LAW OFFICES OF
SOLOMON SALTSMAN & JAMIESON
A Partnership of Professional Corporations

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CITY HALL
SAN MATEO, CA

November 9, 2012

Via Email and U.S. Mail- Certified Return Receipt Requested

Shawn Mason, Esq.
City Attorney
City of San Mateo
330 West 20th Avenue
San Mateo, Ca 94403
smason@cityofsanmateo.org

Patrice Olds
City Clerk
City of San Mateo
330 West 20th Avenue
San Mateo, CA 94403
polds@cityofsanmateo.org

Re: 7-11 San Mateo – 501 North San Mateo Ave., San Mateo, Ca
Objections to Hearing; and Request to Vacate or Continue the November 15, 2012 Hearing

Dear Mr. Mason and Ms. Olds:

As the City is aware, 7-Eleven, Inc. is the sole occupant of the above mentioned property, and a tenant under a long term Lease with the the owners of the property, Portfolio Development Partners (PDP). The City is further aware that the undersigned is counsel to 7-Eleven, Inc. for this matter.

City of San Mateo Municipal Code requires a 10 day Notice of Hearing to be delivered to the legal address for the occupant of the subject property as well as the owner of that property.

Please be advised, however, that neither 7-Eleven, Inc., nor this firm, have received Constitutionally adequate Notice of the hearing(s) apparently set for November 15, 2012.

No Notice was delivered to 7-Eleven, Inc., nor to the undersigned, with at least 10 days Notice of any hearing. Furthermore, the post card that was apparently utilized by the City in an attempt to provide Notice to others, and provided by email to the undersigned 2 days ago, is neither clear nor specific as to what issues will be decided, what actions are intended, nor what procedure is going to take place at the hearing on November 15, 2012, or at all. While vague, it does appear that one of the issues that may be considered is the termination of Constitutionally protected

property interests vested in 7-Eleven, Inc and PDP. For this, and a myriad of other reasons, the 7-Eleven, Inc is entitled to adequate notice, sufficient time to gather documents and witnesses to prepare an adequate defense, and an opportunity to be heard in a proceeding that takes place in a Statutorily and Constitutionally compliant manner. A violation of these basic rights, if the decision by City Council is to terminate in any way the property rights implicated in this matter, will cause monetary damages to 7-Eleven, Inc. in an amount in excess of $5,000,000.

Since none of these safeguards is present, nor apparently intended, for whatever will take place on November 15, 2012, it is respectfully requested that no hearing take place on November 15, 2012; and, that if a hearing is going to take place in the future that all necessary Constitutional safeguards and procedures be implemented to fully protect the vested property and other Constitutional and Statutory rights of 7-Eleven, Inc.

Is is our understanding that Portfolio Development Partners, the Owner of the subject property, is making a separate but similar request to the City to vacate and/or continue the hearing presently set for November 15, 2012 to a date in the future with appropriate Notice given, both procedurally and substantively. 7-Eleven, Inc. joins in the request submitted by the Owner of the property, as well for the reasons stated hereinabove.

Respectfully submitted,

Sincerely,
SOLOMON, SALTSMAN & JAMIESON

STEPHEN ALLEN JAMIESON

Enclosure(s) as stated

Cc: Clients (via email)
Julia Sullivan (via email)

From: joanne bennett [mailto:j_bennett_17@yahoo.com]
Sent: Friday, November 09, 2012 4:18 PM
To: Lisa Ring
Subject: Fw: HANCSM Letter Regarding 7-11 Site

Hi Lisa,

I am re-sending my comments and Hancsm's letter regarding the 7-11 site again.
I still do not see this included with the public comments letters.

Thank you,

Joanne Bennett

--- On **Thu, 11/1/12, joanne bennett <*j_bennett_17@yahoo.com*>** wrote:

From: joanne bennett <j_bennett_17@yahoo.com>
Subject: HANCSM Letter Regarding 7-11 Site
To: lring@cityofsanmateo.org
Date: Thursday, November 1, 2012, 12:02 PM

Hello Lisa,

I am a board member of Hancsm and attached is the letter the Home Association (Hancsm) of North Central had sent to you the middle of October listing our concerns.
I have also attached a information sheet that I received from PCRC (Peninsula Conflict Resolution Center).

The board is very concerned in the procedure process in approving the 7-11 at this site.

Hancsm was very much instrumental in coming up with solutions to improving the notification process a few years back. Basic common sense would surely make it obvious that a 24 hour 7-11 will have an affect on the surrounding neighborhood and the residents should have been notified prior to approving this type of 24 hour use.

Our city made many mistakes long ago in zoning and what was allowed to be built in certain areas of North Central. I would think by now they would learn from those mistakes and help us improve our neighborhood and the quality of life for our residents. A 24 hours 7-11 is the last thing we need!

Perhaps if 7-11 would be willing to compromise and stick to their original reasoning in naming their stores back in the 1940's and open from 7:00 AM to 11:00 PM this would at least alleviate some of the concerns regarding having a 24 hour retail establishment at this site.

Regards,

Joanne Bennett

HOME
ASSOCIATION OF NORTH CENTRAL SAN MATEO
Martin Luther King Center 725 Monte Diablo Avenue San Mateo, CA 94401

October 14, 2012

Ms. Lisa Ring
Senior Planner
Planning Division, City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403

RE: Approved 7-11 @ Old Stagalini Deli Site at Corner of N. San Mateo Drive & Bellevue

Dear Ms. Ring:

Back in late February of this year there was a neighborhood meeting at the King Center regarding the above site, 501 North San Mateo Drive. Residents at this meeting stated that another deli or similar type retail establishment would be fine. After all this site has been commercial retail since the 1920's. However, some residents were very clear in that they did not want to see a 7-11 at this location.

Many were surprised when an article in the San Mateo Daily Journal last month stated that a 7-11 at this site had already been approved by our the Planning Division.

The North Central neighborhood for over two years through the AOD/PCRC program along with the help from our city, residents, San Mateo High School students and volunteers has tried to deter our teens from drug and alcohol abuse in our neighborhood. This 7-11 would be approximately 1600 feet away from the San Mateo High School campus and its sale of alcohol and tobacco could undermine all the hard work of the previous two years.

At a recent Hancsm board meeting (Home Association North Central San Mateo) members brought up the following concerns regarding the approved 7-11:

1. Proximity to San Mateo High School (approx. 1,600 feet)
2. Alcohol sale
3. 21 tobacco retailers already in the 94401 area
4. Long hours of operation.

We would like the Planning Division to reconsider the establishment of a 7-11 at this location.

Sincerely yours,

Bertha Sanchez and Jane Williams
Co-Presidents
Home Association of North Central San Mateo

From: meeslichter [mailto:meeslichter@comcast.net]
Sent: Friday, November 09, 2012 6:28 PM
To: David Lim; Brandt Grotte; Maureen Freschet; jmattews@cityofsanmateo.org; Robert Ross
Cc: Gabrielle Whelan; Susan Loftus; Lisa Grote; Bob Lanzone; Shawn Mason; Ronald "Ron" Munekawa
Subject: Letter re: legality of 7-Eleven use of 501 N. San Mateo Drive

Honorable Mayor and Members of the Council,

Our counsel attempted to send you the following letter with attachments, but it was too large to send altogether in one email. She asked me to forward you her letter, in parts so that you will receive it. You should expect 5 different parts, which, together, make up Ms. Camas' complete correspondence of today's date.

Honorable Mayor and Members of the Council,

Please find attached a letter and four attachments submitted on behalf of my clients for your consideration at the November 15 City Council meeting regarding the 7-Eleven use of 501 N. San Mateo Drive.

Sincerely,

Camas J. Steinmetz, Esq.
Aaronson, Dickerson, Cohn & Lanzone
939 Laurel Street, Suite D
San Carlos, CA 94070
Email: csteinmetz@adcl.com
Telephone: (650) 593-3117 x225
Fax: (650) 637-1401

Toni Dicapua

From:	CHRISTINE Y Stiles [cpstiles@sbcglobal.net]
Sent:	Sunday, November 11, 2012 11:35 AM
To:	Brandt Grotte; David Lim; Maureen Freschet; John "Jack" Matthews; Robert Ross
Cc:	City Mgr; Planning Commission
Subject:	Say NO to 7-Eleven, Letter to City Council

Dear San Mateo City Council:

We are writing to ask that you represent our community in the way we elected you to do. You are all intelligent and highly respected individuals, who we believe care about our community. It is under this premise that you each have been elected to City Council positions.

