall not exceed 5% of the shelf space.
5. Sales of distilled spirits in containers of half pint (200 ml) or smaller container shall be prohibited.

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6. The hours of operation shall be seven days a week – Monday through Saturday 8:30 am to 9:00 pm, and Sundays 9:00 am to 8:00 pm.
7. **Within 30 days from the approval**, signage shall be placed on the exterior of the building that prohibits drinking in public, loitering, and littering.
8. Compliance with all laws and Regulations. Prior to issuance of Demolition, Grading, Site, Stormwater, Encroachment, or Building Permits, the applicant, property owner, or successor shall provide to the satisfaction of the Alameda County Public Works Agency, and the Alameda County Planning Director, evidence of compliance with all laws, policies, and regulations applicable at the time of application for respective Demolition, Grading, Site, Stormwater, Encroachment, or Building Permits.
9. Indemnification. Applicant, property owner, and successor shall defend, indemnify, and hold harmless Alameda County and its agents, officers, and employees from any claim, action, or proceeding against Alameda County and its agents, officers and employees to attack, set aside, void, or annul PLN202-00186, Conditional Use Permit, or any subsequent Permit. 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 owner or successor of any such challenge.
10. Responsibility for fees. The applicant, property owner, and successor shall be responsible for payment of all reasonable costs associated with the necessary permit processing or inspections of the conditions of approval contained in the authorization of the facility, including costs incurred by the Community Development Agency, the County Fire Department, the Building Inspection Division, the Public Works Agency or any other applicable Federal, State or County department or agency. Nonpayment of fees may subject the permit to revocation in accordance with conditions of approval herein and per the Alameda County Zoning Ordinance Section 17.54.030.
11. Maintain the existing landscaped area located along the north side of the structure and along the frontage of the parking area. In the event graffiti appears on any structure or wall, the graffiti shall be eliminated within 48 hours of its appearance, and the structure or wall returned to its original condition.
12. Property shall be kept clean and free of litter; litter/trash removal, if necessary, shall take place on a daily basis.
13. The windows of the subject store front, from a point 3 feet to a point 7 feet above ground, shall be remained free of any signage, posters or writing (except the display of business hours, etc.) or any object so as to remain clear and clean, allowing clear visibility in both directions.
14. Operator or successor of the subject alcohol outlet shall adhere to, and shall be knowledgeable and understanding of, all applicable State rules and regulations pertaining to alcohol sales.
15. The owners and all employees shall attend one Alameda County Sheriff's Office,

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Responsible Beverage Service program on or before the first anniversary date of this permit and thereafter, every two (2) years as a condition of operation and/or employment for the convenience store use.

16. Business signage shall be in compliance with existing retail center criteria, and the Zoning Ordinance, and the Neighborhood Preservation Ordinance.
17. Advertising signs for Alcoholic Beverages shall adhere to Zoning Ordinance Title 17, 17.52.566.
18. The retail market with beer, wine, spirits sales 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.
19. All requirements of the following Alameda County and California State Agencies shall be met and maintained:
 - a. Fire Department;
 - b. Business License;
 - c. Sheriff’s Department;
 - d. Zoning Code Enforcement;
 - e. Building Inspection Department;
 - f. Environmental Health Department;
 - g. State Department of Alcoholic Beverage Control (ABC).
20. A mandatory review shall be conducted at the end of **ONE (1) YEAR and THREE (3) YEARS** from approval of this Conditional Use Permit, PLN2022-00186 and every five years thereafter. 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.

Pursuant to Section 17-52.050 of the Alameda County Zoning Ordinance said Conditional Use Permit shall be implemented within a term of three (3) years of its issuance or it shall be of no force or effect.

If implemented, said Conditional Use Permit shall undergo a mandatory review on or around June 26, 2025, and June 26, 2027, and every five years thereafter, and shall remain revocable for cause in accordance with Section 17-54.030 of the Alameda County Zoning Ordinance.

-- END OF THE CONDITIONS OF APPROVAL --

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**WEST COUNTY BOARD OF ZONING ADJUSTMENTS
ALAMEDA COUNTY PLANNING DEPARTMENT**

Chapter 6.104 - ALCOHOLIC BEVERAGE SALE REGULATIONS

Sections:

6.104.010 - Title and purpose.

The provisions of this chapter shall be known as the alcoholic beverage sale regulations.

(Ord. 2002-83 § 1 (part))

6.104.020 - Purpose of alcoholic beverage sale regulations.

There exists in the unincorporated portion of Alameda County conditions associated with the sale of alcoholic beverages by establishments that are deleterious to the public health, safety, and general welfare, and constitute a public nuisance. The general purposes of the alcoholic beverage sale regulations are to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare in the unincorporated area by requiring that alcoholic beverage sale commercial activities comply with the performance standards of Section 6.104.060 of this chapter and to achieve the following objectives:

- A. To protect residential, commercial, industrial, and civic areas and minimize the adverse impacts of activities that are deleterious to the public health, safety and general welfare;
- B. To provide opportunities for alcoholic beverage sale commercial activities to operate in a mutually beneficial relationship to each other and to other commercial and civic services;
- C. To provide mechanisms to address problems often associated with the public consumption of alcoholic beverages, such as litter, loitering, graffiti, unruly behavior and escalated noise levels;
- D. To provide that alcoholic beverage sale commercial activities are not the source of undue public nuisances in the community; and
- E. To provide for properly maintained alcoholic beverage sale establishments so that negative impacts generated by these activities are not harmful to the surrounding environment in any way.

(Ord. 2002-83 § 1 (part))

6.104.030 - Applicability of alcoholic beverage sale regulations.

- A. The alcoholic beverage sale regulations shall apply to the extent permissible under other laws, to all eating and drinking establishments, convenience stores, dance halls, liquor, beer and wine stores, neighborhood specialty food markets, retail sales establishments, and service stations within the unincorporated areas of the county that sell alcoholic beverages for on- or off-sale consumption; provided, these regulations shall not apply to wineries.
- B. Whenever any provision of the alcoholic beverage sale regulations and any other provision of law, whether set forth in these regulations, or in any other law, ordinance, or regulations of any kind, imposes overlapping or contradictory regulations, or contain restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in the alcoholic beverage sale regulations.

(Ord. 2002-83 § 1 (part))

6.104.040 - Definitions.

"Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirit, wine, or beer, which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances, and sales of which requires a State Department of Alcoholic Beverage Control license.

"Alcoholic beverage sales commercial activity" means the retail sale, for on- or off-premises consumption, of liquor, beer, wine, or other alcoholic beverage.

"Alcoholic beverage sale establishment" means any eating and drinking establishment, convenience store, dance hall, liquor, beer and wine store, neighborhood specialty food market, retail sales establishment, or service station that sells alcoholic beverages for on- or off-sale consumption; with the exception of wineries.

Board of Zoning Adjustments. As established in the Administrative Code, Chapter 2.40.

"Condition of approval" means a requirement which must be carried out by the establishment in order to cure its violation of the performance standards of Section 6.104.060 and to ensure its compliance with those standards.

"Enforcement officer" means the Alameda County planning director or designee and the Alameda County sheriff or designee.

"Illegal activity" means an activity which has been finally determined to be in noncompliance with the performance standards in Section 6.104.060, or any other condition, standard, ordinance, regulation or statute.

"Performance standards" means regulations prescribed in the performance standards in Section 6.104.060 of this article.

"Premises" means the space devoted to alcoholic beverage sales, to include property legally associated with the establishment and parking lots.

Public Nuisance. As defined in Civil Code Sections 349 and 3480, and in Penal Code Section 370, as presently written or as subsequently amended.

(Ord. 2005-28 § 1 (part); Ord. 2002-83 § 1 (part))

6.104.050 - Establishments governed by this chapter.

All eating and drinking establishments, convenience stores, dance halls, liquor, beer and wine stores, neighborhood specialty food markets, retail sales establishments, and service stations selling alcoholic beverages for on- or off-sale consumption; provided, these regulations shall not apply to wineries. Each such establishment shall comply with the performance standards in Section 6.104.060 and all other applicable conditions, standards, ordinances, regulations and statutes.

(Ord. 2002-83 § 1 (part))

6.104.060 - Performance standards.

- A. The purpose of the performance standards is to control dangerous or objectionable environmental effects of alcoholic beverage sales commercial activities and to prevent such activities from becoming a public nuisance. These standards shall apply to all alcoholic beverage sale establishments described in Section 6.104.050.
- B. 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;
 2. That it does not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area;

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;
4. That it does not result in violations of this chapter, Title 12, or any other applicable provision of any other county, state, or federal regulation, ordinance or statute;
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;
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;
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.

