

Conditional Use Permit Findings

- 1. That the site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title to adapt the use with land and uses in the neighborhood;**

The Applicant, 7-Eleven, Inc., is requesting with this Conditional Use Permit Application to change the existing Type 20 ABC License (off-sale beer and wine) to a Type 21 License (off-sale, general) at an existing 7-Eleven Store, so as to allow a small amount of spirits (approx. 4 ft. x 5 ft. shelf space that is either behind the sales counter or if in the aisle, then in a locked case only accessible to an employee). The footprint of the existing store, which has been in operation for many years, will not change at all. This location was first approved for alcohol sales by the California Department of Alcoholic Beverage Control in 2018 and has continued to operate with a Type 20 ABC License since, currently operating under ABC License No. 20-632388. The Applicant is not proposing any other change from their current mode of operation, which has provided benefit to the community since it first began operations at this location.

Additionally, the Applicant is proposing to have the same Conditions be imposed on this CUP as were imposed last year on another 7-Eleven location at 2437 Main Street by the Planning Commission through its approval of a CUP for the sale of spirits in Resolution No. 9-23, which include but are not limited to:

1. The sale of alcoholic beverages shall commence only within the hours permitted by State Law and enforced by the California Department of Alcoholic Beverage Control.
2. The sale of beer, wine, and distilled spirits for consumption on the premises is strictly prohibited.
3. The Applicant shall be subject to, and shall comply with, all regulations of the ABC License regarding the sale of alcoholic beverages at the facility.
4. The applicant shall comply with all regulations of the ABC Act and shall comply with all licensing conditions imposed by the state.
5. The sale of spirits will be limited to a shelf space of no more than 4 ft. x 5 ft that is locked at all times except when unlocked by an employee or a shelf space of similar size behind the sales counter. The display shall only be accessible to store employees. (This is slightly modified from Resolution No. 9-23 to allow shelf space behind the sales counter, which is also not accessible to customers and only accessible to store employees).
6. No distilled spirits shall be sold in bottles or containers of 50 milliliters (ml) or less in size.
7. Beer, malt beverages, and wine coolers in containers of 16 ounces (oz.) or less shall not be sold by single containers and if sold shall be sold in manufacturer pre-packaged multi-unit quantities.
8. No wine shall be sold in bottles smaller than 750 ml., except manufacturer prepackaged multi-unit quantities.

7-Eleven currently exists as a “one-stop” shopping experience, enabling customers to purchase everyday essential grocery items, including fresh food items, and is requesting approval for the sale of a full line of alcoholic beverages to further the convenience provided to the surrounding community. The Applicant works hard to ensure they offer a full range of grocery and household items, and a full line of alcoholic beverages fall within the common type of goods that customers want and expect from a full-service convenience market. The sale of spirits will be restricted to a small display shelf (approx. 4 ft. x 5 ft.) behind the sales counter that is only accessible to store employees or if in the aisle, then in a locked cabinet that is only accessible to employees, and

thus is just a minor proposed change to the operation of the longtime existing store. However, the addition of a small amount of curated spirits for sale will have a significantly greater impact on the store's viability beyond just that sale of spirit. This is because the existing store currently loses not just the sale of spirits but the entire purchase of that potential customer who goes somewhere else to buy not only that spirit but also the various groceries (*e.g.*, bread, milk, toilet paper, chips, soda, etc.) that they purchase in conjunction therewith. Thus, the impact is significantly greater than the purchase of a small amount of alcohol.

The location, size, height, and operations were approved by the City and remain compatible with the regulations of Land Development Code. There is no construction, alterations, or change in the use proposed as part of this Application and thus no reason to conclude the prior approved location, size, height, and operations would not be in compliance with all applicable code sections. In terms of the site and operations, 7-Eleven maintains a well-lit and clean store, and take the responsibility as alcohol retailers very seriously in order to ensure the sale of alcohol does not negatively impact surrounding residents, businesses or sensitive uses.

2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

This local 7-Eleven convenience market and service station has existed at this location with off-site alcohol sales since 2018. The Applicants seek a Type-21 License to replace their existing Type-20 Off-Sale Beer and Wine ABC License, which will no longer be in effect here if and when the Type-21 license is issued. As such, the approval of this minor change in the operations of this long-standing community serving business will not increase the traffic generated by the 7-Eleven store, as the volunteered condition limiting the shelf space of spirits to no more than a 4 ft. x 5 ft. space behind the counter or if in the aisle, then in a locked cabinet that is only accessible to employees, which will ensure that the amount of added spirits will be low and not cause any noticeable change in traffic. The streets and highways have proven adequate in width and pavement type over the past two decades and will remain adequate to serve the needs of this 7-Eleven location.

