



MINUTES
SUNNYVALE ADMINISTRATIVE HEARING
Wednesday, August 27, 2008

2008-0783 - Ed Bozorghdad [Applicant] **Ali and Parisa Bozorghdad Trustee** [Owner] Application for a Use Permit to allow the sale of beer and wine at an existing gas station and convenience store. The property is located at **1005 West El Camino Real** (at S. Mary Ave.) in a C-2/ECR (Highway Business/ Precise Plan for El Camino Real) Zoning District. (APN: 161-41-010) MH

In Attendance: Ed Bozorghdad, Applicant & Owner; Craig Pow, neighbor.

Staff Present: Andy Miner, Administrative Hearing Officer; Mariya Hodge, Assistant Planner; Ryan Kuchenig, Associate Planner; Joey Mariano, Staff Office Assistant.

Andy Miner, Principal Planner, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Mariya Hodge, Project Planner, noted that this application is similar to the previous item, and noted that no additional information has been received after the staff report was published.

Mr. Miner asked staff about the parking on site. He asked if there is an increase in parking demands due to beer and wine sales. Ms. Hodge noted that on-site beer and wine service may have an increase in parking demand, but off site sales should not.

Ed Bozorghdad noted that this site was rebuilt last year. He noted that the convenience store is about 1,800 square feet and that he has obtained all the proper permits from the City. He further noted that he feels the additional sales of beer and wine will add convenience to the customers.

Mr. Miner asked the applicant if he plans to do any redesigning of the interior for the beer & wine sales. Mr. Bozorghdad stated no, but if he did, he will come back to the Planning Division for any proper permits.

Mr. Miner further asked about the ongoing issue with required parking spaces being used for the drying services for the car wash. He stated that if the permit is approved, he would add a condition to not have any net loss to the parking as a result of drying.

Mr. Miner asked if all the safety devices required under the previous Miscellaneous Plan Permit are in compliance. Mr. Bozorghdad replied yes.

Craig Pow, owner of the apartment complex adjacent to the gas station, noted his concern with traffic and noise for his tenants. He noted loitering and drinking in public are

concerns if the permit is approved. He stated that having beer and wine sales next door may add to the problems that are occurring in his complex. He asked if the applicant built or purchased the site.

Ed Bozorghdad stated that he purchased the service station and did not build the original station.

Mr. Pow stated that the reason he asked was because during construction, PG&E needed to dig a hole on his property to construct the service station. He noted that PG&E did not complete the restoration by filling the hole and he had to make the repairs himself.

Mr. Miner noted that this hearing pertains to the beer and wine sales only; therefore, he cannot add any conditions outside the scope of the sales of beer & wine. He suggested contacting the Neighborhood Preservation Division with any concerns the neighboring property owner may currently have about operational issues.

Mr. Miner then asked if Mr. Pow had issues of the service station customers throwing garbage over the fence into his property.

Mr. Pow replied that there is an area between his fence and the rear car wash wall where garbage accumulates.

Mr. Miner stated that the applicant was required to have proper fencing as well as lighting along the rear property line. He then asked Mr. Pow if the lighting is in place. Mr. Pow replied that the lighting is in place and that he had not received any complaints about glare.

Ed Bozorghdad stated that he is compliance with Public Safety's requests. He also noted that he has cleaned up tremendously since the redesign and had all the trees trimmed for the public's safety. He further stated that it is a much safer environment since he has redesigned the service station. He also noted that since single can servings are prohibited, the sale of beer and wine should not worsen Mr. Pow's problematic issues with his apartment complex, and that the convenience store is a benefit for his tenants.

Mr. Miner closed the public hearing.

ACTION: Approved subject to the Findings and Conditions of Approval located in the staff report with the following additional Conditions of Approval; 1) Prohibit sale of single servings of beer and wine; 2) The applicant shall be in compliance with all conditions of approval of the previous permit #2007-1320 that are related to security measures, including lighting and a panic alarm, prior to the Department of Community Development approving any licensing by the California Department of Alcoholic Beverage Control (ABC); 3) On site parking shall be maintained to have no fewer spaces available for parking than was approved through the previous Special Development Permit # 2003-0849; 4) Maintain the site in a clean manner free of debris and noise to avoid impacts on adjacent residential uses.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, September 11, 2008.

Mr. Miner noted that since there is no building permit required, all Conditions of Approval must be in compliance for staff to approve the site for licensing by the California Department of Alcoholic Beverage Control.

Minutes approved by:

Andrew Miner

Principal Planner