



# City of Sunnyvale

## Meeting Minutes

### Zoning Administrator Hearing

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Wednesday, May 30, 2018

3:00 PM

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

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#### **CALL TO ORDER**

Gerri Caruso, Zoning Administrator, called the meeting to order at 3:00 p.m.

#### **PUBLIC HEARINGS**

2.

**File #:** 2017-7698

**Location:** 1040 Sunnyvale Saratoga Avenue (APN 211-22-013)

**Applicant / Owner:** PM Design Group, Inc. (applicant) / Patrick Lemon  
for BP (owner)

**Proposed Project:**

**SPECIAL DEVELOPMENT PERMIT:** To allow demolition of an existing 1,175 square foot convenience store and auto repair building and construction of a new 3,180 square feet convenience store and associated site improvements to an existing gas service station. The project includes proposed beer, wine and tobacco sales and a request to operate 24-hours seven days a week and a request to deviate from the front and side setback requirement.

**Reason for Permit:** The application is submitted pursuant to SMC: 19.20.030, (Permitted, Conditionally Permitted and Prohibited Uses in Commercial Zoning Districts), 19.26.030 (PD combining district), and 19.90 (Special Development Permit). The proposed beer and wine sales and new building is subject a Minor Special Development Permit and requires Zoning Administrator review and approval.

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

**Issues:** Setbacks and Noise

**Recommendation:** Approve with conditions subject to the findings and conditions of approval.

Ms. Caruso inquired if Cindy Hom, project planner, had any comments or changes to the staff report.

Ms. Hom stated she had no changes and had recieved no comments from the public.

Ms. Caruso opened the hearing to the applicants.

Ms. Caruso asked if the applicants had read the staff report and conditions of approval and if they wanted to make comments or had questions.

Patrick Lemon, applicant, stated he had read the report and conditions of approval and had no changes or questions. He introduced fellow members of his team, Craig Schafer and Margaret Trujillo, who were helping with the project. Mr. Lemon stated he was very pleased with the staff report and Ms. Hom's assistance.

Ms. Caruso opened and closed the hearing to the public as no one was there to speak. She inquired if the applicants had any further comments.

Ms. Caruso closed the public hearing.

ACTION: Approved subject to the findings and conditions of approval located in the staff report.

Mr. Apple inquired about a letter of public convenience that is required for the ABC license and if there was a template that should be used.

Ms. Hom stated and Ms Caruso confirmed that the approval letter could be submitted to ABC.

3.

**File #:** 2018-7244

**Location:** 919 East Duane Avenue (APN: 205-12-003)

**Applicant / Owner:** Metro City Restaurant (applicant) / Hacienda Garden Properties Llc (owner)

**Proposed Project:**

**SPECIAL DEVELOPMENT PERMIT** to allow on sale general alcoholic beverage service for a new restaurant.

**Reason for Permit:** A Use Permit is required for restaurants that have on sale general alcoholic beverage service.

**Project Planner:** Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

**Issues:** Neighborhood impacts, recycling and solid waste management

**Recommendation:** Approve with conditions

Ms. Caruso inquired if Aastha Vashist, project planner, had any comments or changes to the staff report.

Ms. Vashist stated she had some corrections to the staff report. The corrections

were as follows: Under "Findings" page 4 of 5

Finding 1: The proposed project provides commercial opportunity within an existing shopping center while not have any negative impacts to the surrounding uses.

Finding 2: Remove the links to ordinances as it is not required.

Ms. Caruso asked that the corrections be typed up and submitted so they could be added to the minutes.

Ms. Vashist stated she would do this.

Ms. Caruso opened the hearing to the applicants and inquired if they had read the staff report and conditions of approval.

Francisco Tsaboukos, applicant, stated he had read the report and conditions of approval. Mr. Tsaboukos inquired as to the meaning of BP-4 (Blueprint for a Clean Bay) in the conditions of approval. He stated that it might not apply to the project since there was no construction going to be happening.

Ms. Caruso explained that this was a standard condition for any possible construction that might happen. If any material was being stored onsite or if any run-off from the site might occur, it would hold the applicant accountable to make sure nothing ends up in the stormwater. She stated Mr. Tsaboukos should check with the building department to see if the condition was needed, considering the scope of his project.

Ms. Carouso opened the hearing to the general public.

Ms. Ruth Fry, neighbor, stated she was excited to have Metro City coming to the area. She wanted to make sure that any possible opposition to the project was countered with support for it.

Ms. Carouso stated that Ms. Vashist had received several letters in support of the project.

Ms. Caruso inquired if the applicant had any further comments.

Ms. Caruso closed the public hearing.

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

- 1) Under "Findings" page 4 of 5 in Staff Report - Finding 1: The proposed project provides commercial opportunity within an existing shopping center while not have any negative impacts to the surrounding uses.
- 2) Under "Findings" page 4 of 5 in Staff Report - Finding 2: Remove the links to ordinances as it is not required.

**ADJOURNMENT**

Ms. Caruso adjourned the meeting at 3:12 p.m.