(Ord. 2008-2 § 1 (part); Ord. 2005-28 § 1 (part); Ord. 2002-83 § 1 (part))

(Ord. No. 2010-2, § 1, 1-12-10)

6.104.070 - Notification to alcoholic beverage sale establishments.

- A. The enforcement officer shall notify the owner of each alcoholic beverage sale establishment, and also the property owner if not the same, of its obligations under this chapter.
- B. Such notice shall be sent via certified return receipt mail; shall include a copy of the performance standards of Section 6.104.060 with the requirement that these be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review, notification that the activity is required to comply with all of these same performance standards; and that the activity is required to comply with all other aspects of the alcoholic beverage sale regulations.

(Ord. 2002-83 § 1 (part))

6.104.080 - Annual alcohol sales education and regulatory fee.

- A. Purpose and Intent. The purpose and intent of this section is to impose a fee which shall provide for the enforcement and regulation of the performance standards and regulations for such establishments as set forth in this chapter and in Chapter 6.12 of the Alameda County Ordinance Code.
- B.

Annual Alcohol Sales Education and Regulatory Fee. An annual alcohol sales education and regulatory fee is hereby established to recover all or a portion of the cost of the services described in this chapter, including inspections and administrative hearings subject to the following provisions of this section.

- C. Definitions. For the purpose of this section the following words and phrases are defined and shall be construed as having the following meaning:
1. "Annual alcohol sales permit fee" or "fee" means the fee that is required by this chapter and which is set and periodically altered by the board of supervisors by resolution.
 2. "Licensee" means any person or business licensed by the state of California Department of Alcoholic Beverage Control that was actively conducting retail alcohol sales as of November thirtieth of the calendar year immediately prior to the billing date. In any case where a person or business maintains duplicate licenses or catering licenses at a location, such person or business shall be deemed a single "licensee."
 3. "Billing cycle" refers to the calendar year for which the fee is assessed. "Billing date" means the first day of the billing cycle (January first). In the case of the first calendar year of the ordinance codified in this chapter, the billing date is the first full month following the month in which the ordinance codified in this chapter takes effect. In this case the billing cycle and fee shall be prorated to account for the months occurring before the billing date.
 4. "Payment due date" means the last day of the month in which the billing date occurs (January 31st). When the payment due date occurs on a Saturday or Sunday, payments made on the next business day will be considered timely.
 5. "Winery" refers to winery as defined in Title 17, Section 17.04.010.
- D. Fee Imposed.
1. Each licensee shall pay an annual fee in accordance with this chapter.
 2. The enforcement officer shall administer the fee.
 3. The enforcement officer shall be responsible for administering funds derived from the fee, for purposes of enforcement activities that are authorized by this chapter.
- E. Total of Fees to be Collected. "Total of fees to be collected" means the aggregate of all fees to be collected in the next billing cycle by the county. The total fee shall be equal to the cost of the enforcement officer for next billing cycle.
- F. Collection of Fees.
1. The fee will be paid annually for a calendar year. Licensees will be billed as of the first day of the billing cycle, January first. Payment will be due the last day of the first month of the billing cycle, January thirty-first. Licensees will receive an annual billing statement setting forth the amount of the fee.
 2. The fee shall be non-refundable.
 3. The enforcement officer or his or her designee may arrange payment plans upon demonstrated financial hardship. When the enforcement officer or his or her designee deems it appropriate, a payment plan may include a waiver, in whole or part, of the delinquency penalty and/or the interest obligation imposed by subsections (F)(4) and (F)(5) below.
 4. Any licensee who fails to remit the proper fee by the payment due date shall be in violation of this chapter and shall pay a delinquency penalty of ten (10) percent of the fee per month, or fraction thereof, up to a maximum of twenty (20) percent, in addition to the amount of the fee.
 5. In addition to the penalties imposed, any licensee who fails to remit the proper fee, or portion thereof, by the payment due date shall pay interest at the rate of one and one-half percent per month, or fraction thereof, on the amount of the unpaid balance of the fee, exclusive of penalties, from the payment due date until the date of

actual payment.

6. The fee imposed under this chapter shall constitute a debt to the county, and any person owing such fee shall be liable in an action brought in the name of the county for its recovery. Should any person fail to pay the fees assessed pursuant to the provisions of this chapter, the county may institute legal action in any court of competent jurisdiction to collect any fees and charges. Such fees and charges may be due, payable and collected in the same manner as any other debt owed to the county. Where the county is a prevailing party in such legal action, it reserves the right on a case by case basis, to seek to recover costs, including reasonable attorney fees as set forth in Government Code Section 25845, subdivision (c).

(Ord. 2008-2 § 1 (part): Ord. 2005-28 § 1 (part))

(Ord. No. 2010-2, § 2, 1-12-10)

6.104.090 - Declaration of violation by enforcement officer.

Any alcoholic beverage sale establishment found by the enforcement officer to be maintained in violation of Section 6.104.060 of this chapter or the legal requirements incorporated therein shall be declared in violation of the alcoholic beverage sale regulations by the enforcement officer.

(Ord. 2008-2 § 1 (part))

6.104.100 - Notification of violation.

Whenever the enforcement officer declares an alcoholic beverage sale establishment to be in violation pursuant to Section 6.104.090 the enforcement officer shall give written notice ("notice to comply") to the owner and/or operator of the alcoholic beverage sale establishment. Such notice shall be served in accordance with the provisions of Section 6.104.110. If the violation is not corrected within the time specified in the notice to comply, the enforcement officer shall issue a "notice of hearing" in accordance with the provisions in Section 6.104.130, and the matter shall be heard by the applicable board of zoning adjustments. If, however, the enforcement officer, in his or her sole discretion, determines that the violation is not capable of correction, presents a serious threat to public health or safety, or otherwise warrants expedited action, he or she may issue a "notice of hearing" in accordance with Section 6.104.110 in lieu of issuing a notice to comply.

(Ord. 2008-2 § 1 (part))

(Ord. No. 2010-2, § 3, 1-12-10)

6.104.110 - Notice to comply.

If the enforcement officer determines that a violation exists, then a notice to comply shall be provided in person or by prepaid certified mail, return receipt requested and shall include a copy of this chapter and a statement describing the sections found to be violated and may include a notice of civil penalties to be imposed. It shall further set forth a reasonable time for correcting the violation(s), but in no event less than seven calendar days nor more than sixty (60) calendar days and may also set forth suggested methods of correcting the same. The enforcement officer shall inspect subject property within the time limit for correcting the violation(s) to determine whether the violation(s) has been corrected. If the property is found to be in compliance with this chapter, the matter shall be dropped and no further enforcement action taken. If the property is not found to be in compliance with this chapter, further enforcement action shall occur as set forth herein, which may include the imposition of civil penalties.

(Ord. 2008-2 § 1 (part))

(Ord. No. 2010-2, § 4, 1-12-10)

6.104.120 - Administrative hearing to enforce alcoholic beverage sale regulations.

If the enforcement officer issues a notice of hearing, the applicable board of zoning adjustments shall conduct an administrative hearing within forty-five (45) calendar days after the date of issuance of the notice of hearing to ascertain whether a violation has occurred and, if so, the sanctions to be imposed, which may include civil penalties.

(Ord. 2008-2 § 1 (part))

(Ord. No. 2010-2, § 5, 1-12-10)

6.104.130 - Notice of hearing.

Notice of said hearing shall be served upon the owner and/or operator not less than seven calendar days before the time set for hearing. Notice of hearing shall be served in person, or by prepaid certified mail return receipt requested to the owner's last known address. Notice of hearing shall be posted on the establishment in public view for no less than seven days prior to the hearing date. Service shall be deemed to be complete at the time notice is personally served or deposited in the mail. Failure of any person to receive notice shall not affect the validity of any proceedings hereunder. Notice shall be substantially in the format set forth below:

COUNTY OF ALAMEDA

NOTICE OF ADMINISTRATIVE HEARING ON VIOLATION OF ALCOHOLIC BEVERAGE SALE REGULATIONS

This is a notice of hearing before the Alameda County (East or West) Board of Zoning Adjustments to ascertain whether the alcoholic beverage sale establishment situated in the County of Alameda, State of California, known and designated as (street address) _____ and more particularly described as (assessor's parcel number) _____ is in violation of the Alcoholic Beverage Sale Regulations. If the establishment is found to be in violation it will be sanctioned in accordance with law.

The alleged violations consist of the following: _____ in violation of Alameda County General Ordinance Code Section 6.104.060.