We join many other citizens of our community who are very disturbed about the lobbying / special interests that we believe have resulted in the situation of the impending opening of a 7-Eleven on San Mateo Drive. We, as did other fellow citizens in our community, observed the special interests in action at the recent Planning Commission meeting. Please, do not be intimidated by the lobbyists representing 7 Eleven, do what is right for the community you represent. Most importantly, protect the children of our community.

Please remember the Citizens of San Mateo you were elected to represent. You were not elected to represent 7-Eleven/foreign multinational conglomerates, landlords who live and raise their families outside of our City, nor special interests/lobbyists who also reside outside of both our city and county boundaries.

Do what is right and reject the 7-Eleven. It is an ILLEGAL INTENSIFICATION of the property at 501 North San Mateo Drive. This use of the property is also BURDENSOME to the community, as it endangers the health and welfare of our citizens. There can be no denying that 7-Eleven offers MANY unhealthy options per square foot, AND also will cause increased crime, traffic, noise in our City. We also ask that you ensure that until you can quickly shut down the 7-Eleven, that you ensure it is NEVER licensed for alcohol sales. This is irresponsible in light of its extended hours of operation, the proximity to San Mateo High School, and the fact that it is in the midst of a neighborhood of children and families.

In addition, PLEASE ENSURE THIS DOES NOT HAPPEN IN ANY OTHER SAN MATEO NEIGHBORHOOD.

The residents of San Mateo who elected you each to office are counting on you to do the right thing for the community that you have been given the honor to represent.

Sincerely,
Christine and Peter Stiles
Borel Neighborhood

11/11/12 2:13pm

My name is Glen Thomson. I live at 425 Williams Place, on the corner of Williams Place and N. San Mateo Drive, maybe 300 feet south of the soon-to-be-opened 7-Eleven at 501 N. San Mateo Dr. I am a 19 year resident of San Mateo, and have resided on Williams Place for 16 of those years. I can see the southern wall of the new 7-Eleven from the bedroom window of my 3rd floor apartment. I am writing to you today because I was shocked to discover that corporate behemoth 7-Eleven has been allowed to come into this neighborhood, not wanted and not needed. Shocked like crime is shocking. Shocked to the core.

But wait . . . maybe it's not that bad . . . maybe if I looked at it from a different perspective instead of just thinking of myself and my neighborhood . . . if I thought of the convenience . . . the 2:00am grocery runs . . . maybe I'd see the light. Yes! That's it!!! I've changed my mind . . .

- I look forward to being woken up in the middle of the night or early in the morning on a regular basis by loud bass-thumping car-stereo music, congregating loudmouthed drunks and teenagers, cars burning out their tires after buying whatever it is people buy in the middle of the night, bottles smashing in the parking lot and surrounding neighborhood (my favorite), etc., etc., etc. And the random deliveries, diesel engines choking and fuming. I look forward to that, too.
- I look forward to having every kid in high school get sucked in by the siren call of all that awesome sugar-water right up the street in a massive cups with the friendly BIG GULP logo right there on the side. Or the SLURPEE logo! Both 7-Eleven trademarks, I believe. Bonus: The elementary school kids get sucked in, too. Sweet!
- I look forward to and will be proud to watch the colorful assortment of litter pile up in the ivy outside and below my living room window. Some people might think the colors of the BIG GULP and SLURPEE logos will clash with the ivy. Not me.
- I look forward to seeing stoned aimless teenagers discovering the best little out-of-the-way place to hustle beer before a rowdy night of smoking, drinking and God-knows-what. Who wouldn't?
- I look forward to having a place in the neighborhood where I can buy "groceries" at 2:00am. Just like you would look forward to it, perhaps.
- Hopefully, there will be transients. And vomit.

<u>This is not a joke.</u> I know about the above things through firsthand experience. When I was a teenager, I was guilty of just about all of them. Much of this behavior continues to be "business as usual" for a certain segment of the population, and you know it. PLEASE DON'T BRING THEM HERE where it's still quiet, thank God. [Only thing I've never done at a 7-Eleven is buy "groceries".]

<u>In the spirit of candor</u>, I want to mention something that I haven't heard much of, and that is that this neighborhood has been on somewhat of a downward trajectory for maybe 4-5 years now. My opinion is based on a property appearance point of view, not excluding the building I live in. I suspect it's the economy. Whatever the case, I believe that a 7-Eleven will do nothing in helping to reverse this trend but will only serve to accelerate it. I can feel it in my bones. I know it will happen.

* * * * * * * * * * * * * * * *

Please keep in mind:

WE HAVE CONSUMER LIQUORS, MAYBE 1000 FEET FROM THE NEW 7-ELEVEN, at the corner of Poplar and N. San Mateo Drive. All the alcohol you could want, but with regular business hours.

WE HAVE LA RAZA MARKET, MAYBE 300 FEET FROM CONSUMER LIQUORS, at the corner of Ellsworth and Poplar. All the convenience category groceries a quiet neighborhood could want.

* * * * * * * * * * * * * * * *

QUESTION: Since when do people with reasonable judgment and average common sense honestly believe that a 24-hour 7-Eleven is not an INTENSIFICATION OF USE when compared to a typical beloved "neighborhood market" (whose charm, friendly service, and normal business hours are at the heart of what makes them beloved)?

ANSWER: They don't.

* * * * * * * * * * * * * * * *

BE REASONABLE.
DO THE RIGHT THING.
NO 7-ELEVEN AT 501 N. SAN MATEO DRIVE!!

Thank you for your attention and understanding.

Kind Regards,

Glen Thomson

Joan Diskin

From:	David Lim
Sent:	Sunday, November 11, 2012 2:53 PM
To:	Patrice Olds; Shawn Mason; Susan Loftus; Lisa Grote
Cc:	Brandt Grotte Photomask; Maureen Freschet; Robert Ross
Subject:	Fwd: Thanks for your time, presentation attached (501 N San Mateo Dr)
Attachments:	501 N San Mateo Drive v10 - David Lim PDF.pdf; ATT00001.htm

FYI. Please add to public record.

David Lim
Sent from my iPhone

Begin forwarded message:

> **From:** Peter Breining <pbreining@yahoo.com>
> **Date:** November 11, 2012 2:04:49 PM PST
> **To:** David Lim <dlim@cityofsanmateo.org>
> **Cc:** "nwynkoop@yahoo.com" <nwynkoop@yahoo.com>, "fchiappelock@yahoo.com" <fchiappelock@yahoo.com>, meeslichter <meeslichter@comcast.net>
> **Subject: Thanks for your time, presentation attached (501 N San Mateo Dr)**
> **Reply-To:** Peter Breining <pbreining@yahoo.com>
>
> Dear David,
>
> Thank you again for your time and you willingness to listed to our thoughts regarding the proposed 7-Eleven.
>
> I have attached a PDF of the slides we reviewed, per our discussion.
>
> Thanks again,
>
> Peter

501 N. San Mateo Drive

"Illegal and a Burden to our Quiet Neighborhood"

"Do The Right Thing"

San Mateo Heights

Neighborhood Association

SMHNA

The Wrong Action is on the Agenda

- The question is not whether the 7-Eleven use should be terminated within a certain period of time.

- The question is whether the 7-Eleven use is legal in the first place.

The Wrong Action is on the Agenda

- The question is not whether the 7-Eleven use should be terminated within a certain period of time. ("Burdensome" or 27.72.050 or simply "50")

- The question is whether the 7-Eleven use is legal in the first place. ("Legal" or 27.72.030 or simply "30")

The City Council Can Do the Right Thing

27.72.030 POWER TO ESTABLISH.

- Upon application of any property owner, or by action initiated by the commission or council, premises within the City may be ascertained and established as a nonconforming use in the manner herein provided. (Prior code § 144.03).

- The only documents in the public record show that the Planning Department believes the 7-Eleven is an ILLEGAL nonconforming use, therefore an action must be taken to deem it legal.

No Review and Building Permits Invalid

- Before Tuesday, Oct. 30, the Planning Commission never even heard of this project. No review.
- Only review of the 7-Eleven was with a building permit
- Permits were issued to facilitate or authorize use of the property as a 7-Eleven, they were issued in violation of the City's zoning laws for reasons I will explain.

