

February 22, 2021

Ms. Betty Avila
City of Sunnyvale
456 W. Olive Ave.
Sunnyvale, CA 94086

RE: 1097 E. Duane Ave. File #2020-7769

Dear Ms. Avila:

We received the notice of the Zoning Administrator Hearing for Wednesday, February 24, 2021. Upon reading the proposal to add wine and beer sales at the gas station, we have the following concerns:

1. The gas station is right next to 37 Degrees North, a residential community of 132 townhomes. We live here. Adding alcohol sales at a convenience gas station store will add more vehicle and foot traffic to an already very busy intersection.
2. Current hours of operation for the store are 7:00 am to 7:00 pm Monday to Sunday. We can foresee this changing if the owner thinks it will help his business, thus inviting more traffic and noise.
3. The City staff recommends approving this permit thinking it will enhance our neighborhood. Who really goes to a gas station to buy a nice bottle of wine to bring home for dinner? It is usually patrons looking for a six pack of beer or inexpensive wine to use short term, even if the rules say off-site purchase and no drinking on premises. People will probably walk/drive away and open the stuff as soon as possible.
4. The gas station owner did not wake up one day thinking how can I help enhance the neighborhood by selling wine and beer. He wants to enhance his profits. As noted in the report, there are already plenty of existing stores to buy wine, beer, and spirits. Just go to the Walmart nearby. How is one more store helping the neighbors? It is only helping the gas station owner and the City in sales tax revenue. Employment opportunities are dismal, as only 4 employees are listed for the store. Will adding alcohol sales create new full-time, living minimum wage, 40 hour work week employment?
5. We received a request from Public Safety Officer Lopez-Gomez for video request on Case # 19-10423 on 12/8/19 regarding a commercial burglary at the gas station between 4:50am and 5:10am. Results unknown.
6. The nearby AMD site under development is determined by the City to add a net total 4,327 daily vehicle trips as per the traffic impact analysis. It is highly likely the new trips will use E. Duane as the main route of travel and stop by this gas station. More profit for the owner. More traffic for the residential neighborhood.
7. The new public park under AMD development will be very close, maybe within the 500 foot rule causing project denial, and the gas station may become a destination for cars and pedestrians who stop by, get their drinks, and go party in the park. Sure, you have rules

against this, but the chance of actual enforcement is slim to none. Has anyone from the City actually measured how close this park will be to the gas station? The park entrance will be on E. Duane and Indian Wells. SO CLOSE BY.

8. While it is nice to envision drivers adhere to speed limits, the reality is speeding vehicles can be seen and heard racing down E. Duane on a daily basis and the chances of getting caught by police are close to zero. These cars easily pull into the gas station for a pit stop before peeling out of there. Let's add alcohol to the mix. Seems like a bad idea.

The gas station may not be responsible for bad behavior or all the problems, but it contributes to the activities and now wants to offer alcohol. We don't think this is the best location for alcohol sales.

We have stated on record the current conditions of modified vehicles which produce super loud noise and terrorize our streets any time of day or night. They may likely gas up at this location. The City can identify intersections where tire burning donuts occur just by looking at the tracks. Sideshows occur on Lawrence Expressway, at the E. Duane/Stewart intersection, the Stewart/Santa Trinita intersection, the E. Duane/DeGuigne intersection as well as others near the area. The reason this neighborhood is so popular for reckless driving is that the escape route on E. Duane is fast and leads to Lawrence Expressway and U.S. 101 making it easy not to get caught. They race right in front of the gas station.

Plus we have greatly increased illegal fireworks shooting off on any given night. Nobody catches the perpetrators in the act. These illegal, frightening activities are increasing, getting much worse, and can only lead to more aggressive crimes. The gas station will be a good target for robbery with all the extra alcohol inventory and sales added to the cash register.

We brought up a lot of these concerns at previous City Council meetings which were thoughtfully addressed by Mayor Larry Klein.

However, nothing has changed. The speed limit on E. Duane remains at 35 mph (it should be reduced to 30 mph like all the other surrounding streets). Big trucks do not use the designated truck routes. Now we are adding new trucks delivery alcohol to the gas station. AMD construction traffic enters on E. Duane every working day despite being told to use Arques to Santa Trinita. Adding a wine and beer purchase point at this nearby corner is like adding fuel to the fire.

Thank you for your consideration and time to this matter.

Sincerely,
Mario and Elisa Silva