



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

September 14, 2011

File Number: 2011-7502

Permit Type: Special Development Permit

Location: 1697 S. Wolfe Rd. (near Homestead Ave.) APN: 309-51-027

Applicant/Owner: ARCO / Silicon Valley Fuels

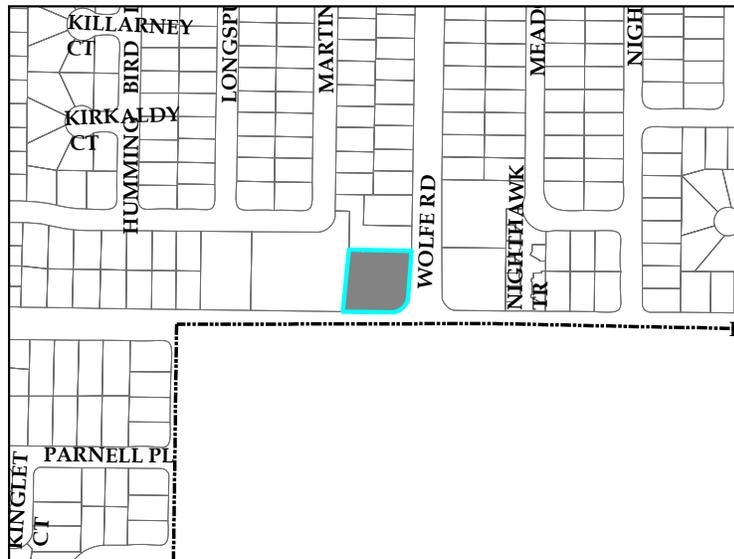
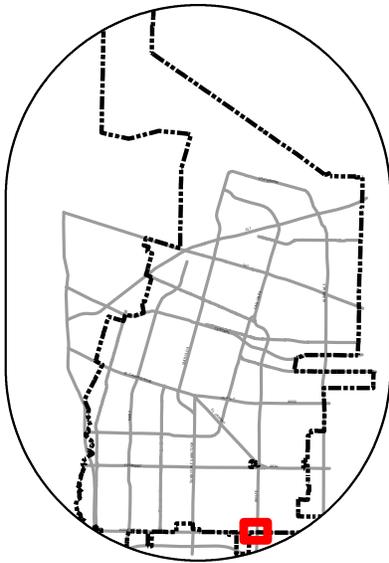
Staff Contact: Noren Caliva, Associate Planner, (408) 730-7637

Project Description: To allow the sale of beer and wine at an existing Arco automobile service station convenient store.

Reason for Permit: A Special Development Permit is required for sale of alcohol in this location.

Issues: Neighborhood compatibility/Findings

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Commercial Neighborhood Shopping	Same
Zoning District:	C-1/PD	Same
Lot Size (s.f.):	23,400	Same
Gross Floor Area (s.f.):	1,672	Same
Parking:	23 (11 uncovered plus 12 under fuel canopies)	Same

Previous Planning Projects related to Subject Application A Miscellaneous Plan Permit was approved in 2008 to allow grocery sales at this service station (File Number 2008-0020). As part of the permit, the property owner was required to correct any violations, and install security measures, such as security cameras. These security measures are still in place.	Yes
Neighborhood Preservation Complaints	No
Deviations from Standard Zoning Requirements	No

Use Description: The property owner proposes to offer the off-site sale of beer and wine within the service station's existing convenience store. Beer and wine will be stored within existing coolers and shelves within the store. No physical changes are proposed to the building interior or exterior.

Hours of Operation: The existing convenience store hours of operation of 5:30 a.m. to midnight, seven days a week, will be maintained.

Department of Public Safety Review: Staff consulted with the Sunnyvale Department of Public Safety (DPS) on this project. DPS expressed no concerns about the off-site sale of beer and wine at this location, and does not believe the addition of alcohol sales will be detrimental to surrounding persons or properties, nor will it be detrimental to the public health, safety, or welfare.

To ensure negative impacts do not result, Sunnyvale Municipal Code section 19.98.020 requires that off-site sales of beer and wine at an automobile service station must comply with the following requirements:

- No beer or wine shall be displayed within 5 feet of the cash register or front door unless inside a permanently-affixed cooler,
- No advertisements for beer or wine shall be displayed at motor fuel islands,
- Employees on duty between the hours of 10 p.m. and 2 a.m. who sell beer and wine shall be at least 21 years old, and
- The sale of single servings of beer or wine is prohibited.