3. The proposed use will be arranged, designed, constructed, operated and maintained so as to be compatible with the intended character of the area and shall not change the essential character of the area from that intended by the general plan and the applicable zoning ordinances;

The 7-Eleven convenience store and service station is located on the southwest corner of Laurel Road and Empire Avenue. There are no proposed structural changes to the site with this Application. 7-Eleven has maintained its function as a convenient "one-stop" shop option for the community to purchase essential household, food, and beverage items at the same place they fill their cars up with gas. The premises has been licensed by the California Department of Alcoholic Beverage Control ("ABC") to sell beer and wine since 2018. As such, Applicants can be trusted to manage the addition of a limited line of distilled spirits to the existing "one-stop" options available on the premises in a similarly responsible, watchful, and law-abiding manner. The sale of spirits will be restricted to a small display shelf (approx. 4 ft. x 5 ft.) behind the sales counter or if in the aisle, then in a locked cabinet that is only accessible to store employees. Therefore, the existing location will continue to be operated and maintained so as to be compatible with the intended character of the area and will not change the essential character of the area from that intended by the general plan and the applicable zoning ordinances with the approval of this request to change the existing Type 20 ABC License to a Type 21 ABC License.

4. That the proposed use provides for the continued growth and orderly development of the community and is consistent with the various elements and objectives of the general plan;

Yes, the approval of this request will provide for the continued growth and orderly development of the community and will remain consistent with the various elements and objectives of the general plan. Specifically, 7-Eleven helps to achieve the following objectives, stated goals, and community visions:

- Encourage commercial/retail development that provides typical urban amenities for the residents of Oakley. (1-4, General Plan Outreach)
- Shopping and Services: Encourage more shopping, particularly grocery and community serving stores, restaurants, and social venues that provide entertainment and family-oriented recreation opportunities, grocery stores, was identified by community members. (1-7, Community Vision Principals)
- Encourage businesses that support and contribute to an economically vital and diverse Oakley community. (Goal 2.3.1 Commercial)
- Promote renewal and retention of businesses and commercial districts within Oakley. (Goal 2.3.2 Commercial)

7-Eleven is consistent with accomplishing these goals and policies, as this is a local retail business that will continue to serve the needs of local business people, shoppers, and residents. This population seeks a diversity of services, one that 7-Eleven provides.

