

**Council Meeting: February 24, 2009**

SUBJECT: **2008-0936 – Bergman Companies** [Applicant] **De Anza Square** [Owner]: Appeal by a Councilmember of a decision of the Planning Commission for a Use Permit to allow a grocery store (Fresh & Easy) in an existing retail space greater than 10,000 square feet. The property is located at **1356 S. Mary Avenue** (near W Fremont Ave at De Anza Square Shopping Center) in a C-1 (Neighborhood Business) Zoning District.

Motion Use Permit to allow a grocery store (Fresh & Easy) in an existing retail space greater than 10,000 square feet.

REPORT IN BRIEF

Existing Site Conditions Retail building within existing De Anza Square Shopping Center

Surrounding Land Uses

North	Commercial shopping center and medical offices
South	Single-family homes
East	Single-family homes
West	General office complex

Issues Landscaping, parking and architecture

Environmental Status A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

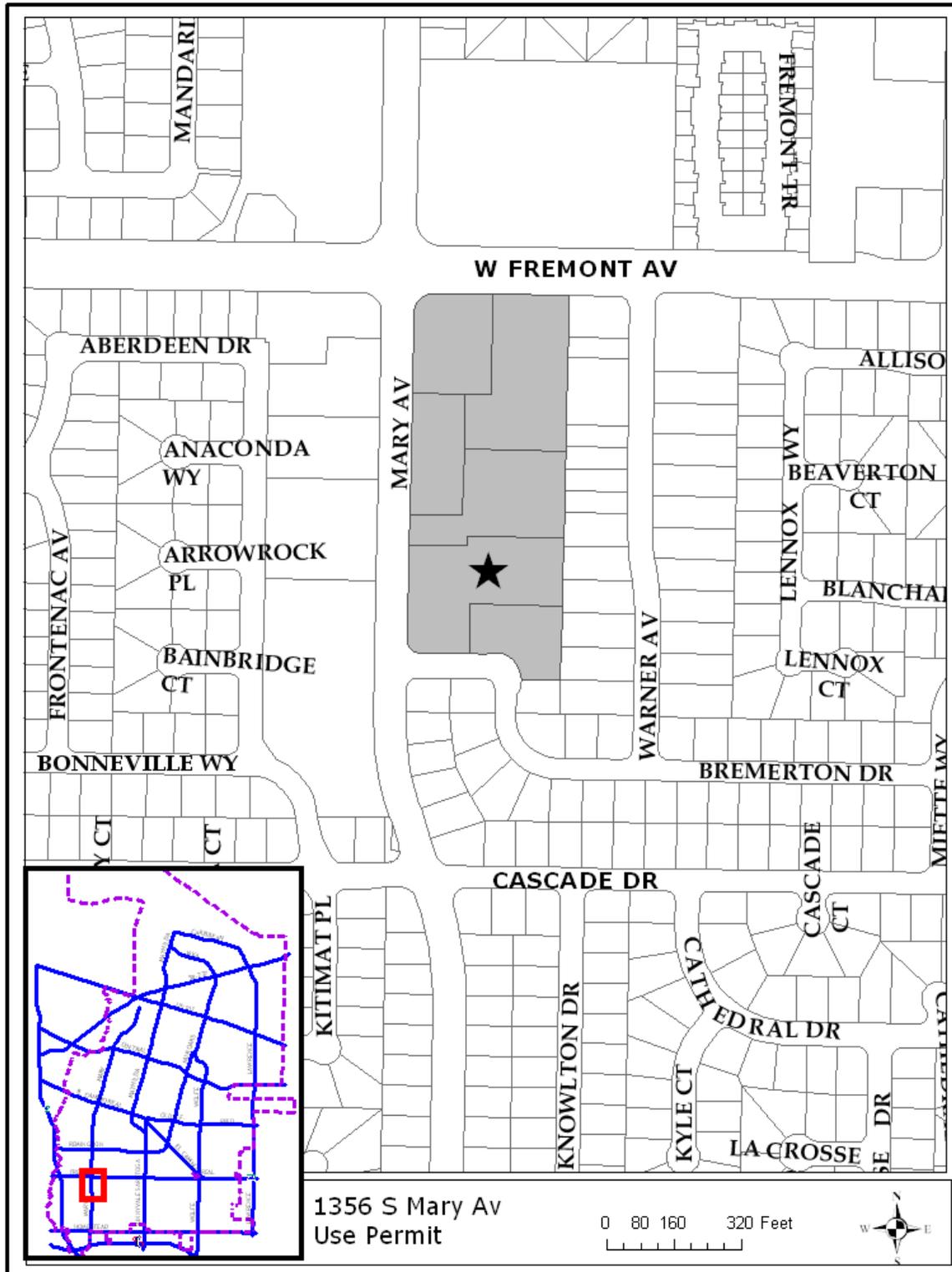
Planning Commission Action Approved the Use Permit with modified conditions.

Staff Recommendation Deny the appeal and approve the Use Permit with conditions approved by the Planning Commission.

2008-1056: Appeal of Use Permit (Fresh & Easy)
Application for 1356 S. Mary Ave.

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PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Commercial Neighborhood Shopping	Same	Commercial Neighborhood Shopping
Zoning District	C-1	Same	C-1
Lot Size (s.f.)	315,137	Same	None
Gross Floor Area (s.f.)	89,317	Same	110,298 max.
Gross Floor Area of Tenant (s.f.)	23,023	Subdivided: 15,547 (Fresh & Easy) 7,476 (subtenant) <i>Total: 23,023</i>	N/A
Lot Coverage (%)	28.3%	Same	35% max.
No. of Buildings On- Site	3	Same	N/A
Building Height (ft.)	38'-5"	Same	30' max. (if within 75' of 2-story homes)
No. of Stories	1	1	8 max.
Setbacks (subject building only)			
Front (Fremont Ave.)	150'	Same	70' min.
Front (Mary Ave.)	168'-5"	Same	70' min.
Front (Bremerton Dr.)	70'	Same	70' min.
Rear (adjacent to residential)	36'-9"	Same	10' min.
Landscaping (total shopping center)			
Total Landscaping	35,087 (11.1%)	35,212 (11.2%)	63,027 (20%) min.
Frontage Width (ft.)	6' to 15' varies	Same	Per Original UP for shopping center
Buffer (ft.) Adjacent to Residential	6' to 15' varies	Same	Per Original UP for shopping center
Parking Lot Area Shading (%)	5.3%	6.3%	50% min. in 15 years
Parking (total shopping center)			
Total Spaces	383	Same	397 min.
Standard Spaces	370	337	357 min.
Compact Spaces/ % of Total	Unknown	32 (8.4%)	40 (10%) max.
Accessible Spaces	13	14	21 min.
Bicycle Parking	2 (2 Class II)	5 (1 Class I, 4 Class II)	5 min. (1 Class I, 4 Class II)



	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Stormwater (total shopping center)			
Impervious Surface Area (s.f.)	280,050	279,925	---
Impervious Surface (%)	88.87%	88.83%	---

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The applicant proposes to occupy an existing tenant space within a 7.2-acre neighborhood shopping center (De Anza Square). The subject tenant space is 23,023 square feet in size and has been vacant for almost six years. The space was previously occupied by a grocery store (Albertson's). The applicant proposes to subdivide the subject tenant space into two spaces. A grocery store (Fresh & Easy Neighborhood Market) will occupy approximately 15,547 square feet, and the remaining 7,476 square feet will be subleased to an unidentified future tenant. Although retail uses are generally permitted by right within the C-1 Zoning District, a Use Permit is required for uses greater than 10,000 square feet. The tenant space has been vacant for more than a year.

The project also includes modifications to the building exterior. No floor area will be added. The parking lot area adjacent to the tenant space will also be upgraded with additional landscaping and restriping of parking spaces. The site upgrades will not bring the existing deficiencies for on-site parking, total landscaping and parking lot shading to current standards.

On January 12, 2009, the Planning Commission unanimously approved the project with modified conditions, which are noted in Attachment B. Since that hearing, a Councilmember has submitted an appeal (Attachment H, Letter from Appellant) regarding the conditions of approval.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2006-1154	Use Permit for children's instruction cooking facility	Administrative Hearing/Approved	1/24/2007
2006-0341	Use Permit for a martial arts instruction studio	Administrative Hearing/Approved	4/26/2006
2006-0070	Use Permit for expansion of an existing martial arts workout studio	Administrative Hearing/Approved	3/01/2006
2001-0083	Use Permit for a dance instruction studio	Administrative Hearing/Approved	3/14/2001
1995-0382	Environmental Review for construction of a commercial building	Staff Review/ Approved	12/15/1995

Environmental Review

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed projects would not create any significant environmental impacts with implementation of mitigation measures regarding traffic (see Attachment C, Initial Study).

Although the proposed project would replace a former grocery store, the subject tenant space has been vacant for almost six years. As a result, the trips associated with the previous grocery store were not reflected in the Santa Clara Valley Transportation Authority's current traffic counts. Therefore, the project was not given trip credits for the vacant use and a traffic impact analysis (TIA) was required.

A TIA was conducted by Hexagon Transportation Consultants, Inc., dated November 6, 2008. The study found that the project would generate 1,871 new daily trips, with 58 new trips occurring during the AM peak hour and 140 new trips occurring during the PM peak hour, which is not considered to be a significant impact. In addition, an intersection level of service analysis was conducted, which found that under the near-term project conditions, all of the signalized study intersections would operate at acceptable levels of service during the AM and PM peak hours.

The study found that the intersection of Mary Avenue and Fremont Avenue would operate unacceptably under future 2030 conditions both with and without the project. A second eastbound left-turn lane at the intersection of Mary Avenue and Fremont Avenue would mitigate the impact to be less than

significant. This improvement already exists as a mitigation measure identified in VTA's Transportation Strategic Plan. The improvement is fully-funded by transportation impact fees that have been collected by the City of Sunnyvale, and will be implemented when the traffic conditions and level of service operations warrant this improvement. Current traffic and level of service conditions do not warrant implementation at this time; however, the City will continue to monitor this mitigation measure as part of a traffic model that is updated every five years. As this mitigation measure is fully-funded by the City of Sunnyvale, no additional action is required by the property owner/applicants of this project (Attachment B, Recommended Conditions of Approval).

Use Permit

Detailed Description of Use: The existing shopping center consists of three buildings with a gross floor area of approximately 90,751 square feet. The primary building is occupied by multiple tenants, including retail, personal service, and recreational/educational uses. The other two smaller buildings are currently occupied by a retailer (Walgreens) and bank (Bank of America).

The subject tenant space is 23,023 square feet in size and is within the primary building. The space has been vacant for almost six years and was previously occupied by a grocery store (Albertson's). The applicant proposes to subdivide the subject tenant space into two spaces. A grocery store (Fresh & Easy Neighborhood Market) will occupy approximately 15,547 square feet, and the remaining 7,476 square feet will be subleased to an unidentified future tenant. No outdoor seating or seasonal sale events are proposed at this time. Future uses will be subject to provisions contained in Sunnyvale Municipal Code (SMC) Section 19.20.030 and parking regulations contained in SMC 19.46.050.

Hours of Operation: Fresh & Easy proposes to operate from 6:00 a.m. to 10 p.m., seven days a week. Staff recommends that hours extending beyond midnight shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. In order to reduce noise impacts to adjacent residential neighbors, staff further recommends that all new doors facing the east property line (adjacent to residential) remain closed when not used for access (Attachment B, Recommended Conditions of Approval).

Delivery Hours: Delivery hours for Fresh & Easy must comply with SMC 19.42.030, which includes the following provisions also contained in Attachment B:

- Deliveries adjacent to residential uses are limited to daytime hours (period from 7:00 a.m. to 10:00 p.m. daily) only.

- Nighttime deliveries adjacent to residential uses (period from 10 p.m. to 7:00 a.m. daily) are prohibited.

Site Layout: The existing 7.2-acre shopping center is bound by Fremont Avenue to the north, residential properties to the east, Bremerton Drive to the south and S. Mary Avenue to the west. There are three buildings within the shopping center, with a gross floor area of 90,751 square feet. The two smaller buildings in the shopping center are closest to the Mary Avenue street frontage. The applicant proposes to occupy and subdivide a tenant space within the primary building, which abuts existing residential properties to the east. There are no modifications to the existing building footprint at this time, and no floor area will be added.

Minimal landscaping is on-site; parking spaces are dispersed throughout the shopping center, and are mostly located in front of the primary building. Minor changes will be made to the existing parking lot and landscaping areas and are discussed in the subsequent sections of this report.

Cart Storage Facilities: Cart storage facilities have also been designed into the project, and will be located within the parking lot area. Although, ideally, the cart facilities would be better distributed around the parking lot area, the siting of the facilities is limited due to the existing parking and landscaping deficiencies.

Fences: An existing 7-foot high masonry wall separates the shopping center from the adjacent residential properties. No modifications are proposed to the existing masonry wall. Staff finds that the existing wall provides sufficient screening and the existing mature landscaping provides additional screening for the residents.

Loading Docks: The existing loading docks are located on the project's east side, approximately 35 feet away from adjacent residential properties (Attachment F, Site Photos). No modifications are proposed to the existing loading docks. Staff finds that the existing fence, landscaping screening, and conditions regarding delivery times, will help minimize potential impacts to the adjacent neighbors.

Mechanical Equipment: The applicant proposes to contain all new mechanical equipment within the building interior located towards the back of the building. This allows for proper noise attenuation and for visual screening. All mechanical equipment will be subject to the City's noise regulations (Attachment B, Recommended Conditions of Approval).

Stormwater Management: The applicant proposes to remove approximately 125 square feet of impervious surface and replace it with landscaping. Minimal

modifications to the existing site drainage patterns are proposed. Although the project is not required to submit a Stormwater Management Plan, as less than 10,000 square feet of surface will be modified, standard best practices for grading and runoff requirements apply.

Architecture: The primary building in the shopping center has been minimally altered since the original construction, and is made of stucco and horizontal wood siding and wood shake roofing. The two other buildings in the shopping center are more recently constructed and include stucco siding and barrel tile roofing.

The applicant proposes modest exterior modifications to the tenant space elevations, and repainting of the remaining building to match. Modifications to the tenant frontage include a new color scheme (yellow and green hues), re-roof and the addition of two roof features directly above of the proposed tenant doors to support tenant signs.

The proposed plans were reviewed by the City's consulting architect, who found the color scheme to be satisfactory. With regards to the existing wood shake roof, the new roof material is proposed as composition shingle which will maintain similar depth and texture and will be compatible with the remaining wood shake. The architect also reviewed the two roof features and found that the proportions of the features are too large for the existing building and that they do not relate to the remaining building style. Although the applicant proposes to move forward with the current elevation drawings, staff recommends that the applicant continue to work with staff on revised roof features that are "lighter" design elements and are compatible with the existing building (Attachment B, Recommended Conditions of Approval).

Signs: The two proposed roof features will be designed to accommodate business signage. Signs will be part of a separate submittal and must either comply with the current Master Sign Program for the center or the entire program shall be modified to accommodate the new signs (Attachment B, Recommended Conditions of Approval).

Trash Facility: There is an existing unenclosed trash facility located within the loading dock area. The applicant proposes to retain the existing trash facility location, and add a masonry enclosure to match the color of the building (Attachment B, Recommended Conditions of Approval). The new enclosure will further minimize impacts to the neighbors, and will not be visible from the street frontages.

The following Guidelines were considered in the analysis of the project architecture.

City-Wide Design Guidelines (Architecture)	Comments
<i>II. Buildings shall enhance the neighborhood and be harmonious in character, style, scale, color and materials with existing buildings in the neighborhood.</i>	The proposed color scheme and roof materials are compatible with the remaining building design. As proposed, the new roof features do not relate to the scale and design of the existing building. Therefore, staff recommends that the applicant continue to work with staff on revised architectural plans for the roof features.
<i>V. Service areas shall be designed and located for maximum function and minimum impact on adjacent uses.</i>	The proposed trash enclosure will match the color of the building, and will help reduce the visual impact to adjacent neighbors.

Landscaping: Existing landscaping is dispersed throughout the parking lot and along the street frontage. The shopping center is legal non-conforming for total landscaping, frontage width, buffer landscaping adjacent to residential properties and parking lot shading. No modifications are proposed to the existing frontage width and buffer landscaping areas. All but one existing tree and shrubbery will be retained. The applicant proposes to modify only the parking lot and landscaping areas in front of the tenant space they will occupy.

Due to the existing site constraints, such as the existing building locations and required parking spaces, opportunities to add landscaping to the site are limited. The applicant proposes to re-stripe a portion of the parking lot area and add landscaping to areas not needed for parking or circulation. Approximately 125 square feet of new landscaping will be added to the parking lot area along the tenant frontage, which includes new landscaping islands that will be planted with new trees. Although the applicant proposes to add landscaping to the site, there will still be a deficiency in total landscaping and parking lot shading. Approximately 35,212 square feet (11.2% of the shopping center) will be landscaped, where 63,027 square feet (20%) minimum is required. Therefore, almost 28,000 square feet of additional landscaping would be required to bring the site into compliance. In addition, the new trees will increase parking lot shading from 5.3% to 6.3% within 15 years, where 50% of the parking lot area is required to be shaded.

The landscaping plan shows an inventory of all existing trees within the shopping center, which includes approximately 23 protected trees. "Protected trees" are those that have trunks that are at least 38 inches in circumference, as measured four and a half feet from the ground. The applicant proposes to remove one existing protected Pine tree located at the back of the shopping

center in order to improve truck access to the loading docks. An arborist report was prepared by Ian Geddes Tree Care, Inc., dated December 1, 2008, which found that the tree proposed for removal is currently uplifting the adjacent pavement areas. Additionally, repeated vehicle strikes on the existing trunk are visible. The applicant proposes to add six 15-gallon Pin Oak trees within the landscaping islands at the front of the site. Due to the limited planting area within the landscaping islands, staff finds that the proposed replacement trees are sufficient and will help improve the streetscape and parking lot shading of the existing shopping center.

Staff finds that the requested landscaping deficiencies are reasonable, as the proposed project does not exacerbate the existing deficiencies and is an improvement to the site. Additionally, staff finds that the landscaping upgrade is proportional to the minor tenant improvements that are proposed.

Parking/Circulation: The existing shopping center is legal non-conforming for parking. For shopping centers with more than 50,000 square feet of gross floor area, 1 parking space per 225 square feet is required. A total of 397 parking spaces are currently required, where there are 383 parking spaces existing. Therefore, the shopping center is deficient by 14 parking spaces.

In order to add landscaping and cart storage facilities within the parking lot, the applicant proposes to re-stripe the parking lot area along the tenant frontage with compact parking spaces and relocate seven parking spaces towards the back of the building. The proposed project will maintain 383 total on-site parking spaces. In addition, a Parking Management Plan will be required prior to issuance of a building permit (Attachment B, Recommended Conditions of Approval). Staff finds that the requested parking deficiency is justified, as the proposed retail use is not adding square footage to the shopping center, and will not exacerbate the existing deficiency. Staff notes that when the tenant space previously operated as a grocery store, the parking supply seemed adequate.

