



CITY OF SUNNYVALE ZONING ADMINISTRATOR HEARING

MINUTES
Wednesday, September 14, 2011

FILE #: 2011-7502
Location: 1697 S. Wolfe Rd. (APN: 309-51-027)
Proposed Project: Special Development Permit to allow the sale of beer and wine at an existing Arco automobile service station convenient store.
Applicant / Owner: ARCO / Silicon Valley Fuels
Environmental Review: Categorically Exempt Class 1
Staff Contact: Noren Caliva, 408-730-7637, ncaliva@ci.sunnyvale.ca.us

In attendance: Jeff Honda, Applicant; Gil Tarabanovic, Neighbor; Tam Nguyen, Neighbor; James Cotton, Neighbor; Hieu Nguyen, Neighbor; Gerri Caruso, Zoning Administrator; Mariya Hodge, Project Planner; Luis Uribe, Staff Office Assistant.

Ms. Gerri Caruso, Zoning Administrator, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Caruso announced the subject application.

Mariya Hodge, Project Planner, presented the item. Staff did talk to the owner of an adjacent business who had concerns in regards to parking. They also had concerns regarding expansion of the building in the future if this application was to be approved. Staff told them it is possible but another application would be needed.

Ms. Caruso opened the public hearing.

Jeff Honda, Applicant, received and reviewed a copy of the staff report. Mr. Honda had no questions or comments and is in agreement with the conditions of approval.

Gil Tarabanovic, Neighbor, stated that he feels that adding another store that sells the same products as a store that already exists in the same shopping center is not needed. Mr. Tarabanovic wanted to know the benefit of opening another store that sells alcohol. Ms. Caruso stated that there are two sets of findings and if they cannot be met there is another set that can be used to justify the use. She also stated that if the findings and conditions are met they may be allowed to proceed. Mr. Tarabanovic stated that this is something that the city does not need.

Tam Nguyen, Neighbor, stated that he feels that the neighborhood was not informed that this business will be open 24 hours a day and feels that this information should have been given.

James Cotton, Neighbor, stated that their residence borders the Wolfe liquor store. Mr. Cotton stated that he is concerned with another beer and wine establishment opening at this location. He mentioned that there is an alleyway located behind the retail building that gets very dark and is not visible from the street and feels that it will attract people and eventually create a nuisance. Mr. Cotton mentioned that he emailed a picture to staff showing someone loitering in that spot, consuming alcohol. He also stated that there is a lot of garbage building up due to people loitering in that area.

Hieu Nguyen, Neighbor, stated that he is not against big business but feels that this business has the monetary assets to take this building to a bigger level and has the possibility of driving down his business. Mr. Nguyen mentioned that he installed security cameras and that Public Safety does occasionally drive through the area but feels that allowing this business to go past midnight and sell alcohol will exasperate loitering and crime. He also stated that this business will affect his business a lot and doesn't see the cost effectiveness of having two similar businesses in the same area.

Jeff Honda, Applicant, stated that the company is trying to sell beer and wine for two reasons, first, as a convenience to the customer. They are a convenience store trying to offer additional convenience. Second, for financial reasons, they would be able to offer competitive prices for their customers. Mr. Honda also mentioned that they are applying right now to sell beer and wine in the existing facility if approved. They would work with Arco to convert the existing building into an AM/PM convenience store. He also stated that they are currently not open 24 hours a day but plan to. Mr. Honda stated that he understands the concerns about crime in the area but feels that the loitering issue is a current problem and was not brought in by his business. Ms. Caruso asked that if the application would the applicant be willing to add additional security cameras. The applicant stated that if they do move forward to change to an Arco AM/PM, they would install security lighting and cameras.

Ms. Hodge stated that Mr. Cotton mentioned that he sent an e-mail containing a photo and stated that staff has not received any e-mail containing a photograph. It was discovered that Mr. Cotton sent the e-mail to a Planner that has been out of the office this week. She also stated that Public Safety did review this and didn't think there was a lot of crime in this area but as the public mentioned there is a lot of crime that they take care of instead of reporting it to the authorities.

Ms. Caruso closed the public hearing.

Ms. Caruso took this application under advisement until September 20, 2011. The Zoning Administrator approved the Special Development Permit as recommended by staff with modified conditions of approval. Condition of Approval AT-5 shall read:

The applicant is required to submit and institute a security plan to be approved by the Director of Community Development for the area behind the service bays and the lot periphery where it adjoins the adjacent lots to the north. The plan may include but is not

limited to cameras that provide visibility to cashiers and employees, additional lighting and signs to identify adjacent private property. Clearly identified contact information for the property owner and on-site manager shall be displayed.

Therefore, the Zoning Administrator was able to make the findings that although there would be two adjacent businesses selling liquor within 500 feet of each other;

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

The project site is zoned for commercial use. The commercial area is separated from adjacent residences by a wall and is located on a completely separate street. The study conducted by the City regarding grocery and alcohol sales (2007-0264) found that crime is associated more with site specific and operational issues, rather than the type of product sold on the premises. The project has not been found to cause the loitering problems on the minimally visible parking lot of the adjacent liquor store business as identified by the neighbors. This is an operational issue associated with an adjacent business. Reported crimes in the neighborhood are low. The rear parking lot of the proposed project site is reasonably visible to Homestead Road. Due to the gas station use, the project site is reasonably active on the exterior to discourage loitering, and as conditioned by the Zoning Administrator, the applicant will be required to institute a plan to create a well-lit, visible and secure environment around the entire perimeter of the site.

Ms. Caruso stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.

The meeting was adjourned at 2:42 p.m.

Minutes approved by:


Gerri Caruso, Principal Planner