



**CITY OF SUNNYVALE
REPORT
Planning Commission**

January 12, 2009

SUBJECT: **2008-0936 – Bergman Companies** [Applicant] **De Anza Square** [Owner]: Application for a property 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

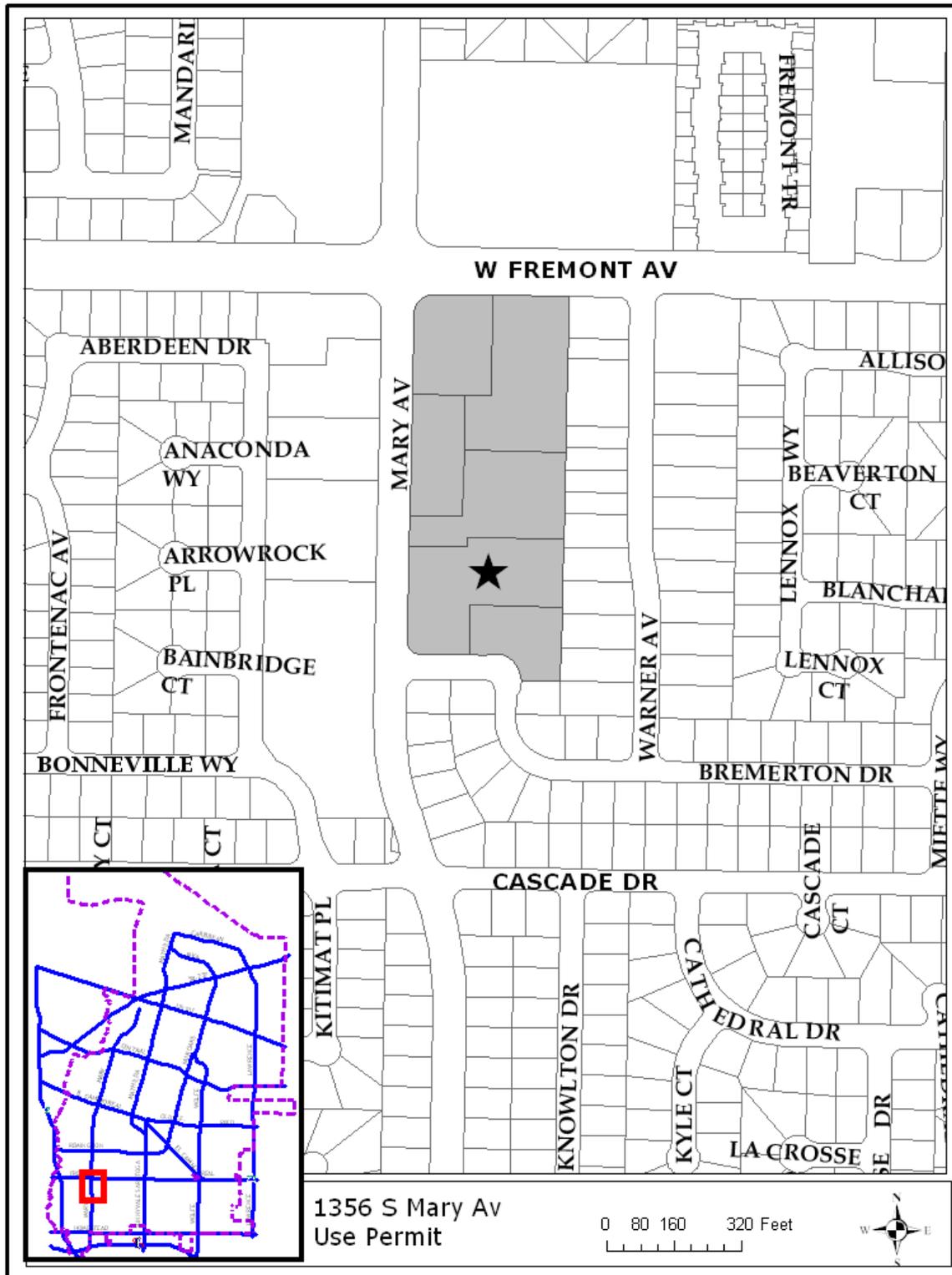
Surrounding Land Uses

- 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.

Staff Recommendation Approve with conditions



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



	EXISTING	PROPOSED	REQUIRED/ PERMITTED
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)
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.

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. Staff recommends that the relocated parking spaces towards the back of the building be striped for employee parking. In addition, 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 (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 decorative pervious pavers (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

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. Adopt the Mitigated Negative Declaration and approve the Use Permit with attached conditions.
2. Adopt the Mitigated Negative Declaration and approve the Use Permit with modified conditions.
3. Adopt the Mitigated Negative Declaration and deny the Use Permit.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Alternative 1.