The recommended method(s) of compliance are:

All persons having an interest in these matters may attend the hearing and their testimony and evidence will be heard and given due consideration.

Dated this ____ day of 20____

Enforcement Officer

Time and Date of Hearing: _____

Location of Hearing: _____

(Ord. 2008-2 § 1 (part))

(Ord. No. 2010-2, § 6, 1-12-10)

6.104.140 - Administrative hearing by board of zoning adjustments.

At the time stated in the notice, the board of zoning adjustments shall hear and consider all relevant evidence, objections or protests, and shall receive testimony under oath relative to such alleged violation(s). The hearing may be continued from time to time. The board of zoning adjustments shall determine whether the establishment conforms to the performance standards set forth in Section 6.104.060 and to any other legal requirements incorporated therein, and may find the establishment in compliance or require such changes or impose such reasonable conditions of approval as are in the judgment of the board of zoning adjustments necessary to ensure conformity to such requirements. Any new conditions of approval shall be made a part of the board of zoning adjustments' decision and the establishment shall be required to comply with those conditions. In the alternative, if supported by the evidence, the board of zoning adjustments may determine that civil penalties should be imposed and/or that the activities occurring at the establishment constitute a public nuisance and may order the establishment to cease and desist from all commercial activities. The findings and decision of the board of zoning adjustments shall be based upon information, testimony and other evidence submitted by the enforcement officer and the business owner, community members, and other interested parties.

(Ord. 2008-2 § 1 (part))

(Ord. No. 2010-2, § 7, 1-12-10)

6.104.150 - Appeal procedure—Hearing by board of supervisors.

The owner and/or operator may appeal to the Alameda County board of supervisors the board of zoning adjustments' findings and order by filing an appeal with the clerk of the board of supervisors within ten (10) days from the date of service of the board of zoning adjustments' decision. The appeal shall contain:

- A. A specific identification of the subject alcoholic beverage sale establishment;
- B. The names and addresses of all appellants;
- C. A statement of appellant's legal interest in the subject establishment;
- D. A statement in ordinary and concise language of the specific order or action protested and the grounds for appeal, together with all material facts in support thereof;
- E. The date and signatures of all appellants; and
- F. The verification of at least one appellant as to the truth of the matters stated in the appeal.

As soon as practicable after receiving the appeal, the board of supervisors shall set a date to hear the appeal which date shall be not less than seven calendar days nor more than forty-five (45) calendar days from the date the appeal was filed. The board of supervisors shall give each appellant written notice of the time and the place of the hearing at least five calendar days prior to the date of the hearing, either by causing a copy of notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant(s) at the address(es) shown on the appeal. Continuances of the hearing from time to time may be granted by the board of supervisors on request of the appellant for good cause shown, or on the board's own motion.

(Ord. 2008-2 § 1 (part))

(Ord. No. 2010-2, § 8, 1-12-10)

6.104.160 - Decision by board of supervisors.

Upon the conclusion of the hearing the board of supervisors shall determine whether the establishment is in violation of this chapter. If the board so finds, the board shall adopt a resolution setting forth its findings and ordering compliance and/or civil penalties in the manner and means specifically set forth in its resolution. The resolution shall set forth the time within which compliance shall be completed.

(Ord. 2008-2 § 1 (part))

(Ord. No. 2010-2, § 9, 1-12-10)

6.104.170 - Reserved.

Editor's note— Ord. No. 2010-2, § 10, adopted January 12, 2010, repealed § 6.104.170, which pertained to appeal procedure— hearing by board of supervisors and derived from Ord. No. 2008-2.

6.104.180 - Civil penalties.

The enforcement officer, board of zoning adjustments, and/or board of supervisors may impose penalties as follows:

First violation of this chapter, seven hundred fifty dollars (\$750.00);

A second violation shall result in a one thousand five hundred dollars (\$1,500.00) penalty;

A third or subsequent violation shall result in a two thousand five hundred dollars (\$2,500.00) penalty.

In determining the penalty the board of zoning adjustments may consider among other factors the following:

Aggravating factors may include, but are not limited to:

- * Prior disciplinary history;
- * Prior warning letters;
- * Owner involvement;
- * Premises located in high crime area;
- * Lack of cooperation by owner in investigation;
- * Continuing course or pattern of conduct;
- * Delinquent payment of annual alcohol sales education and regulatory fee.

Mitigating factors may include, but are not limited to:

- * Length of licensure at subject premises without prior discipline or problems;
- * Positive action by owner to correct problem;
- * Documented training of owner and employees;
- * Cooperation by owner in investigation.

All funds collected under this section shall be retained by the county in a separate account and used exclusively to fund the enforcement of this chapter and related requirements.

(Ord. 2008-2 § 1 (part))

6.104.190 - Limitation of filing judicial action.

Any action seeking judicial review of the board of supervisors' decision shall be commenced within thirty (30) calendar days of the date of service of the decision. Judicial review of any civil penalties imposed under Section 6.104.180 shall be taken pursuant to Government Code Section 53069.4 and commenced within twenty (20) days of the date of service of the decision.

(Ord. 2008-2 § 1 (part); Ord. 2002-83 § 1 (part))

6.104.200 - Illegal use.

When an establishment which has been finally determined to be in noncompliance with the performance standards set forth in Section 6.104.060 and any other applicable criteria by a decision of the board of zoning adjustments or board of supervisors which finds its activities to be a public nuisance and orders the establishment to cease and desist all commercial activities, pursuant to the provisions of this chapter, the owner of the establishment and property owner shall cease such activities immediately. Any activity in violation of such decision shall be an illegal use.

(Ord. 2008-2 § 1 (part); Ord. 2002-83 § 1 (part))

6.104.210 - Violation and penalties.

- A. Except as otherwise provided, any person, firm, or corporation violating or causing, or permitting to be violated any of the provisions of this chapter or decision of the board of zoning adjustments or board of supervisors rendered pursuant to this chapter is guilty of a misdemeanor, and upon conviction is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail for a period not exceeding six months, or by both.
- B. Reserved.
- C. Each person, firm, or corporation shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person and shall be punishable accordingly.
- D. The enforcement officer shall have the power to designate particular officers or employees to enforce particular provisions of this chapter. Officers or employees so designated shall have the authority to issue citations pursuant to provisions of this chapter.
- E. In addition to the punishment provided by law, a violator is liable for such fees, attorney fees, costs, expenses, and disbursements paid or incurred by the county or any of its contractors in correction, abatement, and/or prosecution of the violation. Reinspection fees to ascertain compliance with previously noticed or cited violations shall be charged against the owner. Said fees, attorney fees, costs, expenses, and disbursements shall be deemed a debt owed to the county, and the county may instate an action in any court of competent jurisdiction to collect any fees and charges which may be due and payable in the same manner as any other debts owing to the county may be collected.

(Ord. 2008-2 § 1 (part); Ord. 2002-83 § 1 (part))

6.104.220 - Alternative action available—Civil action.

Nothing in this chapter shall be deemed to prevent the board of supervisors from ordering the commencement of a civil proceeding to enforce the provisions of this chapter and/or decision of the board of zoning adjustments or board of supervisors pursuant to applicable law.

(Ord. 2008-2 § 1 (part); Ord. 2002-83 § 1 (part))

6.104.230 - Inspection and right of entry.

The enforcement officer, or his or her duly authorized representatives, may enter on any site or into any structure for the purpose of investigation, provided they shall do so in a reasonable manner, whenever they have cause to suspect a violation of any provision of this chapter, or whenever necessary to the investigation of violations of the performance standards or conditions of approval prescribed in this chapter. An owner or occupant or agent thereof who refuses to permit such entry and investigation shall be subject to the violations and penalties of this chapter. In addition, every establishment shall be inspected at least once a year to determine compliance with this chapter.

(Ord. 2008-2 § 1 (part); Ord. 2002-83 § 1 (part))

6.104.240 - Finding of public convenience and necessity.