092

SMHNA

"Burdensome" or 27.72.050 is not applicable since the current use is not legal

- 27.72.050 is a means to terminate a legal non-conforming structure by showing burdensome use
- 27.72.030 is a means to judge whether or not the conforming use is legal
- City communications indicate that a commercial use is ILLEGAL. The property has never been confirmed to be legal.

Violated at Least Three City Codes

1. Abandoned or Discontinued for More than 6 Months
   - Violated City of San Mateo Code § 27.72.020(b) "Discontinuance of Use"
2. Physically Changed and Marketed as Office Use
   - Violated City of San Mateo Code §27.72.010(b) "Continuance of Use"
3. Increased Intensity
   - Violated City of San Mateo Code §27.72.060 "Repairs--Alterations

1. Abandoned or Discontinued for More than 6 Months

- City of San Mateo Code § 27.72.020(b)
- "Discontinuance of Use"
  - (b) Whenever a nonconforming use of a building or structure, or part thereof, has been discontinued for a period of six consecutive months, such use shall not after being discontinued or abandoned be reestablished, and the use of the premises thereafter shall be in conformity with the regulations of the district.
- Market use was discontinued and abandoned for more than 6 months (closer to 24 months)

Stephen Scott

From: Stephen Scott
Sent: Friday, October 14, 2011 1:13 PM
To: 'John Luocheal'
Cc: Ronald "Ron" Munekawa
Subject: 501 N. San Mateo Drive

Principal Planner and Zoning Administrator, City of San Mateo

John –

I've discussed the 501 issue with Ron, and we do not see how a new retail use can go back onto that site given the existing language in the non-conforming section of the Zoning Code. As we've discussed, if the property has been vacant for more than 6 months, it needs to revert to a conforming use, and we can't see any way of interpreting that language and this particular situation in a way that would allow a retail use to be re-established.

Whether a 6-month period is appropriate given current economic conditions may be debatable, but we need to administer the code given the language that we have at this time.

I've attached the relevant code section below. Please contact me with any further questions.
Stephen

27.72.020 DISCONTINUANCE OF USE. (a) Whenever any part of a building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this title, such premises shall not thereafter be used or occupied by a nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.
(b) Whenever a nonconforming use of a building or structure, or part thereof, has been discontinued for a period of six consecutive months, such use shall not after being discontinued or abandoned be reestablished, and the use of the premises thereafter shall be in conformity with the regulations of the district.
(c) Where no enclosed building is involved, discontinuance of a nonconforming use for a period of six months constitutes abandonment, and the use of such premises shall thereafter conform with the regulations of the district and shall not thereafter be used in a nonconforming manner.
(d) A nonconforming use not authorized by the provisions of this code and amendments thereto in effect at the time this title becomes effective, shall be discontinued and not reestablished unless, pursuant to the provisions of this title, the use is conforming to the district in which it is then located.

Stephen Scott
Principal Planner/Zoning Administrator
City of San Mateo, Planning Division

SMHNA

The Chief of Planning and Assistant City Attorney Agree!

would allow a retail use to be re-established." Mr. Scott reiterated this position in a letter dated October 26, 2011 to the property owners, stating "According to Zoning Code Section 27.72.020 the site must now revert to a use that conforms to the R4 standards... after further consultation with the Chief of Planning and the Assistant City Attorney, we see no way of interpreting this situation any differently at this time, given that code provision. "

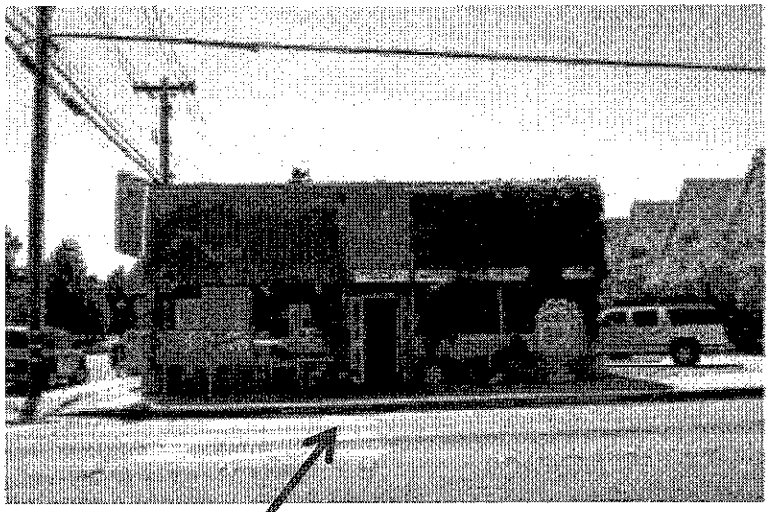
Over seven months later in June of 2012, the City made a surprising 180 degree turnaround by issuing a building permit[2] for "[i]nterior remodel for new 7-Eleven store of 2,103sf to replace previous Italian market. S1-Install wall sign to storefront. "7-Eleven" sign. 8 square feet area." There is nothing in the record which adequately explains this changed

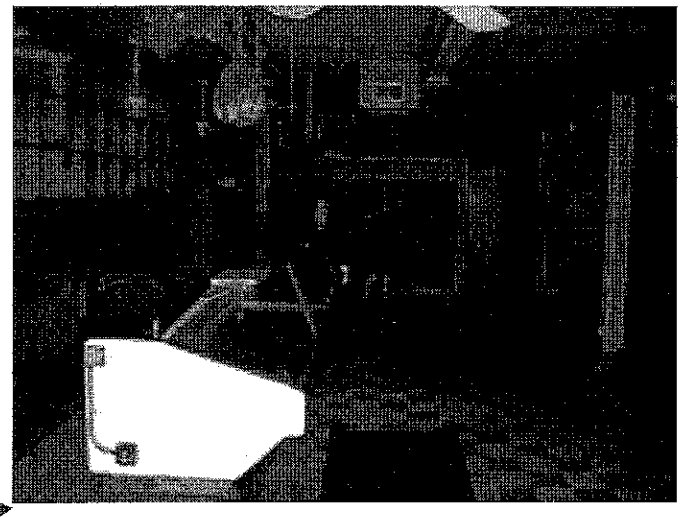
But "somehow" they change their minds?

AND GIVE NO PUBLIC NOTICE???!!!

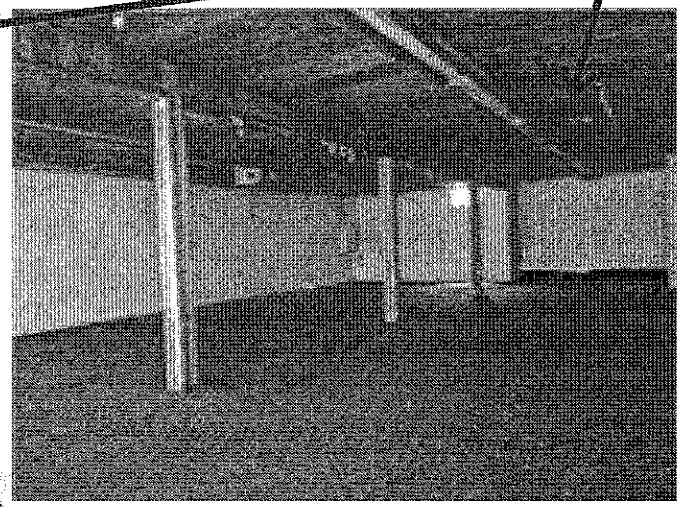
2. Physically Changed and Marketed as Office Use

- City of San Mateo Code §27.72.010(b)
- "Continuance of Use"
  - (b) Any legal nonconforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
- Use was a market, property was physically changed and advertised as office space
- Changed in early 2011





This Market has been physically changed and marketed as Office space.