Prepared by:

Noren Caliva
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

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

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. Submit a merchandise plan for outdoor sales prior to issuance of building permits for staff review and approval that designates 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.
- 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 decorative pervious pavers 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.

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. 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.

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: *Gerri Caruso*
Gerri 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.

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

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.

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.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

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.

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.

December 12, 2008

Signature

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
-----------------------------------	--------------------------------	----------------------------------------------------	------------------------------	-----------	--------

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
-----------------------------------	--------------------------------	----------------------------------------------------	------------------------------	-----------	--------

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? | 0 | 0 | 0 | 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? | 0 | 0 | 0 | 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? | 0 | 0 | 0 | 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? | 0 | 0 | 0 | X | 2, 94, 109, 111 |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | 0 | 0 | 0 | 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? | 0 | 0 | 0 | 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? | 0 | 0 | 0 | X | 2, 59-61, 94 |
| b. Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5? | 0 | 0 | 0 | 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
-----------------------------------	--------------------------------	----------------------------------------------------	------------------------------	-----------	--------

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
-----------------------------------	--------------------------------	----------------------------------------------------	------------------------------	-----------	--------

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?	0	0	X	0	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?	0	0	0	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?	0	0	0	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)?	0	0	0	X	2, 11, 12
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	0	0	0	X	2, 11, 111, 112
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	0	0	0	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?	0	0	0	X	94
b. Other public facilities?	0	0	0	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
-----------------------------------	--------------------------------	----------------------------------------------------	------------------------------	-----------	--------

Planning Division Checklist (8 of 8)

X. MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|------------------------------------|
| <p>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?</p> | 0 | 0 | 0 | X | 2, 3, 12, 80, 94, 96, 97, 109, 110 |
| <p>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)?</p> | 0 | 0 | 0 | X | 2, 3, 12, 80, 83, 94, 96, 97, 110 |
| <p>c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p> | 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
-----------------------------------	--------------------------------	----------------------------------------------------	------------------------------	-----------	--------

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.	0	0	0	X	2, 19, 94, 103, 104, 107, UPC, UMC
(ii) Strong seismic ground shaking?	0	0	X	0	Discussion at end of checklist
(iii) Seismic-related ground failure, including liquefaction?	0	0	0	X	2, 19, 94, 103, 104, 107, UPC, UMC
(iv) Landslides?	0	0	0	X	2, 19, 94, 103, 104, 107, UPC, UMC
b) Result in substantial soil erosion or the loss of topsoil?	0	0	0	X	2, 19, 94, 103, 104, 107, UPC, UMC
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?	0	0	0	X	2, 19, 94, 103, 104, 107, UPC, UMC
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?	0	0	0	X	2, 19, 94, 103, 104, 107, UPC, UMC

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	2, 12, 24, 103, 104, 107, UPC, LMC

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
-----------------------------------	--------------------------------	----------------------------------------------------	------------------------------	-----------	--------

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?	0	0	0	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?	0	0	0	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?	0	0	0	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?	0	0	0	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?	0	0	0	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?	0	0	0	X	2, 22, 90, 111, 112
g) Comply with federal, state, and local statutes and regulations related to solid waste?	0	0	0	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
-----------------------------------	--------------------------------	----------------------------------------------------	------------------------------	-----------	--------

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
-----------------------------------	--------------------------------	----------------------------------------------------	------------------------------	-----------	--------

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? | 0 | 0 | 0 | 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? | 0 | 0 | 0 | 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? | 0 | 0 | 0 | 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? | 0 | 0 | 0 | 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? | 0 | 0 | 0 | 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? | 0 | 0 | 0 | X | UFC/
UBC/
SVMC |
| g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan? | 0 | 0 | 0 | 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? | 0 | 0 | 0 | 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
-----------------------------------	--------------------------------	----------------------------------------------------	------------------------------	-----------	--------

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
---------------------	---	---	---	---	----------------------

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
-----------------------------------	--------------------------------	----------------------------------------------------	------------------------------	-----------	--------

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
-----------------------	---	---	---	---	---------

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
-----------------------------------	--------------------------------	----------------------------------------------------	------------------------------	-----------	--------

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 |
|-----------|---|---|---|---|-------------|

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
-----------------------------------	--------------------------------	----------------------------------------------------	------------------------------	-----------	--------

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
-----------------------------------	--------------------------------	----------------------------------------------------	------------------------------	-----------	--------

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 | Discussion at end of checklist |
| 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 area's 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

