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Sept. 21, 2004

To: Sunnyvale Planning Commission and City Council

Re: File Number 2004-0534

We are not supportive of the current plan for the former Falore car dealership lot located at 776 and 750 East El Camino Real. The lot is located directly behind our property. We have 2 concerns with the current plan:

1. We are extremely dissatisfied with the placement of the main entrances to both of the retail stores. With the current plan, the prime parking for both businesses will be 40 feet behind our back fence. Our house is situated at appx. the center point of the packing lot between the two retail stores. We understand that there will be an 8 foot masonry fence between our property and the retail shopping center, but we have a tri-level house and an eight foot fence will provide minimal to no elimination of the noise coming from the shopping center parking area. It also will not block the view from our kitchen nor our master bedroom of the shopping center.

We do not understand why the main entrances to both stores have to be located at the very back of the lot. There is plenty of parking available toward the front of the lot near El Camino, but with the current configuration the parking closer to El Camino will be the last place people will park. The first place they will park will be directly adjacent to our backyard. This is completely unacceptable to us. I encourage you, - I'm actually begging you - not to let this happen. Since we have owned our home for over 7 years, we hope that the effect the current plan will have on our lives will be taken into account.

We are concerned that the current plan will not only be very unpleasant for us, but will also decrease our property value significantly since we will in effect have a high traffic parking lot located 40 feet from our back fence. Currently, there is a Falore building (appx 20 feet high) that blocks both our view and the noise from El Camino Real. It has always been very quiet in our backyard. While there is a all Falore parking area located behind us, it was used primarily by the service department employees. There was seldom any traffic through this area after 5:00 pm Monday – Friday or on weekends since the service department was not open at these times. The proposed retail stores will be open 7 days a week, until 9:00 pm Monday – Saturday and until 7:00 pm on Sunday. When the weather isn't cold, we always have our windows open. With the current plan this will mean that we will have to listen to a constant barrage of engines starting, doors shutting, cars moving, and people conversing.

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This will be a drastic change for the worse.

We were satisfied with the first version of the plan for the shopping center that Sand Hill Properties showed us. We had a 20 foot high building bordering our back fence. This was acceptable to us because we would continue to have a sizable building blocking the noise and view of El Camino, and it would also serve as a sound block for the noise from the shopping center parking lot.

We honestly can't imagine living in our house if the current plan is approved. We like our house, and have invested considerable time and money in improving it since we purchased it 7 years ago. We do not want to be forced to sell our house and move because of this. Our children attend the local public school, a school we are very satisfied with. Selling our current house and buying a new one would not only cost us a lot of money, but would result in a major disruption for our children and who knows if we would have to change schools, and if a new school would be as good as our current one.

A revised plan that includes a building located directly behind our back fence that would serve to block the sound from the shopping center parking lot would be satisfactory to us.

2. Our second concern with the current plan can be easily addressed. It is related to the trees that will be planted behind our house. Sand Hill Properties plans to use a type of ash tree in this area. Our problem with this tree is that it is deciduous. We would like the trees located behind us to be tall and to be evergreen. The height of the ash tree is good, but it drops its leaves in winter which means that during several months the trees will not block our view of El Camino Real. As long as a tall evergreen tree is used we will be satisfied.

Please take our concerns with the current plan into serious consideration and do not approve the current plan.

Regards,

Karyn and Devin MacKie
751 Chopin Drive
Sunnyvale, CA 94087

23 September 2004

To: Sunnyvale Planning Division: C/O Ryan Kuchenig
From: Barry M. Warmkessel
767 Chopin Drive
Sunnyvale CA.
Subject: Notice Of Responsibility - Sunnyvale City Planning For A Flood

This is to inform the Sunnyvale Planning Division that we are concerned about drainage through our property should the anticipated flooding of Sunnyvale's drainage ditches occur (specifically the one passing between Rembrandt and Picasso). The Falore Development is planning a masonry sound barrier (per code) that could act as a dam, collecting floodwaters spilling out of these drainage ditches and flooding our home.

There should be provisions incorporated in this masonry sound barrier adequate to drain a four-foot deep flood of water passing along Chopin Drive and the adjacent properties. Our land would be expected to exhaust about a seven-foot wide component of this four-foot deep flood. A possible solution to this problem could be a gap of about a foot between ground level and the bottom of the proposed masonry fence. This gap could be filled with an earthen barrier during normal times. As the width of the property is about sixty feet, a one-foot gap would be sufficient to drain the four-foot deep by seven-foot wide component of this flood. In addition, the Sunnyvale should consider modifying and expanding the drainage ditch passing between Rembrandt and Picasso on both sides of Fremont Avenue to include vertical concrete walls expanding the channel and mechanisms to catch flood debris before reaching the culverts passing underneath Fremont and El Camino.

Normally, Sunnyvale has an annual rainfall similar to that of Casa Blanca. But severe flooding may well be a patterned event and is predicted for California as early as 2007. Winter storms are anticipated to intensify during 2010 to 2020, especially for those in the Northern Pacific feeling the effects of westerly winds. Our climate in Sunnyvale is governed by those westerly winds off the Pacific and the times specified are just a few years away. Those who prepared these Pentagon studies are to be taken seriously.

http://www.ems.org/climate/pentagon_climate_change.html
Pentagon Report Describes Global Warming Dangers

http://www.guardian.co.uk/climatechange/story/0,12374,1153547,00.html
Key findings of the Pentagon

This letter serves to notify the City Of Sunnyvale that it may be held responsible for damage to our home if adequate planning to mitigate such floods is not undertaken.