The applicant is in agreement with these conditions, which are contained in staff's recommended conditions of approval in Attachment A.

Public Contact: 42 notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice, including those located within the City of Cupertino. No letters were received.

Environmental Determination: A Categorical Exemption Class 1, minor modifications to existing structures, relieves this project from CEQA provisions.

FINDINGS

In order to approve the Special Development Permit the following findings must be made:

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

For Automobile Service Stations: Off-site sales of beer and wine may be allowed provided three findings can be made:

- a. The service station may not be located within 500 feet of another use with off-site alcohol sales;
- b. The service station may not result in a concentration of more than four businesses with off-site sales of alcohol within a 1000-foot radius; and
- c. The service station may not be located within 500 feet of a public park or public school.

Staff is not able to make finding 1.a. as there are two businesses with off-site alcohol sales within 500 feet of the property, Wolfe Liquors at 1689 S. Wolfe Road (Sunnyvale) and 99 Ranch Market at 10983 N. Wolfe Road (Cupertino). Although there are no public parks or schools within 500 feet of the property, it should also be noted that there is a privately-owned preschool at Good Samaritan United Methodist Church at 19624 Homestead Road (Cupertino).

Staff was not able to make the finding.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair the orderly development of, or the existing uses being made of, adjacent properties.

For Automobile Service Stations: If any of the above three findings in Finding #1 are not met, the permit can only be granted if three additional findings are also met:

- a. The project will not adversely affect persons residing or working in surrounding areas;
- b. The project will not adversely affect surrounding property values; and
- c. The project will not be detrimental to public health, safety, and welfare.

A study issue (2007-0264) completed in 2007, which revised the Municipal Code to allow for grocery and alcohol sales with permits, found that crime is associated more with site-specific and operational issues, rather than the type of product sold on the premises. The Department of Public Safety found crime reports to be low within this neighborhood, and has no concerns with the off-site sale of beer and wine at this location. As a result, the project will not be detrimental to surrounding persons or properties, will not adversely affect surrounding property values, nor will it be detrimental to the public health, safety, or welfare. Therefore, findings 2.a. – 2.c. can be made.

The project is expected to have minimal impacts on surrounding properties.

ALTERNATIVES:

1. Approve the Special Development Permit with recommended Conditions of Approval.
2. Approve the Special Development Permit with modifications.
3. Deny the Special Development Permit.

RECOMMENDATION

Alternative 1. Approve the Special Development Permit with recommended Conditions of Approval.

Reviewed by:

Shaunn Mendrin
Senior Planner

Prepared By: Noren Caliva, Associate Planner

Attachments:

- A. Recommended Conditions of Approval and Standard Requirements
- B. Site and Architectural Plans
- C. Letter from the Applicant

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
SEPTEMBER 14, 2011**

Planning Application 2011-7502
1697 S. Wolfe Road

Special Development Permit to allow the sale of beer and wine at an existing
Arco automobile service station convenient store.

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

**GC: THE FOLLOWING GENERAL CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE
APPROVED PROJECT.**

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2. USE EXPIRATION:

The approved use Permit for the use shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

GC-3. PERMIT EXPIRATION:

The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development. [SDR] (PLANNING)

GC-4. ALCOHOL BEVERAGE CONTROL (ABC):

The project applicant shall obtain all appropriate and/or licenses from the Department of Alcoholic Beverage Control prior to commencement of use approved as part of this permit. [COA] [PLANNING]

GC-5. USE AND ABC COMPLIANCE:

Non-compliance with the Conditions of Approval for this planning application or the requirements of the Department of Alcoholic Beverage Control at any time may trigger either reconsideration (discretionary review of new application) of the SDP and the imposition of additional Conditions of Approval or the initiation of the revocation process by the Director of Community Development. [COA] [PLANNING]

GC-6. NOTICE OF CONDITIONS OF APPROVAL:

A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

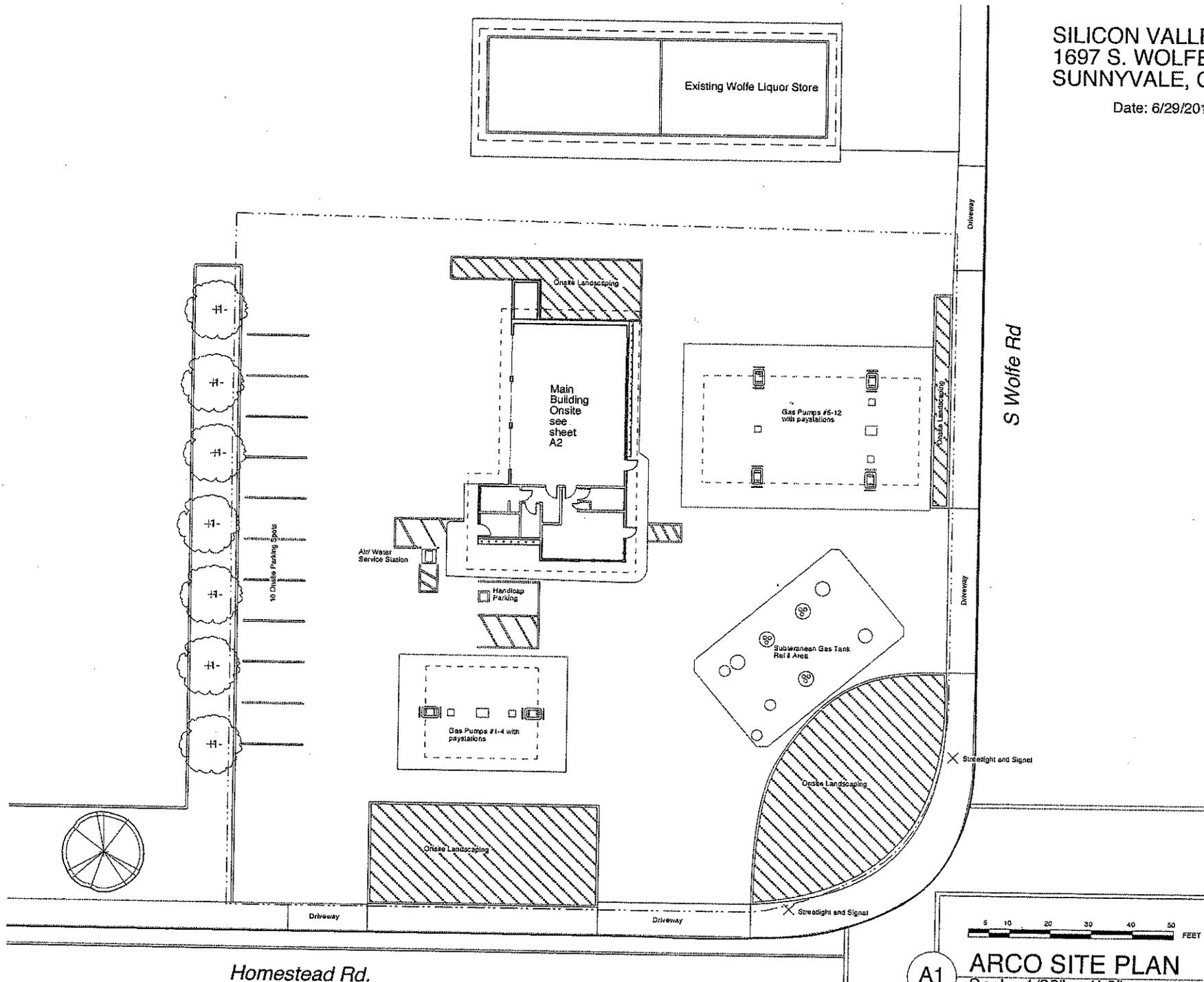
For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Conditions of Approval. [COA] [PLANNING]

AT: THE FOLLOWING SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.