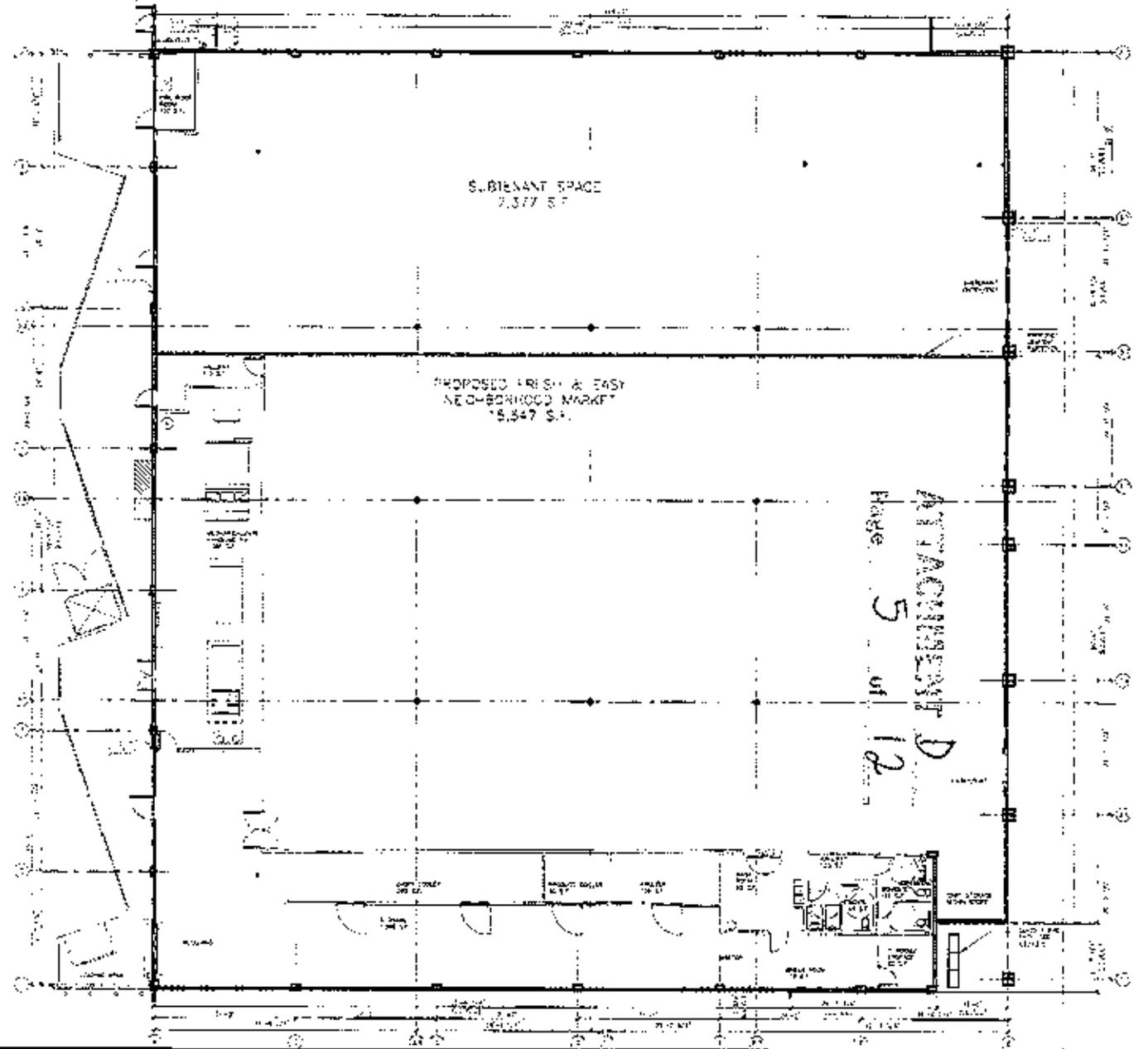
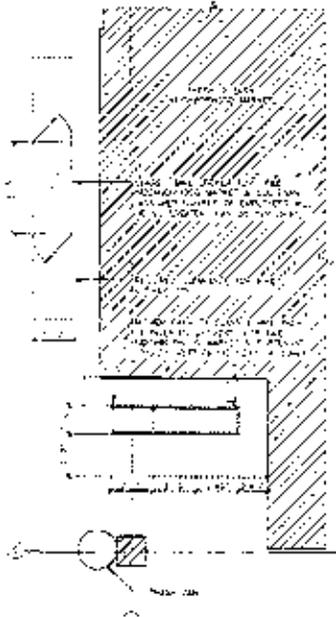
- 94. Field Inspection
- 95. Environmental Information Form
- 96. Annual Summary of Containment Excesses (BAAQMD)
- 97. Current Air Quality Data
- 98. Chemical Emergency Preparedness Program (EPA Interim Document in 1985?)
- 99. Association of Bay Area Governments (ABAG) Population Projections
- 100.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