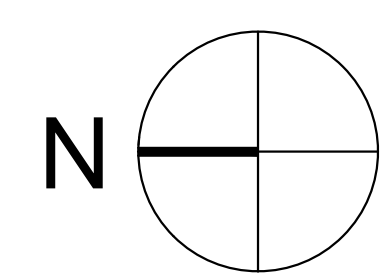
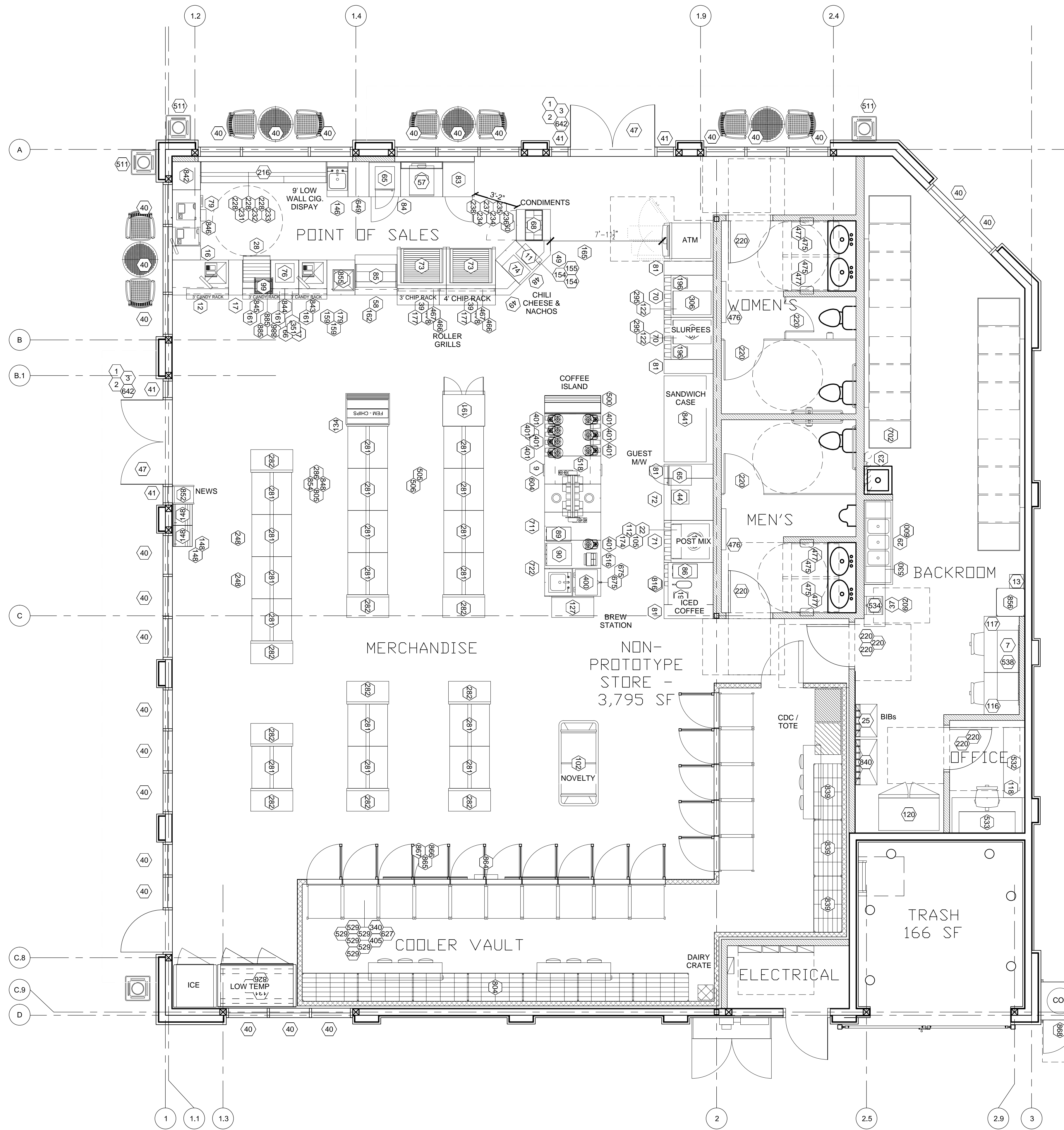
As stated above, this application is simply requesting to change from a Type 20 ABC License to a Type 21 ABC License at an existing 7-Eleven convenience store and service station. The subject property is located in a Commercial Zone, specifically the General Commercial (“C”) Zone, which “provides for neighborhood, community, and regional-serving retail and service uses”. The subject store and the renewal of its CUP will continue to serve this population and the availability of an incidental amount of distilled spirits will remain a desired amenity for this community. Furthermore, the business is fully equipped with an on-site security system, with interior and exterior surveillance camera coverage, and is available to local law enforcement and City personnel upon request. The site is illuminated with interior and exterior lighting systems, bright enough to fully illuminate the store and parking areas, making people and objects clearly visible, but not so bright as to disturb nearby businesses and residents. 7-11 management trains its employees to monitor the interior and exterior of the premise.

7-Eleven takes the responsibility as an alcohol retailer very seriously in order to ensure that the sale of alcohol sales does not negatively impact surrounding residents, businesses or sensitive uses. Consistent with Business and Professions Code section 25658.4, 7-Eleven requires employees to sign the Clerk’s Affidavit informing employees of the laws related to selling alcoholic beverages. 7-Eleven requires that employees request identification from any person who appears 30 or under if that person is attempting to purchase an age-restricted product. Training segments also include identifying acceptable forms of identification and identifying false identifications. Further, the cash registers are programmed to identify age-restricted products, like alcohol, and require the employee to check identification and enter a date of birth or scan the identification of the purchaser before completing the sale.

- All 7-Eleven associates complete training segments on customer service, personnel management, facility maintenance and operations, responsible retailing of age restricted alcoholic beverage and tobacco products, and workplace safety.
- 7-Eleven utilizes multiple digital surveillance cameras at the subject location.
- 7-Eleven cash registers have “hard stops” that require associates to check identification and validate customers are of sufficient legal age to purchase alcohol or tobacco before completing the sale.

5. That the proposed use, including any conditions attached thereto, will be established in compliance with the applicable provisions of the California Environmental Quality Act.” Muni Code §9.1.1602(f).

There are no physical changes or modifications to the site proposed with this Application. The only change proposed with this application is to the ABC License Type. Therefore, the subject business is and will remain in compliance with the applicable provisions of the California Environmental Quality Act.