Bicycle Parking: A total of 5 bicycle parking spaces will be added to the site, which will be located in front of the tenant space. A combination of bicycle lockers and racks will be incorporated into the project, included one Class I space and five Class II spaces. The proposed bicycle parking is proportional to the scope of the work, and is deemed to be sufficient by the City's Traffic Division and meets VTA's guidelines.

On-site Circulation: Access to the shopping center is provided by two existing driveways on Fremont Avenue and three driveways along Mary Avenue. The applicant proposes to maintain the existing driveways. As conditioned, the driveway along the tenant frontage that do not meet current City standards will be upgraded, as deemed appropriate by the Director of Public Works

(Attachment B, Recommended Conditions of Approval). The project meets the aisle width and emergency drive aisle access requirements throughout the entire shopping center.

The applicant proposes to add a new pedestrian walkway, from Mary Avenue to the tenant store frontage. Staff finds that the added walkway through the parking lot area will improve the pedestrian circulation of the site, and further recommends that the new walkway be made of a decorative material (Attachment B, Recommended Conditions of Approval).

Off-Site Improvements: Staff is recommending minor off-site improvements including new handicap ramps on the north and south side of Bremerton Drive (at Mary Avenue) and upgrades to the existing sidewalk and driveway along the project frontage. These improvements are typical of minor upgrades to a shopping center.

Art in Private Development: The project is not subject to Art in Private Development requirements, as the project involves neither the construction of new buildings nor the expansion of existing buildings (SCM 19.52.030).

Compliance with Development Standards/Guidelines: The proposed project meets some of the development standards for the C-1 Zoning District, including lot coverage and setbacks, and provides a much-needed neighborhood amenity. Although the proposed use does not remedy all existing site deficiencies for on-site parking, total landscaping and parking lot shading, these deficiencies will not be exacerbated with the proposed project. Instead, the project will result in additional landscaping and will maintain the same amount of parking spaces.

Staff finds that these deficiencies are reasonable and proportional to the scope of work that is proposed. In addition, staff finds that the proposed project helps to improve the existing shopping center and, as conditioned, will have a positive impact on the streetscape.

Expected Impact on the Surroundings: The proposed development will improve the aesthetic quality of the streetscape, and will occupy a tenant space that has been vacant for almost six years. The applicant will be required to develop a construction plan to ensure that the project will not conflict with the existing uses, accessibility, circulation and parking (Attachment B, Recommended Conditions of Approval). Additionally, the new trash enclosure and internal mechanical equipment room will help reduce visual and noise impacts to the adjacent residents. Therefore, staff finds that the proposed project will result in minimal impacts to the existing neighborhood.

Fiscal Impact

Transportation Impact Fee: The proposed project does not add square footage to the existing shopping center and the tenant space was not vacant when the data was collected for the Transportation Impact Fees. Therefore, no transportation impact fees are required.

Public Contact

Staff had not received comments from the neighbors at the time of the staff report.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 97 notices mailed to the property owners and residents within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website

Planning Commission Hearing: A Planning Commission meeting was held on January 12, 2009 regarding this project. At the meeting, the property owner stated concerns regarding the conditions recommended by staff, including parking lot striping, pervious surfaces for the pedestrian walkway and the requested modification to design of the roof feature (Planning Commission Hearing Minutes January 12, 2009, Attachment G). A letter from a neighboring resident (see Attachment J) was also provided to the Planning Commission at the hearing, stating concerns with potential noise impacts, which have been addressed in previous sections of this report.

The Planning Commission stated similar concerns as staff regarding the compatibility of the roof feature to the design of the existing building and neighborhood, and therefore, required that the feature be re-designed. The Planning Commission unanimously approved the project with modified conditions, including allowing the walkway to be of a non-pervious material and in exchange 12 parking spaces to be of a pervious material (see Attachment B for Conditions of Approval).

Design Alternative: After the hearing, staff met with the applicant's architect and the City's consulting architect to discuss design alternatives for the roof

features. A revised design contained in Attachment I is acceptable to staff. It is a smaller roof feature directly on top of the entry doors of Fresh & Easy. Materials include wood siding and composition shingle roofing, which will match the building. The smaller roof feature on top of the subtenant entry doors was removed.

Conversations with the applicant indicate that they may be pursuing a larger roof element. Staff finds that the design alternative contained in Attachment I addresses the concerns expressed by the City's consulting architect and Planning Commission, while a larger element may not be proportional to the existing building.

If the project is approved, the City Council may approve the design alternative contained in Attachment I, or provide direction to staff on another design alternative.

Appeal: Since the time of the hearing, a Councilmember submitted an appeal regarding the condition of approval on January 24 (Attachment H, Letter from Appellant). No specific conditions of approval were addressed in the appeal letter. Most of the recommended conditions are standard development requirements that are required for projects of this scope, such as the requested right-of-way improvements, and the remaining conditions have been previously discussed in other sections of this report.

Conclusion

Discussion: As conditioned, staff finds that the proposed project is compatible with the existing neighborhood and provides a neighborhood amenity. While the site will have deficiencies to the parking, total landscaping and parking lot shading, staff finds that there is not sufficient nexus in the reuse of the tenant space to require additional upgrades on-site. The overall streetscape will be enhanced with the proposed improvements. The off-site improvements will improve safety and accessibility.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Deny the appeal and uphold the decision of the Planning Commission approving the Use Permit with the attached conditions.
2. Approve the appeal and uphold the decision of the Planning Commission approving the Use Permit, with modified conditions.
3. Reverse the decision of the Planning Commission and deny the Use Permit.

Recommendation

Alternative 1.

Reviewed by:

Hanson Hom, Director of Community Development Department
Reviewed by: Trudi Ryan, Planning Officer
Prepared by: Noren Caliva, Project Planner

Reviewed by:

Gary Luebbers
City Manager

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Mitigated Negative Declaration/Initial Study
- D. Site and Architectural Plans
- E. Letter from the Applicant
- F. Site Photos
- G. Planning Commission Hearing Minutes January 12, 2009
- H. Letter from Appellant
- I. Design Alternative
- J. Letter from a Resident

Recommended Findings – Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

Policy N1.2: *Require new development to be compatible with the neighborhood, adjacent land uses and the transportation system.*

Community Design Sub-Element

Policy C.1: *Place a priority on quality architecture and site design which will enhance the image of Sunnyvale and create a vital and attractive environment for business, residents, and visitors, and be reasonable balanced with the need for economic development to assure Sunnyvale's economic prosperity.*

Policy C.4: *Encourage quality architectural design, which improves the City's identity, inspires creativity, and heightens individual as well as cultural identity.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. *(Finding Met)*

The project is consistent with the policies and objectives for land uses in the General Plan. The proposal meets most development standards for the C-1 Zoning District and helps to improve existing site deficiencies. As conditioned, the project meets the City-Wide Design Guidelines.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. *(Finding Met)*

The proposed project will improve the streetscape by adding landscaping and upgrading the tenant frontage within the shopping center. The architectural upgrades, as conditioned, will be compatible with the other buildings in the shopping center. Landscaping and site improvements will contribute to the streetscape, and implements the guidelines contained in the City-Wide Design Guidelines.

Recommended Conditions of Approval – Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- F. A Construction Plan shall be submitted to the Director of Community Development to ensure that all construction activities throughout the shopping center do not conflict with existing uses, accessibility, circulation and parking, prior to issuance of final building permits.
- G. A Merchandise Plan is required, subject to approval by the Director of Community Development, prior to any outdoor sales. The plan shall designate display areas and adequate clearance for pedestrians. Outdoor display of items along the front walkway is permitted throughout the year and seasonal display is permitted as designated on the plan in accordance with the approved merchandise plan and regular upkeep to maintain tidiness and cleanliness at all times. Habitual violation of this requirement shall revoke outdoor display privileges at the discretion of the Director of Community Development.

- H. The hours of operation for all subject tenants are limited to 6:00 a.m. to midnight for standard hours of operation, excluding short duration sales events which may have extended hours. Hours extending beyond midnight shall require approval of the Director of Community Development through a Miscellaneous Plan Permit.
- I. Delivery hours must comply with SMC 19.42.030:
1. Delivery hours adjacent to residential uses are limited to daytime hours (period from 7:00 a.m. to 10:00 p.m. daily) only.
 2. Nighttime deliveries adjacent to residential uses (period from 10 p.m. to 7:00 a.m. daily) are prohibited.
- J. All doors facing the adjacent residential properties along the east property line shall remain closed when not used for access.
- K. Out-door loudspeakers shall be prohibited.

2. ENVIRONMENTAL MITIGATION MEASURES

- A. In addition to complying with applicable City Codes, Ordinances, and Resolutions, the following mitigation measures are incorporated into the project to minimize the identified potential environmental impacts:

WHAT: Add a second eastbound left-turn lane at the intersection of Mary Avenue and Fremont Avenue, which will include additional right-of-way, pavement widening, restriping, and signal modifications.

WHEN: This improvement is a mitigation measure identified in Santa Clara Valley Transportation Authority's (VTA) Transportation Strategic Plan. The improvement is fully funded by transportation impact fees that have been collected by the City of Sunnyvale, and will be implemented when the traffic conditions and level of service operations warrant this improvement. Current traffic and level of service conditions do not warrant implementation at this time; however, the City will continue to monitor this mitigation measure as part of a traffic model update that is conducted every five years.

WHO: This improvement is fully funded by the collection of transportation impact fees, and will be implemented by the City of Sunnyvale as part of the Transportation Strategic Plan. No action is required by the property owner/applicants of this project.

HOW: This improvement is a mitigation measure identified in Santa Clara Valley Transportation Authority's (VTA) Strategic Plan.

3. COMPLY WITH OR OBTAIN OTHER PERMITS

- a. Obtain necessary permits from the Department of Public Works for all proposed off-site improvements.
- b. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit.

4. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. The project architect shall work with the Director of Community Development to include the following into the final architectural design:
 1. The roof material shall be “CertainTeed Presidential TL Ultimate”, or equivalent.
 - ~~2. The project architect shall continue to work with staff on the design of the roof forms, which meet the following design criteria:~~
 - ~~a. The roof forms shall be proportional to the size of the existing building, and~~
 - ~~b. The roof forms shall be compatible with the design of the existing building.~~
 3. The roof form element as designated on plans dated January 24, 2009 is the approved design for this element.
- B. The final architectural design and exterior building color scheme is subject to review and approval by the Director of Community Development, prior to issuance of a building permit.

5. EXTERIOR EQUIPMENT

- A. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved mechanical room.
- B. No outdoor storage is permitted.

6. FENCES

- A. No modifications are permitted to the existing fence along the east property line.

7. LANDSCAPING

- A. Landscape and irrigation plans for all on-site landscaping are subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy.
- B. Provide a decorative pervious pavers walkway as required by the Director of Community Development for the new pedestrian walkway off of Mary Avenue.
- C. All existing frontage trees and buffer landscaping (adjacent to residential properties) shall be preserved.
- D. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- E. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped, or pruned into smaller topiary shapes). Trees shall be maintained using standard arboriculture practices.
- F. All areas not required for parking, driveways or structures shall be landscaped.
- G. The applicant shall work with staff to ensure that 12 of the required parking spaces are made of permeable pavers, and to determine the appropriate location of the parking spaces prior to issuance of a building permit.

8. TREE PRESERVATION

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for approval.
- B. The tree protection plan shall be submitted for any existing trees within all impacted areas, which shall include tree protective measures contained in the arborist report prepared by Ian Geddes Tree Care, Inc, dated December 1, 2008.
- C. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- D. The tree protection plan shall remain in place for the duration of construction.

- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

9. LIGHTING

- A. Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development.
- B. Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development to assure adequate security lighting without excessive light glare.
- C. Any new lights along the rear elevation/loading dock area shall have shields to prevent glare onto adjacent residential properties, and shall face downward and shall not shine onto adjacent residential properties

10. PARKING

- A. Specify compact and employee parking spaces within the remodeled area on Building Permit plans.
 - ~~a. All employee areas shall be clearly marked prior to occupancy~~
 - ~~b. a.~~ All compact parking spaces shall be clearly marked prior to occupancy.
- B. Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding short term parking for registered attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises.
- C. A Parking Management Plan ~~may be required in the future if the concentration of uses create parking congestion of the site, as deemed necessary by the Director of Community Development~~ shall be submitted to the Director of Community Development for review and approval prior to issuance of a Building Permit.

11. BICYCLE PARKING

- A. A total of 5 bicycle parking spaces shall be provided, which shall include one Class I spaces and four Class II spaces.
- B. The selected models of the bike locker and racks, dimensions, and installation/spacing details must also be consistent with the VTA Guidelines, and must be provided as part of the on-site improvement plan details.

12. RECYCLING AND SOLID WASTE

- A. The applicant shall work with the City's Solid Waste Coordinator to ensure that that the trash enclosures are sufficient for all future tenants and meet the City standards.
- B. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- C. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- D. The enclosure shall be of masonry construction, with metal doors, and shall match the color of the main building.
- E. Remove all debris, structures, area light poles, and paving from the site prior to commencement of new construction.

13. RIGHT-OF-WAY/TRAFFIC IMPROVEMENTS

- A. Obtain a Development and Encroachment Permit with insurance requirements and provide improvement securities and/or cash deposit for all public and/or private improvements prior to any permit issuance.
- B. Upgrade the existing driveway along the project frontage to comply with current standards.
- C. Replace sidewalk, curb and gutter along the project frontage to comply with current standards.
- D. Repaint the curb red along the project frontage to prevent vehicular parking from restricting access to the site.
- E. Repaint the white lane line that facilitates truck turning movements in and out of the site along the project frontage.
- F. Construct two curb ramps at Mary/Bremerton to facilitate pedestrian access to the project (from the adjacent residential developments and the bus stop).
- G. The applicant shall submit a signing and marking plan to be reviewed and approved by the Director of Public Works. All on-site signing and markings must follow the most updated California MUTCD.

14. SIGNS

- A. No new signs are approved as part of this Use Permit.
- B. All existing/new signs shall be in conformance with Sunnyvale Municipal Code Section 19.44.

- C. All new signs shall comply with the existing Master Sign Program for the shopping center, or the Master Sign Program shall be modified to accommodate the new signs.



PLANNING DIVISION
CITY OF SUNNYVALE
P.O. BOX 3707
SUNNYVALE, CALIFORNIA 94088-3707

File Number: 2008-0936
No. 08-17

ATTACHMENT C
Page 1 of 23

**NOTICE OF INTENT TO ADOPT A
MITIGATED NEGATIVE DECLARATION**

This form is provided as a notification of an intent to adopt a Mitigated Negative Declaration which has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #118-04.

PROJECT TITLE:

Application for a Use Permit filed by Bergman Companies.

PROJECT DESCRIPTION AND LOCATION (APN):

2008-0936 – Bergman Companies [Applicant] De Anza Square [Owner]: Application for a Use Permit to allow a grocery store (Fresh & Easy) in a 7.2-acre shopping center, within in an existing retail space greater than 10,000 square feet. The property is located at 1356 S. Mary Avenue (near W Fremont Ave at De Anza Square Shopping Center) in a C-1 (Neighborhood Business) Zoning District. (APN: 323-01-019) NC

WHERE TO VIEW THIS DOCUMENT:

The Mitigated Negative Declaration, its supporting documentation and details relating to the project are on file and available for review and comment in the Office of the Secretary of the Planning Commission, City Hall, 456 West Olive Avenue, Sunnyvale.

This Mitigated Negative Declaration may be protested in writing by any person prior to 5:00 p.m. on Monday, January 12, 2009. Protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a Mitigated Negative Declaration will be considered by the adopting authority, whose action on the protest may be appealed.

HEARING INFORMATION:

A public hearing on the project is scheduled for:

Monday, January 12, 2008 at 8:00 p.m. in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

TOXIC SITE INFORMATION:

(No) listed toxic sites are present at the project location.

Circulated On December 16, 2008

Signed: Geri Caruso

Geri Caruso, Principal Planner

City of Sunnyvale
 Department of Community Development
 Planning Division
 P.O.Box 3707
 Sunnyvale, CA 94088-3707

INITIAL STUDY
 ENVIRONMENTAL CHECKLIST FORM
 Appendix G, CEQA Guidelines

Project #: 2008-0936 UP
 Project Address: 1356 S. Mary Avenue
 Applicant: Bergman Companies
 Use Permit for 1356 S. Mary Avenue.

1. Project Title: _____
2. Lead Agency Name and Address: City of Sunnyvale, Community Development Department, Planning Division
3. Contact Person and Phone Number: Noren Caliva, Assistant Planner (408) 730-7637
4. Project Location: 1356 S. Mary Avenue, Sunnyvale CA 94087
5. Project Sponsor's Name and Address: Bergman Companies, Paul Roman
1735 N. 1st St. #116
San Jose, CA 95112
6. General Plan Designation: Commercial Neighborhood Shopping
7. Zoning: C-1 (Neighborhood Business)
8. Description of the Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. (Attach additional sheets if necessary)
 2008-0936 – The proposed project is for Use Permit to occupy an existing tenant space within a 7.2 acre shopping center (De Anza Square) that is currently developed with three buildings. The primary building within the shopping center is occupied by multiple tenants, including retail, personal service, and recreational uses. The other two buildings are currently occupied by a retailer and bank. The gross floor area of all buildings within the shopping center is approximately 90,751 square feet. Access to the shopping center would continue to be provided by two existing driveways on Fremont Avenue and three existing driveways on Mary Avenue.