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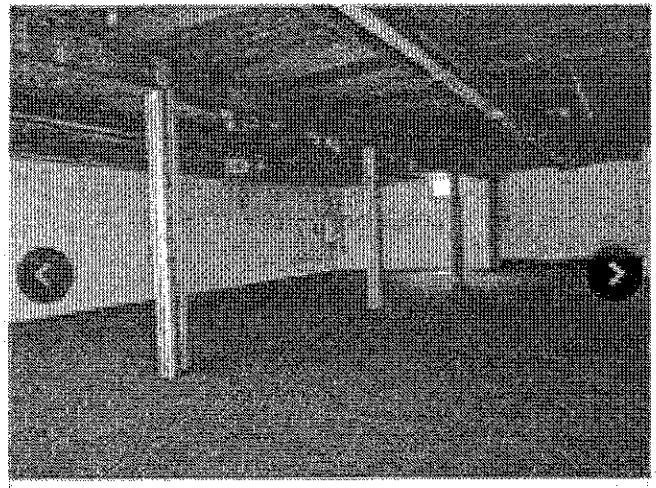
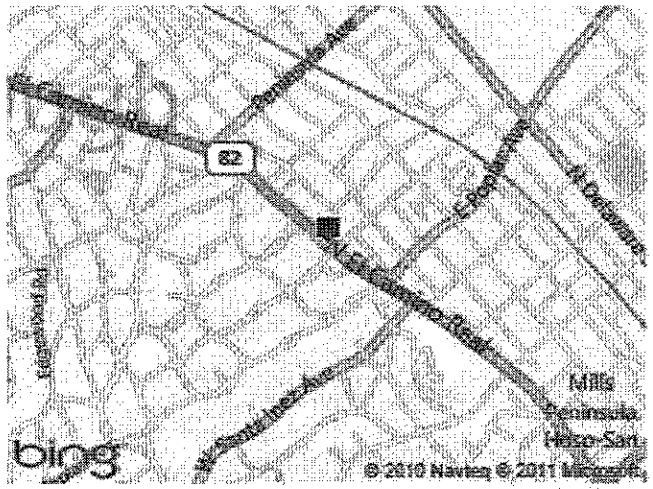
SMHNA





- This is their Broker's MLS Listing – They advertise the property as an office space, not a market!

General Property Information

501 NORTH SAN MATEO DRIVE, San Mateo 94401

Class:	**Commercial Lease**			Status:	**Expired**	MLS #:	**81115345**
Area:	**Eastern Addition/Downtown Area (417)**			Orig Price:	**$4,999**	List:	**04/08/2011**
County:	**SAN MATEO COUNTY**			List Price:	**$3,999**	Original:	**04/08/2011**
Complex:						Sale:	
Approx SqFt:	**2,100 (Seller (Unverified))**					COE:	
Approx Lot:	**6,488 Sqft (Seller (Unverified))**						
Built/Age:	**1961(Seller)/50**					DOM:	**366**
Parcel:		Zone:	**RM100**			Green doc:	**No**
MLS City:	**San Mateo**	Lot/Blk:				Walk Score:	**57**
Tract:						Trnsf Tx:	
Unincorp:	**No**	City Limits:	**Yes**			Tax Amt:	
List Info:							

RemSales: **BUILDING QUALIFIES FOR MEDICAL/DENTAL OFFICE. GREAT LOCATION AT THE CORNER OF SAN MATEO AND BELLEVUE.**

Commercial Information

Tenants:		Mezz SF:		# Bldg:	**1**
Rollup Door:		Net Lse SF:	**0**	# Unit:	
Min Ht Clr:		Office SF:	**2100**	# Park:	
Max Ht Clr:		Warehs SF:	**0**	# DrIn:	
Ceiling Ht:	**10'+ to 15' Ceilings**	Yard Sz SF:	**0**	# Docks:	
Owner Pays:					
Tenant Pays:	**Gas, Water, Electric**				

Commercial Lease Details

Date Avail:	**04/08/2011**	Security Dep:	**$6,000**
Min Lse Mo:	**12**	Last Mo Rent:	
Max Lse Mo:		Rent per SF:	**$1.90**
Load Factor:		Imprv Allow:	
Lse Info:	**Security Deposit Required, Call L/A before writing Deposit Recipt, Credit Check Fee Required**		

100

3. Increased Intensity

- City of San Mateo Code §27.72.060(a)
- "Repairs--Alterations."
  - (a) Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.

A Convenience Store Dramatically Increases Intensity of Use

- More Trips
  - City's Own Report
    - "the traffic generated by a convenience market is higher than that of market." (R. Munekawa memo, dated 10/25/12, p.6)
    - "34.4 additional trips during the PM peak hour…"
- 9 Hour Operation vs. 24 Hour Operation
- More Deliveries
- Use has been intensified. (Building size is irrelevant)

SMHNA

Violated Three City Codes

1. Abandoned and Discontinued for More than 6 Months
   - Violated City of San Mateo Code § 27.72.020(b) "Discontinuance of Use"
2. Physically Changed and Marketed as Office Use
   - Violated City of San Mateo Code §27.72.010(b) "Continuance of Use"
3. Increased Intensity
   - Violated City of San Mateo Code §27.72.060(a) "Repairs--Alterations

7-Eleven Use of Former Stangelini's is Not Legal

- All official communications from the City cite that the site is an ILLEGAL Non-Conforming Use
- The building permits which facilitate use of this property as a 7-Eleven were erroneously issued by the Building Department
- Use of the property as a 7-Eleven – without obtaining a zone change -- would violate the City's laws and regulations.
- We urge Council to initiate a determination and ultimately determine, pursuant to City Code Section 27.72.030, that the intended 7-Eleven use of the property is an illegal nonconforming use that may not occur unless a zoning amendment is obtained.

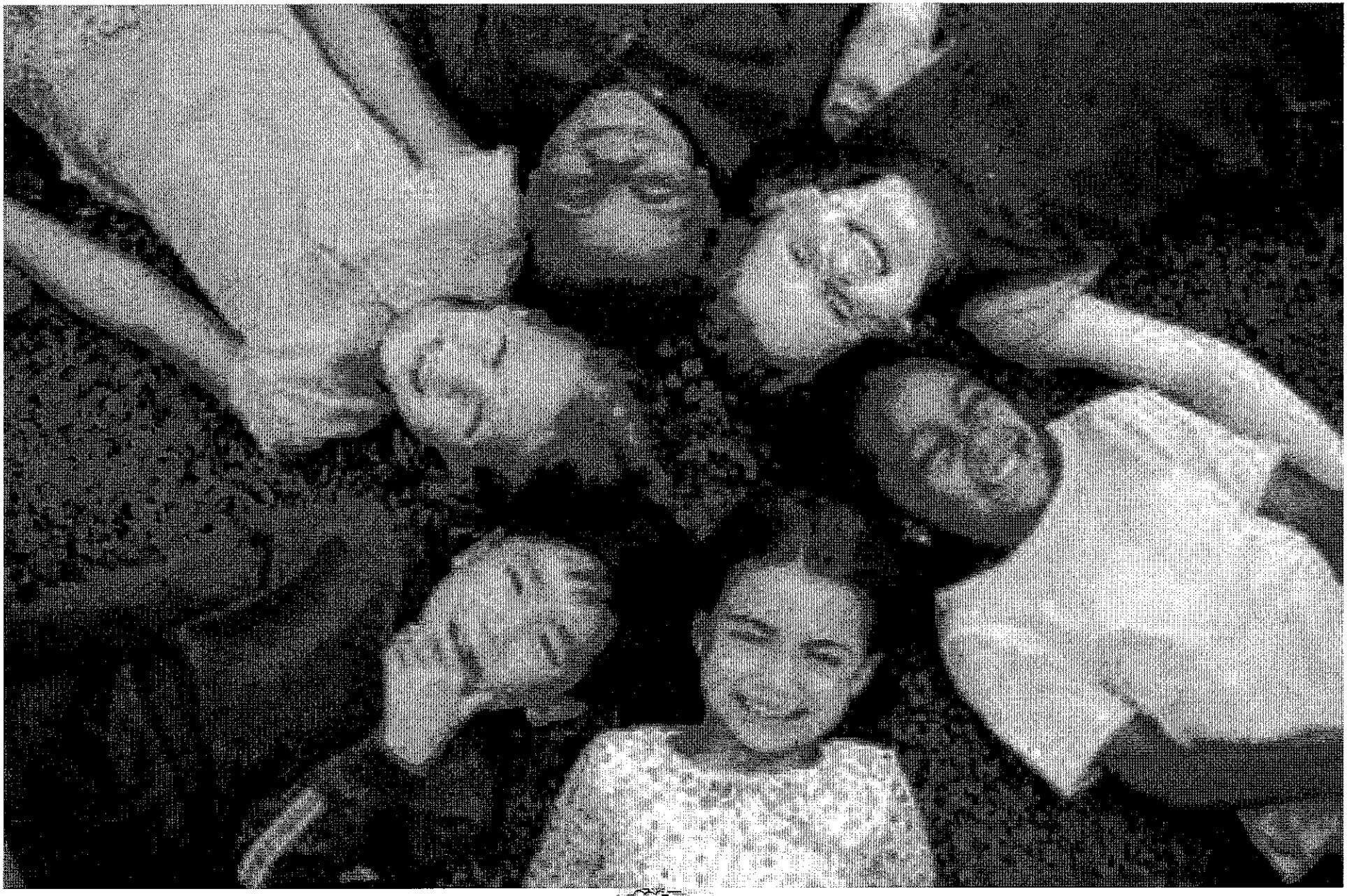
501 N. San Mateo Drive
An Illegal Non-Conforming Property