- AT-1. DISPLAY NEAR FRONT DOOR (SERVICE STATIONS ONLY):
No beer or wine shall be displayed within 5 feet of the cash register or front door unless it is inside a permanently-affixed cooler. [COA] [PLANNING]
- AT-2. DISPLAY AT MOTOR FUEL ISLANDS (SERVICE STATIONS ONLY):
No advertisement of alcoholic beverages shall be displayed at motor fuel islands. [COA] [PLANNING]
- AT-3. EMPLOYEE AGE (SERVICE STATIONS ONLY):
Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. who sell beer or wine shall be at least 21 years old. [COA] [PLANNING]
- AT-4. PROHIBITION OF SINGLE SERVINGS SALES (SERVICE STATIONS ONLY):
The sale of single servings of beer or wine is prohibited. For the purpose of this condition of approval, a single serving shall be defined as "less than 24 fluid ounces of beer or wine." [COA] [PLANNING]

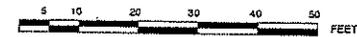
SILICON VALLEY FUELS
1697 S. WOLFE ROAD
SUNNYVALE, CA 94087

Date: 6/29/2011

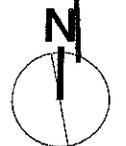


S Wolfe Rd

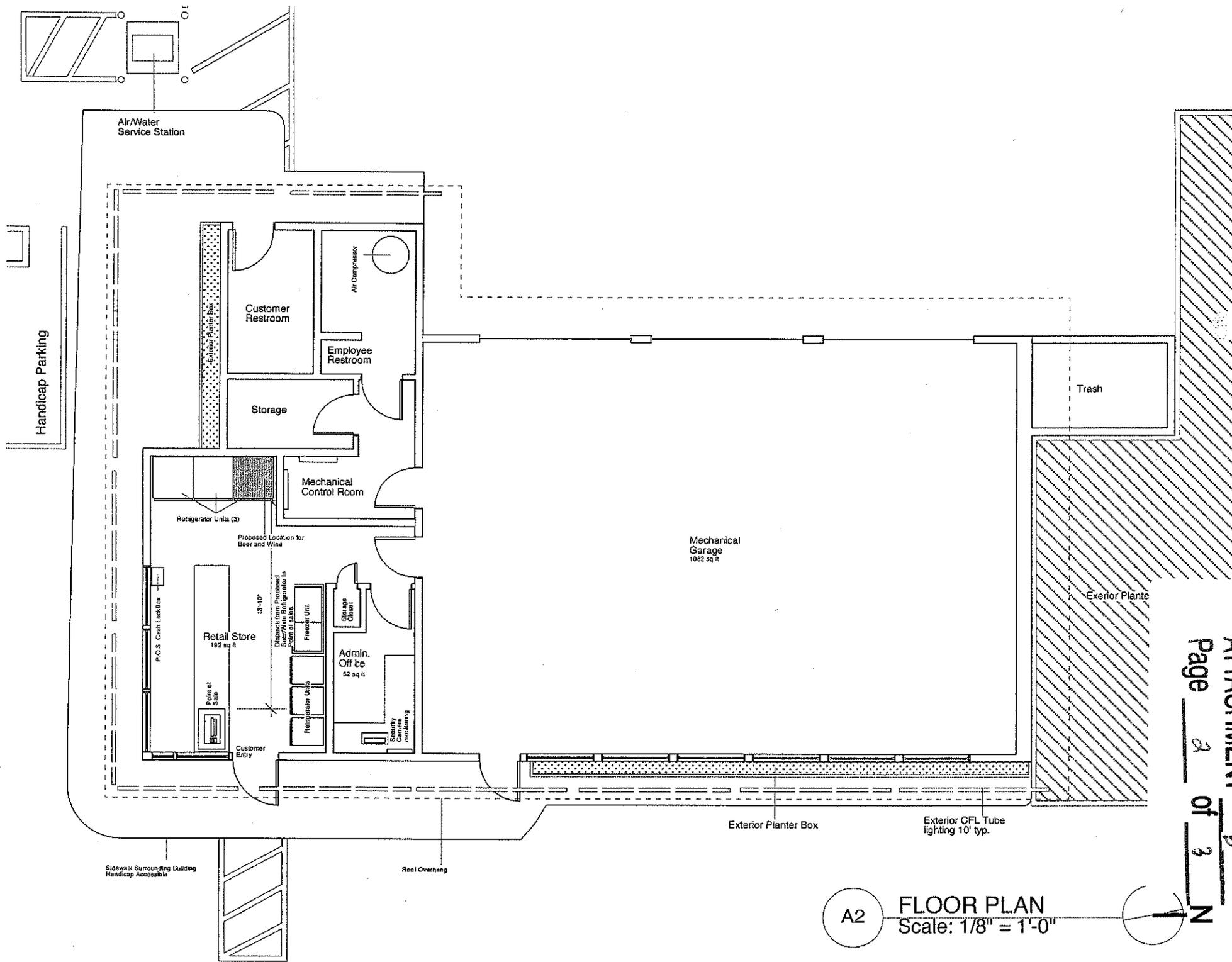
Homestead Rd.