 The subject tenant space is 22,477 square feet in size has been vacant for almost six years. The space was previously occupied by a grocery store (Albertson's). The applicant proposes to subdivide the subject tenant space into two spaces. A grocery store (Fresh & Easy Neighborhood Market) will occupy approximately 15,278 square feet, and the remaining 7,199 square feet will be subleased to an unidentified future tenant. The project includes minor modifications to the building exterior, with no additional floor area being proposed. In addition, improvements to the parking lot area, landscaping, existing driveways and standard right-of-way improvements will be completed as a part of this project.
9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings) The site is currently developed as a shopping center with three buildings, and is located within an existing suburban community. Existing uses on the site include retail, personal service, bank and recreational uses. Surrounding uses include retail shopping centers to the north and west, and residential developments to the east and south.
10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement). Building Safety Division, City of Sunnyvale
Public Works Department, City of Sunnyvale

Project #: 2008-0936 UP
Project Address: 1356 S. Mary Ave., Sunnyvale, California
Applicant: Bergman Companies

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population/Housing | |

DETERMINATION: (To be completed by the Lead Agency)

- On the basis of this initial evaluation:
- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. 0
 - I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. X
 - I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. 0
 - I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. 0
 - I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. 0

Signature	December 12, 2008
	Date

Noren Caliva, Assistant Planner

For the City of Sunnyvale
(Lead Agency)

Project #: 2008-0936 UP

Project Address: 1356 S. Mary Ave., Sunnyvale, California

Applicant: Bergman Companies

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Project #: 2008-0936 UP

Project Address: 1356 S. Mary Ave., Sunnyvale, California

Applicant: Bergman Companies

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Planning Division Checklist (4 of 8)

I. AESTHETICS. Would the project:

a. Have a substantial adverse effect on a scenic vista?	0	0	0	X	2, 94
b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	0	0	0	X	2, 94
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	0	0	0	X	2, 94, 101
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	0	0	0	X	2, 94

II. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a. Conflict with or obstruct implementation of the applicable air quality plan?	0	0	0	X	3, 97, 100
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	0	0	0	X	3, 97, 100, 111
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	0	0	0	X	3, 96, 97, 100, 111
d. Expose sensitive receptors to substantial pollutant concentrations?	0	0	0	X	62, 63, 111, 112
e. Create objectionable odors affecting a substantial number of people?	0	0	0	X	111, 112

Project #: 2008-0936 UP

Project Address: 1356 S. Mary Ave., Sunnyvale, California

Applicant: Bergman Companies

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Planning Division Checklist (5 of 8)

III. BIOLOGICAL RESOURCES:

- | | | | | | |
|---|---|---|---|---|-----------------|
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service? | θ | θ | θ | X | 2, 94, 111 |
| b. Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service? | θ | θ | θ | X | 2, 94, 109 |
| c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | θ | θ | θ | X | 2, 94, 109, 111 |
| d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites? | θ | θ | θ | X | 2, 94, 109, 111 |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | θ | θ | θ | X | 2, 41 |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan? | θ | θ | θ | X | 2,41, 94, 111 |

IV. CULTURAL RESOURCES. Would the project:

- | | | | | | |
|---|---|---|---|---|--------------|
| a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? | θ | θ | θ | X | 2, 59-61, 94 |
| b. Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5? | θ | θ | θ | X | 10, 42, 94 |

Project #: 2008-0936 UP
 Project Address: 1356 S. Mary Ave., Sunnyvale, California
 Applicant: Bergman Companies

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Planning Division Checklist (6 of 8)

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	0	0	0	X	10, 42, 94, 111
d. Disturb any human remains, including those interred outside of formal cemeteries?	0	0	0	X	2, 111, 112
V. LAND USE AND PLANNING. Would the project:					
a. Physically divide an established community?	0	0	0	X	2, 11, 12, 21, 28
b. Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	0	0	0	X	28, 31, 111
c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?	0	0	0	X	2, 94
VI. MINERAL RESOURCES. Would the project:					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	0	0	0	X	2, 94
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	0	0	0	X	2, 94
VII. NOISE. Would the project result in:					
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	0	0	X	0	2, 16, 26, 94
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	0	0	0	X	2, 16, 26, 94
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	0	0	0	X	2, 16, 26, 94

Project #: 2008-0936 UP

Project Address: 1356 S. Mary Ave., Sunnyvale, California

Applicant: Bergman Companies

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Planning Division Checklist (7 of 8)

d. A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	θ	θ	X	θ	Discussion at end of checklist
e. For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	θ	θ	θ	X	2, 16, 26, 94
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	θ	θ	θ	X	94

VIII. POPULATION AND HOUSING. Would the project:

a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	θ	θ	θ	X	2, 11, 12
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	θ	θ	θ	X	2, 11, 111, 112
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	θ	θ	θ	X	2, 11, 111, 112

IX. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a. Schools?	θ	θ	θ	X	94
b. Other public facilities?	θ	θ	θ	X	2, 94

Project #: 2008-0936 UP
 Project Address: 1356 S. Mary Ave., Sunnyvale, California
 Applicant: Bergman Companies

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Planning Division Checklist (8 of 8)

X. MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	0	0	0	X	2, 3, 12, 80, 94, 96, 97, 109, 110
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?	0	0	0	X	2, 3, 12, 80, 83, 94, 96, 97, 110
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	0	0	0	X	94, 111

Project #: 2008-0936 UP

Project Address: 1356 S. Mary Ave., Sunnyvale, California

Applicant: Bergman Companies

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Building & Safety Division Checklist (1 of 1)

XI. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	θ	θ	θ	X	<u>2.19,</u> <u>94.103,</u> <u>104,</u> <u>107,</u> <u>UPC,</u> <u>UMC</u>
(ii) Strong seismic ground shaking?	θ	θ	X	θ	Discussi on at end of check- list
(iii) Seismic-related ground failure, including liquefaction?	θ	θ	θ	X	<u>2.19,</u> <u>94.103,</u> <u>104,</u> <u>107,</u> <u>UPC,</u> <u>UMC</u>
(iv) Landslides?	θ	θ	θ	X	<u>2.19,</u> <u>94.103,</u> <u>104,</u> <u>107,</u> <u>UPC,</u> <u>UMC</u>
b) Result in substantial soil erosion or the loss of topsoil?	θ	θ	θ	X	<u>2.19,</u> <u>94.103,</u> <u>104,</u> <u>107,</u> <u>UPC,</u> <u>UMC</u>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	θ	θ	θ	X	<u>2.19,</u> <u>94.103,</u> <u>104,</u> <u>107,</u> <u>UPC,</u> <u>UMC</u>
d) Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?	θ	θ	θ	X	<u>2.19,</u> <u>94.103,</u> <u>104,</u> <u>107,</u> <u>UPC,</u> <u>UMC</u>

Project #: 2008-0936 UP

Project Address: 1356 S. Mary Ave., Sunnyvale, California

Applicant: Bergman Companies

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	0	0	0	X	<u>2, 19,</u> <u>94, 103,</u> <u>104,</u> <u>107,</u> <u>UPC,</u> <u>UMC</u>

Project #: 2008-0936 UP

Project Address: 1356 S. Mary Ave., Sunnyvale, California

Applicant: Bergman Companies

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Public Works Department Checklist (1 of 1)

XII. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	θ	θ	θ	X	2, 20, 24, 87, 88, 89, 90, 111, 112
b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	θ	θ	θ	X	2, 20, 24, 87, 88, 89, 111, 112
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	θ	θ	θ	X	2, 20, 24, 87, 88, 89, 111, 112
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	θ	θ	θ	X	2, 20, 24, 87, 88, 89, 111, 112
e) Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	θ	θ	θ	X	2, 20, 24, 87, 88, 89, 90, 111, 112
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	θ	θ	θ	X	2, 22, 90, 111, 112
g) Comply with federal, state, and local statutes and regulations related to solid waste?	θ	θ	θ	X	22, 90, 111, 112

Project #: 2008-0936 UP

Project Address: 1356 S. Mary Ave., Sunnyvale, California

Applicant: Bergman Companies

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Traffic Division Public Works Department Checklist (1 of 1)

XIII. TRANSPORTATION/TRAFFIC. Would the project:

a) Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	0	0	X	0	Discussion at end of checklist
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	0	0	X	0	Discussion at end of checklist
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	0	0	0	X	3, 8, 12, 13
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	0	0	0	X	71, 74
e) Result in inadequate emergency access?	0	0	0	X	8, 12, 13
f) Result in inadequate parking capacity?	0	0	0	X	12, 37, 43
g) Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	0	0	0	X	12, 81, 85

Project #: 2008-0936 UP

Project Address: 1356 S. Mary Ave., Sunnyvale, California

Applicant: Bergman Companies

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Fire Division Public Safety Department Checklist (1 of 2)

XIV. HAZARDS AND HAZARDOUS MATERIALS. Would the project?

- | | | | | | |
|--|---|---|---|---|-----------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? | θ | θ | θ | X | UFC/
UBC/
SVMC |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment? | θ | θ | θ | X | UFC/
UBC/
SVMC/ |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | θ | θ | θ | X | UFC/
UBC/
SVMC |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment? | θ | θ | θ | X | UFC/
UBC/
SVMC |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | θ | θ | θ | X | UFC/
UBC/
SVMC |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | θ | θ | θ | X | UFC/
UBC/
SVMC |
| g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan? | θ | θ | θ | X | UFC/
UBC/
SVMC |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | θ | θ | θ | X | UFC/
UBC/
SVMC |

Project #: 2008-0936 UP
 Project Address: 1356 S. Mary Ave., Sunnyvale, California
 Applicant: Bergman Companies

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Fire Division Public Safety Department Checklist (2 of 2)

XV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?	0	0	0	X	8, 65, 103, 104, 111
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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Crime Division Public Safety Department Checklist (1 of 1)

XVI. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Police protection?	0	0	0	X	13, 111
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Project #: 2008-0936 UP

Project Address: 1356 S. Mary Ave., Sunnyvale, California

Applicant: Bergman Companies

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Parks & Recreation Department Checklist (1 of 1)

XVII. RECREATION

a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	0	0	0	X	17, 18, 111
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	0	0	0	X	17, 18, 111

XVIII. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Parks?	0	0	0	X	17, 18, 111
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Source: Open Space and Recreation Sub-elements

Project #: 2008-0936 UP

Project Address: 1356 S. Mary Ave., Sunnyvale, California

Applicant: Bergman Companies

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Street Trees & Landscape Division Parks & Recreation Department Checklist (1 of 1)

XIX. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project?

- | | | | | | | |
|----|---|---|---|---|---|----|
| a) | Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use? | 0 | 0 | 0 | X | 94 |
| b) | Conflict with existing zoning for agricultural use, or a Williamson Act contract? | 0 | 0 | 0 | X | 91 |
| c) | Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | 0 | 0 | 0 | X | 94 |

Project #: 2008-0936 UP

Project Address: 1356 S. Mary Ave., Sunnyvale, California

Applicant: Bergman Companies

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Environmental Division Public Works Department Checklist (1 of 1)

HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements?	0	0	0	X	24, 25, 111, 112
b) Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	0	0	0	X	2, 24, 25, 111, 112
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	0	0	X	0	Discu sion & end of check- list
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?	0	0	0	X	24, 25, 87, 111, 112
e) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	0	0	0	X	2, 24, 25, 87, 111, 112
f) Otherwise substantially degrade water quality?	0	0	0	X	24, 25, 87, 112
g) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	0	0	0	X	2, 56
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	0	0	0	X	2, 56, 111, 112
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	0	0	0	X	2, 56, 111, 112
j) Inundation by seiche, tsunami, or mudflow?	0	0	0	X	2, 19, 24, 25, 111

Project #: 2008-0936 UP

Project Address: 1356 S. Mary Ave., Sunnyvale, California

Applicant: Bergman Companies**DISCUSSION OF IMPACTS WITH NO MITIGATION INCORPORATED:**

NOISE a) The existing loading dock area will be utilized by the new tenants and is currently located approximately 37 feet from the property line that is adjacent to existing residential development. Through the City's implementation of the Municipal Code noise regulations and operating standards, this impact will be less than significant.

d) Although the site is already developed, the project will introduce short-term and temporary additional sources of noise to the project area during the construction of site upgrades. Through the City's implementation of the Municipal Code noise regulations, this impact will be lessened to a less than significant level during construction.

GEOLOGY AND SOILS (ii) The project site is not located in an area with any active faults, but may experience strong seismic ground shaking in the event of an earthquake. Through the City's implementation of the Uniform Building Code requirements for areas with potential for seismic activity this aspect of the project will be reduced to a less than significant level.

HYDROLOGY AND WATER QUALITY c) The proposed project construction may result in a change in drainage pattern for the site. However, the impact of run-off during construction is addressed as a standard mitigation in construction site management requirements. Therefore, this impact will be less than significant.

DISCUSSION OF IMPACTS WITH MITIGATION INCORPORATED:

TRANSPORTATION AND TRAFFIC a) and b) Although the proposed project would replace a former grocery store, the subject tenant space has been vacant for almost six years. As a result, the trips associated with the previous grocery store were not reflected in the current traffic counts. Therefore, the project was not given trip credits for the vacant use and a traffic impact analysis (TIA) was required.

A TIA was conducted by Hexagon Transportation Consultants, Inc., dated November 6, 2008. With regards to trip generation, the study found that the project would generate 1,871 new daily trips, with 58 new trips occurring during the AM peak hour and 140 new trips occurring during the PM peak hour. In addition an intersection level of service analysis was conducted, which found that under the near-term project conditions, all of the signalized study intersections would operate at acceptable levels of service during the AM and PM peak hours. However, in the study found that the intersection of Mary Avenue and Fremont Avenue would operate unacceptably under future 2030 conditions both with and without the project. Therefore, the following mitigation measure is required:

WHAT: Add a second eastbound left-turn lane at the intersection of Mary Avenue and Fremont Avenue, which will include additional right-of-way, pavement widening, restriping, and signal modifications.

WHEN: This improvement is a mitigation measure identified in Santa Clara Valley Transportation Authority's (VTA) Transportation Strategic Plan. The improvement is fully funded by transportation impact fees that have been collected by the City of Sunnyvale, and will be implemented when the traffic conditions and level of service operations warrant this improvement. Current traffic and level of service conditions do not warrant implementation at this time; however, the City will continue to monitor this mitigation measure as part of a traffic model update that is conducted every five years.

Project #: 2008-0936 UP

Project Address: 1356 S. Mary Ave., Sunnyvale, California

Applicant: Bergman Companies

WHO: This improvement is fully funded by the collection of transportation impact fees, and will be implemented by the City of Sunnyvale as part of the Transportation Strategic Plan. No action is required by the property owner/applicants of this project.

HOW: This improvement is a mitigation measure identified in Santa Clara Valley Transportation Authority's (VTA) Strategic Plan.

Completed By: Noren Caliva, Assistant Planner

Date: December 12, 2008

Project #: 2008-0936 UP

Project Address: 1356 S. Mary Ave., Sunnyvale, California

Applicant: Bergman Companies**City of Sunnyvale General Plan:**

2. Map
3. Air Quality Sub-Element
4. Community Design Sub-Element
5. Community Participation Sub-Element
6. Cultural Arts Sub-Element
7. Executive Summary
8. Fire Services Sub-Element
9. Fiscal Sub-Element
10. Heritage Preservation Sub-Element
11. Housing & Community Revitalization Sub-Element
12. Land Use & Transportation Sub-Element
13. Law Enforcement Sub-Element
14. Legislative Management Sub-Element
15. Library Sub-Element
16. Noise Sub-Element
17. Open Space Sub-Element
18. Recreation Sub-Element
19. Safety & Seismic Safety Sub-Element
20. Sanitary Sewer System Sub-Element
21. Socio-Economic Sub-Element
22. Solid Waste Management Sub-Element
23. Support Services Sub-Element
24. Surface Run-off Sub-Element
25. Water Resources Sub-Element
26. **City of Sunnyvale Municipal Code:**
27. Chapter 10
28. Zoning Map
29. Chapter 19.42. Operating Standards
30. Chapter 19.28. Downtown Specific Plan District
31. Chapter 19.18. Residential Zoning Districts
32. Chapter 19.20. Commercial Zoning Districts
33. Chapter 19.22. Industrial Zoning Districts
34. Chapter 19.24. Office Zoning Districts
35. Chapter 19.26. Combining Zoning Districts
36. Chapter 19.28. Downtown Specific Plan
37. Chapter 19.46. Off-Street Parking & Loading
38. Chapter 19.56. Solar Access
39. Chapter 19.66. Affordable Housing
40. Chapter 19.72. Conversion of Mobile Home Parks to Other Uses
41. Chapter 19.94. Tree Preservation
42. Chapter 19.96. Heritage Preservation
- Specific Plans**
43. El Camino Real Precise Plan
44. Lockheed Site Master Use Permit
45. Moffett Field Comprehensive Use Plan
46. 101 & Lawrence Site Specific Plan
47. Southern Pacific Corridor Plan

Environmental Impact Reports

48. Futures Study Environmental Impact Report
49. Lockheed Site Master Use Permit Environmental Impact Report
50. Tasman Corridor LRT Environmental Impact Study (supplemental)

Project #: 2008-0936 UP

Project Address: 1356 S. Mary Ave., Sunnyvale, California

Applicant: Bergman Companies

51. Kaiser Permanente Medical Center Replacement Center Environmental Impact Report (City of Santa Clara)
52. Downtown Development Program Environmental Impact Report
53. Caribbean-Moffett Park Environmental Impact Report
54. Southern Pacific Corridor Plan Environmental Impact Report

Maps

55. City of Sunnyvale Aerial Maps
56. Flood Insurance Rate Maps (FEMA)
57. Santa Clara County Assessors Parcel
58. Utility Maps (50 scale)

Lists/Inventories

59. Sunnyvale Cultural Resources Inventory List
60. Heritage Landmark Designation List
61. Santa Clara County Heritage Resource Inventory
62. Hazardous Waste & Substances Sites List (State of California)
63. List of Known Contaminants in Sunnyvale

Legislation/Acts/Bills/Codes

64. Subdivision Map Act
65. Uniform Fire Code, including amendments per SMC adoption
66. National Fire Code (National Fire Protection Association)
67. Title 19 California Administrative Code
68. California Assembly Bill 2185/2187 (Waters Bill)
69. California Assembly Bill 3777 (La Follette Bill)
70. Superfund Amendments & Reauthorization Act (SARA) Title III

Transportation

71. California Department of Transportation Highway Design Manual
72. California Department of Transportation Traffic Manual
73. California Department of Transportation Standard Plan
74. California Department of Transportation Standard Specification
75. Institute of Transportation Engineers - Trip Generation
76. Institute of Transportation Engineers Transportation and Traffic Engineering Handbook
77. U.S. Dept. of Transportation Federal Highway Admin. Manual on Uniform Traffic Control Devices for Street and Highways
78. California Vehicle Code
79. Traffic Engineering Theory & Practice by L. J. Pegnataro
80. Santa Clara County Congestion Management Program and Technical Guidelines
81. Santa Clara County Transportation Agency Short

Project #: 2008-0936 UP

Project Address: 1356 S. Mary Ave., Sunnyvale, California

Applicant: Bergman Companies

- Range Transit Plan
- 82. Santa Clara County Transportation Plan
- 83. Traffic Volume Studies, City of Sunnyvale Public works Department of Traffic Engineering Division
- 84. Santa Clara County Sub-Regional Deficiency Plan
- 85. Bicycle Plan

Public Works

- 86. Standard Specifications and Details of the Department of Public Works
- 87. Storm Drain Master Plan
- 88. Sanitary Sewer Master Plan
- 89. Water Master Plan
- 90. Solid Waste Management Plan of Santa Clara County
- 91. Geotechnical Investigation Reports
- 92. Engineering Division Project Files
- 93. Subdivision and Parcel Map Files