- A. Notwithstanding any other provision of this code, for the purposes of California Business and Professions Code, Division 9 (Alcoholic Beverages), the Alameda County Board of Supervisors shall be the local governing body deciding whether to make the required findings of "public convenience and necessity" as set forth in Business and Professions Code Sections 23817.7 and 23958.4, or any other applicable provision of Division 9.
- B. The Board of Supervisors designates the applicable Board of Zoning Adjustments to make the initial determination as set forth in subsection A of this section. The determination of the Board of Zoning Adjustments shall be deemed final unless appealed to the Board of Supervisors within ten days of the decision being announced.
- C. The following factors are examples of criteria that shall be used to evaluate if public convenience and necessity would be served by the proposed premises:
 1. Presence of elevated rates of alcohol-related crime (i.e., disturbing the peace, public intoxication, prostitution, vandalism, graffiti, etc.) in the vicinity of the proposed premises;
 2. Long-term levels of undue concentration (twenty (20) percent higher than state average);
 3. Proximity of sensitive land uses (i.e., schools, churches, residences, parks, areas designated for economic development);
 4. Whether the locale in question already draws excessive amounts of law enforcement resources;
 5. Business operations (i.e., percentage of alcohol vs. other items sold, late-night sales, underage staff, sale of inexpensive or fortified wines, etc.); or
 6. Health indicators in the locale in question (including alcoholism rates, homelessness, etc.).

(Ord. 2008-2 § 1 (part); Ord. 2006-21 § 1)



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

Chris Bazar
Agency Director

PROJECT REFERRAL

Date: December 1, 2022
RE: Case No. PLN2022-00186
Conditional Use Permit

Albert Lopez
Planning Director

Due Date: December 16, 2022

224
West Winton Ave
Room 111

Sheriff's Office
Code Enforcement Division

Alcohol Beverage Control (ABC)

Hayward
California
94544

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

phone
510.670.5400
fax
510.785.8793

Conditional Use Permit to allow alcohol sales outlet with Type 21 Alcohol license, from Type 20 license, located at 5285 Crow Canyon Road, south side 100 feet east of its intersection with Greenridge Drive, unincorporated area of Castro Valley.

www.acgov.org/cda

APN: 085-5300-005-03

CEQA: Categorically Exempt – Article 19, Section 15301 Existing Facilities Class 1.

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 (owner & contact). If you have any questions, please contact me at the e-mail shown below.

Sincerely,

Pat Anekayuwat

Pat Anekayuwat
Development Planning Division
Pat.Anekayuwat@acgov.org

cc: Applicant: Parmjit Kaur, Valley Convenient Mini Mart, 5285 Crow Canyon Rd, Castro Valley, CA 94552
Owner: Emery Parl LP, 1305 Franklin St. #500, Oakland, CA 94612

attachments: Graphic
Supporting Documents

No Comment  Date 1/20/23

Anekayuwat, Pat, CDA

From: Labayog, Edward, CDA
Sent: Friday, January 20, 2023 1:49 PM
To: Anekayuwat, Pat, CDA
Subject: RE: AC Planning Referral - PLN2022-00186, CUP

Greetings Pat,

I don't know if I responded to this. Not sure if you still need it.

Code enforcement has no open cases or comments.

Edward J. Labayog
Assistant Planning Director
Code Enforcement Manager

ALAMEDA COUNTY | Community Development Agency
Planning Department
224 W. Winton Avenue, Room 111 • Hayward, CA 94544
Office 510-670-6556 | Fax 510-785-8793
edward.labayog@acgov.org | www.acgov.org/cda

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From: Anekayuwat, Pat, CDA <pat.anekayuwat@acgov.org>
Sent: Thursday, December 1, 2022 5:47 PM
To: Thompson, Stephen L., Sheriff <SIThompson@acgov.org>; Labayog, Edward, CDA <Edward.Labayog@acgov.org>; Amarjit.Tamber@abc.ca.gov
Cc: Anekayuwat, Pat, CDA <pat.anekayuwat@acgov.org>
Subject: AC Planning Referral - PLN2022-00186, CUP

PLN2022-00186, Conditional Use Permit to allow alcohol sales outlet with Type 21 alcohol license, from existing Type 20 license.

Hi All,

Attached is the Planning Department referral for your review and comment. If you have any questions about the project, please contact me.

Best regards,

Pat Anekayuwat
Alameda County Planning Department
Community Development Agency
224 W. Winton Ave. Rm.111
Hayward, CA 94544
phone: 510-670-5400



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Report Date: Friday, May 10, 2024

LICENSE INFORMATION

License Number: 597479 **Primary Owner:** KAUR, PARMJIT **Office of Application:** 22 - CONCORD

BUSINESS NAME

VALLEY CONVENIENT MINI MART

BUSINESS ADDRESS

5285 CROW CANYON PL , CASTRO VALLEY, CA, 94552

County: ALAMEDA **Census Tract:** 4301.01

LICENSEE INFORMATION

Licensee: KAUR, PARMJIT

Licensee: GILL, KAMAL SINGH

LICENSE TYPES

*Allow up to six weeks for expiration date updates after renewal fee submittal.

20 - OFF-SALE BEER AND WINE

License Type Status: ACTIVE **Status Date:** 15-OCT-2018 **Term:** 12 Month(s) **Original Issue Date:**

12-OCT-2018 **Expiration Date*:** 30-SEP-2024 **Master:** Y **Duplicate:** 0 **Fee Code:** P0 **Transfers:**

From License Number: [20-568462](#)

Transferred On: 12-OCT-2018

OPERATING RESTRICTIONS:

No Operating Restrictions found

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

No Disciplinary History found.

HOLDS:

No Active Holds found

ESCROWS:

No Escrow found



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

 Show entries

 Search:

License Number	Licensee Name	Business Name	Address	Status
597479	KAUR, PARMJIT	VALLEY CONVENIENT MINI MART	5285 CROW CANYON PL, CASTRO VALLEY,CA 94552	20-(ACTIVE)
568462	VALLEY CONVENIENT MINI MART, INC.	VALLEY CONVENIENT MINI MART	5285 CROW CANYON PL, CASTRO VALLEY,CA 94552	20-(CANCEL)
539999	SANDHU, KULWINDER JIT	VALLEY CONVENIENT MINI MART	5285 CROW CANYON PL, CASTRO VALLEY,CA 94552	20-(CANCEL)
537655	SANDHU, KULWINDER JIT	VALLEY CONVENIENT MINI MART	5285 CROW CANYON RD, CASTRO VALLEY,CA 94552	21-(WTHDRN)
394063	SINGH, BALVINDER	VALLEY CONVENIENT MINI MART	5285 CROW CANYON PL, CASTRO VALLEY,CA 94552	20-(CANCEL)
355109	LEE, ANDY CHIEN	VALLEY CONVENIENT MINI MART	5285 CROW CANYON PL, CASTRO VALLEY,CA 94552	20-(CANCEL)
314289	NGAR, PUY		5285 CROW CANYON PL, CASTRO VALLEY,CA 94552	20-(CANCEL)
308948	AYESH, EBTESAM YASEN		5285 CROW CANYON PL, CASTRO VALLEY,CA 94552	21-(WTHDRN)

License Number	Licensee Name	Business Name	Address	Status
308718	7 ELEVEN INC		5285 CROW CANYON PL, CASTRO VALLEY,CA 94552	20- (CANCEL)
307856	7 ELEVEN INC		5285 CROW CANYON PL, CASTRO VALLEY,CA 94552	20- (CANCEL)
298283	7 ELEVEN INC		5285 CROW CANYON PL, CASTRO VALLEY,CA 94552	20- (CANCEL)
214432	7 ELEVEN INC		5285 CROW CANYON PL, CASTRO VALLEY,CA 94552	20- (CANCEL)

Showing 1 to 12 of 12 entries

Previous **1** Next

[DOWNLOAD REPORT \(CSV\)](#)

Anekayuwat, Pat, CDA

From: Annette <annette.laverty@yahoo.com>
Sent: Thursday, February 9, 2023 4:50 PM
To: Anekayuwat, Pat, CDA
Cc: Annette Laverty
Subject: Opposing Planning Application PLN2022-00186
Attachments: Planning Application PLN2022-00186.jpeg

Hello Pat Anekayuwat, Staff Planner,

I recently learned of a proposal about a local market applying for an alcohol license. I hereby oppose the Planning Application PLN2022-00186 for premises at:

5285 CROW CANYON RD, CASTRO VALLEY

Parcel Number: 085-5300-005-03

On the grounds that:

1. The Mini Mart is too close in proximity to the nearby Canyon Middle School. Canyon Middle School is located just across the street on the hill from the Mini Mart. After school, many students who attend this school walk home or wait to be picked up walk down a pedestrian trail to Crow Canyon Road on which the Mini Mart is located. Since the Mini Mart is the only convenient store nearby, students often stop by the Mini Mart to buy drinks or snacks. As a public health professional I strongly request that you deny this license application by this convenient store frequented by students, especially with it being near a school campus.
2. The Mini Mart is located within a primarily residential area where many families have young kids or youth. As many parents of neighboring families would agree, the Mini Mart is a convenient store where our children stop on their way home from school to buy a snack or drink.
3. Research clearly indicates that corner markets which sell alcohol cause an increase in crime, a decline in home values, and an increase in loitering, disorder, and other malignant behavior.

