



City of Sunnyvale

Meeting Minutes Zoning Administrator Hearing

Wednesday, February 13, 2019

3:00 PM

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

CALL TO ORDER

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

PUBLIC HEARINGS

1

File #: 2018-7598

Location: 1135 E. Arques Ave. (APN: 205-24-009)

Applicant / Owner: Kurious Design Solutions / Chen Family LP

Proposed Project:

USE PERMIT: To allow an interactive team training facility (Escape Room) within an existing industrial building, installation of associated site improvements and a parking adjustment to the minimum parking requirements.

Reason for Permit: A Use Permit is required for recreation and enrichment uses in the M-S/POA Zoning District.

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

Issues: Parking

Recommendation: Approve with conditions

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

Ms. Hom stated she had no changes to the staff report and she did not receive any comments from the public.

Ms. Caruso opened the hearing to the applicant.

Sarah Zhang, applicant, stated she has read the report and did not have any additional comments.

Ms. Caruso opened the hearing to the public. Since members of the public did not choose to speak on this project, Ms. Caruso closed the hearing.

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

staff report.

2

File #: 2018-7543

Location: 150 E McKinley Avenue, Suite 100 (APN: 209-35-015)

Applicant / Owner: CITYshapers, Inc. (applicant) / STC Venture LLC (owner)

Proposed Project:

SPECIAL DEVELOPMENT PERMIT to allow full-service alcoholic beverage service, including on-site consumption and instructional tasting activities, at the approved eating establishment of the approved grocery store.

Reason for Permit: A Special Development Permit is required for restaurants that have on sale general alcohol beverage service in Downtown Specific Plan (DSP) zoning district.

Project Planner: Kelly Cha, (408) 730-7408, kcha@sunnyvale.ca.gov

Recommendation: Approve the Special Development Permit with the recommended Conditions of Approval.

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

Ms. Cha stated she had no changes to the staff report and she did not receive any comments from the public.

Ms. Caruso opened the hearing to the applicant.

Dwayne Kennedy, applicant, stated he has read the report and did not have any additional comments.

Ms. Caruso opened the hearing to the public. Since members of the public did not choose to speak on this project, Ms. Caruso closed the hearing.

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

3

File #: 2018-7711

Location: 150 E. McKinley Avenue, Suite 200 (APN: 209-35-015)

Applicant / Owner: American Multi-Cinema, Inc. (applicant) / STC Venture LLC (owner)

Proposed Project:

SPECIAL DEVELOPMENT PERMIT to allow alcohol service with food at a movie theater.

Reason for Permit: A Special Development Permit is required for food

uses that have on-sale general alcohol beverage service in the Downtown Specific Plan (DSP) zoning district.

Issues: Neighborhood impacts

Project Planner: Noren Caliva-Lepe, (408) 730-7659, ncaliva-lepe@sunnyvale.ca.gov

Recommendation: Approve the Special Development Permit with the recommended Conditions of Approval.

Ms. Caruso inquired if Noren-Caliva-Lepe, project planner, had any comments or changes to the staff report.

Ms. Caliva-Lepe stated she had no changes to the staff report and she did not receive any comments from the public.

Ms. Caruso opened the hearing to the applicant.

Dwayne Kennedy, applicant, stated he has read the report and did not have any additional comments.

Ms. Caruso opened the hearing to the public.

Sherrye Lee, neighbor, stated she lives on Carroll Street and has recently seen two cars totaled due to drunk driving. Murphy Avenue is lined with establishments that serve alcohol and her concern is that there are two churches, a daycare, and an elder care facility that can be affected by the theater alcohol sales. She does not agree with the staff report that the impact of alcohol sales is minimal since the hours since sales are allowed until 2 a.m.

Ms. Caliva-Lepe stated the hours of operation have been approved through previous actions. The Special Development Permit for the Cityline project is allowed to operate until two a.m. and a subsequent approval granted in 2017 allowed for extended hours. There were courtesy notices that were sent out at that time, and the application was approved at staff level.

Ms. Caruso inquired with the applicant if the cut off for alcohol sales is at 2 a.m.

Mr. Kennedy stated the theater ends alcohol sales long before 2 a.m. Since the license is a type 47 alcohol license, it allows for sales of alcohol in conjunction with an eat-in restaurant. This is to prevent the problem of over serving customers. There will be less incentive for people to smuggle alcohol in if the theater provides alcohol sales.

Ms. Caruso inquired how the alcohol would be served.

Mr. Kennedy stated customers can order many ways. One way would be to order at their seat with a waiter or at the bar, McGuffin's. Mr. Kennedy proceeded to show Ms. Caruso and Ms. Lee where alcohol would be served on the map provided in the staff report.

Mr. Kennedy stated the alcohol would be served in specially marked cups to differentiate between drinks that are served at the establishment. Customers must purchase movie tickets in order to come inside and buy alcohol. Mr. Kennedy stated there are regulations with the state that require a number of conditions for sales at the theater.

Ms. Caruso inquired if Ms. Lee understood the alcohol sale restrictions set in place by the theater. The access to alcohol would not be the same compared to obtaining alcohol on Murphy Street.

Ms. Lee stated she understood why Whole Foods is selling alcohol as it is a grocery store and the hours are more reasonable. Those who live on Carroll Street will be impacted and are the first to encounter individuals who may have had too much alcohol. If these individuals park on Carroll Street, neighbors will still be closer to those who may have overconsumed, especially since the theater is closer to Carroll Street.

Since no other members wanted to speak on the project, Ms. Caruso closed the hearing. Ms. Caruso stated that while she understood Ms. Lee's concerns, the City Council had designated the downtown area the entertainment area for these types of uses and is consistent with what the city envisioned with that area of town. Ms. Caruso informed Ms. Lee about appeal options available to her.

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

4

File #: 2019-7066

Location: 311 South Mathilda Avenue (APN: 165-13-050)

Applicant / Owner: Bay West Development (applicant) / C B Development 5no Five Inc (owner)

Proposed Project:

Minor modification to an approved Vesting Tentative Map (2017-7379) for 75 residential condominium units and one

commercial parcel

Reason for Permit: A Tentative Parcel Map is required to subdivide a property into four or fewer lots.

Project Planner: Momoko Ishijima, (408) 730-7532,
mishijima@sunnyvale.ca.gov

Recommendation: Approve with the recommended conditions.

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

Ms. Ishijima stated she had no changes to the staff report and she did not receive any comments from the public.

Ms. Caruso opened the hearing to the applicant.

Bryan Wolf, applicant, stated he has read the report and did not have any additional comments.

Ms. Caruso opened the hearing to the public. Since members of the public did not choose to speak on this project, Ms. Caruso closed the hearing.

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

ADJOURNMENT

Ms. Caruso adjourned the hearing at 3:18 p.m.