Miscellaneous

- 94. Field Inspection
- 95. Environmental Information Form
- 96. Annual Summary of Containment Excesses (BAAQMD)
- 97. Current Air Quality Data
- 98. Chemical Emergency Preparedness Program (EPA Interim Document in 1985?)
- 99. Association of Bay Area Governments (ABAG) Population Projections
- 100. Bay Area Clean Air Plan
- 101. City-wide Design Guidelines
- 102. Industrial Design Guidelines

Building Safety

- 103. Uniform Building Code, Volume 1, (Including the California Building Code, Volume 1)
- 104. Uniform Building Code, Volume 2, (Including the California Building Code, Volume 2)
- 105. Uniform Plumbing Code, (Including the California Plumbing Code)
- 106. Uniform Mechanical Code, (Including the California Mechanical Code)
- 107. National Electrical Code (Including California Electrical Code)
- 108. Title 16 of the Sunnyvale Municipal Code

Additional References

- 109. USFWS/CA Dept. F&G Special Status Lists
- 110. Project Traffic Impact Analysis
- 111. Project Description
- 112. Project Development Plans
- 113. Santa Clara County Airport Land Use Plan
- 114. Federal Aviation Administration

1	AND	HOR.	HORIZONTAL
2	ADJAC.	HT.	HEIGHT
3	ADJAC.	HT.	HOLLOW METAL
4	ADJAC.	I.D.	INSIDE DIAMETER
5	ADJAC.	INS.	INSULATED CLASS
6	ADJAC.	INT.	INTERIOR
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1	DOOR NUMBER	A	REFERENCE TO LIGHT FIXTURE
2	WINDOW NUMBER	1	REFERENCE TO FIXTURE/APPLIANCE
3	REFERENCE TO FINISH	1	DATUM POINT
4	SECTION REFERENCE SHEET NUMBER	1	SECTION REFERENCE SHEET NUMBER
5	ELEVATION REFERENCE SHEET NUMBER	1	FINISH
6	MOBIL	1'-0"	DIMENSION TO FACE OF STUD AND SURROUND (U.S.C.)
7	DISCONTINUITY	ALIGH	ALIGH FINISH SURFACES
8	INDICATES GRAB DIRECTION	=====	GLASS (SECTION)
9	ADHIC (SECTION)	=====	OP. WG (SECTION)
10	PLYWOOD (SECTION)	=====	MEDIA BODY FLOORING (SECTION)
11	PLASTIC LAMINATE (SECTION SHOWN ON PLYWOOD)	=====	GLASS/ADHIC (ELEVATION)

PROJECT ADDRESS: 1356 SOUTH MARY AVENUE SUNNYVALE, CA
APN: 32301016 & 32301020

PROJECT SUMMARY: USE PERMIT APPLICATION FOR TENANT IMPROVEMENT OF SMALLER GROCERY STORE, FRESH AND EASY NEIGHBORHOOD MARKET AND SUBSTANT AT EXISTING DE ANZA SQUARE SHOPPING CENTER

ZONING REGULATIONS: TITLE 15, SUNNYVALE MUNICIPAL CODE
BUILDING CODE: 2007 CALIFORNIA BUILDING CODE
CONSTRUCTION TYPE: TYPE III NON-COMBUSTIBLE CONSTRUCTION

OCCUPANCY GROUP: U
SPRINKLERS: U
LEASE AREA: PROPOSED FRESH & EASY NEIGHBORHOOD MARKET = 15,547 SQ.FT.
 PROPOSED SUBSTANT SPACE = 7,377 SQ.FT.
 FIRE RISER ROOM = 100 SQ.FT.
TOTAL AREA = 23,024 SQ.FT.

PROJECT DATA

CLIENT: THE BERGMAN COMPANIES
 1728 N. FIRST STREET, SUITE 110
 SAN JOSE, CA 95112
 CONTACT: PAUL ROSSMAN
 TEL: (408) 346-8108
 CELL: (760) 851-4625
 FAX: (408) 437-5793
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 21201/21202/21203
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 COLUMBIA, CA 95015
 CONTACT: LUCIA SPAINOSA
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PLANNING DEPARTMENT:
 DEPARTMENT OF COMMUNITY DEVELOPMENT
 CITY HALL, 456 W. OLIVE AVENUE, P.O. BOX 3707
 SUNNYVALE, CA 94088-3707
 CONTACT: NOREEN CALAN
 TRUDY RYAN
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 tryan@sunnyvale.ca.gov

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 CONTACT: DUSAN MOTYLAK
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 FAX: (510) 348-2320
 EMAIL: d_motylak@anzadesign.com

LANDSCAPE ARCHITECT:
 THOMAS DEAN AND ASSOCIATES LLP
 1620 NORTH MAIN STREET, SUITE 4
 WALKER GREEN, CA 94598
 CONTACT: RICK STOVER
 TEL: (925) 833-2243 x 105
 EMAIL: rstover@tda.com

	EXISTING CONDITIONS	PROPOSED PROJECT	REQUIRED/PERMITTED
GENERAL PLAN	COMMERCIAL/INDUSTRIAL SHOP	COMMERCIAL/INDUSTRIAL SHOP	
ZONING DISTRICT	C1	C1	
LOT SIZE (SQ. FT.)	315,137	315,137	N/A
GROSS FLOOR AREA (SQ. FT.)	89,317	89,317	MAX.
LOT COVERAGE (%)	28.3	28.3	MAX.
FLOOR AREA RATIO (FAR)	28.3	28.3	N/A
GROSS FLOOR AREA OF TENANT (SQ. FT.)	23,023	23,023	MAX. (SEE CITY OF SAN JOSE (SUNNYVALE) USE PERMIT RULES)
NO. OF STORES	1	1	MAX.
BUILDING HEIGHT (FT.)	36'-5"	36'-5"	MAX.
NO. OF BUILDINGS ON-SITE	3	3	MAX.
DISTANCE BETWEEN BUILDINGS (FT.)	N/A	N/A	MAX.
FRONT SETBACKS	166'-0"	166'-0"	MIN.
LEFT SIDE SETBACKS (FACING PROPERTY)	NONE	NONE	N/A
RIGHT SIDE SETBACKS (FACING PROPERTY)	NONE	NONE	N/A
REAR SETBACK (FROM REAR LOADING DOCK TO PROPERTY LINE)	34'-0"	34'-0"	N/A
LANDSCAPING (TOTAL SQ. FT.)	35,087	35,112	MIN.
% BASED ON LOT AREA	11.13	11.17	MAX.
% BASED ON PARKING LOT	18.07	18.13	MIN.
PARKING LOT AREA SHADING (%)	N/A	N/A	50% MIN. IN 10 YRS
WATER CONSERVING PLANTS (%)	N/A	N/A	MIN.
TOTAL NO. OF PARKING SPACES	283	283	MIN.
STANDARDS	370	337	MIN.
CONTRACTS/ % OF TOTAL	N/A	32/8.4	10% MAX.
COVERED SPACES	N/A	N/A	MIN.
ISLE WIDTH (FT.)	VARIES	28'-0"	MIN.
BICYCLE PARKING	2 RACKS	1 CLASS I BIKE LOCK & CLASS II RACKS	MIN.
IMPERVIOUS SURFACE AREA (SQ. FT.)	285,000	279,925	
IMPERVIOUS SURFACE (%)	68.87	68.83	

NOTES:
 1) LOT SIZE, LANDSCAPING AND PARKING CALCULATIONS ARE BASED ON COMBINATION OF PARCELS 32301016-32301021 & 32301025-32301026, WHICH ARE NOTED ON THE ASSESSOR'S PARCEL MAP.
 2) FOR FRESH & EASY PLUS SUBSTANT IMPERVIOUS CALCULATIONS SEE A2.1.

ABBREVIATIONS

1. WHEN CONTRACTOR ACCEPTS DELIVERY OF ITEMS NOTED ON PLANS WHETHER IN CONTRACT OR NOT IN CONTRACT, CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOSS AND DAMAGE TO THESE ITEMS.

2. "TYP" SHALL MEAN THAT THE CONDITION IS REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, UNLESS OTHERWISE NOTED. DETAILS NOTED "TYP." ARE NOT NEEDED IN EVERY CONDITION.

3. "DIM" SHALL MEAN DIMENSIONAL CHARACTERISTICS FOR THE CONDITIONS NOTED. VERIFY DIMENSIONS AND ORIENTATION.

4. CONTRACTOR SHALL VERIFY EXISTING CONDITIONS, WHICH AFFECT THE WORK, PRIOR AND SHALL NOTIFY ARCHITECT OF ANY EXISTING CONDITIONS WHICH CONFLICT WITH OR DEFER FROM THE NEW WORK SHOWN. CONTRACTOR SHALL NOT PROCEED WITH THE WORK UNTIL THESE CONFLICTS AND DIFFERENCES ARE RESOLVED.

5. THE CONTRACTOR IS COMPLETELY RESPONSIBLE FOR THE CONDUCT OF THE WORK, INCLUDING CONSTRUCTION METHODS AND PROCEDURES, SITE SAFETY, AND METHOD, SEASON, AND MATERIALS FOR TEMPORARY VERTICAL AND LATERAL SUPPORT OF EXISTING AND NEW STRUCTURES.

6. THE CONTRACTOR SHALL VERIFY DIMENSIONS.

7. IN NOT SCALE DIMENSIONS, IN CASE OF CONFLICT, NOTIFY THE ARCHITECT. FLOOR PLAN BY ARCHITECT SUPERSEDES OTHER PLANS. DIMENSIONS MARKED "CLEAN" SHALL BE MAINTAINED AND SHALL ALLOW FOR THICKNESS OF FINISHES.

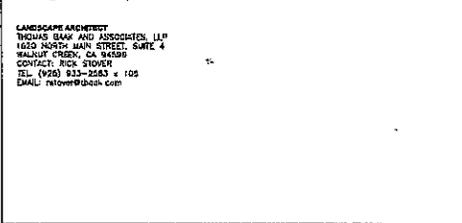
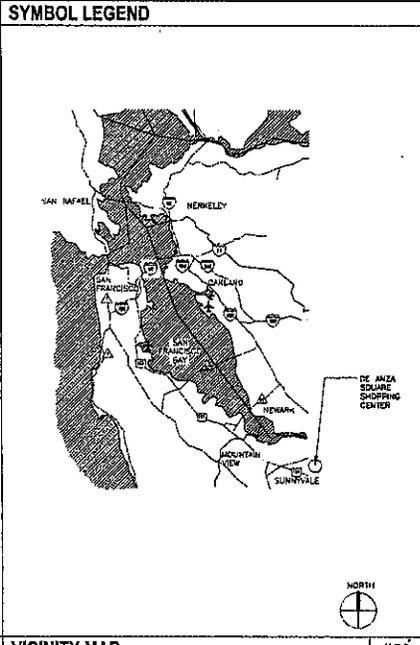
8. INTERIOR WALL DIMENSIONS ARE TO THE FACE OF FINISH U.S.C. COLUMN DIMENSIONS ARE TO CENTERLINE.

9. THE WORK SHALL COMPLY WITH APPLICABLE BUILDING CODES AND ORDINANCES.

10. CONTRACTOR RETAINS POSSESSION OF WASTE MATERIALS AND IS RESPONSIBLE FOR REMOVAL FROM SITE AND DISPOSAL IN A TIERED FASHION.

11. CONTRACTOR SHALL VERIFY ALLOWABLE WORK HOURS FOR DELIVERIES AND WASTE REMOVAL.

12. FINISH MATERIALS SHALL BE STORED AND GUARANTEED TO THE PROPER ELEVATION, CONDITIONS AS SPECIFIED BY THE MANUFACTURER.



COMMERCIAL/INDUSTRIAL PROJECT DATA

ARCHITECTURAL:
 A0.0 COVER SHEET
 A1.0 EXISTING SITE PLAN
 A2.0 PROPOSED SITE PLAN
 A2.1 PROPOSED DETAIL SITE PLAN
 A3.0 PROPOSED FLOOR PLAN
 A4.0 EXISTING EXTERIOR ELEVATIONS
 A4.1 EXISTING SITE IMAGES
 A5.0 PROPOSED EXTERIOR ELEVATIONS

LANDSCAPE:
 L-1 IRIGATION PLAN
 L-2 PLANTING PLAN
 L-3 IRIGATION & PLANTING NOTES & DETAILS

PHOTOMETRICS:
 PH.1 PARKING LIGHTING

GENERAL NOTES

VICINITY MAP

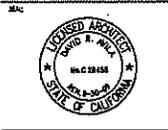
ASSESSOR'S PARCEL MAP

DRAWING INDEX



FRESH & EASY
 NEIGHBORHOOD MARKET
 1356 SOUTH MARY AVE
 SUNNYVALE, CA

NO.	DATE	REVISION	BY
01		ISSUE FOR PERMITTING	SM
02		ISSUE FOR PERMITTING	SM
03		ISSUE FOR PERMITTING	SM
04		ISSUE FOR PERMITTING	SM
05		ISSUE FOR PERMITTING	SM
06		ISSUE FOR PERMITTING	SM
07		ISSUE FOR PERMITTING	SM
08		ISSUE FOR PERMITTING	SM
09		ISSUE FOR PERMITTING	SM
10		ISSUE FOR PERMITTING	SM



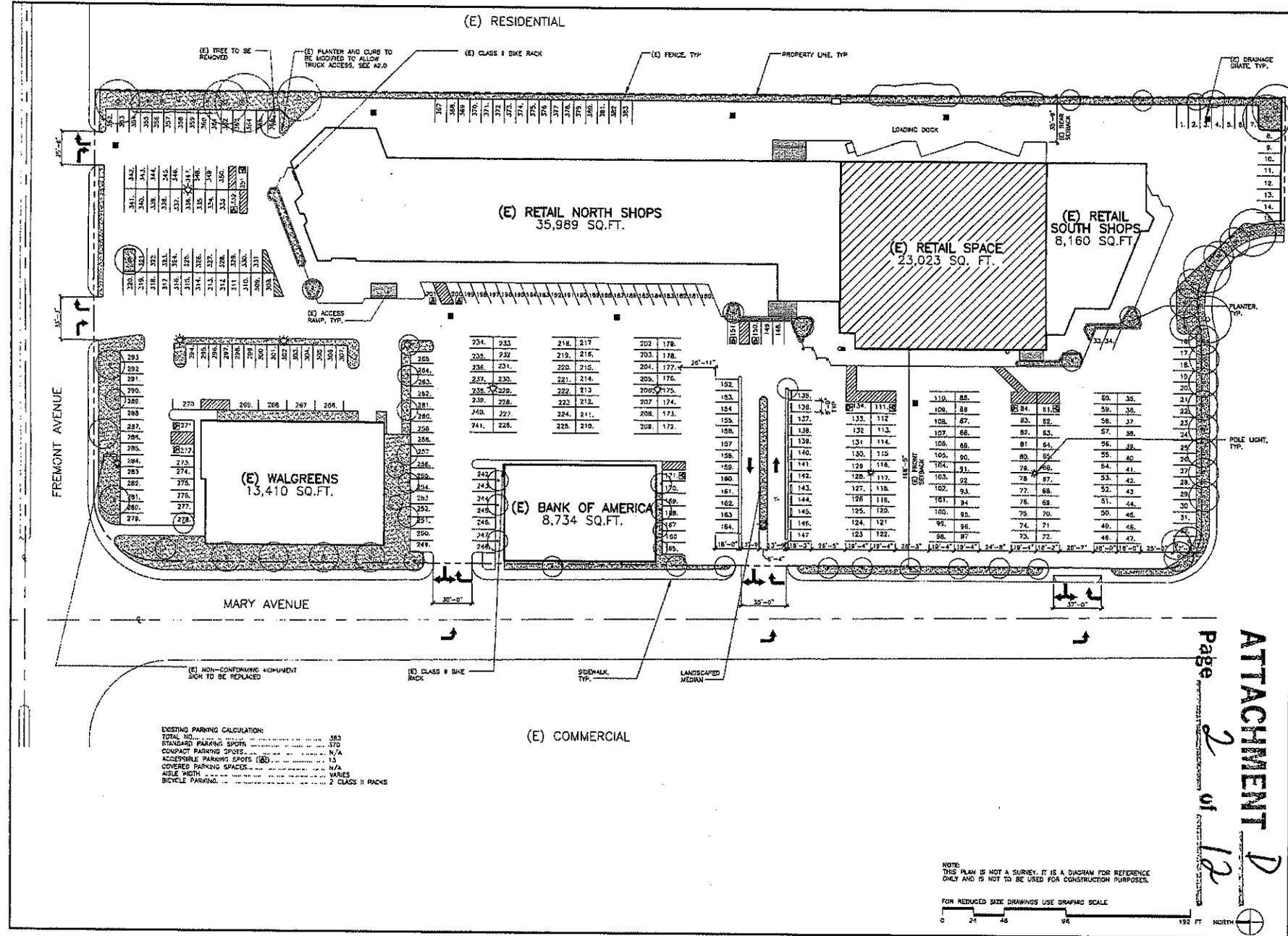
PROJECT NO. 0801
 DATE FILED: 10/20/2008
 DRAWING NO. 01
 SHEET NO. 01
 SCALE: AS SHOWN

PROJECT NO. 0801
 COVER SHEET

SHEET NO. 01

A0.0

ATTACHMENT
 Page 1 of 12
 D



AD
 AVILA DESIGN
 1471 SHATTUCK AVE
 BERKELEY
 CALIFORNIA 94704
 T 415-863-1000
 F 415-863-2288

fresh & easy
 Neighborhood Market

FRESH & EASY
 NEIGHBORHOOD MARKET
 1356 SOUTH MARY AVE
 SUNNYVALE, CA

NO.	DATE	ISSUE	BY
001	08/11/11	REVISED PER CITY COMMENTS	AD
002	08/11/11	REVISED PER CITY COMMENTS	AD
003	08/11/11	REVISED PER CITY COMMENTS	AD
004	08/11/11	REVISED PER CITY COMMENTS	AD
005	08/11/11	REVISED PER CITY COMMENTS	AD
006	08/11/11	REVISED PER CITY COMMENTS	AD
007	08/11/11	REVISED PER CITY COMMENTS	AD
008	08/11/11	REVISED PER CITY COMMENTS	AD
009	08/11/11	REVISED PER CITY COMMENTS	AD
010	08/11/11	REVISED PER CITY COMMENTS	AD