Our neighborhood has experienced an increase in crime over recent years, and having a market adjacent to our homes that sells alcoholic beverages would only increase crime. An establishment that sells alcohol is not the type of establishment I want at the entrance to our residential community at Shadow Creek Circle.

4. The Mini Mart is located at the beginning of the dangerous section of Crow Canyon Road where lanes merge into one from Castro Valley going to San Ramon and many accidents have occurred. Many drivers stop by the Mini Mart for a quick snack or drink before heading into this winding road. Selling beer, wine and, especially, distilled spirits in the Mini Mart is a dangerous proposition and irresponsible business practice for profit without regard to public safety.

5. There are currently many liquor stores within a 5 mile radius where alcohol is accessible, so there is no public convenience or necessity for this Mini Mart to sell beer, wine, and/or distilled spirits in such a residential area.

I once again ask that you deny the alcohol license application PLN2022-00186.

Please kindly reply to confirm the receipt of my opposing email.

Thank you for your consideration.

Annette Laverty

Homeowner at 20006 Shadow Creek Circle, Castro Valley, CA 94552

**** This email was sent from an external source. If you do not know the sender, do not click on links or attachments. ****

Anekayuwat, Pat, CDA

From: Regina Cheng <reginacheng2005@yahoo.com>
Sent: Thursday, February 9, 2023 4:47 PM
To: Anekayuwat, Pat, CDA
Subject: Opposing Planning Application PLN2022-00186

To: Staff Planner Pat Anekayuwat

I hereby oppose the Planning Application PLN2022-00186

For premises at:

5285 CROW CANYON RD, CASTRO VALLEY
Parcel Number: 085-5300-005-03

On the grounds that:

1. The Mini Mart is too close in proximity to the nearby Canyon Middle School. Canyon Middle School is on a hill in front of the Mini Mart and has only one drive-in road on a different side of the hill. However, there is a pedestrian trail leading down directly onto Crow Canyon Road on which the Mini Mart is located. After school, lots of students use the trail to come down to Crow Canyon Road and wait for parents to pick them up. Since the Mini Mart is the only convenient store nearby, students often stop by the Mini Mart to buy drinks or snacks. As a parent, I strongly request that you deny this license application by this convenient store frequented by students, especially with it being near a school campus.
2. The Mini Mart is also at the beginning of a dangerous winding road (Crow Canyon Road) from Castro Valley going to San Roman. Many drivers stop by the Mini Mart for a quick snack or drink before heading into this winding road. Selling beer, wine and, especially, distilled spirits in the Mini Mart is a dangerous proposition and irresponsible business practice for profit without regard to public safety.
3. The Mini Mart is located within a primarily residential area where many families have young kids or youth. As many parents of neighboring families would agree, the Mini Mart is a convenient store where our children stop in on their way home from school to buy a snack or drink. There is really no public convenience or necessity to sell beer, wine, and distilled spirits in such residential area.
4. Research clearly concludes that corner markets which sell alcohol cause a decline in home values, an increase in crime, and an increase in loitering, disorder, and other malignant behavior. The new owner has changed the once "Convenient Mini Mart" signage to include "Beer & Wine" sign to visibly advertise its selling of beer & wine. This is not the type of establishment I would want at the entrance to our residential community at Shadow Creek Circle.

Please kindly reply to confirm the receipt of my opposing email. Thank you very much.

Sincerely,

Homeowner name: Joseph Chan & Regina Cheng
Address: 20040 Shadow Creek Circle, Castro Valley

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Anekayuwat, Pat, CDA

From: +1 510-206-5329 <+15102065329>
Sent: Thursday, February 9, 2023 4:30 PM
To: Anekayuwat, Pat, CDA
Subject: Voice Mail (1 minute and 43 seconds)
Attachments: audio.mp3

Hi good afternoon Pat. My name is coming I'm in a home owner located at Shadow Creek Circle and that's a I believe is a planning application number is two one, four dash zero zero zero oh six regarding to a conditional use permit to allow the mandatory of mini store to have the alcoholic license. So I as a homeowner I would like to raise my voice to hopefully that could be objected to it because it's been a lot of trouble that we have of observed over through the years. So I personally have two kids it's just you know we'll see a lot of drunk person out around if the mini store how to do that so I highly recommend that you know I know right now you are correcting the public comments so I just wanted to you know provide my comments as and then if possible you can call me back and I can even provide more in details why we are objecting to have this alcoholic license to be you know to be processed. So my callback number is five ten two. Oh six, five three two nine. Thank you and hopefully you have a the best of the rest of your day. Thank you. Take care. Bye bye.

You received a voice mail from [+15102065329](tel:+15102065329).

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FW: Opposing Planning Application PLN2022-00186

James Wang <wang861@gmail.com>

Thu 2/9/2023 3:43 PM

To: Anekayuwat, Pat, CDA <pat.anekayuwat@acgov.org>

Cc: 'James Wang' <wang861@gmail.com>

Subject: Opposing Planning Application PLN2022-00186

To: Staff Planner Pat Anekayuwat

I hereby oppose the Planning Application PLN2022-00186

For premises at:

5285 CROW CANYON RD, CASTRO VALLEY

Parcel Number: 085-5300-005-03

On the grounds that:

1. The Mini Mart is too close in proximity to the nearby Canyon Middle School. Canyon Middle School is on a hill in front of the Mini Mart and has only one drive-in road on a different side of the hill. However, there is a pedestrian trail leading down directly onto Crow Canyon Road on which the Mini Mart is located. After school, lots of students use the trail to come down to Crow Canyon Road and wait for parents to pick them up. Since the Mini Mart is the only convenient store nearby, students often stop by the Mini Mart to buy drinks or snacks. As a parent, I strongly request that you deny this license application by this convenient store frequented by students, especially with it being near a school campus.
2. The Mini Mart is also at the beginning of a dangerous winding road (Crow Canyon Road) from Castro Valley going to San Roman. Many drivers stop by the Mini Mart for a quick snack or drink before heading into this winding road. Selling beer, wine and, especially, distilled spirits in the Mini Mart is a dangerous proposition and irresponsible business practice for profit without regard to public safety.
3. The Mini Mart is located within a primarily residential area where many families have young kids or youth. As many parents of neighboring families would agree, the Mini Mart is a convenient store where our children stop in on their way home from school to buy a snack or drink. There is really no public convenience or necessity to sell beer, wine, and distilled spirits in such residential area.
4. Research clearly concludes that corner markets which sell alcohol cause a decline in home values, an increase in crime, and an increase in loitering, disorder, and other malignant behavior. The new owner has changed the once "Convenient Mini Mart" signage to include "Beer & Wine" sign to visibly advertise its selling of beer & wine. This is not the type of establishment I would want at the entrance to our residential community at Shadow Creek Circle.

Please kindly reply to confirm the receipt of my opposing email. Thank you very much.

James Wang

Homeowner of 20005 Shadow Creek Circle, Castro Valley, CA 94552

Oppose to grant alcohol sale

stella tedjakusuma <stella2510@gmail.com>

Thu 2/9/2023 2:54 PM

To: Anekayuwat, Pat, CDA <pat.anekayuwat@acgov.org>

Hi,

This is Stella who live on 20011 Shadow Creek Circle.

I would like to oppose for granting alcohol sale permit for the liquor license at the Convenient mini mart in front of our neighborhood.

Thank you,

Stella Tedjakusuma

** This email was sent from an external source. If you do not know the sender, do not click on links or attachments. **

Opposing Planning Application PLN2022-00186**Liming Yang <limingyang523@hotmail.com>**

Thu 2/9/2023 2:31 PM

To: Anekayuwat, Pat, CDA <pat.anekayuwat@acgov.org>

Dear Pat,

My name is Liming Yang, a resident at Shadow Creek Community.

I hereby oppose the Planning Application PLN2022-00186.

