



# City of Sunnyvale

## Meeting Minutes

### Zoning Administrator Hearing

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Wednesday, July 12, 2017

3:00 PM

West Conference Room, City Hall, 456 W.  
Olive Ave., Sunnyvale, CA 94086

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#### **CALL TO ORDER**

Rosemarie Zulueta, Acting Principal Planner, called the meeting to order at 3:00 p.m.

#### **PUBLIC HEARINGS**

**File #: 2017-7091**

**Location:** 1296 Sunnyvale Saratoga Road (APN: 211-34-013)

**Applicant / Owner:** David Elliott (applicant) / Deanza Family, L.P.  
(owner)

**Proposed Project:**

**SPECIAL DEVELOPMENT PERMIT:** to allow the sale of beer  
and wine at an existing gas station on a 0.47-acre lot.

**Reason for Permit:** A Special Development Permit is required for  
retail sale of beer and wine at a gas service station.

**Project Planner:** Cindy Hom, (408) 730-7411,  
chom@sunnyvale.ca.gov

**Issues:** Proximity to sensitive receptors

**Recommendation:** Approve with conditions

Ms. Zulueta inquired if Cindy Hom, project planner, had any changes or comments.

Ms. Hom stated there were no changes to the staff report. Last week the city received notification that trees were removed as part of another miscellaneous plan permit for the exterior and site modifications to expand the store. The applicant will be subject to replacement trees per city standards.

Ms. Zulueta stated the application was reviewed by the Department of Public Safety and inquired what their comments were.

Ms. Hom stated the department did not have any specific concerns about the crime area and the application is subject to the standard conditions of approval.

Ms. Zulueta stated the department suggested a condition of approval regarding security.

David Elliott, project architect, stated he and the applicant were very pleased to work with the city on the project. The conditions of approval are normal and he has done several projects similar to this. Several things they have learned in previous projects have been taken into consideration when addressing this current application.

Mr. Elliott clarified the tree removal was a result of wires in the root system. A sign had been approved as part of another permit and the people working on it removed the trees without asking permission. Mr. Elliott apologized for the removal.

Ms. Zulueta inquired if the trees were onsite to which Ms. Hom replied they were street trees but planted on the private property side. Mr. Elliott stated they will be replaced.

Ms. Zulueta inquired if Mr. Elliott understood all the conditions of approval regarding advertisement and display of alcohol. Mr. Elliott stated he understood and the conditions were typical for alcohol licensing.

Ms. Zulueta opened the hearing to the public.

Yoko Drake, neighbor, stated she has lived in the adjacent neighborhood since 1985. Mrs. Drake stated she understood the need for development. She has enjoyed the trees for many years and was surprised to see them gone. She clarified with the applicant that they were not selling liquor and asked if the high school across the street had any comments. Ms. Hom stated the school did not submit any comments.

Mrs. Drake inquired of the store hours and Ms. Zulueta stated the hours of operation would be from 6 a.m. to 10 p.m. The applicant will be held to a number of restrictions and will be required to apply for another permit should the applicant want to extend their hours.

Ms. Drake stated there was crime in the past, and any new development that would increase crime would justifiably concern neighbors. While she is the only neighbor to attend the hearing, there are many families in the neighborhood with small children who are equally concerned. Ms. Drake inquired about security plans.

Ms. Hom stated the applicant will install new surveillance cameras and go through alcohol training. Employees during the evening must be at least 21 years old. Ms. Zulueta stated the city referred to the department of public safety, who had requested the addition of the security system but were not very concerned with the

addition of beer and wine sales. Liquor sales are prohibited for all gas stations.

Ms. Drake confirmed if the hours will stay from 6 a.m. to 10 p.m. Ms. Zulueta stated the extension of hours will require another permit application.

Mike Khaziri, owner, stated traffic dies substantially after 9 p.m. He plans on leaving the lights on in the evening and he has spent a significant amount of money to upgrade the station. He stated that the perimeter of the building will be well lit and bright, and apologized for the tree removal. The roots of the trees were damaging the sign and a utility box. New trees will be replaced in their absence. The store hours will remain as is. The liquor store in the adjacent shopping center contributed to many disturbances but the center is now quiet. Mr. Khaziri stated his intention is to eliminate the cars at the service station, and plans to change to a store. He hopes to brand the store to be a 7-11, which requires a significant amount of training.

Mr. Elliott stated he has processed a dozen similar projects in other cities and have not been denied the applications. In a previous project, there are security measures that are creative solutions such as connecting cameras to police phones. In this case, Sunnyvale is not a high crime area although there are security options should a need arise. 7-11 is not a liquor store, and is essentially a grocery store that happens to have beer and wine sales which is a necessity for the operator as it is 50% of sales. Customers will be screened and those who do not meet the age limit will be prevented from purchasing alcohol.

Ms. Drake stated 7-11 stores operate 24 hours a day.

Ms. Zulueta stated while that is true, the conditions of approval set by the city restricts the applicant to open at the agreed hours of operation from 6 a.m. to 10 p.m.

Ms. Zulueta closed the public hearing to the public.

ACTION: Approved subject to the findings and conditions of approval located in the staff report with the following modification:

1) Recommended condition of approval AT-1 to state hours of operation extending beyond 10 p.m. shall require a 300-foot noticing and approval of the Director of Community Development through a Miscellaneous Plan Permit.

### **ADJOURNMENT**

Ms. Zulueta adjourned the meeting at 3:18 p.m.