A1 ARCO SITE PLAN
Scale: 1/32" = 1'-0"

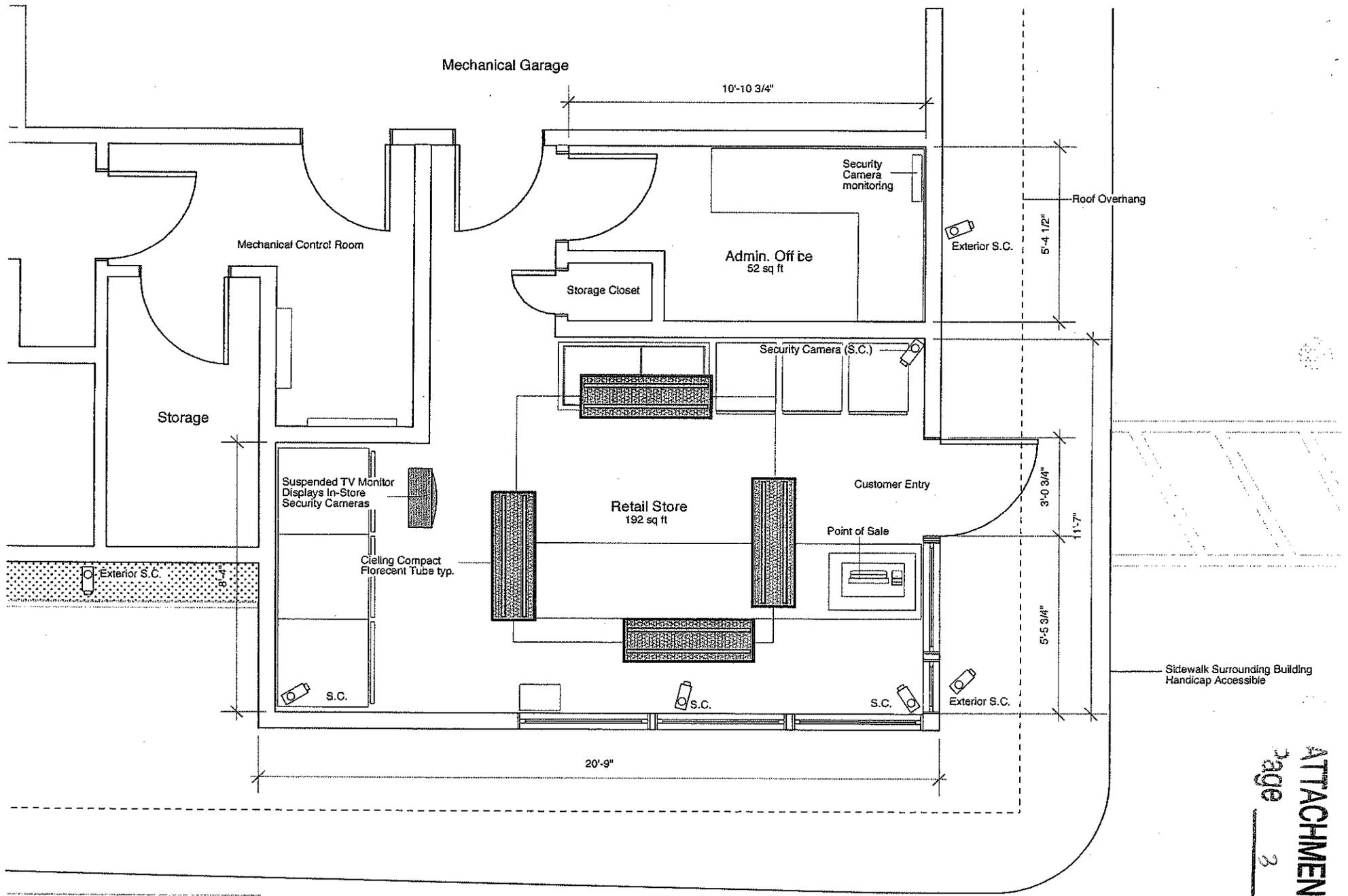


ATTACHMENT B
Page 1 of 3



A2 FLOOR PLAN
 Scale: 1/8" = 1'-0"