For premises at:

5285 CROW CANYON RD, CASTRO VALLEY

Parcel Number: 085-5300-005-03

On the grounds that:

1. The Mini Mart is too close in proximity to the nearby Canyon Middle School. Canyon Middle School is on a hill in front of the Mini Mart and has only one drive-in road on a different side of the hill. However, there is a pedestrian trail leading down directly onto Crow Canyon Road on which the Mini Mart is located. After school, lots of students use the trail to come down to Crow Canyon Road and wait for parents to pick them up. Since the Mini Mart is the only convenient store nearby, students often stop by the Mini Mart to buy drinks or snacks. As a parent, I strongly request that you deny this license application by this convenient store frequented by students, especially with it being near a school campus.
2. The Mini Mart is also at the beginning of a dangerous winding road (Crow Canyon Road) from Castro Valley going to San Roman. Many drivers stop by the Mini Mart for a quick snack or drink before heading into this winding road. Selling beer, wine and, especially, distilled spirits in the Mini Mart is a dangerous proposition and irresponsible business practice for profit without regard to public safety.
3. The Mini Mart is located within a primarily residential area where many families have young kids or youth. As many parents of neighboring families would agree, the Mini Mart is a convenient store where our children stop in on their way home from school to buy a snack or drink. There is really no public convenience or necessity to sell beer, wine, and distilled spirits in such residential area.
4. Research clearly concludes that corner markets which sell alcohol cause a decline in home values, an increase in crime, and an increase in loitering, disorder, and other malignant behavior. The new owner has changed the once "Convenient Mini Mart" signage to include "Beer & Wine" sign to visibly advertise its selling of beer & wine. This is not the type of establishment I would want at the entrance to our residential community at Shadow Creek Circle.

Please kindly reply to confirm the receipt of my opposing email. Thank you very much.

Best Regards,
Liming

Please kindly reply to confirm the receipt of my opposing email. Thank you very much.

**** This email was sent from an external source. If you do not know the sender, do not click on links or attachments. ****

Anekayuwat, Pat, CDA

From: +1 732-666-3180 <+17326663180>
Sent: Thursday, February 9, 2023 3:37 PM
To: Anekayuwat, Pat, CDA
Subject: Voice Mail (1 minute and 27 seconds)
Attachments: audio.mp3



Hey Pat, this is liming. Yeah, I'm calling from Castro Valley, Saddle Creek Association, the shallow Creek community. I am a resident of this community and I just send you a e-mail. Basically there is minimal outside our community is planning to sell alcohol. So I just tried to see if you received my e-mail. I weigh against this planning because it's not going to be safe for our community. Our community is next to it. I hope you can confirm my e-mail and account, my vote and my name is living. Yeah, and my phone number is 732-666-3180. Thank you very much. Bye.

You received a voice mail from [+17326663180](tel:+17326663180).

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Planning application PLN 2022-00186

Sandy Su <joen332000@yahoo.com>

Thu 2/9/2023 2:15 PM

To: Anekayuwat, Pat, CDA <pat.anekayuwat@acgov.org>

Hi,

I am totally opposed this application and I am the home owner of 20028 Shadow Creek Circle.

We should not let them sell liquor because it will increase the crime rate and affect our children in our community.

Thank you for your time and consideration.

Sandy Lau

Sent from my iPhone

** This email was sent from an external source. If you do not know the sender, do not click on links or attachments. **

Opposing Planning Application PLN2022-00186**Jasmine Sun <sunziming@hotmail.com>**

Thu 2/9/2023 1:32 PM

To: Anekayuwat, Pat, CDA <pat.anekayuwat@acgov.org>

To: Staff Planner Pat Anekayuwat

I hereby oppose the Planning Application PLN2022-00186

For premises at:

5285 CROW CANYON RD, CASTRO VALLEY

Parcel Number: 085-5300-005-03

On the grounds that:

1. The Mini Mart is too close in proximity to the nearby Canyon Middle School. Canyon Middle School is on a hill in front of the Mini Mart and has only one drive-in road on a different side of the hill. However, there is a pedestrian trail leading down directly onto Crow Canyon Road on which the Mini Mart is located. After school, lots of students use the trail to come down to Crow Canyon Road and wait for parents to pick them up. Since the Mini Mart is the only convenient store nearby, students often stop by the Mini Mart to buy drinks or snacks. As a parent, I strongly request that you deny this license application by this convenient store frequented by students, especially with it being near a school campus.
2. The Mini Mart is also at the beginning of a dangerous winding road (Crow Canyon Road) from Castro Valley going to San Roman. Many drivers stop by the Mini Mart for a quick snack or drink before heading into this winding road. Selling beer, wine and, especially, distilled spirits in the Mini Mart is a dangerous proposition and irresponsible business practice for profit without regard to public safety.
3. The Mini Mart is located within a primarily residential area where many families have young kids or youth. As many parents of neighboring families would agree, the Mini Mart is a convenient store where our children stop in on their way home from school to buy a snack or drink. There is really no public convenience or necessity to sell beer, wine, and distilled spirits in such residential area.
4. Research clearly concludes that corner markets which sell alcohol cause a decline in home values, an increase in crime, and an increase in loitering, disorder, and other malignant behavior. The new owner has changed the once "Convenient Mini Mart" signage to include "Beer & Wine" sign to visibly advertise its selling of beer & wine. This is not the type of establishment I would want at the entrance to our residential community at Shadow Creek Circle.

Homeowner name: Jasmine Sun

Address: 20024 Shadow Creek Cir, Castro Valley, CA 94552

Phone: 510-589-6281

Best regards,
Jasmine Sun**** This email was sent from an external source. If you do not know the sender, do not click on links or**

Shadow Creek liquor store

AI LOW <ailow@sbcglobal.net>

Thu 2/9/2023 1:16 PM

To: Anekayuwat, Pat, CDA <pat.anekayuwat@acgov.org>

Hi Pat,

I'm a homeowner at 20013 Shadow Creek Cir, Castro Valley.

I oppose giving the permit to sell alcohol in my community.
It's going to attract a lot of criminals and drunk people in the neighborhood.

Moreover, kids from Canyon Middle school come by to the store and will get to know drunk people . It will attract the wrong crowd.

Because of the liquor store people will go into the neighborhood and more break in did happen in our community.

Please don't grant them the liquor license. The store should be a convenient store not selling liquor to the neighborhood.

Thank you,

Jackie Low
Homeowner
20013 Shadow Creek Cir,
Castro Valley

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Re: Opposing Planning Application PLN2022-00186**Andy Tseng <tsengandy_ya@yahoo.com>**

Thu 2/9/2023 12:42 PM

To: Anekayuwat, Pat, CDA <pat.anekayuwat@acgov.org>

 1 attachments (4 MB)

image0.jpeg;

attaching the original notice.

On Thursday, February 9, 2023 at 12:32:39 PM PST, Andy Tseng <tsengandy_ya@yahoo.com> wrote:

To: Staff Planner Pat Anekayuwat

I hereby oppose the Planning Application PLN2022-00186

For premises at:

5285 CROW CANYON RD, CASTRO VALLEY

Parcel Number: 085-5300-005-03

On the grounds that:

1. The Mini Mart is too close in proximity to the nearby Canyon Middle School. Canyon Middle School is on a hill in front of the Mini Mart and has only one drive-in road on a different side of the hill. However, there is a pedestrian trail leading down directly onto Crow Canyon Road on which the Mini Mart is located. After school, lots of students use the trail to come down to Crow Canyon Road and wait for parents to pick them up. Since the Mini Mart is the only convenient store nearby, students often stop by the Mini Mart to buy drinks or snacks. As a parent, I strongly request that you deny this license application by this convenient store frequented by students, especially with it being near a school campus.
2. The Mini Mart is also at the beginning of a dangerous winding road (Crow Canyon Road) from Castro Valley going to San Roman. Many drivers stop by the Mini Mart for a quick snack or drink before heading into this winding road. Selling beer, wine and, especially, distilled spirits in the Mini Mart is a dangerous proposition and irresponsible business practice for profit without regard to public safety.
3. The Mini Mart is located within a primarily residential area where many families have young kids or youth. As many parents of neighboring families would agree, the Mini Mart is a convenient store where our children stop in on their way home from school to buy a snack or drink. There is really no public convenience or necessity to sell beer, wine, and distilled spirits in such residential area.
4. Research clearly concludes that corner markets which sell alcohol cause a decline in home values, an increase in crime, and an increase in loitering, disorder, and other malignant behavior. The new owner has changed the once "Convenient Mini Mart" signage to include "Beer & Wine" sign to visibly advertise its selling of beer & wine. This is not the type of establishment I would want at the entrance to our residential community at Shadow Creek Circle.

Please kindly reply to confirm the receipt of my opposing email. Thank you very much.