Barry M. Warmkessel
Barry M. Warmkessel

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Ryan Kuchenig - 8/23/2004 Planning Meeting, File number 2004-0534

From: "Bert & Shirley Myers"
To: <kuchenig@ci.sunnyvale.ca.us>
Date: 8/18/2004 8:22 PM
Subject: 8/23/2004 Planning Meeting, File number 2004-0534

Dear Mr. Kuchenig,

My wife and I, Shirley and Bert Myers at 717 Chopin Dr., Sunnyvale, visited the Planning Commission offices today, 8/18/2004, to review the plans for the strip mall planned at 776 East El Camino. Based on the mall proximity to our property, we wished to express concerns based on over 30 years of living behind the Black Angus restaurant and the Acura auto dealership.

Our concerns evolve from the following many and varied events as well as the construction layout.

1. The initial rear boundary wall left a 2' to 5' gap between our fence and the wall. This left a convenient place for individuals to carry on unsavory activities including toilet and garbage repositories.

2. The parking lot of the restaurant consistently had and has car alarms going off during their and our diner hours with most untimely attention by patrons of the restaurant.

3. While garbage from the restaurant is placed in supplied dumpsters, we frequently get extended periods of unsavory odors.

4. Various car dealers over time have installed numerous burglary prevention schemes including dogs which spent hours on end barking and burglar alarms going off at all hours of the night and all day on Sundays, with excessively delayed attention.

5. Various pieces of equipment such as a large generator have operated at a constant (day and night) high db level and vibrated the ground in our yard including the house. A large air compressor created noise which rose and receded much like a fog horn at a noise level that sounded throughout our house and into the street in front of our house. A high volume industrial vacuum cleaner generated noise.

6.Individuals working in the lot climbed trees to peer over into our yard and house.

7. Trees and ivy were planted so close to the dividing wall that we must trim branches and clean up the mess twice a year and wage a never ending crusade against the invading ivy.

While our house is not directly in back of the proposed mall, we are close enough to be concerned that some of those elements enumerated will carry over onto our property and into our house unless they are more effectively addressed than a mere 6 foot wall with invasive trees and shrubbery.

I hope to attend your Aug. 23, 2004 Planning Commission meeting to lend emphasis to this message. However, if for some reason I am not able to attend, I trust that you will make my concerns part of your evaluation of the strip mall plans and address them accordingly. Thank you.

Sincerely,

Bert & Shirley Myers
717 Chopin Dr.]
Sunnyvale, CA 94087

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RECEIVED
AUG 09 2004
PLANNING DIVISION

August 5, 2004

Mr. Ryan Kuchenig, Assistant Planner
City of Sunnyvale
Dept. of Community Development
456 West Olive Avenue
Sunnyvale, CA 94088-3707

Dear Ryan:

SUBJECT: PUBLIC NOTICE / FILE NUMBER 2004-0534

This letter is in reference to the proposed project for the location of 776 East El Camino Real to construct a new 61,000 square foot shopping center on a 4.9-acre site. After reviewing the proposed plans for the site, I have a few concerns/points about the project.

WALL – The proposed wall with a height of 8 feet is a good idea, however; there are some points to make on the matter. The 8 foot high wall should go up at the beginning of the project to preserve privacy as well as to protect property lines. It should parallel along side of the property owner's current back fence to maintain accurate square footage. This construction process will ensure the preservation of property lines and the protection of property values. Once the wall is up, not before, each property owner should have the choice to either keep their current back fence or make the wall their back fence.

TREES – The proposed plan to either keep the current planted trees or plant Sequoia Redwood trees is of great concern. The current Eucalyptus trees make a messy litter, drop heavy limbs all year round, are subject to infestation, and present a fire hazard. The plan to plant Sequoia Redwood trees additionally or in place of the current trees is a bad idea as well. Sequoia Redwoods are very tall with huge branches that spread over large areas. "Troubles the tree encounters are mostly physiological: (1) not enough water or hot, dry sites make it sulk and grow slowly; (2) too much competition from bigger trees and structures makes it grow lanky, thin and open; (3) lack of available iron makes needles turn yellow every summer, especially on new growth. It is normal for oldest leaves to turn yellow then brown, and drop in late summer and early fall as well as for short twigs to brown and fall."[1] This foliage creates a messy litter in property owner's backyards, pool areas, hot tubs and gardens. The droppings from the tree make it impossible to grow plants, to maintain landscaping and to keep rooftop drainage spouts clear. The root systems break up cement work, destroy bricking and pull up fences. My suggestion is to plant all new trees that are suitable for the area, NOT any kind of redwood, pine or liquid amber. The trees should be hardy, resistant, and especially clean. They should not produce messy droppings, kill plants, destroy landscaping or create extra work for property owners. Additionally, a written agreement/commitment to prune the trees and perform any future maintenance should be required from the new landowner, especially given the history of tree problems with the previous owner.

BACK DOOR EXITS IN 20 FT. HIGH BUILDING – The current proposal for the smaller 9,500 square foot building with a height of 20 feet includes seven back door exits for seven shops. The number of back door exits associated with the shops seems excessive for the square footage. It is important to preserve the property value and resident's privacy given the building is only 30 feet away from the 8 foot high wall. The current building is farther away and is approximately only 15 feet high with no back exits. It will be a huge change to have a building closer with so many back exits. It is understandable that a number of back door exits are needed for emergency purposes, however; seven back exits is excessive and will impact property values as well as resident's privacy.

Thanks for considering the property owners concerns and issues to the proposed project.

Sincerely,

Josephine L. Gembala

Josephine L. Gembala
Property Owner

[1] Editors of Sunset Books and Sunset Magazine, "Sequoia," Sunset Western Garden Book, January 1994, p. 526.

JOSEPHIINE LAVERNE GEMBALA
747 CHOPIN DRIVE • SUNNYVALE, CA • 94087-2812 •