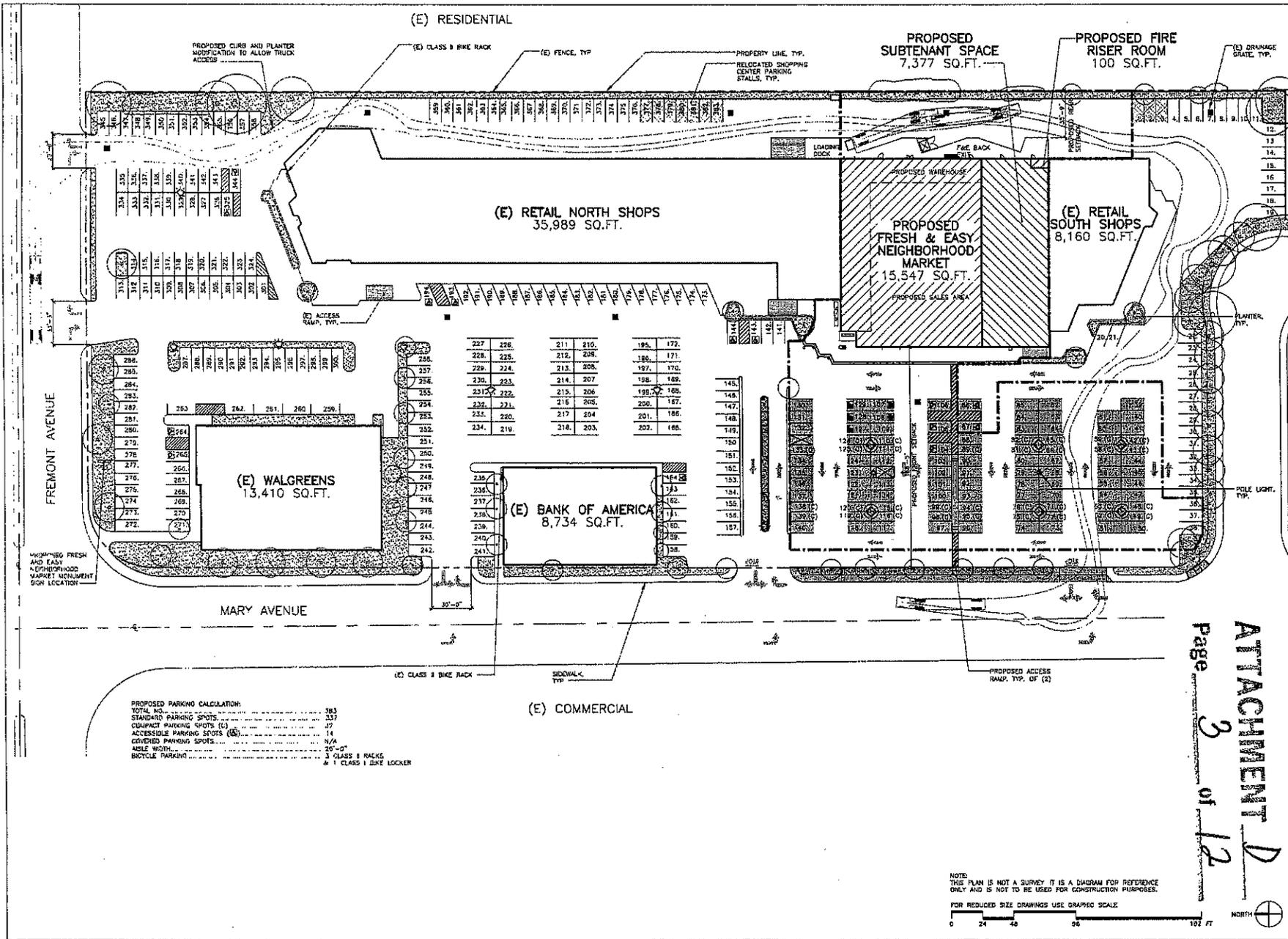
PROJECT NO.:
 DATE PLO: (SEE SHEET 10)
 DRAWN BY:
 CHECKED BY:
 SCALE: 1/8"=1'-0"



PROJECT TITLE:
 EXISTING SITE PLAN

SHEET NO.:
A1.0

ATTACHMENT D
 Page 2 of 12



PROPOSED PARKING CALCULATION:

TOTAL NO. SPOTS	383
STANDARD PARKING SPOTS	237
COMPACT PARKING SPOTS (63)	17
ACCESSIBLE PARKING SPOTS (26)	14
COVERED PARKING SPOTS	N/A
ABLE WALKWAY	30'-0"
BIKE PARKING	3 CLASS B RACKS & 1 CLASS I BIKE LOCKER



FRESH & EASY
NEIGHBORHOOD MARKET
1356 SOUTH MARY AVE.
SUNNYVALE, CA

REV.	DATE	ISSUE	BY
001	02/10/11	PRELIMINARY	AD
002	03/15/11	REVISED PER COMMENTS	AD
003	04/15/11	REVISED PER COMMENTS	AD
004	05/15/11	REVISED PER COMMENTS	AD
005	06/15/11	REVISED PER COMMENTS	AD
006	07/15/11	REVISED PER COMMENTS	AD
007	08/15/11	REVISED PER COMMENTS	AD
008	09/15/11	REVISED PER COMMENTS	AD
009	10/15/11	REVISED PER COMMENTS	AD
010	11/15/11	REVISED PER COMMENTS	AD
011	12/15/11	REVISED PER COMMENTS	AD

PROJECT NO.: 11011
 CLIENT: FRESH & EASY NEIGHBORHOOD MARKET
 DESIGNER: AD
 CHECKED BY: AD
 SCALE: AS SHOWN



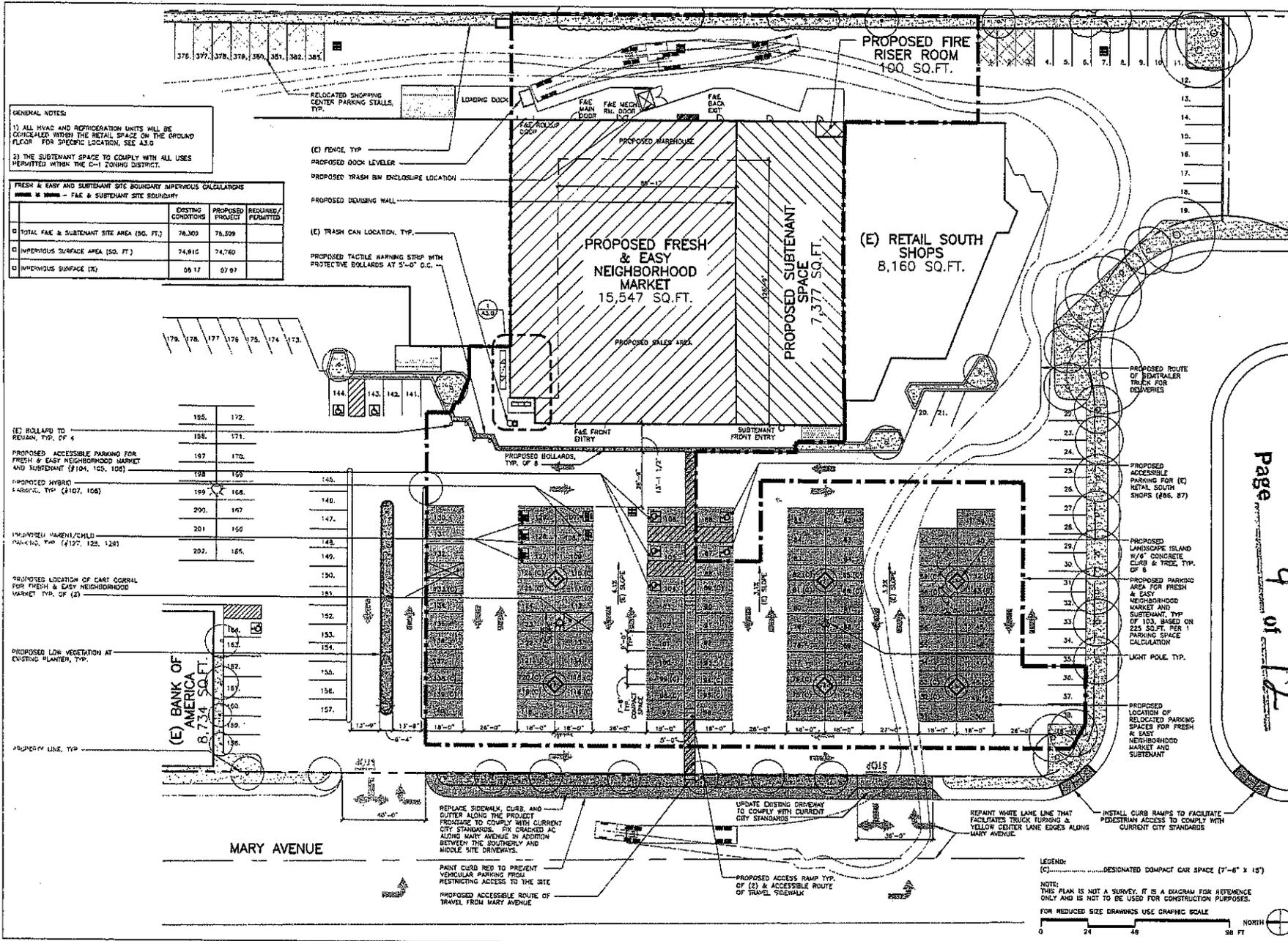
PROJECT TITLE:
PROPOSED SITE PLAN

DATE: _____

ATTACHMENT D
 Page 3 of 12

NOTE:
 THIS PLAN IS NOT A SURVEY IT IS A DIAGRAM FOR REFERENCE ONLY AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.
 FOR REDUCED SIZE DRAWINGS USE GRAPHIC SCALE

A2.0



GENERAL NOTES:
 1) ALL HVAC AND REFRIGERATION UNITS WILL BE LOCATED WITHIN THE RETAIL SPACE ON THE GROUND FLOOR. FOR SPECIFIC LOCATION, SEE A3.9
 2) THE SUBTENANT SPACE TO COMPLY WITH ALL USES PERMITTED WITHIN THE C-1 ZONING DISTRICT.

FRESH & EASY AND SUBTENANT SITE BOUNDARY IMPERVIOUS CALCULATIONS

	EXISTING CONDITIONS	PROPOSED PROJECT	REQUIRED/PERMITTED
□ TOTAL F&E & SUBTENANT SITE AREA (SQ. FT.)	76,309	76,509	
□ IMPERVIOUS SURFACE AREA (SQ. FT.)	74,915	74,760	
□ IMPERVIOUS SURFACE (%)	98.17	97.97	

(E) ROLLUP TO BEYOND, TYP. OF 4	155, 172	156, 171
PROPOSED ACCESSIBLE PARKING FOR FRESH & EASY NEIGHBORHOOD MARKET AND SUBTENANT (#104, 120, 126)	197, 170	198, 169
PROPOSED HYBRID PARKING, TYP. (#107, 108)	199, 168	200, 167
PROPOSED PARENT/CHILD PARKING, TYP. (#127, 128, 129)	201, 166	202, 165
PROPOSED LOCATION OF CART CORRAL FOR FRESH & EASY NEIGHBORHOOD MARKET, TYP. OF (2)	145	146
	140	147
	148	149
	150	151
	152	153
	154	155
	156	157
	158	159
	160	161
	162	163
	164	165
	166	167
	168	169
	170	171
	172	173



FRESH & EASY
 NEIGHBORHOOD MARKET
 1356 SOUTH MARY AVE,
 SUNNYVALE, CA

Page 4 of 12
 ATTACHMENT

NO.	DATE	REVISION
1	08/11/2011	ISSUED FOR PERMIT
2	08/11/2011	ISSUED FOR PERMIT
3	08/11/2011	ISSUED FOR PERMIT
4	08/11/2011	ISSUED FOR PERMIT
5	08/11/2011	ISSUED FOR PERMIT
6	08/11/2011	ISSUED FOR PERMIT
7	08/11/2011	ISSUED FOR PERMIT
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34	08/11/2011	ISSUED FOR PERMIT
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36	08/11/2011	ISSUED FOR PERMIT
37	08/11/2011	ISSUED FOR PERMIT

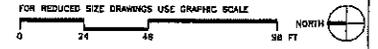


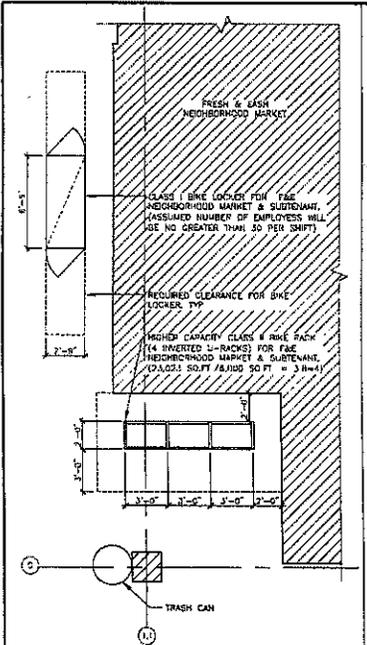
DRAWING: PROPOSED DETAIL SITE PLAN

DATE: 08/11/2011

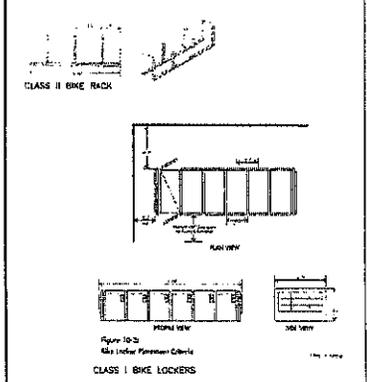
A2.1

LEGEND:
 (C).....DESIGNATED COMPACT CAR SPACE (7'-6" x 15')
 NOTE:
 THIS PLAN IS NOT A SURVEY. IT IS A DIAGRAM FOR REFERENCE ONLY AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.
 FOR REDUCED SIZE DRAWINGS USE GRAPHIC SCALE

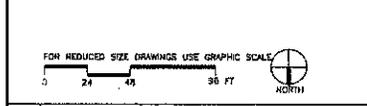




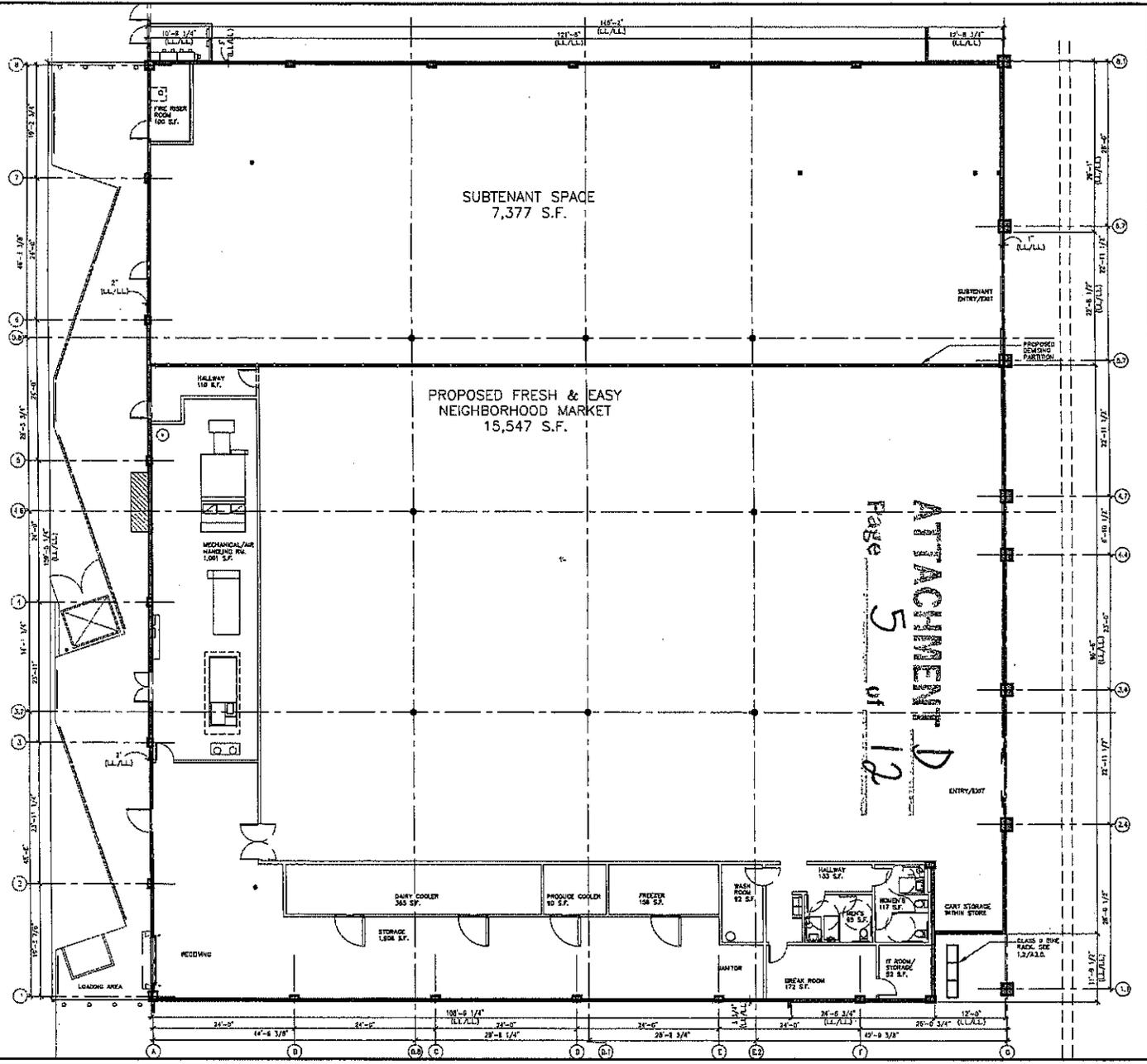
1 ENLARGED BIKE RACKS PLAN
SCALE - 1/4" = 1'-0"



2 BIKE RACK DETAILS
SCALE - NTS



3 PROPOSED FLOOR PLAN
SCALE - 1/8" = 1'-0"



FRESH & EASY
NEIGHBORHOOD MARKET
1356 SOUTH MARY AVE
SUNNYVALE, CA

REV	DATE	BY	DESCRIPTION
01	08/14/12	AVILA	ISSUE FOR PERMIT
02	08/14/12	AVILA	ISSUE FOR PERMIT
03	08/14/12	AVILA	ISSUE FOR PERMIT
04	08/14/12	AVILA	ISSUE FOR PERMIT
05	08/14/12	AVILA	ISSUE FOR PERMIT
06	08/14/12	AVILA	ISSUE FOR PERMIT
07	08/14/12	AVILA	ISSUE FOR PERMIT
08	08/14/12	AVILA	ISSUE FOR PERMIT