Chun-Chang Tseng
19994 Shadow Creek Cir
Castro Valley, CA 94552
510-512-8014

Anekayuwat, Pat, CDA

From: +1 510-512-8014 <+15105128014>
Sent: Thursday, February 9, 2023 3:21 PM
To: Anekayuwat, Pat, CDA
Subject: Voice Mail (1 minute and 39 seconds)
Attachments: audio.mp3



Hi Pat, this is jinchang. Then I'm calling from 19994 Battle Creek Circle Casselberry. I'm calling to confirm that you received my e-mail. To oppose that the planning application N. 2022 dash 00186 regarding the alcohol UP license that is, I think this is totally a bad idea for alcohol sales license near the school and near the residential area. Could you please give me a call back by 105128014 to confirm that you did receive my e-mail to oppose and for this application CON 2022 DASH 00186. Again this is Chin Tenzen calling from 19994 call. Yes, so very thank you. My phone number 510-512-8014.

You received a voice mail from [+15105128014](tel:+15105128014).

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5285 Crow Canyon Convenient Store

Iwan Tunggal <itunggalinsurance@yahoo.com>

Thu 2/9/2023 12:40 PM

To: Anekayuwat, Pat, CDA <pat.anekayuwat@acgov.org>

Hello

I am a resident/home owner at Shadow Creek Circle behind the 5285 Crow Canyon Rd - Valley Convenience Store's application of Liqueur Sale.

I wish to oppose the continuance or extension of the propose sales of Alcoholic beverage due to loitering and attracting criminals in the area. In addition to that, the value of the neighborhood had drastically affected by these events.

There fore, I oppose the alcoholic/liqueur sale license from this store.

Thank you for attention.

Sincerely,

Iwan Tunggal

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PLN2022-00186

Sebastian Joseph <sebastiajo@yahoo.com>

Thu 2/9/2023 12:10 PM

To: Anekayuwat, Pat, CDA <pat.anekayuwat@acgov.org>

Dear Pat,

I am residing at Shadow Creek next to 5285 Crow Canyon Rd, who is requesting for the renewal of alcohol sale. I strongly oppose the renewal and the sale of alcohol few feet's away from the residential area and very next to Canyon middle schools where over 1000 kids study. The alcohol sale at the store attracts many criminals to the store and our community becomes unsafe. Also, many kids cross Crow Canyon Rd every day (Mon-Fri) to the store area and hang out by the store, which is unsafe for those school kids, if alcohol sale allowed. I heard few times, drunk people followed school girls from the store. So, I strongly oppose the sale of alcohol at the store and request you to deny giving permit.

Best,

Sebastian

20036 Shadow Creek Circle

Sent from my iPhone

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**RESOLUTION NO. Z-14-25 OF
THE WEST COUNTY BOARD OF ZONING ADJUSTMENTS
ADOPTED AT THE HEARING OF AUGUST 13, 2014, CONCERNING
CONDITIONAL USE PERMIT, PLN-2014-00046**

WHEREAS KULWINDER SANDHU has filed for CONDITIONAL USE PERMIT, PLN-2014-00046, an application to allow the expansion of alcohol sales to include distilled spirits, in a CN (Neighborhood Business) District, located at 5285 Crow Canyon Road, south side, 100 feet east of Greenridge Drive, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 085-5300-005-03; and

WHEREAS the Board did hold a public hearing on said application at the hour of 6:00 p.m. on the 7th day of July and the 13th day of August, 2014, in the Alameda County Building, 224 West Winton Avenue, Public Hearing Room, Hayward, California; and

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

WHEREAS this application has been reviewed in accordance with the provisions of the California Environmental Quality Act and has been found to be categorically exempt; Article 19, Section 15301, Class 1, Existing Facilities, involving negligible or no expansion of a use beyond that existing at the time of permit application; and

WHEREAS a Pre-Hearing Analysis was submitted recommending the application be conditionally approved; and

WHEREAS the Applicant and a Representative appeared at said public hearings and presented testimony in support of the application; and

WHEREAS Neighbors appeared at the public hearings to offer testimony requesting if approved, restrictions be placed on 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 finds that:

- (a) The use is required by the public need as in and of itself, availability of alcohol for the legal purchase is not a public need. The alcohol outlet aspect as part of a neighborhood market would be considered as required by the public need from the convenience issue. There are no other markets that offer the sales of alcohol for off-site consumption within 500 feet. Consideration would be more of the liquor store as a convenient

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location to shop for alcohol rather than of needed items. Left to economic market demand, there is a need or convenience, to provide the opportunity for the public to purchase liquor in licensed stores. Under existing circumstances, the public, within a large area along Crow Canyon Road, is required to shop for distilled-spirits liquor at a limited number of locations.

- (b) The use will be properly related to other land uses and transportation and service facilities in the vicinity as the use is properly related to the area and is served by public transportation.
- (c) The use, if permitted, under all the circumstances and conditions of this 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 injuries to property or improvements in the neighborhood as if approved as conditioned herein, the use will continue to be properly managed and adequately maintained so as to not adversely affect the neighborhood.
- (d) 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 discussed herein, is consistent with the Ordinance and the adopted Policy Statement. As conditioned, affirmative findings may be made as required.

NOW THEREFORE

BE IT FURTHER RESOLVED that the Board does hereby approve the said application as shown by materials labeled Exhibit "A" on file with the Alameda County Planning Department subject to the following conditions:

1. This permit authorizes a Type 21 off-sale general liquor license in conjunction with a retail market located at 5285 Crow Canyon Road, south side, south across from Greenridge Road, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 085-5300-005-03.
2. Total shelf space of all liquor in the store shall not exceed 25% of shelf space, including refrigeration; that is, no more than 5% hard liquor and more than 20% wine and beer. The display of distilled spirits shall be a location behind the cashier.
3. No malt beverage products shall be sold regardless of container size in quantities of less than six per sale. Individual 22 ounce or larger micro brewery or craft beer can be sold individually. No other beer may be sold in quantities of less than six per sale.

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4. The hours of operation shall be seven days a week – Monday through Saturday 7:00 am to 9:00 pm, and Sundays 8:00 am to 8:00 pm. Signage shall be placed on the exterior of the building that prohibits drinking in public, loitering, and littering.
5. Maintain the existing landscaped area located along the north side of the structure and along the frontage of the parking area. In the event graffiti appears on any structure or wall, the graffiti shall be eliminated within 48 hours of its appearance, and the structure or wall returned to its original condition.
6. Keep the entire property clean and free of litter; litter/trash removal, if necessary, shall take place on a daily basis.
7. The windows of the subject store front, from a point 3 feet to a point 7 feet above ground, shall be remained free of any signage, posters or writing (except the display of business hours, etc.) or any object so as to remain clear and clean, allowing clear visibility in both directions.
8. Operator/seller of subject alcohol outlet shall adhere to, and shall be knowledgeable and understanding of, all applicable State rules and regulations pertaining to alcohol sales.
9. The owners and all employees shall attend one Alameda County Sheriff's Office, Responsible Beverage Service program on or before the first anniversary date of this permit and thereafter, every two (2) years as a condition of operation and/or employment for the convenience store use.
10. Any change to exterior signage shall require a Castro Valley Sign Site Development Review. Business signage shall be in compliance with existing retail center criteria, and the Zoning Ordinance, and the Neighborhood Preservation Ordinance.
11. Interior signage for alcohol shall be limited to no more than 10% of wall space. Advertising signs for Alcoholic Beverages shall adhere to Zoning Ordinance Title 17, 17.52.566.
12. The retail market with beer, wine, spirits sales 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.

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13. All requirements of the following Alameda County and California State Agencies shall
 - a. Fire Department;
 - b. Business License;
 - c. Sheriff's Department;
 - d. Zoning Code Enforcement;
 - e. Building Inspection Department;
 - f. Environmental Health Department;
 - g. State Department of Alcoholic Beverage Control (ABC).
14. The owner/operator voluntarily agreed not to sell pipes, bongs and/or vapors and/or other drug related paraphernalia, as he believes it is an attractive nuisance, and could negatively affect the neighborhood if such products were sold.
15. The owner/operator shall advise all store delivery trucks not to use the adjacent private street that provides access to the Shadow Creek development.
16. A mandatory review shall be conducted at the end of one (1) and three (3) years. 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.

Pursuant to Section 17-52.050 of the Alameda County Zoning Ordinance said Conditional Use Permit shall be implemented within a term of three (3) years of its issuance or it shall be of no force or effect.

If implemented, said Conditional Use Permit shall undergo a mandatory review on or around August 13, 2015, and August 13, 2017, and shall remain revocable for cause in accordance with Section 17-54.030 of the Alameda County Zoning Ordinance.



To our valued Partner,

It has been brought to our attention that the Partnership between U-Haul Moving and Storage and Valley Convenient Mini Mart has come to an end. We understand the County of Alameda will not allow equipment rental from your location due to zoning complications.