<u>This is Why We Care</u>

San Mateo Heights

Neighborhood Association

SMHNA



Will Be Detrimental to Safety and General Welfare

- "For a variety of reasons, convenience stores are often very popular targets for a variety of crimes" [2]
- Convenience stores are renowned as being magnets for crime

2. Wikipedia, 10-23-2012, http://en.wikipedia.org/wiki/Convenience_store_crime

SMHNA

Will Be Detrimental to Safety and General Welfare

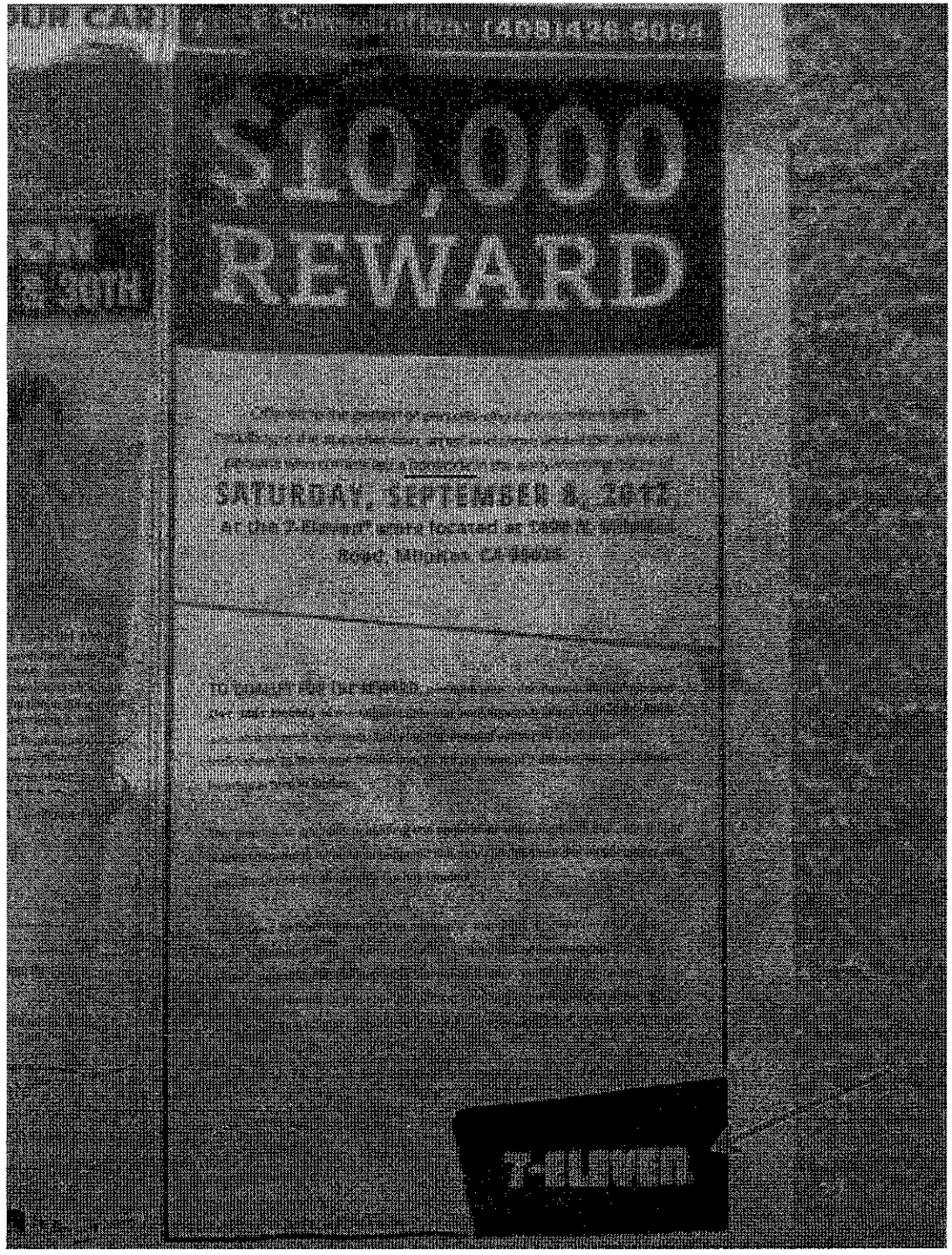
- Will you or your child be there when this walks through the door?

7-Eleven Offers Rewards for Murders Conducted at Its Stores

This murder was in Milpitas on September 8.

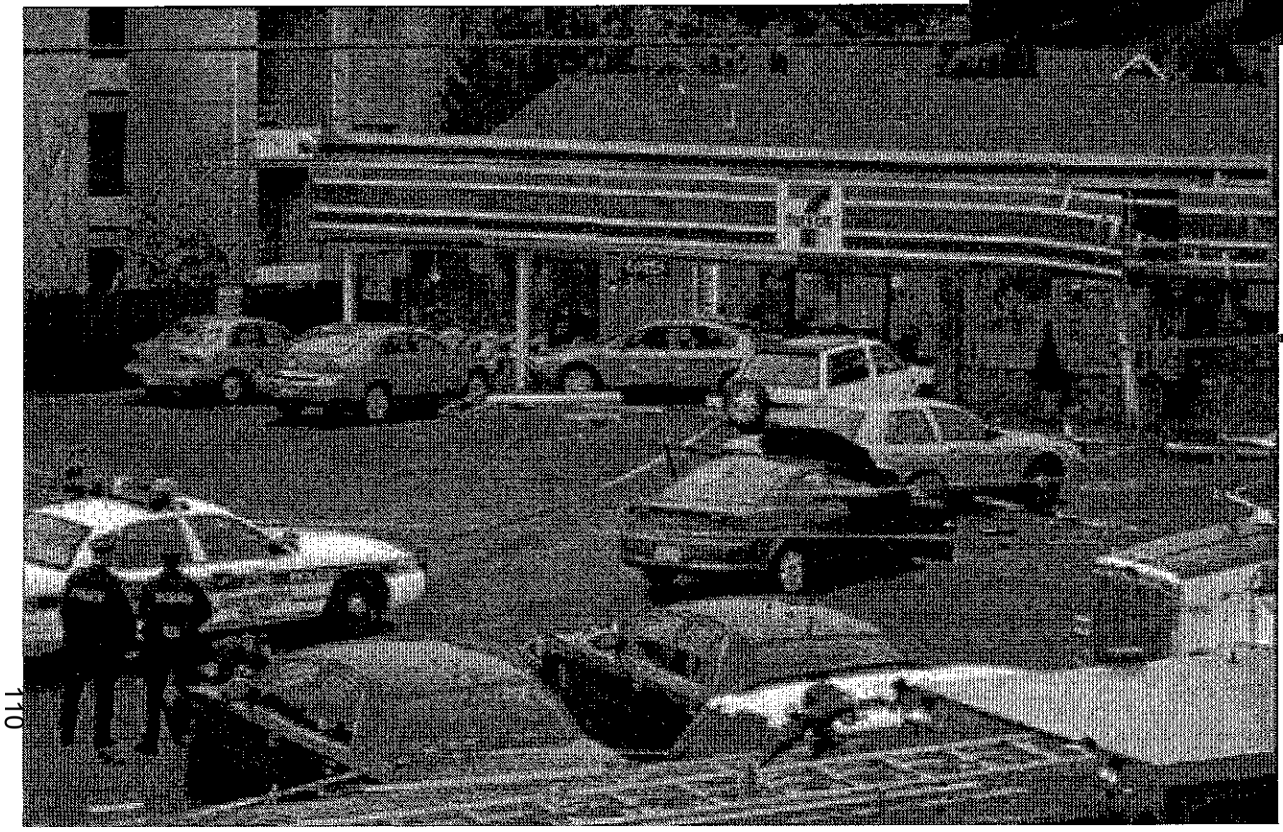
San Jose Mercury News
9/24/12
p. A7

(Murders are detrimental to public safety).



