

**PLANNING COMMISSION MINUTES OF OCTOBER 26, 2009**

**2009-0074:** Study Issue: Limitations On Signage For Alcohol Sales – AM

**Andrew Miner**, Principal Planner, presented the staff report.

**Comm. Sulser** discussed the staff recommendation regarding the creation of a definition of a liquor store with staff confirming that currently there is no established definition. **Trudi Ryan**, Planning Officer, explained how staff decided on the recommended definition.

**Comm. Klein** further discussed with staff the recommended definition of a liquor store referring to Attachment B, the State Department of Alcohol Beverage Control (ABC) Terminology. Mr. Miner explained that the intent of the definition is to address businesses that have the highest percentages of alcohol sales, are located in C-1 (Neighborhood Business) zones near schools, and would have signs. Ms. Ryan added that the focus for the definition is on retail establishments and not bars and taverns which have little signage for alcohol sales. Comm. Klein discussed with staff the recommendation to not allow liquor stores within 200 feet of a public school. Comm. Klein commented that Sunnyvale has not required a definition of the liquor store up to this point and asked staff to comment how this relates with nearby cities.

**Vice Chair Travis** asked staff about the enforcement ability of signage violations based on the recommendation. Staff said the current window signage regulation allows a maximum of 25% of the window to be covered in advertising and the signage cannot exceed this percentage without being in violation. Ms. Ryan said currently there are about three existing businesses that would be affected by the definitions.

**Comm. McKenna** asked whether the City could sit down and talk with the three existing liquor stores that meet the definition and have them comply with the signage rather than going through all the work. Staff explained that only new businesses would be affected by the proposed ordinance change.

**Chair Chang** opened the public hearing.

**Chair Chang** closed the public hearing.

**Comm. Sulser** moved for **Alternative 1** and **Alternative 2.a**, to recommend to City Council to introduce the attached ordinance (Attachment E) to amend Title 19 to create definitions for “liquor store” as off sale general liquor businesses with greater than 25% gross floor area devoted to the

sale, display and storage of spirits or hard alcohol products, and “public school site” for properties owned by a public school district that are currently, or could be used as a public school; and to amend the Commercial Zoning District Tables to prohibit liquor stores in a C-1 Zone that are located within 200 feet of a public school site. Comm. Rowe seconded the motion.

**Comm. Sulser** said that the ordinance change is reasonable and would make opening a liquor store near a public school more difficult.

**Comm. Klein** said he would be supporting the motion. He said staff has come up with a novel approach to carry out Council’s direction for this study issue and that the change will only affect new applications. He said he does not think the changes fix the problem, however he thinks the changes will be better for the community in the long run.

**Chair Chang** said he thinks staff has made a noble approach to address the marketing and sales of alcohol by means of land use control. He said this will only affect future applications.

**ACTION:** Comm. Sulser made a motion on 2007-0074 to recommend to City Council to introduce the attached ordinance (Attachment E) to amend Title 19 to create definitions for “liquor store” as off sale general liquor businesses with greater than 25% gross floor area devoted to the sale, display and storage of spirits or hard alcohol products, and “public school site” for properties owned by a public school district that are currently, or could be used as a public school; and to amend the Commercial Zoning District Tables to prohibit liquor stores in a C-1 Zone that are located within 200 feet of a public school site. Comm. Rowe seconded. Motion carried, 6-0, with Comm. Hungerford absent.

**APPEAL OPTIONS:** This recommendation will be forwarded to City Council and is scheduled to be considered at the November 17, 2009 Council meeting.