A3 REFLECTED CIELING PLAN
Scale: 1/4" = 1'-0"

ATTACHMENT
Page 2 of 3

ATTACHMENT C
Page 1 of 5

Silicon Valley Fuels
1697 S. Wolfe Road (at Homestead)
Sunnyvale, CA 94087

Special Development Permit – to allow the sale of beer and wine at an existing gas station and snack shop.

Description of Proposed Project

Offer the off-site sale of beer and wine at an automobile service station's existing snack shop. The purchase of beer and wine would occur at the proposed site, but the consumption would take place off-site. Beer and wine sales will occur from existing coolers and shelves within the store. No physical changes or expansion of area are proposed to the interior or exterior of the structure.

Site Layout

Subject site is located at the Northwest corner of Wolfe Road and Homestead Road, with double driveways on both streets. There are two canopies, one on the East side of the property (adjacent to Wolfe Road) covering eight pumps, and one on the South side of the property (adjacent to Homestead Road) covering four pumps. In the middle of the property is a steel commercial building comprised of a 1082 square foot Auto Repair Shop and a 192 square foot Snack Shop / Convenience Store. See Attachment A, pages 1 - 3.

Adjacent to the property on the North side is a Liquor Store (Wolfe Liquors). Adjacent to the property on the West side is a restaurant (Pho Little Saigon). Across Homestead Road to the South is a shopping center (99 Ranch Market and Starbucks). Across Wolfe Road to the East is an office building (Insurance Agency and Dental Offices). See Attachment A, page 4.

Compliance with Development Standards/Guidelines

Finding 1 can not be met because the proposed project is located within 500 feet of other uses with off-site alcohol sales. See Attachment B.

1. **Off-Site alcohol sales within 500 feet**
 - a) Wolfe Liquors (1689 S. Wolfe)
 - b) 99 Ranch Market (10983 N. Wolfe)
2. **# of Businesses with Off-Site alcohol sales within 1000 feet**
 - a) Wolfe Liquors (1689 S. Wolfe)
 - b) 99 Ranch Market (10983 N. Wolfe)
3. **Public Parks and Schools within 500 feet**
 - a) None.
4. **Other notable sites within 500 feet**
 - a) Good Samaritan United Methodist Church and Preschool (19624 Homestead)

Expected Impact on the Surroundings

1. Will not adversely affect persons residing or working in surrounding area
2. Will not adversely affect surrounding property values
3. Will not be detrimental to public health, safety, and welfare