7-Elevens are know for Loitering

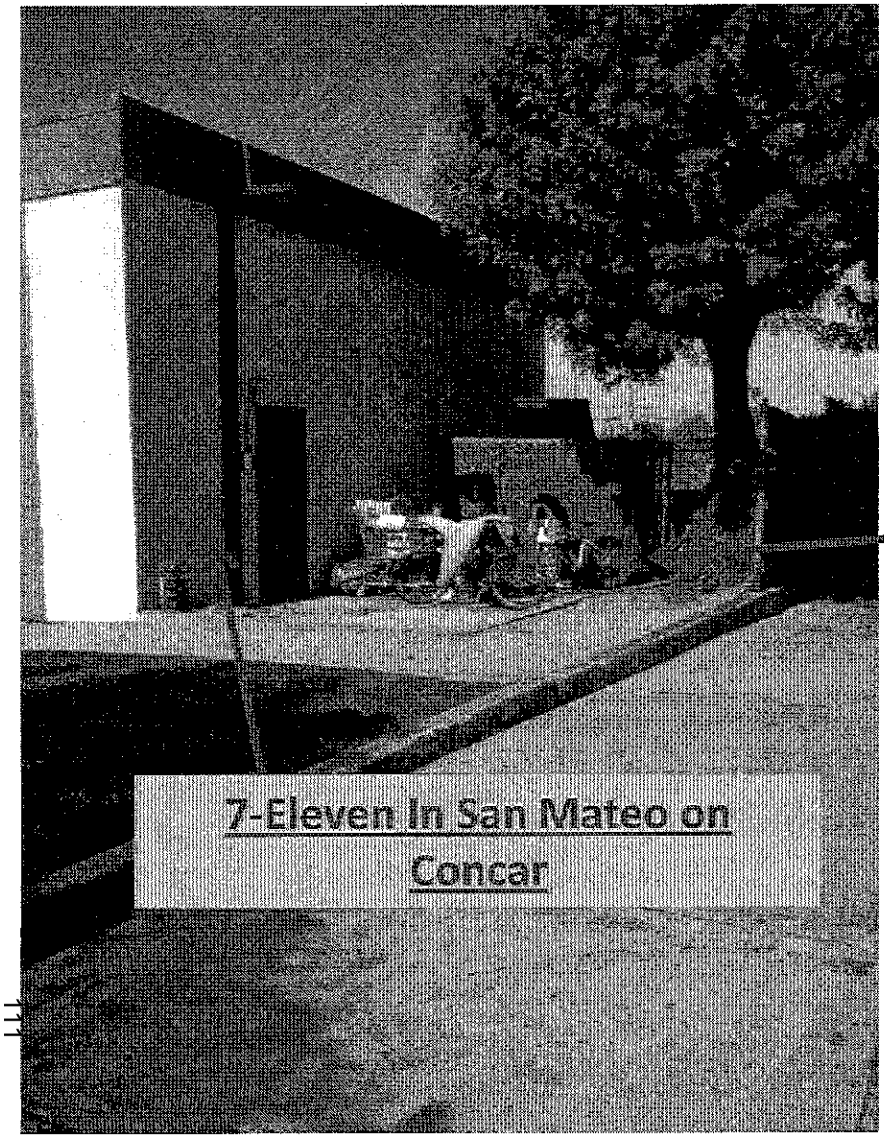
- Do we want our kids to have to walk past this as they go back and forth to school? (Both to Park School and to San Mateo High School)
- Continuation School likely coming to SMHS

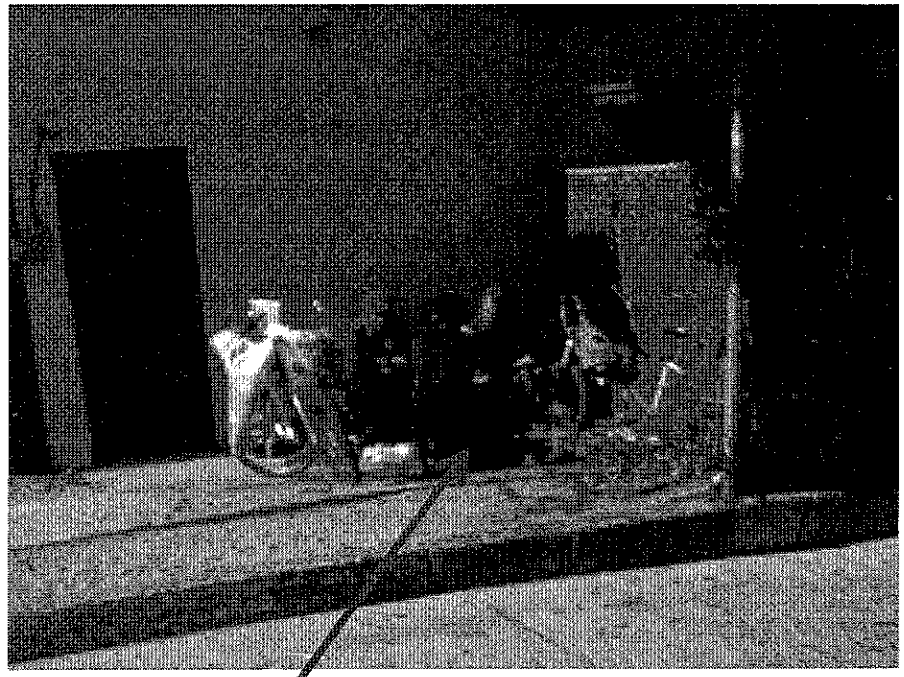


7-Elevens are magnets for crime

110

Our New Neighbors?





(Photo taken outside Concar 7-Eleven on Friday, Nov. 2, 2012 around 1 pm)

"Citizens regularly encounter transients around the...three existing locations"

"...public intoxication, drinking in public, public urination and defecation, and panhandling."

From the SMPD Report, p. 5. (Lieutenant Pat Malloy)

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Site Difficult to Police

SMPD Expects Significantly Increased Police Calls – "A New Hot Spot"

