

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

UPHOLDING PLANNING BOARD RESOLUTION PB-16-01 TO DENY  
USE PERMIT FILE NO. PLN15-0440 TO ALLOW THE SALE OF BEER  
AND WINE AT A CONVENIENCE STORE LOCATED AT 1716  
WEBSTER STREET

WHEREAS, an application was made by United Brothers Enterprise, Inc. on September 17, 2015, requesting a Use Permit Amendment to remove a condition of approval on Use Permit, UP-95-23, that restricts the sale of alcohol; and

WHEREAS, the project site is located within a C-C, Community Commercial Zone; and

WHEREAS, the project site is designated Community Commercial on the General Plan Diagram; and

WHEREAS, the existing 24-hour convenience store is permitted under use permit UP-95-23; and

WHEREAS, the Planning Board held a de novo public hearing on January 11, 2016 on the use permit application at which all materials submitted and all comments made by all parties, including staff, regarding this application were considered; and

WHEREAS, on January 11, 2016, the Planning Board voted 4-1 to deny the use permit application; and

WHEREAS, the City Council held a de novo public hearing on February 2, 2016, in response to Calls for Review from Mayor Trish Spencer and City Council Member Jim Oddie.

NOW THEREFORE, BE IT RESOLVED, that the City Council finds that:

- (1) **The location of the proposed use is not compatible with other land uses in the general neighborhood area, and the project is not operationally harmonious with the community and surrounding development.** The site is immediately adjacent on both sides to residential buildings. Granting of the use permit to allow alcohol sales would create an over-concentration of alcohol sales in the neighborhood and would not be compatible with the adjacent residential uses. The area already has a number of stores that sell alcohol. The site is across from the Better Buy Liquors store, which sells a wide range of alcoholic beverages including beer and wine and has been a local establishment for many years. Increasing the number of retail outlets that sell alcohol may cause problems for adjacent businesses, and residents in the area have reported problems related to late night noise, fights, and litter that may be attributed to alcohol use in the area.

- (2) **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The site is well served by AC Transit bus service and pedestrian facilities, although it is anticipated that most customers will arrive by automobile and will purchase goods at the convenience market while their automobile is at the gasoline pumps.
- (3) **The proposed use will adversely affect other property in the vicinity and will have deleterious effects on existing business districts or the local economy.** The addition of alcohol sales at this gas station that is immediately adjacent to residential homes on two sides could adversely affect the adjacent properties. The sale of alcoholic beverages for off-site consumption is plentiful in this vicinity. The site is across from the Better Buy Liquors store, which sells a wide range of alcoholic beverages including beer and wine and has been a local establishment for many years. Increasing the number of retail outlets that sell liquor may cause problems for adjacent businesses and residents. City records indicate neighboring residents have complained about existing police activity in their neighborhood and problems such as litter and late night noise that are attributed to the sale of alcohol in the area. Police records indicate the high number of alcohol-related incidents in the vicinity has not changed between 2012 and 2015.
- (4) **The proposed use does not relate favorably to the General Plan.** Permitting additional outlets for alcohol sales would over saturate this area, which is adjacent to residential zoning districts and residential uses and cause conflicts between commercial and residential land uses in conflict with General Plan policies to minimize conflicts between adjacent land uses.

BE IT FURTHER RESOLVED THAT the project is Statutorily Exempt from additional environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15270 – Projects Which Are Disapproved.

BE IT FURTHER RESOLVED THAT the City Council denies application PLN15-0440 to amend use permit UP-95-23 to allow off-sale beer and wine at 1716 Webster Street.

\* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 2nd day of February, 2016, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 3rd day of February 2016.

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Lara Weisiger, City Clerk  
City of Alameda

Approved as to Form:

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Janet C. Kern, City Attorney  
City of Alameda