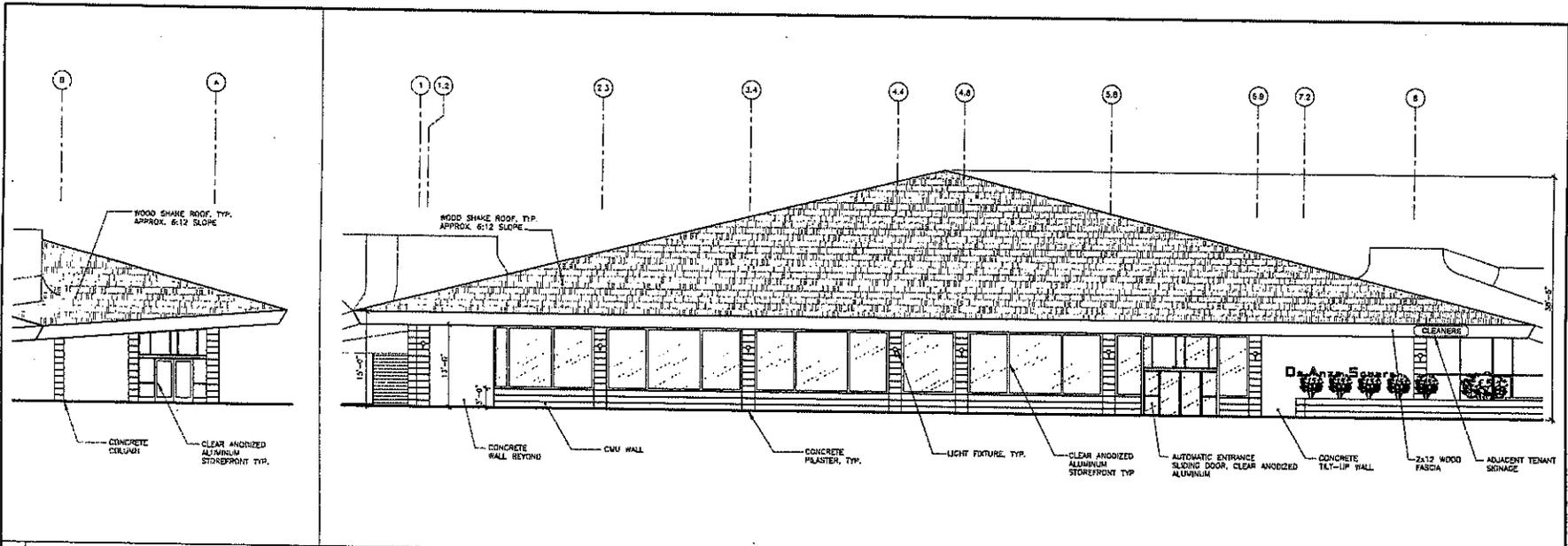
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DATE: 08/14/12
DRAWN BY: AVILA
CHECKED BY: AVILA
SCALE: 1/8" = 1'-0"



PLANNING TITLE: PROPOSED FLOOR PLAN

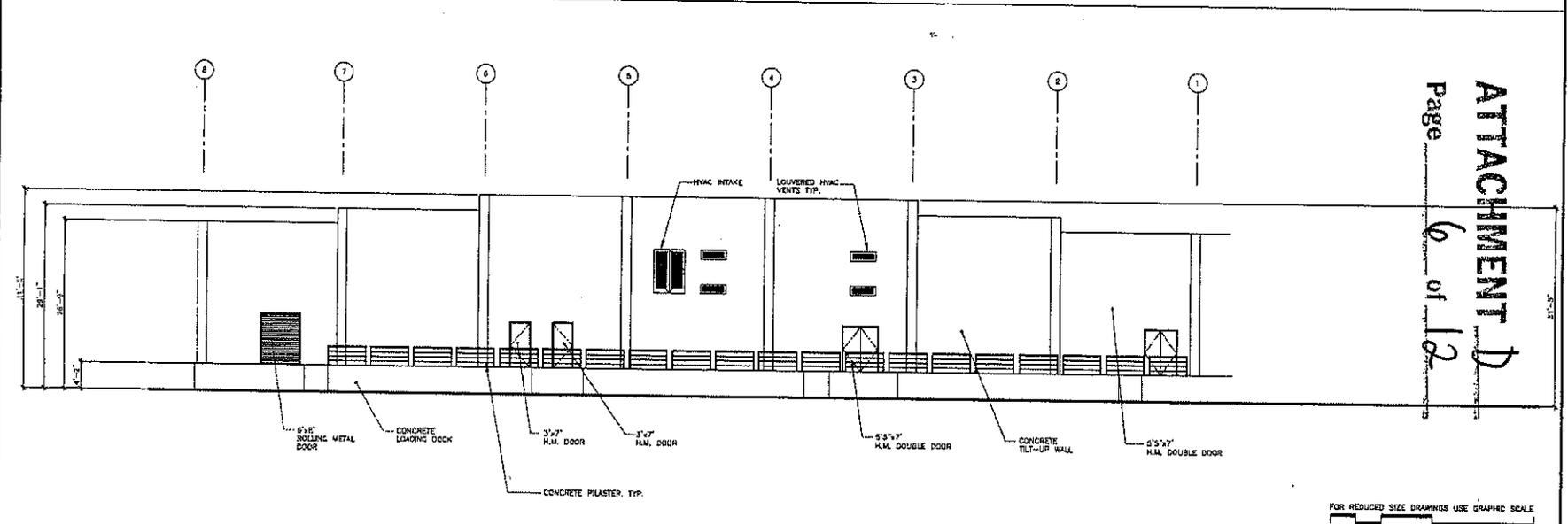
DATE: 08/14/12

A3.0



1 PARTIAL NORTH ELEVATION

2 WEST ELEVATION



3 EAST ELEVATION

FOR REDUCED SIZE DRAWINGS USE GRAPHIC SCALE

0 4 8 16 32 FT

ATTACHMENT D
 Page 6 of 12

AD
 AVILA DESIGN
 2477 SHATTUCK AVE
 BERKELEY
 CALIFORNIA 94704
 T 916-542-2888
 F 916-542-2399

fresh & easy
 Neighborhood Market

FRESH & EASY
 NEIGHBORHOOD MARKET
 1556 SOUTH MARY AVE.
 SUNNYVALE, CA

NO.	DATE	REVISION	BY
001	02/08	NEW WORK APPROVAL	ML
002	02/08	REV. PER ARCHITECT	ML
003	02/08	PER ARCHITECT	ML
004	02/08	PER ARCHITECT	ML
005	02/08	REV. PER ARCHITECT	ML
006	02/08	REV. PER ARCHITECT	ML

PROJECT	DATE
EXISTING EXTERIOR ELEVATIONS	02/08
DRAWN BY	ML
CHECKED BY	ML
SCALE	AS SHOWN



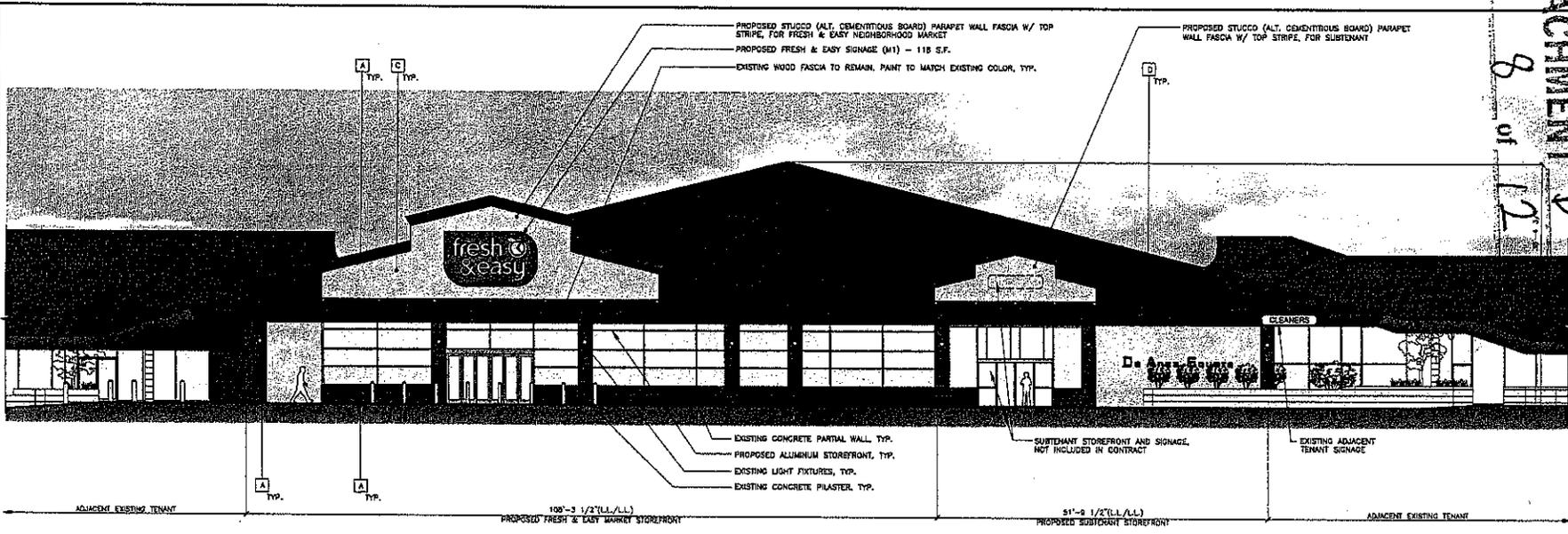
EXISTING EXTERIOR ELEVATIONS

SHEET NO.

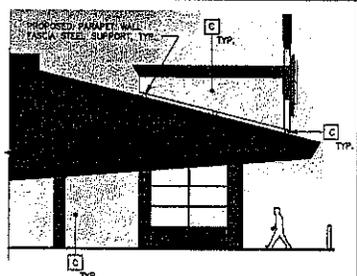
A4.0



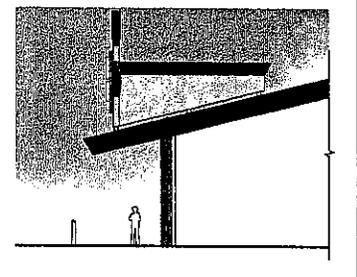
FRESH & EASY
NEIGHBORHOOD MARKET
1366 SOUTH MARY AVE.
SUNNYVALE, CA



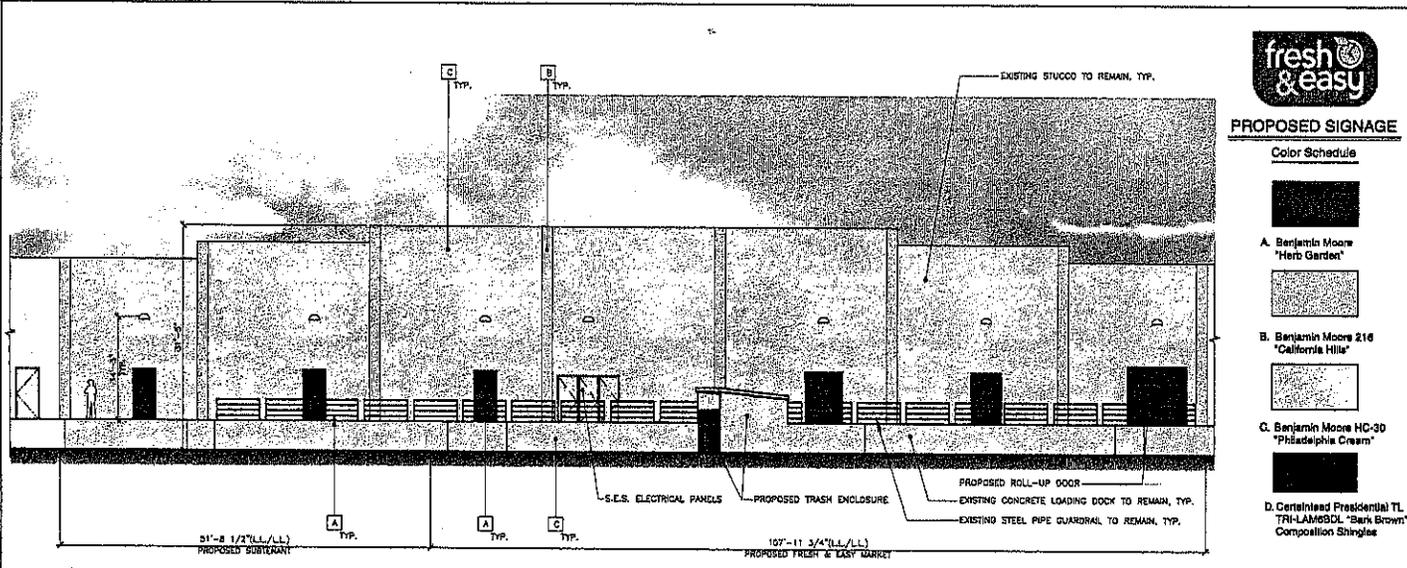
1 WEST ELEVATION



2 PARTIAL NORTH ELEVATION



3 PARTIAL SOUTH SECTION/ELEVATION



4 EAST ELEVATION

PROPOSED SIGNAGE

Color Schedule

- A. Benjamin Moore "Herb Garden"
- B. Benjamin Moore 216 "California Hills"
- C. Benjamin Moore HC-30 "Philadelphia Cream"
- D. CertainTeed Presidential TL TRI-LAM90CL "Dark Brown" Composition Shingles

FOR REDUCED SIZE DRAWINGS USE GRAPHIC SCALE

NO.	DATE	SCALE	BY
...

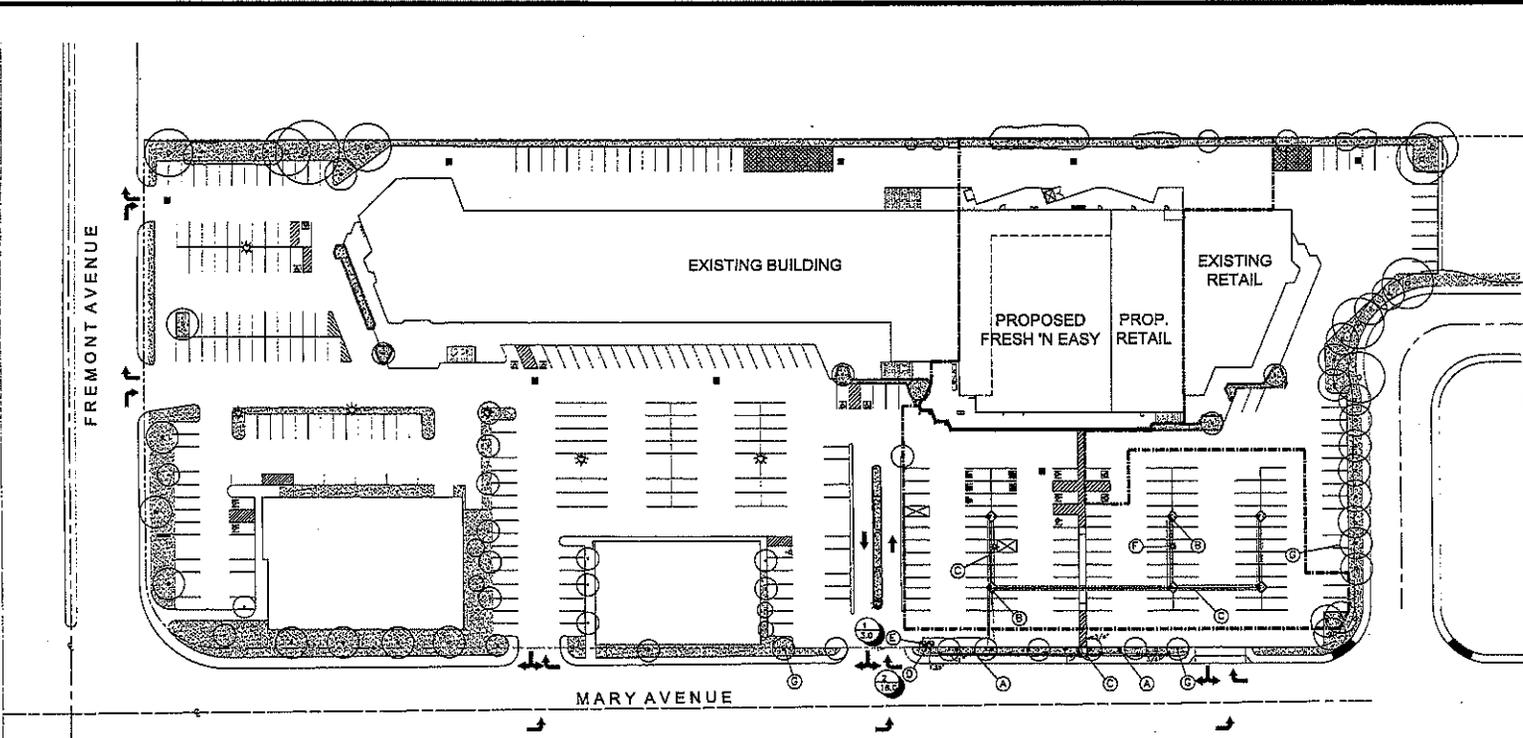
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DRAWN BY:
CHECKED BY:
SCALE:



DRAWN BY:
PROPOSED EXTERIOR ELEVATIONS

DATE:

A5.0



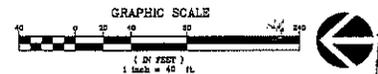
- IRRIGATION LEGEND:**
- RAINBIRD® #0V SERIES 3/4" REMOTE CONTROL VALVE; PROVIDE SOLENOID CONNECTION TO EXISTING BATTERY-POWERED CONTROLLER UNIT LOCATED IN EXISTING CONTROL VALVE BOX
 - MAIN LINE AS NEEDED: SCHEDULE 40 PVC PIPE WITH SCHEDULE 40 PVC SOLVENT-WELD FITTINGS; 1-1/4" LINE SIZE. ALL CUTS TO BE SQUARE, PRIMER TO BE USED. PROVIDE 18" (MIN.) OF COVER.
 - - - LATERAL LINE: CLASS 200 PVC PIPE WITH SCHEDULE 40 PVC SOLVENT-WELD FITTINGS; (SEE PLANS FOR LINE SIZE). ALL CUTS TO BE SQUARE, PRIMER TO BE USED. PROVIDE 12" (MIN.) OF COVER.
 - 4" DIA. SCHEDULE 40 PVC SLEEVE CROSSING; SET WITH 12" MIN. COVER.
 - XX 0.00 REMOTE CONTROL VALVE REFERENCE GALLONS PER MINUTE
 - RAINBIRD® #1806 SAM 15SST, 15EST POP-UP SPRAY HEAD (6" POP-UP)
 - RAINBIRD® #1402 FLOOD BUBBLER (0.50 GPM) SET IN PERFORATED PIPE BELOW GRADE (ONE PER TREE)

FOR INSTALLATION NOTES AND DETAILS REFER TO SHEET L-3

GRAPHIC NOTE:
IRRIGATION PIPE AND COMPONENTS SHOWN IN PAVING IS A GRAPHIC REPRESENTATION ONLY (EXCEPT FOR PIPE CONTAINED WITHIN SLEEVES). ALL PIPE AND COMPONENTS ARE TO BE INSTALLED WITHIN ADJACENT PLANTER AREAS (TYPICAL)

- GENERAL IRRIGATION RENOVATION NOTES:**
1. CONTRACTOR SHALL FIELD VERIFY LOCATION OF IRRIGATION WATER SUPPLY AND BACKFLOW PREVENTER PRIOR TO UNDERTAKING WORK. VERIFY A MINIMUM STATIC WATER PRESSURE OF 40 PSI, AND AN OPERATING MINIMUM FLOW OF 18 GPM AT NEW CONTROL VALVE LOCATION. ALL EXISTING IRRIGATION COMPONENTS OUTSIDE OF THE LIMIT OF WORK SHALL REMAIN INTACT AND OPERABLE AFTER IRRIGATION RENOVATION IS COMPLETE.
 2. ALL EXISTING IRRIGATION HEADS AND VALVES ENCOUNTERED WITHIN THE LIMIT OF WORK AREA DURING DEMOLITION AND INSTALLATION ARE TO BE REMOVED AND DISCARDED. ALL EXISTING IRRIGATION PIPE ENCOUNTERED WITHIN THE LIMIT OF WORK AREA SHALL BE ABANDONED AND REMOVED AS NECESSARY TO COMPLETE WORK.
 3. CONTRACTOR SHALL PROVIDE ADEQUATE WATER APPLICATION BY HAND TO ALL EXISTING PLANTING (TO REMAIN) DURING WORK TO MAINTAIN HEALTHY GROWING CONDITIONS.
 4. CONTRACTOR SHALL COORDINATE SAND TRENCHING LOCATIONS WITH SITE WORK CONSULTANT PRIOR TO FORMING FOR NEW PAVING INSTALLATION.
 5. CONTRACTOR SHALL REMOVE ALL DISCARDED IRRIGATION COMPONENTS FROM SITE AS DIRECTED BY OWNER'S REPRESENTATIVE.