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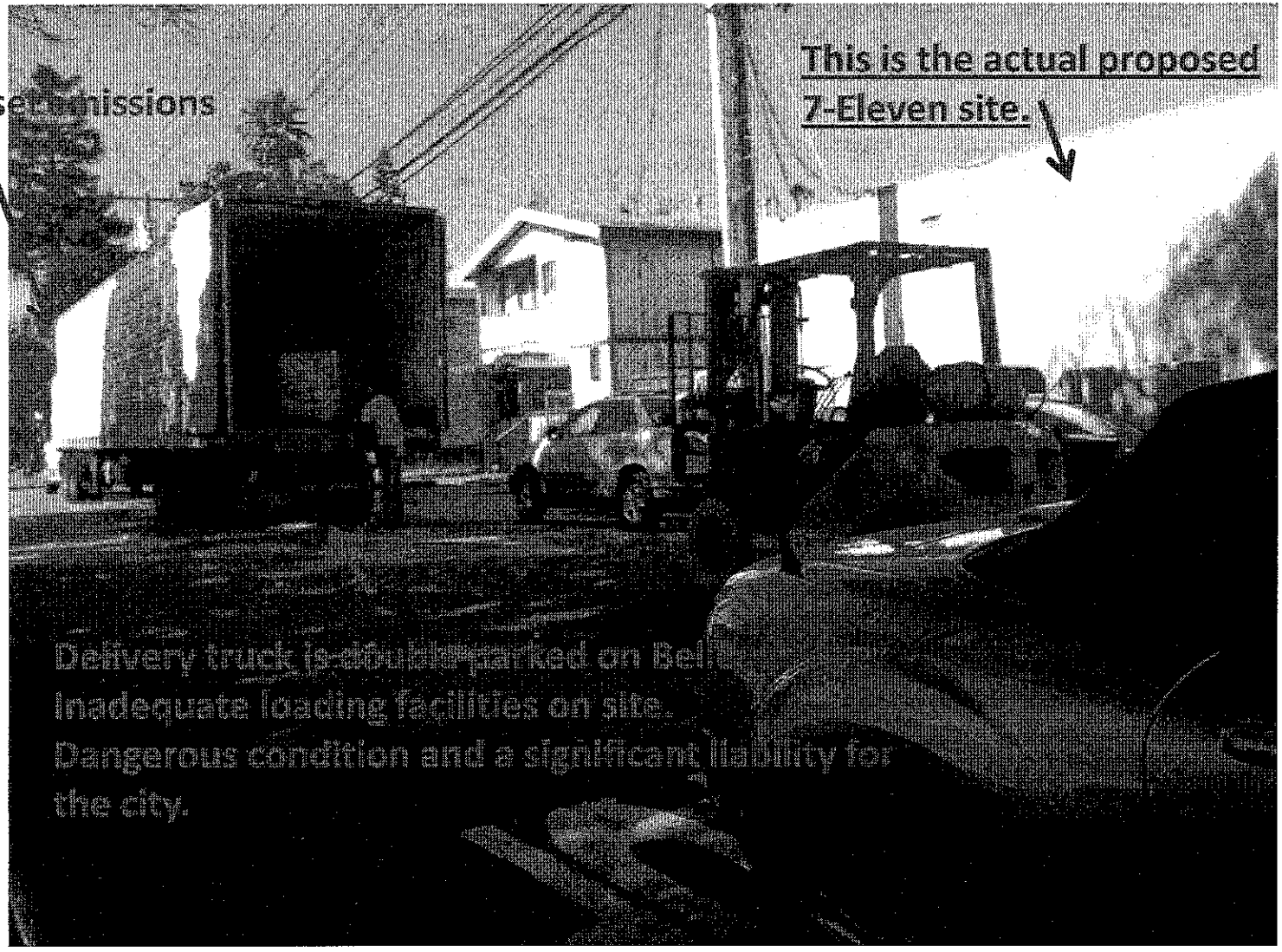
Will Be Detrimental to Safety and General Welfare

- Even "routine" operations are unsafe
- Streets and facilities are not designed for safe deliveries in quantities expected of a 7-Eleven
- City will be exposed to considerable liability if a pedestrian or motorist is injured

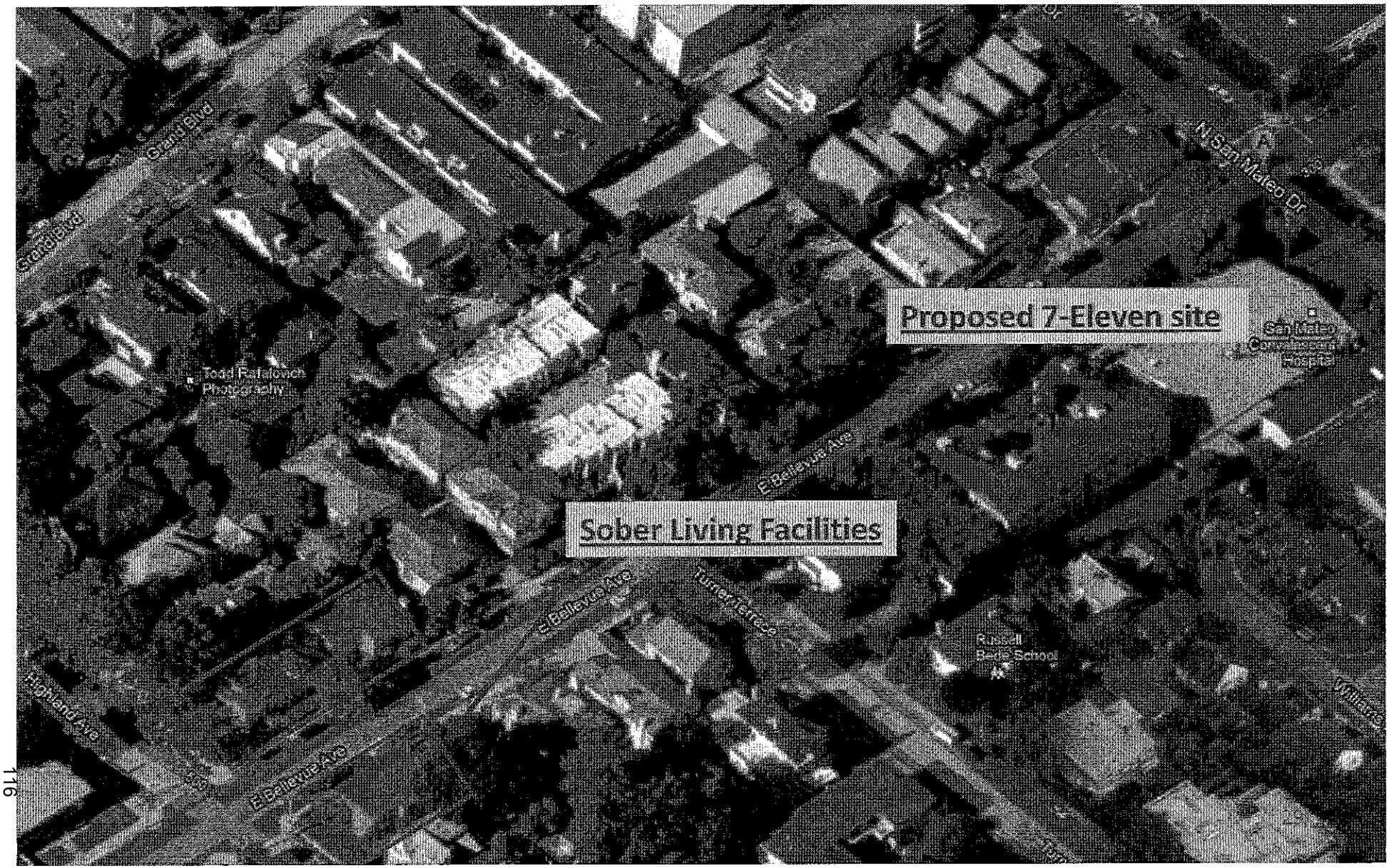
Routine Delivery Operations Are Dangerous



Will Be Detrimental to General Welfare

- Two facilities for recovering substance abusers are located on the same block.
- Is it in the general welfare (or even moral?) to locate a store that makes it easy and convenient to buy alcohol and cigarettes next to sober living facilities?

A Short Walk Back to Addiction



This is 7-Eleven's Idea of a "Fresh-Fare" Concept?

Fresh:

- Doughnuts
- Soda
- Chili Cheese Dogs
- Big Gulps
- Slurpees

Isn't there an obesity epidemic?