FRESH & EASY
NEIGHBORHOOD MARKET
1596 SOUTH MARY AVE.
SUNNYVALE, CA

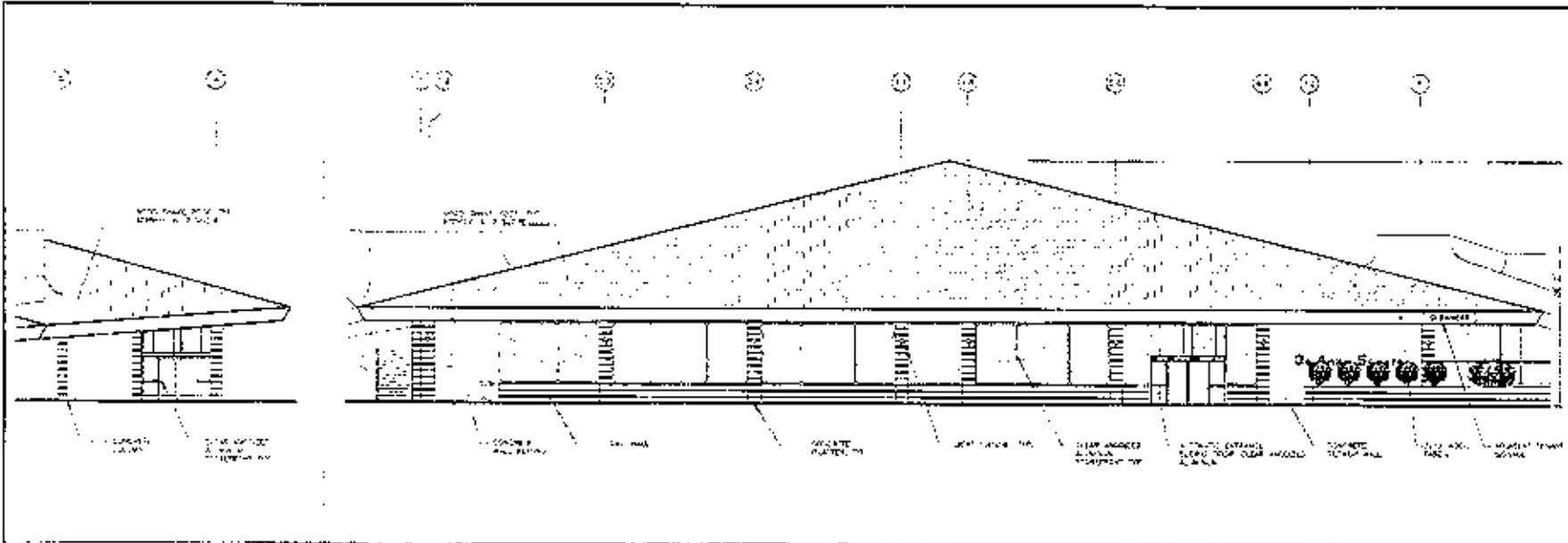
NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/15/11	ISSUED FOR PERMIT	...	...
2	10/15/11	ISSUED FOR PERMIT	...	...
3	10/15/11	ISSUED FOR PERMIT	...	...
4	10/15/11	ISSUED FOR PERMIT	...	...
5	10/15/11	ISSUED FOR PERMIT	...	...

NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/15/11	ISSUED FOR PERMIT	...	...
2	10/15/11	ISSUED FOR PERMIT	...	...
3	10/15/11	ISSUED FOR PERMIT	...	...
4	10/15/11	ISSUED FOR PERMIT	...	...
5	10/15/11	ISSUED FOR PERMIT	...	...