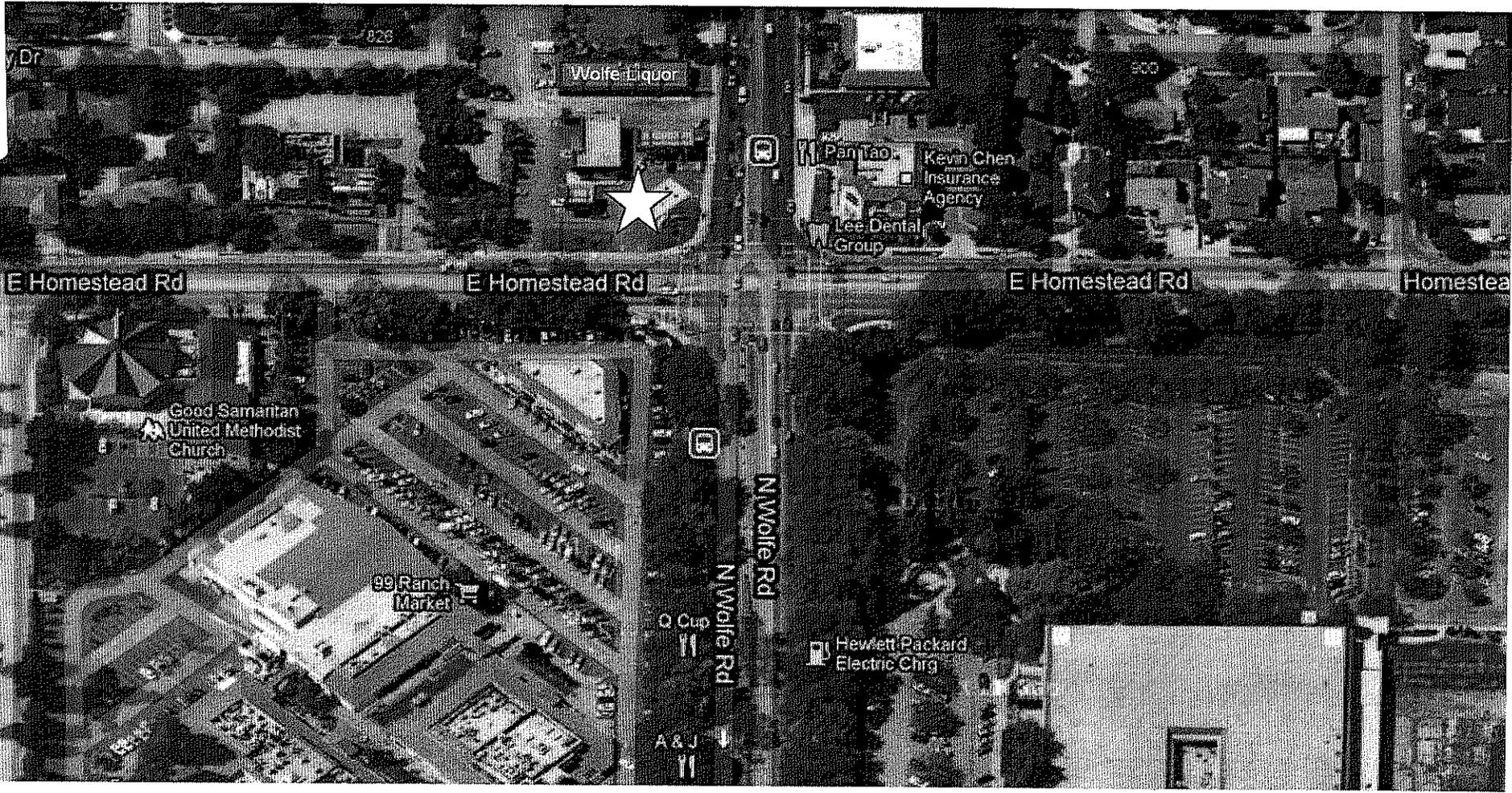
The sale of beer and wine at the automobile service station's existing convenience store is offered as a convenience to local residents and commuters working in the surrounding area. The proposed use is not expected to have a negative impact on surrounding residents, properties, or uses. The proposed sales would occur along with grocery sales in the existing convenience store. Adequate site security and video surveillance is in place to discourage loitering, theft, on-site consumption of alcoholic beverages, and other un-permitted activities.