- IRRIGATION RENOVATION ITEMS:**
- A. NEW SHRUB POP-UP SPRAY HEAD SYSTEM WITH NEW PIPE AND FITTINGS TO REPLACE EXISTING SYSTEM REMOVED FOR SIDEWALK CONSTRUCTION.
 - B. NEW FLOOD BUBBLER AT EACH OF THE (8) PARKING LOT TREES.
 - C. NEW IRRIGATION SLEEVE INSTALLATIONS FOR TREE IRRIGATION SYSTEM. PROVIDE SAWCUT OF EXISTING AC PAVING FOR SLEEVE INSTALLATION, PATCH AND REPAIR PAVING PER LOCAL CODES AND ORDINANCES.
 - D. NEW REMOTE CONTROL VALVE TO REPLACE EXISTING VALVE CIRCUIT; PROVIDE CONNECTION TO EXISTING BATTERY-POWERED CONTROLLER UNIT MOUNTED IN EXISTING VALVE BOX. VERIFY EXACT LOCATION IN FIELD.
 - E. NEW REMOTE CONTROL VALVE FOR NEW TREE BUBBLER VALVE CIRCUIT; INSTALL ADJACENT EXISTING VALVE BOX AND PROVIDE CONNECTION TO AVAILABLE PORT OF EXISTING BATTERY-POWERED CONTROLLER UNIT LOCATED IN EXISTING VALVE BOX; PROVIDE CONNECTION TO IRRIGATION MAIN LINE AND ADAPT TO NEW CONTROL VALVE.
 - F. EXISTING PARKING LOT LIGHT POLE LUMINAIRE (TYPICAL).
 - G. EXISTING TREES; REFER TO PLANTING PLAN, SHEET L-2.



Thomas Baak & Associates, L.L.P.
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Ph: 925.933.2583

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BERKELEY
CALIFORNIA 94704
T 510-842-2808
F 510-842-2306



FRESH & EASY
NEIGHBORHOOD MARKET
1356 SOUTH MARY AVE.
SUNNYVALE, CA

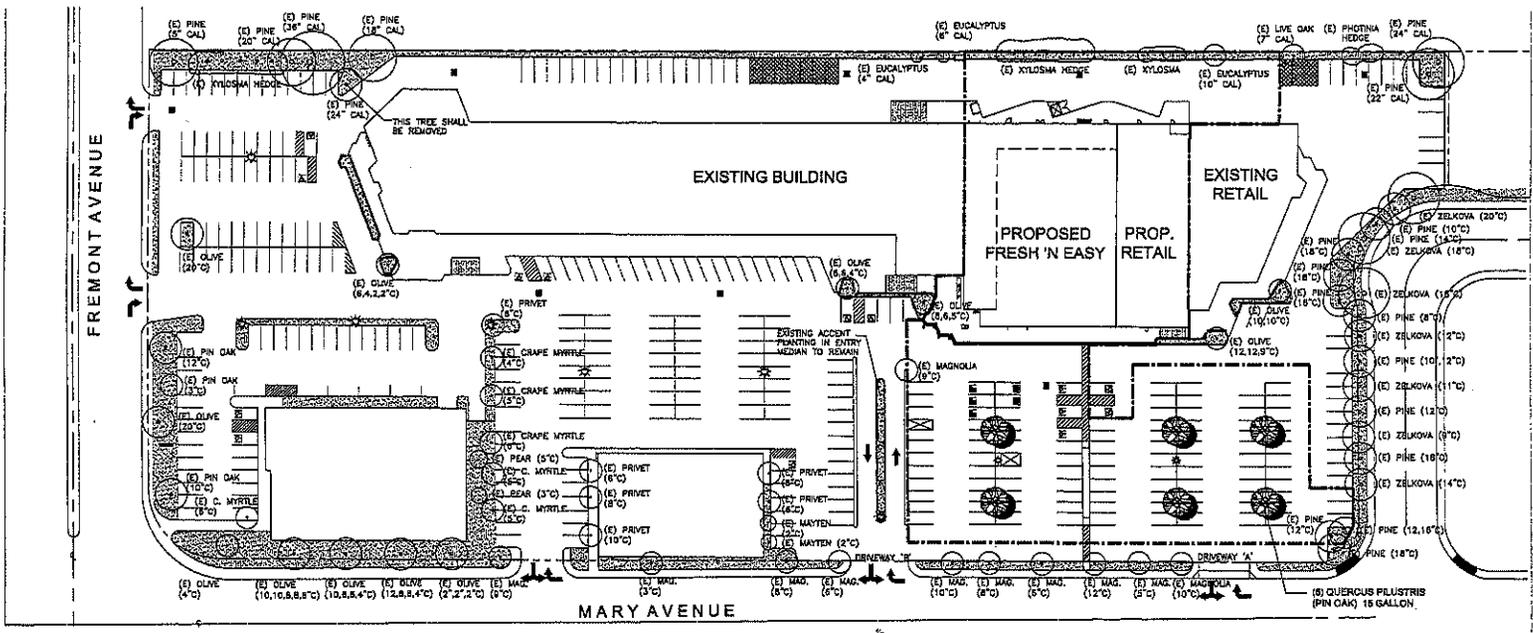
NO.	DATE	SCALE	BY
1			
2			
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4			
5			
6			
7			
8			
9			
10			



IRRIGATION PLAN

DATE:

L-1



BOTANICAL NAME COMMON NAME	FULL S.F.	3/4 S.F.	HALF S.F.	1/4 S.F.	TOTAL S.F.
FRESH & EASY MARKET PARCEL:					
Pinus Canariensis Canary Island Pine (Existing)			2 @ 245 S.F.		490 S.F.
Quercus Peustris Pin Oak (Proposed)	4 @ 481 S.F.				2,616 S.F.
TOTAL PROPOSED TREE SHADE					3,106 S.F.
TOTAL PROPOSED PAVED AREA					33,278 S.F.
PERCENT SHADED					9.0%
BALANCE OF RETAIL CENTER PARCEL:					
Lagerstroemia Fajrei Crape Myrtle		8 @ 87 S.F.			402 S.F.
Ligustrum Lucidum Glossy Privet		2 @ 187 S.F.			374 S.F.
Magnolia Grandiflora Southern Magnolia		8 @ 157 S.F.			1,256 S.F.
Maytenus Spargana Mayten		2 @ 117 S.F.			314 S.F.
Olea Europaea Olive		1 @ 157 S.F.			157 S.F.
Pinus Canariensis Canary Island Pine		18 @ 245 S.F.			3,810 S.F.
Quercus Agrifolia Coast Live Oak		1 @ 245 S.F.			245 S.F.
Quercus Peustris Pin Oak		3 @ 245 S.F.			735 S.F.
Zelkova Serotina Sawleaf Zelkova		7 @ 245 S.F.			1,715 S.F.
TOTAL EXISTING TREE SHADE					8,058 S.F.
TOTAL EXISTING PAVED AREA					130,201 S.F.
PERCENT SHADED					7.3%

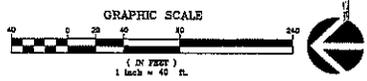
TREES COUNTED IN SHADE CALCULATION:

- FRESH & EASY MARKET PARCEL:**
 2 (E) CANARY ISLAND PINE
 4 (N) PIN OAK
- BALANCE OF RETAIL CENTER PARCEL:**
 8 (E) GRAPE MYRTLE
 2 (E) GLOSSY PRIVET
 8 (E) SOUTHERN MAGNOLIA
 2 (E) MAYTEN
 1 (E) OLIVE
 18 (E) CANARY ISLAND PINE
 1 (E) COAST LIVE OAK
 3 (E) PIN OAK
 7 (E) SAWLEAF ZELKOVA

EXISTING CONDITIONS NOTES:

- ALL EXISTING (E) TREE INFORMATION SHOWN DOCUMENTED PER SITE INVENTORY ON 11-25-08. ALL EXISTING TREES ARE TO REMAIN WITH EXCEPTION OF A PINE TREE LOCATED AT NORTH ENTRY FOR THE TRUCK DELIVERY ACCESS (SEE PLAN).
- ALL EXISTING SHRUB AND GROUND COVER SHALL REMAIN UNDISTURBED.
- CONTRACTOR TO PROVIDE BARK MULCH DRESSING ALONG STREET FRONTAGE PLANTER STRIP BETWEEN DRIVEWAYS 'A' & 'B'. PER PLANTING NOTES ON SHEET L-3.
- CONTRACTOR SHALL CONTACT CITY ARBORIST (JOE GONZALES) AT (909) 720-7697 WHEN THE SIDEWALK CONSTRUCTION TAKES PLACE. ONCE THE SIDEWALK IS OPEN, JOE CAN MEET AND INSPECT THE EXISTING TREE ROOTS AND ASSESS WHETHER A ROOT BARRIER WILL BE REQUIRED OR NOT. IF REQUIRED, THE CITY WILL MAKE ARRANGEMENTS TO INSTALL.

FOR INSTALLATION NOTES AND DETAILS REFER TO SHEET L-3



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 Ph: 925.937.2393

ATTACHMENT D
 Page 10 of 12

AD
 AVILA DESIGN
 3471 BRATBUCK AVE
 GLENVIEW CALIFORNIA 94704
 T 310-444-2888
 F 310-444-2588



FRESH & EASY
 NEIGHBORHOOD MARKET
 1858 SOUTH MARY AVE.
 SUNNYVALE, CA

NO.	DATE	SCALE	BY
1		1"=20'	JTB/FRANKLIN/MTL



PLANTING PLAN

L-2

16500

2001 Broadway, 4th Floor
 Redwood City, CA 94063
 Tel: 650.949.0800
 Fax: 650.949.0717
 www.acies.com

ACIES
ENGINEERING
 111 W. Evelyn Avenue, Suite 301,
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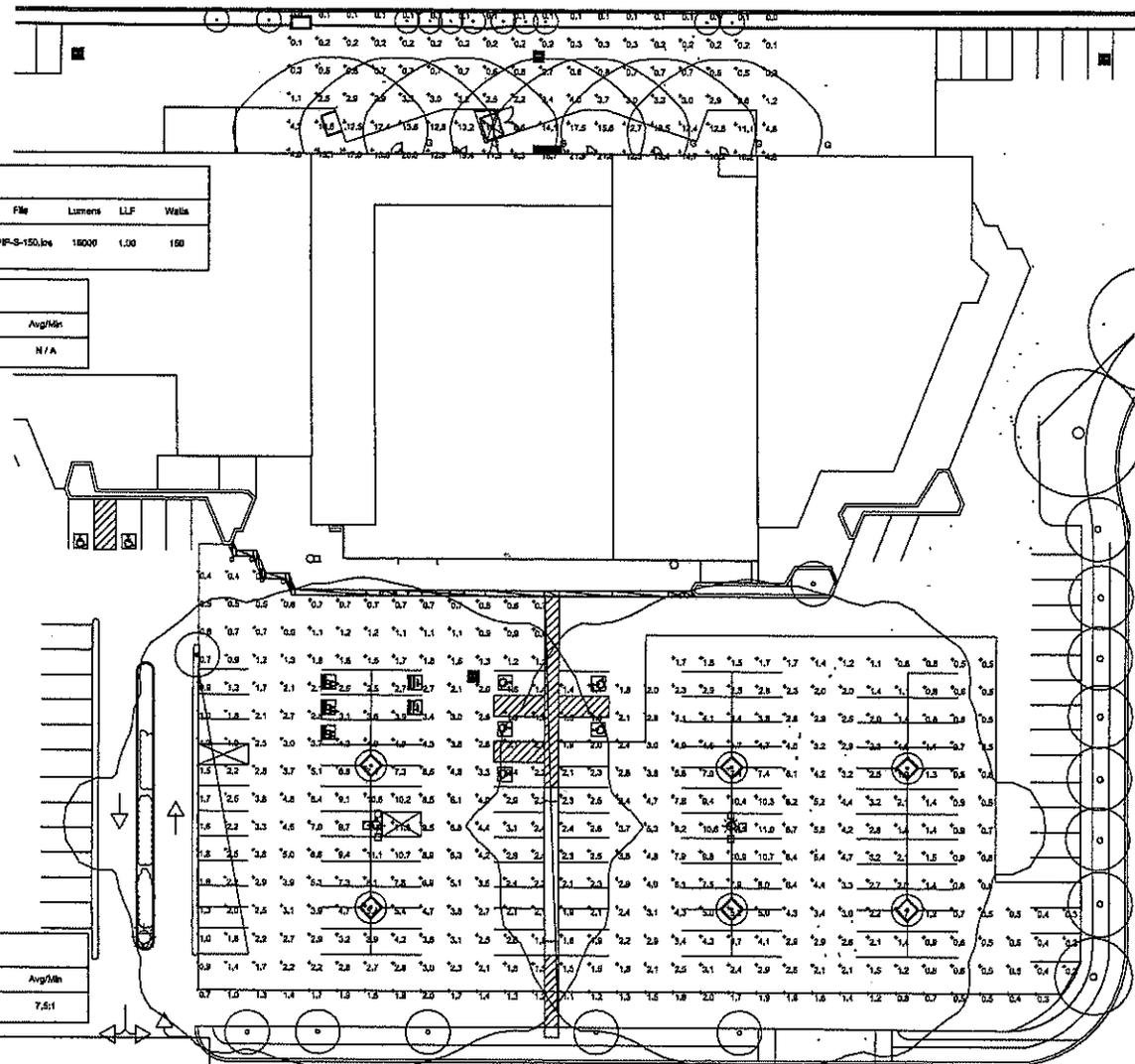
AVILA DESIGN
 FRESH & EASY NEIGHBORHOOD MARKET
 1356 SOUTH MARY AVE., SUNNYVALE, CA
 PARKING LIGHTING

Page 12 of 12

ATTACHMENT D

Designer
 Lucía Starinska/
 Gary Pham
 Date
 12-02-08
 Scale
 1"=30'
 Drawing No.

PH.1



LUMINAIRE SCHEDULE

Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
◐	G	7	HPP-S-150	CUT-OFF WALL LUMINAIRE	150 WATT HPS ED-17 MEDIUM BASE CLEAR	HPP-S-150.lns	18000	1.00	150

STATISTICS

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #5	+	5.1 fc	21.5 fc	0.0 fc	N/A	N/A

NOTES

1. ISO LANES INDICATE ILLUMINATION OF 0.5 FOOT-CANDLE ON THE GROUND.

STATISTICS

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	3.0 fc	12.6 fc	0.4 fc	30.0:1	7.5:1

LUMINAIRE SCHEDULE

Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
◻	E	2	Laborite MR2 4005 SRAW	ARCHITECTURAL ARM-MOUNTED CUTOFF LUMINAIRE WITH SRAW REFLECTOR. IS FULL CUTOFF AND MEETS THE 'NIGHTTIME FRIENDLY' CRITERIA	ONE 400-WATT CLEAR ET-28 HIGH PRESSURE SODIUM, HORIZONTAL POSITION.	L1101005.lns	89000	0.73	1404



Project scope summary:

The scope of work at 1356 S. Mary Avenue, Sunnyvale, CA. 94087 shall include a minor renovation of the exterior façade and an interior tenant improvement of the space to include, but not limited to, new walls, electrical, plumbing and mechanical.



USE PERMIT/SPECIAL DEVELOPMENT PERMIT ATTACHMENT E JUSTIFICATIONS

Page 2 of 2

One of the two following findings must be made in order to approve a Use Permit or Special Development Permit application.

The Sunnyvale Municipal code states that at least one of the following two justifications must be met before granting the Use Permit or Special Development Permit. Please provide us information on how your project meets at least one of the following criteria.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project brings back the original use. The previous Albertsons store vacated the premises several years prior to that the space was originally built as an Alpha Beta Grocery Store. The existing De Anza Square Shopping Center is currently zoned as commercial neighborhood shop/zoning district C1. The new tenant, a smaller grocery store Fresh & Easy Neighborhood Market, is consistent with the type of retail establishment that has always occupied this building.