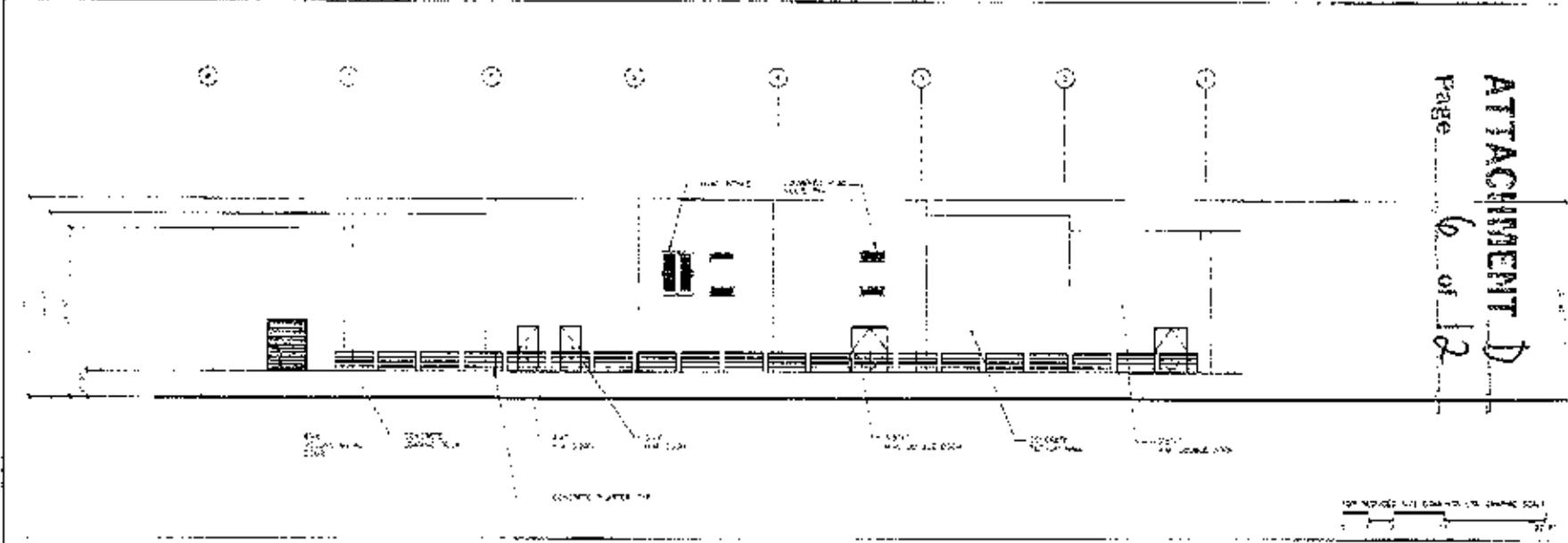
PROPOSED FLOOR PLAN

A3.0



1 PARTIAL NORTH ELEVATION

2 WEST ELEVATION



3 EAST ELEVATION

ATTACHMENT D
 Page 6 of 12



FRESH & EASY
 HIGH QUALITY MARKET
 1336 SOUTH HANBY AVENUE
 SUNNYVALE, CA

NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/15/11	ISSUED FOR PERMITS	...	...
2	10/15/11	ISSUED FOR PERMITS	...	...
3	10/15/11	ISSUED FOR PERMITS	...	...
4	10/15/11	ISSUED FOR PERMITS	...	...
5	10/15/11	ISSUED FOR PERMITS	...	...
6	10/15/11	ISSUED FOR PERMITS	...	...
7	10/15/11	ISSUED FOR PERMITS	...	...
8	10/15/11	ISSUED FOR PERMITS	...	...
9	10/15/11	ISSUED FOR PERMITS	...	...
10	10/15/11	ISSUED FOR PERMITS	...	...

NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/15/11	ISSUED FOR PERMITS	...	...
2	10/15/11	ISSUED FOR PERMITS	...	...
3	10/15/11	ISSUED FOR PERMITS	...	...
4	10/15/11	ISSUED FOR PERMITS	...	...
5	10/15/11	ISSUED FOR PERMITS	...	...
6	10/15/11	ISSUED FOR PERMITS	...	...
7	10/15/11	ISSUED FOR PERMITS	...	...
8	10/15/11	ISSUED FOR PERMITS	...	...
9	10/15/11	ISSUED FOR PERMITS	...	...
10	10/15/11	ISSUED FOR PERMITS	...	...