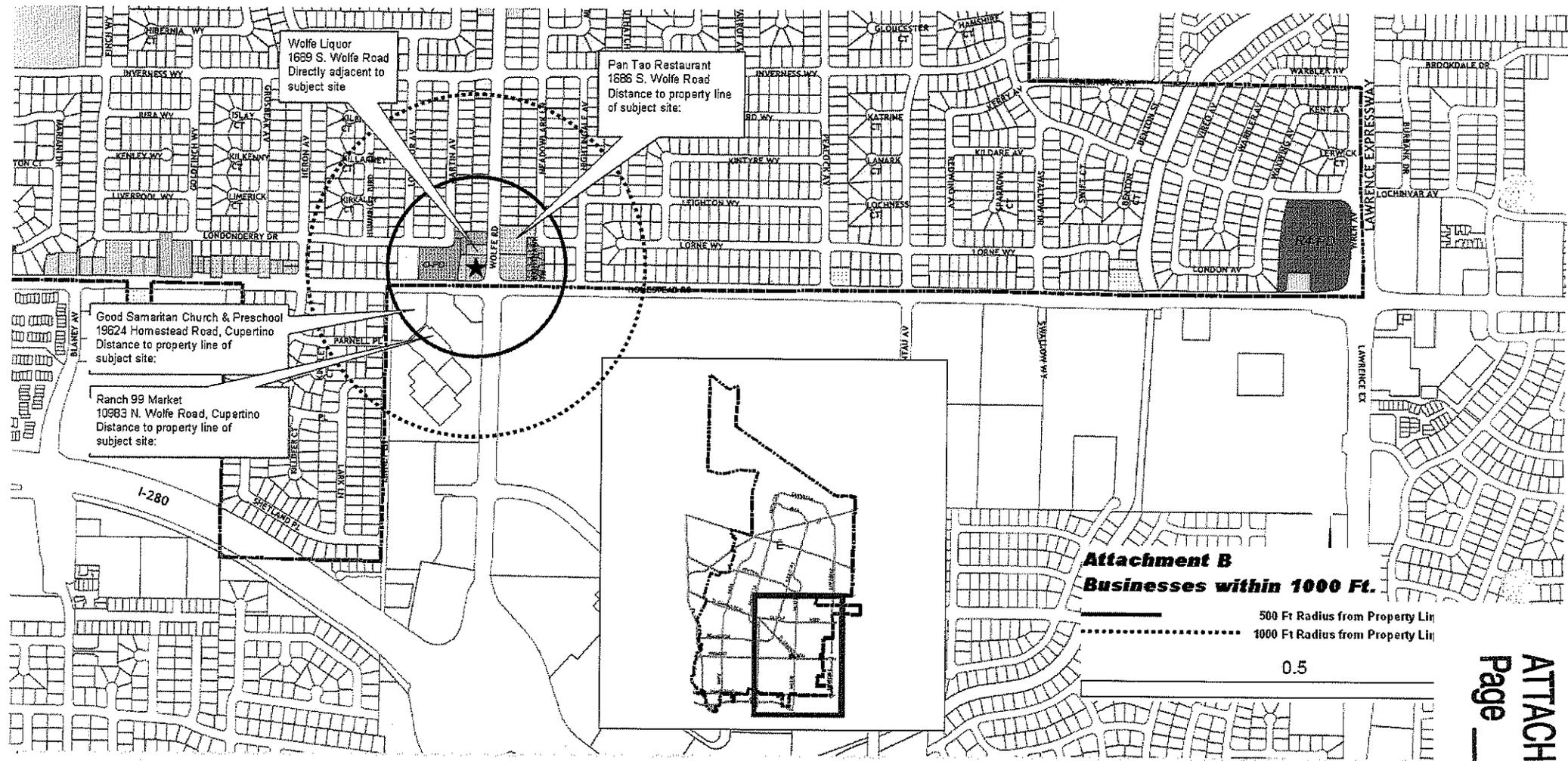
- a) No beer or wine will be displayed within 5 feet of the cash register.
- b) No advertisement of alcoholic beverages will be displayed at motor fuel islands.
- c) Employees on duty between the hours of 10pm and 2am who sell beer or wine will be at least 21 years old.
- d) There will be no sale of single servings of beer (less than 24 ounces).
- e) Existing security measures include adequate lighting inside and outside, clear visibility into and out of the store, and an 8 camera DVR based video surveillance system.
- f) The site will continue to be maintained in a clean manner free from debris and noise to avoid impacts on surrounding residential uses.

The incidence of drunk in public calls, robberies and aggravated assaults in the subject area is very low, and the addition of beer and wine sales at the service station is not expected to change that activity. [data from CrimeReports.com (via link from City of Sunnyvale Public Safety Statistics web site) for 1/15/11 thru 7/15/11]. See Attachment C.

Hours of Operation:
5:30am - 12am (midnight)

BT





**Attachment B
Businesses within 1000 Ft.**

— 500 Ft Radius from Property Lin
 1000 Ft Radius from Property Lin

0.5

Current view data provided by: Santa Clara City Police Department [more...](#)

295 Incidents shown

[Close all elements](#)

[Submit a tip about a crime](#)

1697 s. wolfe road, sunnyvale, ca

Search MAP TOOLS Date Range Incident Layers Map Layers

Map Satellite Hybrid Terrain