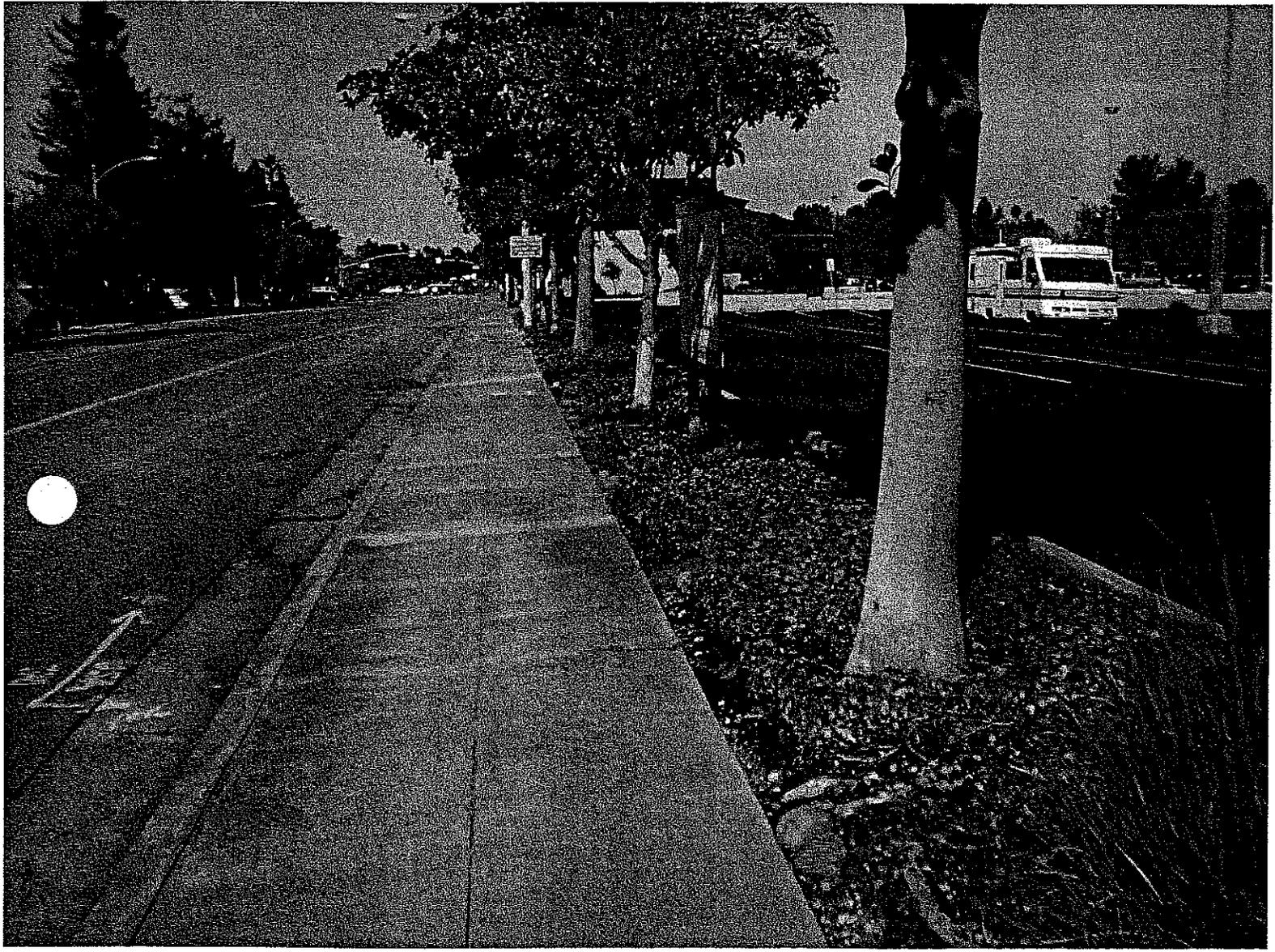
OR

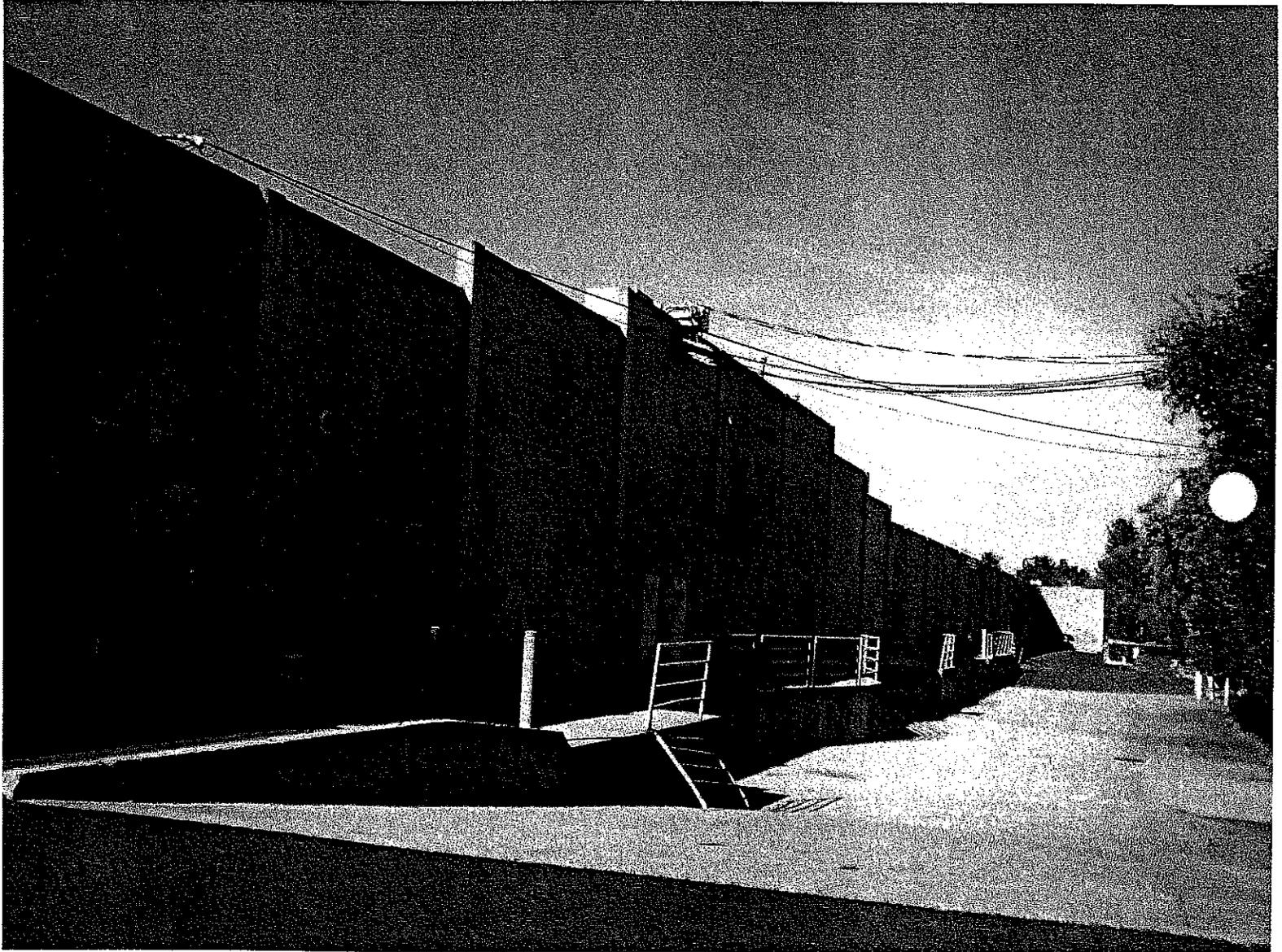
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as ...

If you need assistance in answering either of these justifications, contact the Planning Division staff at the One-Stop Permit Center.









PLANNING COMMISSION MINUTES OF JANUARY 12, 2009

2008-0936 – Bergman Companies [Applicant] **De Anza Square** [Owner]: Application for a Use Permit to allow a grocery store (Fresh & Easy) in a 7.2-acre shopping center, within in an existing retail space greater than 10,000 square feet. The property is located at **1356 S. Mary Avenue** (near W Fremont Ave at De Anza Square Shopping Center) in a C-1 (Neighborhood Business) Zoning District. (Mitigated Negative Declaration) (APN: 323-01-019) NC

Gerri Caruso, Principal Planner, presented the staff report. Ms. Caruso said that staff has provided a letter on the dais this evening from a member of the public concerned about the proposed hours which include a midnight closing. Ms. Caruso explained that earlier today staff received preliminary information that the applicant may have intended to ask for a continuance this evening and have since decided to move forward with the public hearing. She said in the brief time that staff thought the item was to be continued, that staff informed a member of the public that the item would not be on the agenda tonight. She said the member of the public expressed his concern about this site and that the previous grocery store had exterior air conditioning equipment that made a significant amount of noise. Ms. Caruso confirmed that all of the air conditioning equipment in this proposal is contained in the interior of the building. She said staff is recommending approval of the project subject to the conditions of approval in Attachment B of the staff report.

Comm. Hungerford confirmed with staff that one of the conditions addresses the pop-up roof feature as staff thinks the roof feature is too prominent or too high. **Trudi Ryan**, Planning Officer, said that staff would like the applicant to continue to work with staff on a design that integrates better with the architecture of the building.

Comm. Klein referred to Attachment D, page 3 and discussed with staff the parking and shading goals for this lot with staff commenting that the overall numbers of parking spaces are shared between the tenants. Ms. Ryan said that the number of parking spaces at this shopping center is less than what the current code would require and the parking lot shading less than current code requires. She said that she does not know how many parking spaces would be lost if spaces were used to provide 50% of the required shading. She said that the reason this project is subject to a Use Permit is because of the amount of time it has been vacant. She said had the site had been in continuous operation the City review would be only a staff level review of architecture. Comm. Klein asked about the configuration of the loading docks and whether additional parking could be added in the rear of the building. Staff said that trucks need the area along the fence to allow space for the trucks to maneuver. Comm. Klein commented that he was hoping to have a few more trees added.

Chair Rowe referred to page 7 of the report regarding deliveries and confirmed with staff that the intent is that deliveries are concluded by 10 p.m. Chair Rowe referred to page 10 of the report and discussed with staff that the compact parking spaces are proposed to be re-striped in front of the tenant buildings.

Chair Rowe opened the public hearing.

John Vidovich, owner of the site and representative for the applicant, confirmed there was a call about possibly requesting a continuance of this hearing. He said this grocery store has been vacant for about six years and he and the community would like to see this project go forward. He referred to Attachment B, page 1, condition 1.D which limits the Use Permit to one year and requested a five-year permit due to the economy. He referred to condition 1.G and said the applicant does not plan on having outside merchandise and requested that this requirement be removed. He said if they do change their plans that a merchandise plan would be submitted at that time. He referred to condition 2.A which addresses the addition of a second eastbound left-turn lane and said he just wanted to make it clear that the developer and owner are being told they do not have to pay for the lane. He referred to condition 4 regarding the roof forms and said there has been a lot of conversation between the applicant and the architect. He provided some additional materials to show the proposed marquee-type sign, which is part of Fresh and Easy's image. He said the marquee is very important to the applicant. He asked the Commission to consider approving the marquee and not require that it be redesigned, which could kill the deal. He confirmed that they do not intend to change the fences. He referred to condition 7.B regarding decorative pervious pavers and asked if this wording could be changed to require some other material than individual pavers. He addressed Comm. Klein's question about parking and referred to condition 10 stating that they added parking in the back of store and that they would prefer that it not be labeled as employee parking, which would be an operational issue. He stated that this site needs a grocery store and would like the maximum consideration that the Commission can give regarding the marquee.

Comm. McKenna discussed with Mr. Vidovich when Albertsons closed at this site.

Chair Rowe closed the public hearing.

Comm. Klein referred to Attachment B, page 4, condition 7.B and asked staff if there was something else that could be used instead of pervious pavers and does staff have any comments about ADA (Americans with Disabilities Act) issues with pavers in this location. Ms. Ryan said some asphalt is permeable and that if the goal is to obtain some permeable spaces then possibly some of the perimeter spaces could be permeable. Comm. Klein confirmed with staff that the Use Permit would allow the applicant three years to develop the site, 2 years with the original Use Permit and an additional year extension if needed. Ms. Ryan clarified that condition 1.D refers to the expiration of the

Use Permit if the use is discontinued for a period of one year or more which would mean the site was developed and operating and then was no longer operating for a year or more. She said the discontinuance of use is the reason this project is required to go to public hearing for the Use Permit tonight as the use was discontinued for at least six years.

Comm. Travis asked staff what is the purpose of marking the parking spaces in the rear of the building for employee parking. Ms. Ryan said that it is a parking management issue and in exchange for the condition 10.C that the condition could be rephrased to have a Parking Management Plan to keep the more convenient spaces available for the patrons. Comm. Travis and staff discussed that the Commission could delete condition 10.A.a and then require a parking management plan bringing 10.C into play.

Comm. Klein asked further about staff's issue with the marquee since signs would be considered at a later date. Ms. Ryan said that staff does not have an issue with the actual sign and that the issue is with the structure that the proposed marquee is on. She said staff feels the structure is not consistent with the architecture of the building and that it is overpowering for the existing roof form. She said there have been some suggestions provided to the applicant.

Comm. Travis referred to two different color displays and discussed with staff the more accurate of the color displays. Comm. Travis confirmed with staff that the illustrations of the marquee accurately display what the marquee would look like from street level.

Chair Rowe referred to a letter from a citizen regarding a problem when tenant alarms go off at the shopping center and the owners of the site cannot be reached to shut off the alarms. Chair Rowe asked staff how this citizen could handle this issue. Ms. Ryan said that the neighbor could contact Neighborhood Preservation or the non-emergency number at Public Safety.

Comm. Travis moved for alternative 2, to adopt the Mitigated Negative Declaration and approve the Use Permit with modified conditions: to remove condition 10.A.a and place into affect 10.C requiring that a Parking Management Plan be required now rather than the future; to remove condition 1.G requiring the submission of a merchandise plan as there are no outdoor sales planned and that a merchandise plan be submitted if, in the future, the applicant would like to have outdoor sales. Comm. Klein seconded the motion. Comm. Klein offered a Friendly Amendment to amend condition 7.B replacing the language "decorative pervious pavers" with "a decorative walkway". Comm. Klein offered a Friendly Amendment to add a condition 7.G that 12 of the required parking spaces be permeable parking spaces and that the applicant work with staff to determine the location of the 12 spaces. Comm. Klein said he selected the number of 12 parking spaces as this is

equivalent to one row of parking. **The maker of the motion accepted both of Comm. Klein's Friendly Amendments.**

Comm. Travis said he is glad to see that there is finally something proposed for this site. He said there are a few issues to be looked into prior to moving in. He said he is glad to see a grocery store going in here again and that it is a new, different store from some of the regular stores in the area. He said this is a great spot and a great company and he is looking forward to this addition to the community.

Comm. Klein said he was able to make the findings for the Use Permit. He said definitely the community would like to see a grocery store at this location as the site has been vacant for many years. He said some flexibility is being given to the applicant as this is an infill spot and the density is not increasing. He said on other developments shading and parking spaces have been required on other retail when density is increasing. He said this development will bring more activity back to this shopping center which is really needed. He said he hopes the economy rebounds enough for this project to go forward. He said he thinks that with the applicant working with staff that the last of the details can be worked out. He said as much as the marquee may be an issue for the applicant that it is important how this project looks visually from the street and critical that the building fits into the community.

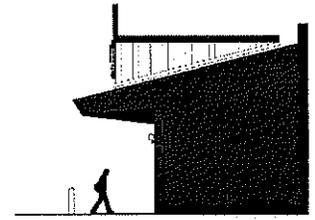
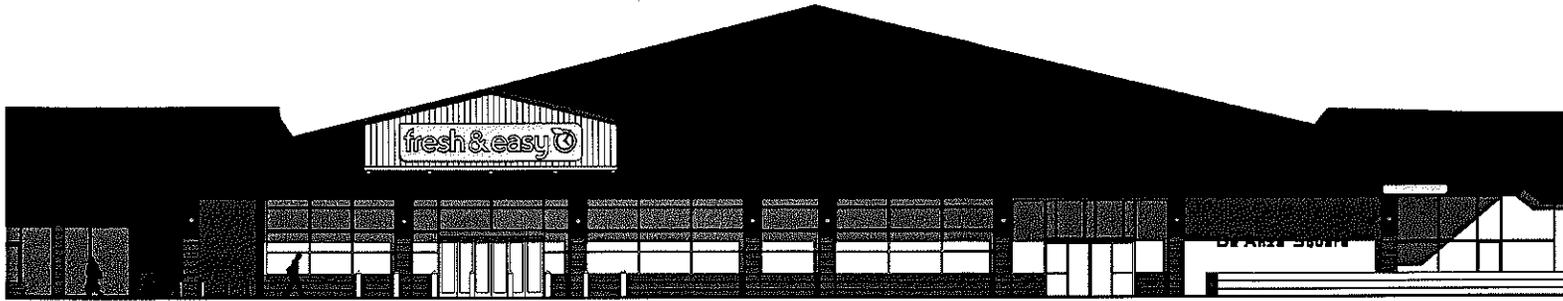
ACTION: Comm. Travis made a motion on 2008-0936 to adopt the Mitigated Negative Declaration and approve the Use Permit with modified conditions: to remove condition 10.A.a regarding employee parking and place into affect 10.C requiring that a Parking Management Plan be required now rather than in the future; to remove condition 1.G requiring the submission of a merchandise plan as there are no outdoor sales planned and that a merchandise plan be submitted if, in the future, the applicant would like to have outdoor sales; to amend condition 7.B replacing the language "decorative pervious pavers" with "a decorative walkway"; and to add a condition 7.G that 12 of the required parking spaces be of permeable pavers and that the applicant work with staff to determine the location of the 12 spaces. Comm. Klein seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than January 27, 2009.

ATTACHMENT H
Page 1 of 1

From: <jh2@aol.com>
To: "Gary Luebbbers" <gluebbbers@ci.sunnyvale.ca.us>
CC: "Tony Spitaleri" <counciltonyspitaleri@yahoo.com>
Date: 1/24/2009 4:25 PM
Subject: Appeal

Gary - after lots of thought I would like to appeal the Planning Commission approval of Fresh and Easy to the City Council based on conditions of approval. I would ask for it to come to Council as soon as possible. Thank you John Howe
Sent from my Verizon Wireless BlackBerry



Fresh and Easy Neighborhood Market
1356 South Mary Ave., Sunnyvale, CA



REV. Date: Jan 23, 2009

Alt - 6

Page 1 of 1
ATTACHMENT I

January 6, 2009

Planning Commission
City of Sunnyvale
456 W. Olive Ave.
Sunnyvale, CA 94086

I am writing regarding file number 2008-0936, application for a Fresh & Easy grocery store at De Anza Square, 1356 S. Mary Ave.

I live directly behind the project, at 1369 Warner Ave. I am a homeowner and have lived there for 20 years. Any actions taken at De Anza Square will have a direct effect on the value of my home.

I am very concerned about the proposed hours of operation for the grocery store: from 7am to midnight. The previous grocery store at this location was a Lucky supermarket that was open until midnight. There were constant late deliveries and noise long past the closing hours. No other business in this center stays open past 9pm. That should be the closing time for the Fresh & Easy.

It has been my experience that the owner and managers of De Anza Square are not good neighbors. They refuse to treat bushes infested with white flies that hang into my yard. When alarms go off on their building, it is not possible to reach them. They allow their tenants to take actions that cause noise or have the potential for decreasing my property values. Currently the parking lot in front of the property is being used to store automobiles.

I doubt that they will work to insure that I can continue peaceful enjoyment of my home and yard. I am asking the Planning Commission to limit the hours of operation of the grocery store.

Sincerely,



Susan Benjamin
1369 Warner Ave.
Sunnyvale, CA 94087

Additional Information
Agenda Item #5, 2008-0936
1356 S. Mary Avenue
Planning Commission, 1/12/09