EXISTING EXTERIOR
 ELEVATIONS

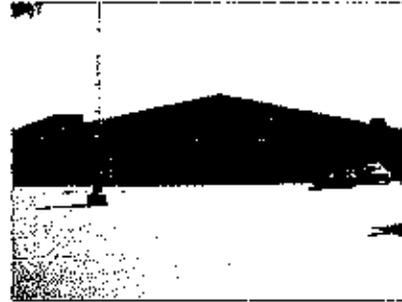
A4.0



1 PARTIAL NORTH ELEVATION



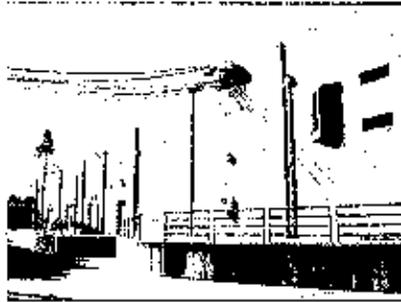
2 WEST ELEVATION



5 MONUMENT SIGN AT FREMONT AVE.



3 PARTIAL SOUTH ELEVATION



4 EAST ELEVATION



ATTACHMENT D
Page 7 of 12



FRESH & EASY
NEIGHBORHOOD MARKET
1888 SOUTH MARY AVE.
SUNNYVALE, CA

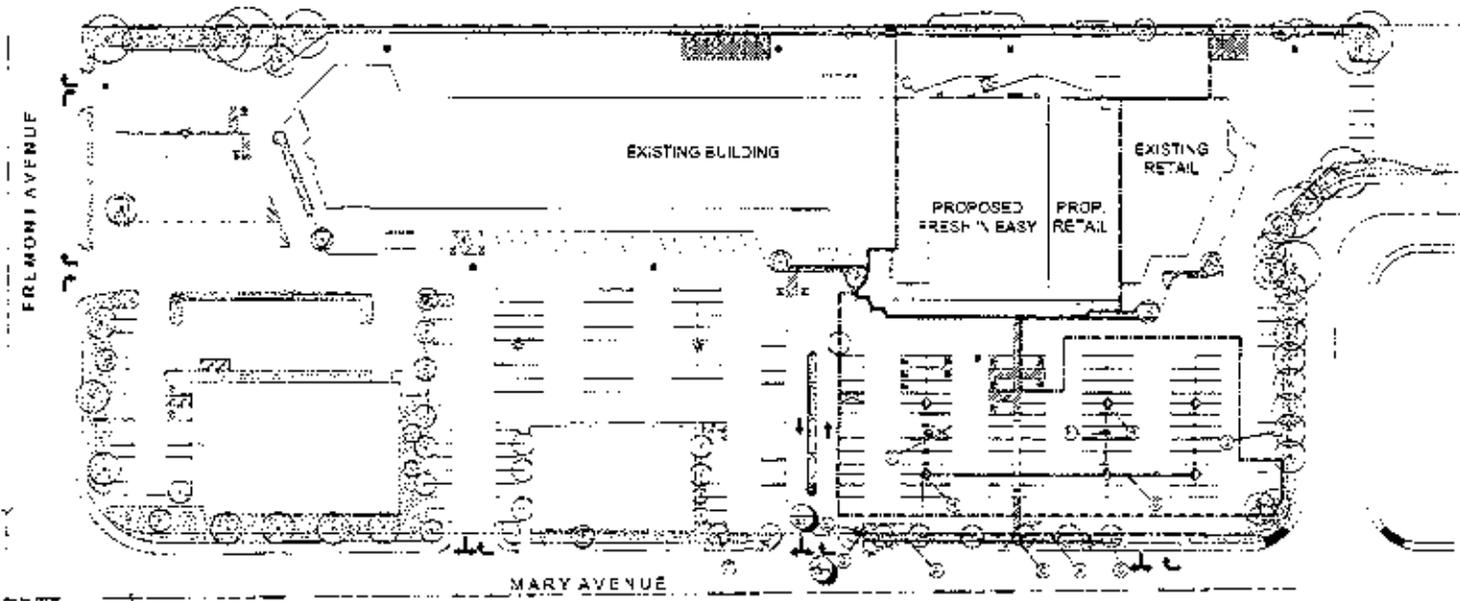
NO. 01	NO. 02	NO. 03	NO. 04	NO. 05	NO. 06	NO. 07	NO. 08	NO. 09	NO. 10

DATE:	2010
SCALE:	AS SHOWN
PROJECT:	1888 SOUTH MARY AVE.
NO.:	11



EXISTING SITE
IMAGES

A4.1



IRRIGATION LEGEND:

- 1. TRANSOMY VALVES (T) REQUIRE CONTROL VALVE (CV) OF 10 GPM OR CONNECTION TO EXISTING WATER POWERED CONTROL VALVE FROM TO A PARTIAL CONTROL VALVE FOR
- 2. MAINLINE AS NEEDED SCHEDULE 40 PIPE WITH 90-DEGREE AND 45-DEGREE ELBOWS (E) AND 1/2" AND 3/4" COUPLERS (C). ALL COUPLERS SQUARE. PIPING TO BE USED THROUGH STAIRS FOR GATES.
- 3. TYPICAL LINE CLASS OF PIPE WITH SCHEDULE 40 POLYETHYLENE GLYCOL (PE) PIPE FOR LIFT SIZE. ALL CUTS TO BE SOLAR PREFERRED. USED. PROTECTIVE WRAP TO COVER.
- 4. 1/2" OR 3/4" COUPLER TO BE USED TO BE USED TO BE WITH 1/2" OR 3/4" COVER.
- 5. REMOVE CONTROL VALVE REFERENCE CALL TO PERMITS.
- 6. 1/2" OR 3/4" COUPLER TO BE USED TO BE WITH 1/2" OR 3/4" COVER.
- 7. MAINLINE AS NEEDED SCHEDULE 40 PIPE WITH 90-DEGREE AND 45-DEGREE ELBOWS (E) AND 1/2" AND 3/4" COUPLERS (C). ALL COUPLERS SQUARE. PIPING TO BE USED THROUGH STAIRS FOR GATES.
- 8. TYPICAL LINE CLASS OF PIPE WITH SCHEDULE 40 POLYETHYLENE GLYCOL (PE) PIPE FOR LIFT SIZE. ALL CUTS TO BE SOLAR PREFERRED. USED. PROTECTIVE WRAP TO COVER.