SMHNA

Impair Property Values

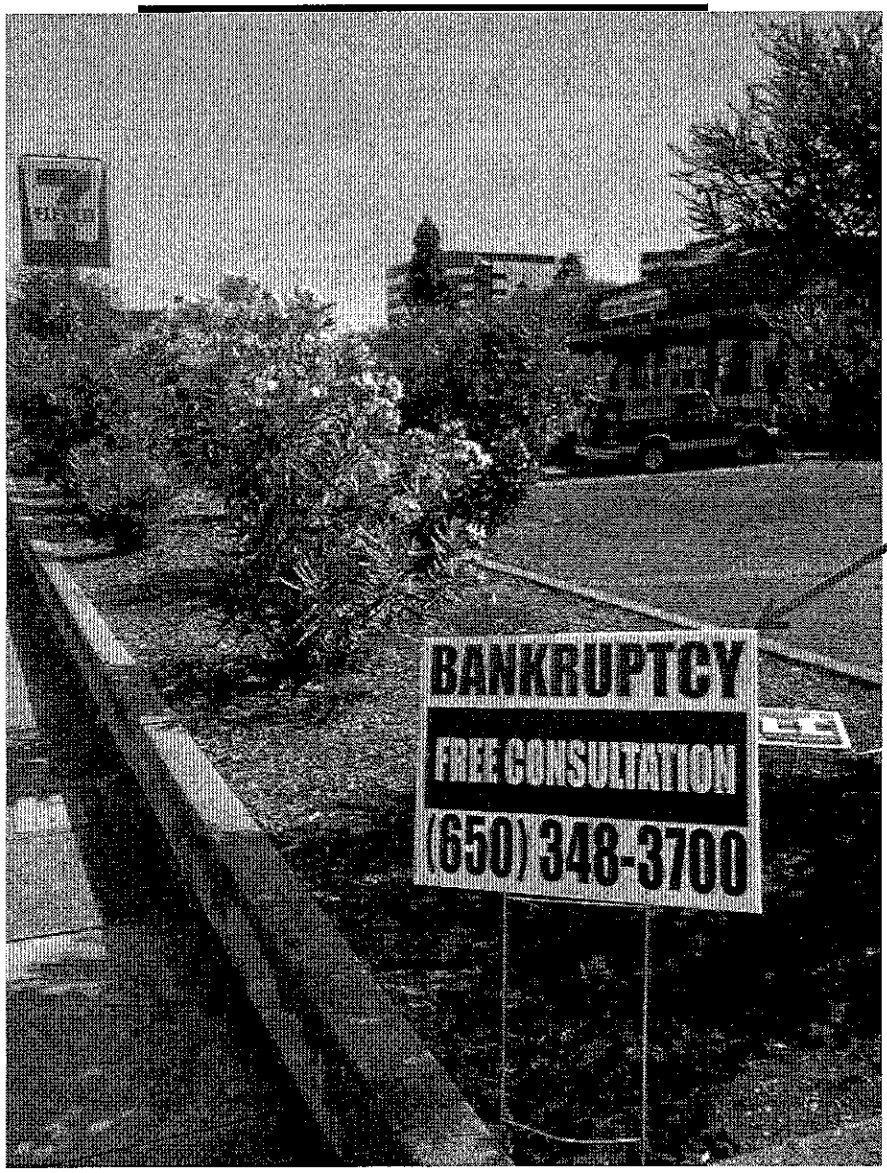
- Transient, region-wide clientele has little regard for neighborhood
- "Overall, it appears that [convenience stores]…contribute to both crime and urban decay".[1]
- Urban decay = impaired property values
- 7-Eleven is proven to add to blight and urban decay in San Mateo

1. Teh, B., Do Liquor Store Increase Crime and Urban Decay? Evidence from Los Angeles, 2007.

SMHNA

7-Eleven Is Proven to Attract Blight in San Mateo

7-Eleven at Concar and Grant in San Mateo



Blight

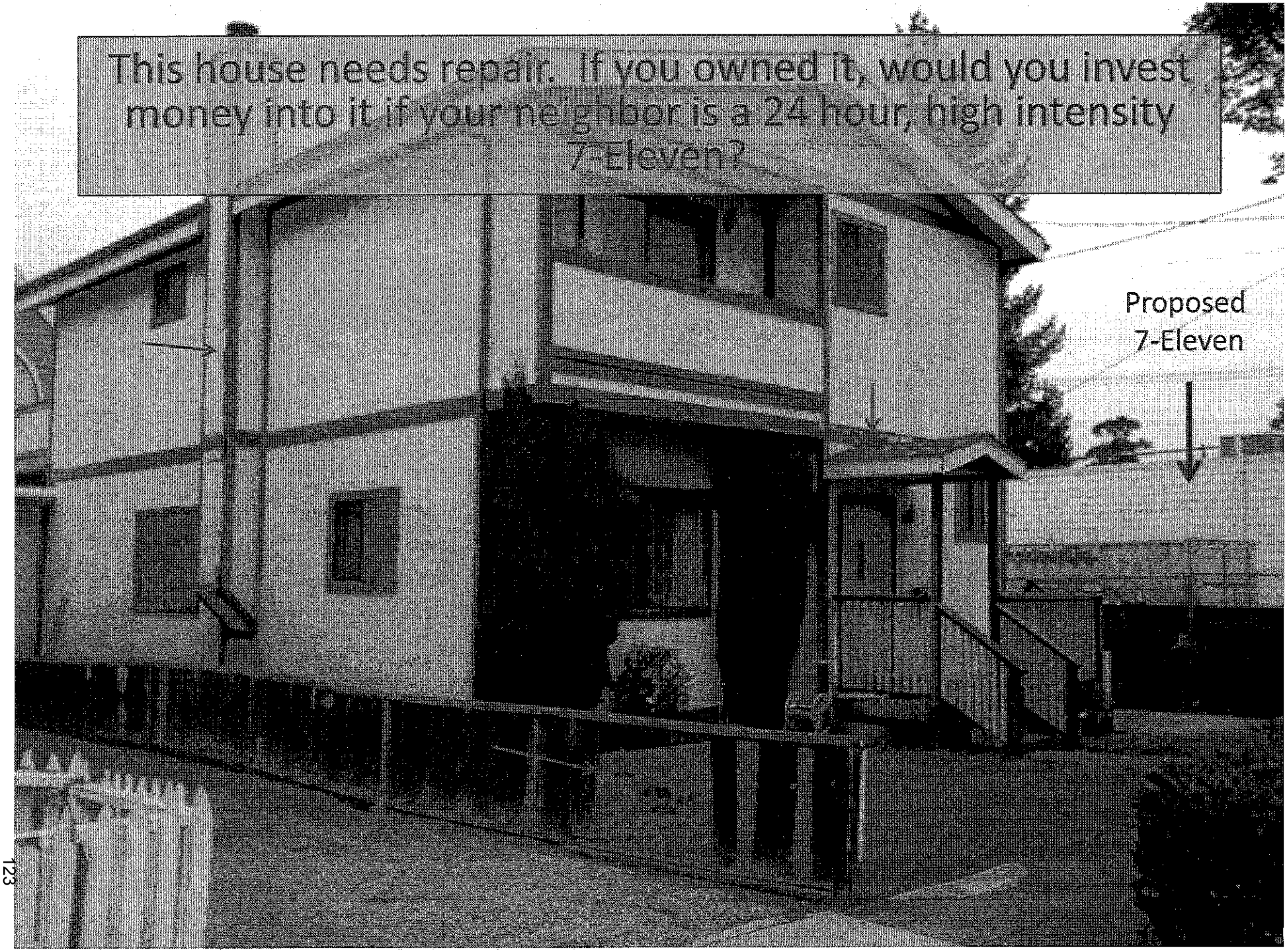
7-Eleven Increases Neighborhood Blight, Decreasing Property Values

Impair Property Values

- Blight and urban decay = impaired property values
- As a result on the decline in property values, assessed values and property taxes will go down, diminishing the amount of funds for schools, public safety, and government services.

High Intensity, 24-Hour Convenience Store will Inhibit Neighborhood Development

- Surrounding area is medium-density residential
- Residential property owners will be hesitant to invest / repair near this now high-intensity commercial use


This house needs repair. If you owned it, would you invest money into it if your neighbor is a 24 hour, high intensity 7-Eleven?
Proposed 7-Eleven

Lot Ideal for Zoned Use (R4)

- Perfectly flat plot, good residential access with full utilities
- Near CalTrain and walkable to both downtown San Mateo and Burlingame
- Very desirable residential plot
- No issues affecting residential usability

Owner Likely to Make More Money in Multi-Unit Residential

- Likely that owner will be able to make more money conforming with the zoning code and building R4 residential units.
- Existing structure is very limited, with no real value. A box and a slab.
- No significant hardship to owner.

A Convenient Out for the Convenience Store

- The convenient out is to try to force fit a process via §27.72.050 ("Burdensome").
- The Right decision is harder, but is the only legal one
  - The City Council has to admit a mistake was made
  - A building permit should not have been issued
  - Multiple codes have been violated in an apparent end-run around the planning commission
    - Did the developer or their agent conceal information from City Staff? (Intensity)
    - Did the speculative owner fully inform Portfolio Development Partners? (Office)
    - Was influence improperly used? (Opaque Process)
  - Initiate a determination and ultimately determine, pursuant to Code Section 27.72.030, that the intended 7-Eleven use of the property is an illegal nonconforming use that may not occur unless a zoning amendment is obtained

If You Choose To Ignore the Law

- Minimize the burden to the neighborhood caused by the intensified use (via 050)
  - Stipulate the minimum 2 year operation period
  - Provide limitations on:
    - Hours of operation (7 am to 7 pm – Stangalini's hours)
    - Signage, both on building, in windows, and around property
    - Operations (delivery times and locations)
  - Require enhanced police patrols or private security (paid for by owner)
  - Require neighborhood cleaning (paid for by owner)
  - Work with neighborhood to help deny a liquor license so as to protect sensitive populations