We would like to thank you for all your hard work and commitment to serving the community through U-Haul and helping to move us forward by "Providing Better and Better product and service, to More and More people, at a Lower Cost".

U-Haul has processed the closure of your location as a U-Haul Neighborhood Dealer and will finalize all appropriate forms and paperwork to reflect closure.

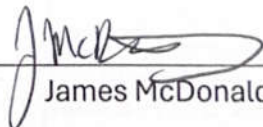
Closing report date: February 12, 2024

You should be receiving both digital and hard copy notifications of closure.

Applicable tax forms will be sent to you via mail service and can also be accessed through the U-Haul Dealer Network.

Should you have any questions or concerns please contact me directly.

James McDonald
Area Field Manager (815003)
510-504-6895
James_mcdonald@uhaul.com


James McDonald

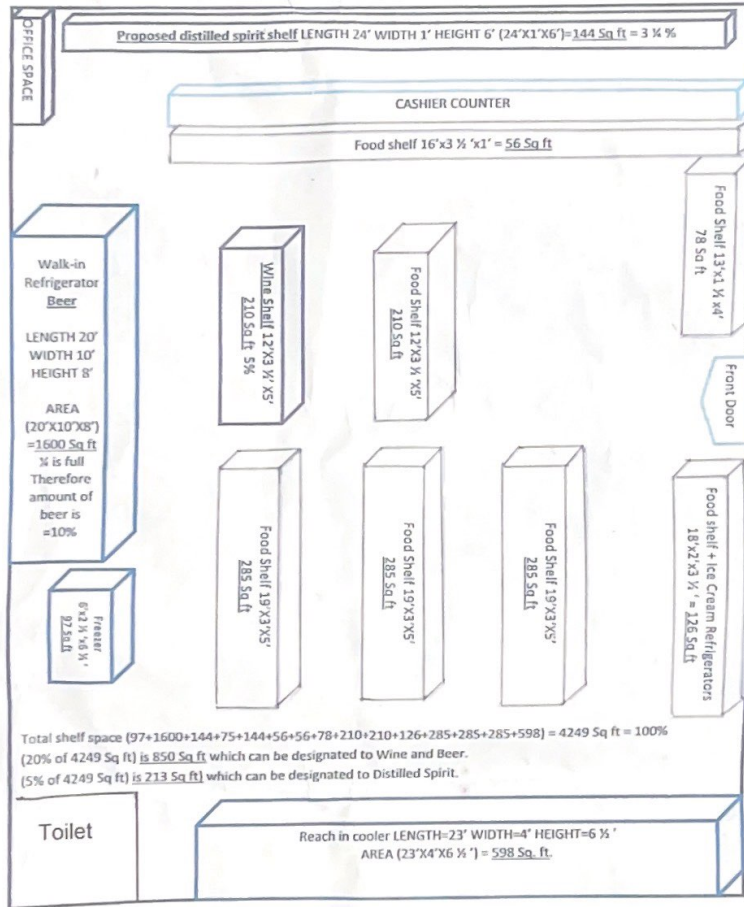
Department of Alcoholic Beverage Control
LICENSED PREMISES DIAGRAM (RETAIL)

State of California

1. APPLICANT NAME (Last, first, middle) VALLEY CONVENIENT MINI MART, LLC	2. LICENSE TYPE 21
3. PREMISES ADDRESS (Street number and name, city, zip code) 5285 CROW CANYON ROAD, CASTRO VALLEY, CA 94552	4. NEAREST CROSS STREET SHADOW CREEK CIRCLE

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions and identification of each room (i.e., "storeroom", "office", etc.).

DIAGRAM



It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)	DATE SIGNED 8/25/14
FOR ABC USE ONLY	
CERTIFIED CORRECT (Signature)	PRINTED NAME
	INSPECTION DATE

VALLEY CONVENIENT MINI-MARKET

PROJECT
APN: 85-5300-5-3
5285 CROW CANYON ROAD
CASTRO VALLEY, CA 94552

PROJECT NUMBER
2022.10.00

NO. DATE DESCRIPTION BY

CONSULTANTS

SEAL
COPYRIGHT © 2022
MARK J. WOODBURN
ARCHITECT
ALL RIGHTS RESERVED

SHEET TITLE
SITE PLAN

DRAWN BY
M JW
CHECKED BY
M JW
APPROVED BY

BIDS
CONTRACT
SHEET NUMBER

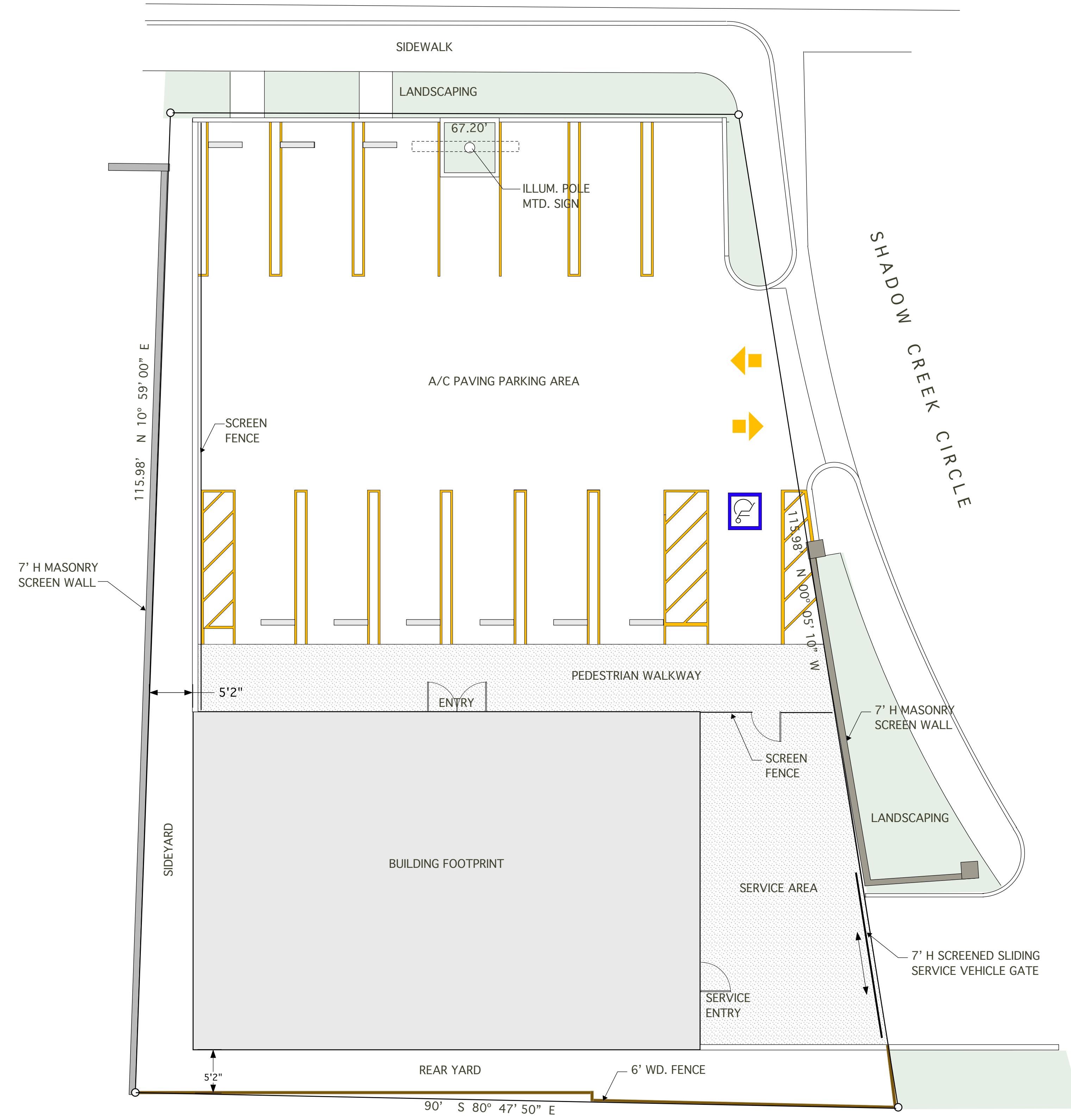
SCALE
AS NOTED
N
DATE
2.26.22

A1.0

MARK J. WOODBURN
ARCHITECT

2625 ALCATRAZ
SUITE 321
BERKELEY, CA
94705
510.843.0863
mark@woodburnarch.com

CROW CANYON ROAD



SITE PLAN
SCALE: 1/8" = 1'-0"