FOR INSTALLATION NOTES AND DETAILS REFER TO SHEET L-2

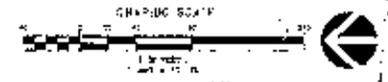
GRAPHIC NOTE:
 DASHED OR PIPING AND CONNECTIONS SHOWN IN PLANS IS A GRAPHIC REPRESENTATION ONLY. ACCEPT FOR THE CONTAINED WITHIN THESE NOTES. ALL THE ADDITIONAL TO BE TO BE INSTALLED WITH A SCHEDULE PLANTING AREA THROUGH.

GENERAL IRRIGATION RENOVATION NOTES:

1. CONTRACTOR SHALL VERIFY ALL EXISTING IRRIGATION WATER SUPPLY AND IMPROVEMENTS ENTER FACTOR TO UNDERSTANDING LOCAL SYSTEM A MANUAL STATIC WATER PRESSURE OF 10 PSI AND AN OPERATING WATER PRESSURE OF 15 PSI OR MORE WITH SUFFICIENT HEAD TO OPERATE ALL EXISTING IRRIGATION SYSTEMS.
2. ALL EXISTING IRRIGATION HEADS AND VALVES SHALL BE REMOVED WITH THE LIMIT OF 10' FROM THE EXISTING HEADS. EXISTING IRRIGATION ARE TO BE REMOVED AND EXPANDED ALL EXISTING IRRIGATION FROM FACTOR TO WITH THE 10' OR MORE TO BE REMOVED AND RENOVATED AS NECESSARY TO COMPLETE WORK.
3. CONTRACTOR SHALL PROVIDE ADEQUATE WATER APPLICATION BY HAND TO ALL EXISTING PLANTS AND TO NEW PLANTS TO BE INSTALLED WITHIN THE IRRIGATION SYSTEMS.
4. CONTRACTOR SHALL PROVIDE ADEQUATE WATER APPLICATION BY HAND TO ALL EXISTING PLANTS AND TO NEW PLANTS TO BE INSTALLED WITHIN THE IRRIGATION SYSTEMS.
5. CONTRACTOR SHALL REMOVE ALL EXISTING IRRIGATION COMPONENTS FROM A TRAIL DISTRICT BY OWNER REPRESENTATIVE.

IRRIGATION RENOVATION ITEMS:

1. ALL EXISTING IRRIGATION HEADS SHALL BE REMOVED WITHIN THE LIMIT OF 10' FROM THE EXISTING HEADS.
2. ALL EXISTING IRRIGATION ARE TO BE REMOVED AND EXPANDED ALL EXISTING IRRIGATION FROM FACTOR TO WITH THE 10' OR MORE TO BE REMOVED AND RENOVATED AS NECESSARY TO COMPLETE WORK.
3. CONTRACTOR SHALL PROVIDE ADEQUATE WATER APPLICATION BY HAND TO ALL EXISTING PLANTS AND TO NEW PLANTS TO BE INSTALLED WITHIN THE IRRIGATION SYSTEMS.
4. CONTRACTOR SHALL PROVIDE ADEQUATE WATER APPLICATION BY HAND TO ALL EXISTING PLANTS AND TO NEW PLANTS TO BE INSTALLED WITHIN THE IRRIGATION SYSTEMS.
5. CONTRACTOR SHALL REMOVE ALL EXISTING IRRIGATION COMPONENTS FROM A TRAIL DISTRICT BY OWNER REPRESENTATIVE.



FRANCO MARK & ASSOCIATES, INC.
 LANDSCAPE ARCHITECTS
 400 North Main Street, Suite 200
 Walnut Creek, CA 94596
 Tel: 925-938-1111