1038734 - OAKLEY, CA - LAYOUT 5

2001 LAUREL AVE,
OAKLEY, CA

SCALE: 1/4"=1'-0"

TDG #16-027

APPROVED: YES NO

xx/xx/xx

LAYOUT INFORMATION

ROLLER GRILLS	2
SANDWICH CASE	6'
VAULT DOORS	15
LOW TEMP DOORS	2
ICE MERCH. DOORS	1
NOVELTY CASE	1 (LG)
BAKERY CASE	2 (LG)
SLURPEE BARRELS	6
GONDOLA UNITS	34
END CAPS	12
POWER WINGS	(0) - NOT IN TOTAL
LOW WALLS (36" H)	00
HIGH WALLS	00
TOTAL	46

TOTAL SQ FT	= 3,629 SF
SALES FLOOR AREA	= 2,146 SF

GAS: YES LIQUOR: NO
BEER: YES WINE: YES

OCCUPANCY LOAD (>49) = 70
TRAVEL DISTANCE (<200) = 100'
COMMON PATH OF TRAVEL (<75) = 64'
RESTROOMS REQUIRED = 2
EXITS REQUIRED = 2

OVERHEAD SHELVES = 23 FT
FLOOR SHELVES = 02 FT STANDARD
(36 FT SEISMIC)

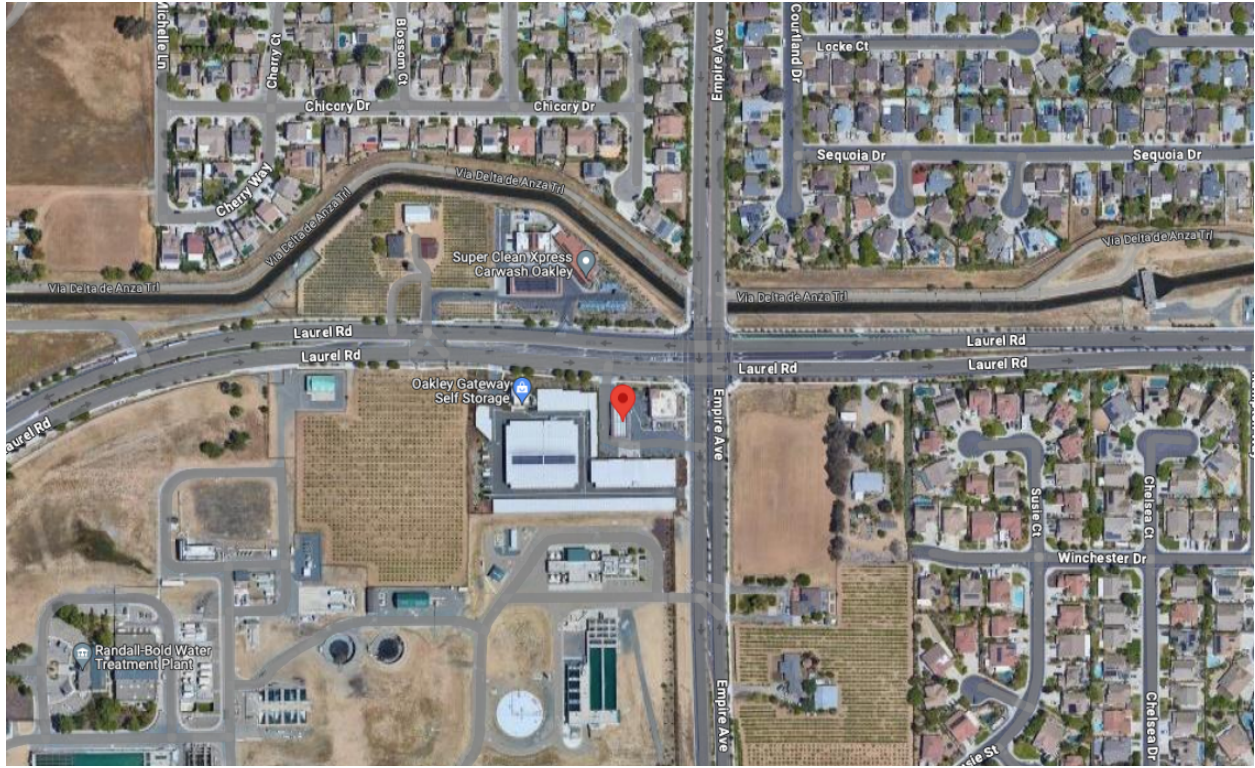
WALL TYPE LEGEND

EXTERIOR WALL	
COLUMN	
INTERIOR WALL	
PARTIAL HEIGHT WALL	
COOLER WALL	

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SHEET:					

7-Eleven Store No. 37929 located at 2001 Laurel Road, Oakley, CA 94561

Photographs of Site and Surrounding Area



Project Site







Surrounding Area



To the south along Empire Avenue: a vacant lot, single-family residential uses, and a water treatment facility.



To the north along Empire Avenue: an Arco gas station and car wash business and single-family residential uses.



To the east along Laurel Road: a vacant lot and single-family residential uses.



To the west along Laurel Road: what looks to be a farm or agriculture field.