FRESH 'N EASY
 NEIGHBORHOOD MARKET
 1186 SOUTH AUBURN AVE.
 SUITE 100
 SUITE 100
 SUITE 100

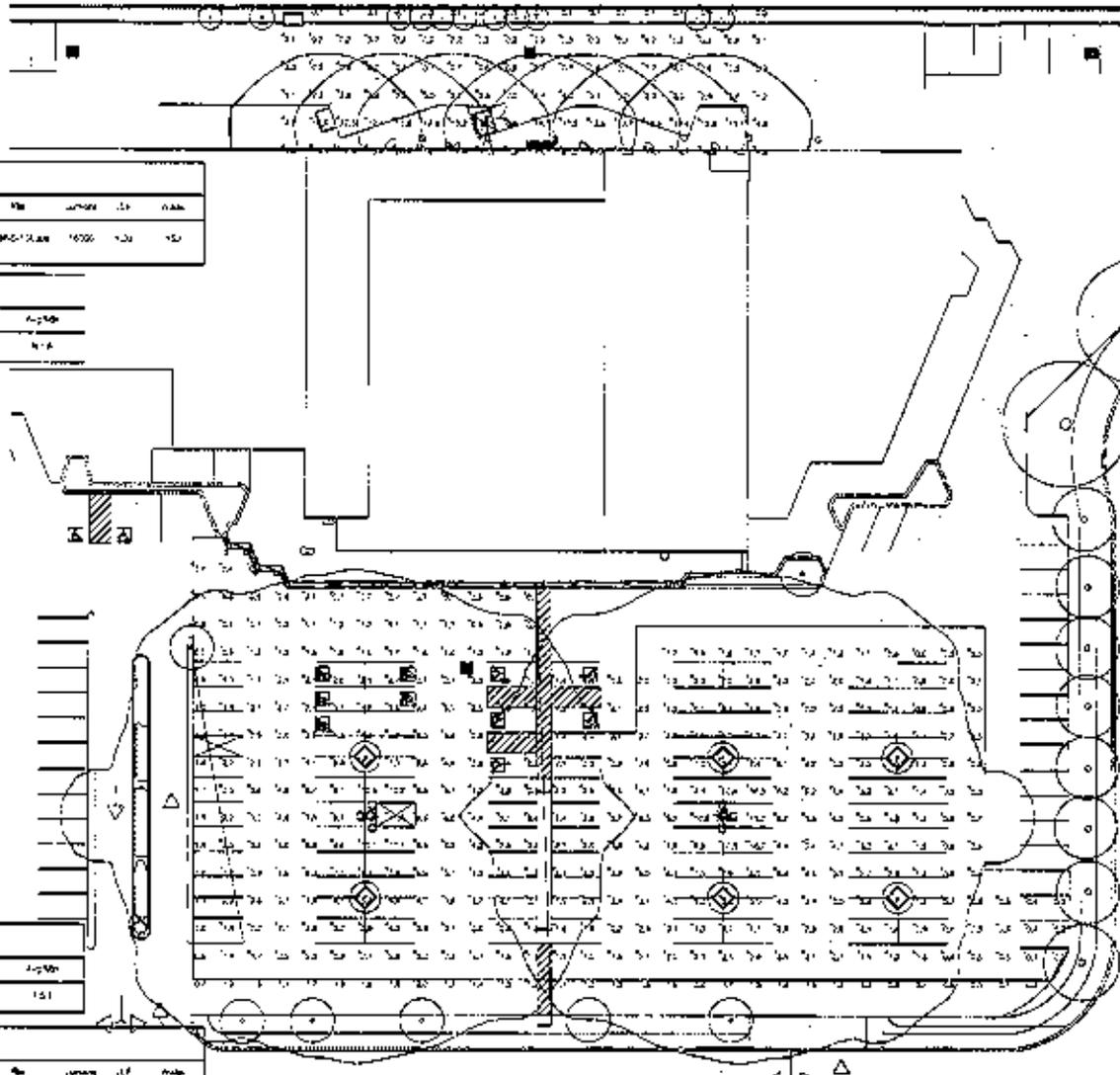
NO.	DATE	REVISION
1	08/11/11	ISSUE FOR PERMITS
2	08/11/11	ISSUE FOR PERMITS
3	08/11/11	ISSUE FOR PERMITS
4	08/11/11	ISSUE FOR PERMITS
5	08/11/11	ISSUE FOR PERMITS
6	08/11/11	ISSUE FOR PERMITS
7	08/11/11	ISSUE FOR PERMITS
8	08/11/11	ISSUE FOR PERMITS
9	08/11/11	ISSUE FOR PERMITS
10	08/11/11	ISSUE FOR PERMITS



IRRIGATION PLAN

Sheet

L-1



LUMINAIRE SCHEDULE

Symbol	Code	Qty	Designation	Description	Watts	Wattage	Wattage	Wattage	Wattage
○	3	7	150WATT	FLUORESCENT LUMINAIRE	150WATT	1050	1050	1050	1050

STATISTICS

Category	Symbol	Qty	Wattage	Wattage	Wattage	Wattage
Overall		7	1050	1050	1050	1050

NOTES
 1. INCLUDES THE DATE ILLUMINATION OF LIGHT FIXTURES ON THE GRID PLAN.

STATISTICS

Category	Symbol	Qty	Wattage	Wattage	Wattage	Wattage
Overall		7	1050	1050	1050	1050

LUMINAIRE SCHEDULE

Symbol	Code	Qty	Designation	Description	Watts	Wattage	Wattage	Wattage
○	3	7	150WATT	FLUORESCENT LUMINAIRE	150WATT	1050	1050	1050

16500

ACIES ENGINEERING
 1711 S. Green Avenue, Suite 307
 San Jose, CA 95128
 Tel: 408.282.4444
 Fax: 408.282.4444
 Website: www.acies.com

AVILA DESIGN
 10001 GARDEN
 EASY VIEW NEIGHBORHOOD MARKET
 1500 SOUTH MAIN AVE., SUITE 100
 SUNNYVALE, CA 94086

Page 12 of 12

ATTACHMENT D

Designer: _____
 Date: _____
 Scale: _____
 Drawing No: _____

PH.1



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.







ATTACHMENT F

Page 4 of 4

