



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**April 13, 2009**

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**SUBJECT:**           **2009-0022 - California Ezra Bible Academy** [Applicant]  
**Chan Yeh Trustee** [Owner]: The property is located at **532  
Mercury Drive** (at Midas Wy.) in an M-S (Industrial &  
Service) Zoning District.

Motion               Application for a Use Permit to allow an institution of higher  
learning (educational use) at a 10,816 square foot tenant  
space in an industrial multi-tenant building.

**REPORT IN BRIEF**

**Existing Site**           Multi-tenant Office/R&D Building  
**Conditions**

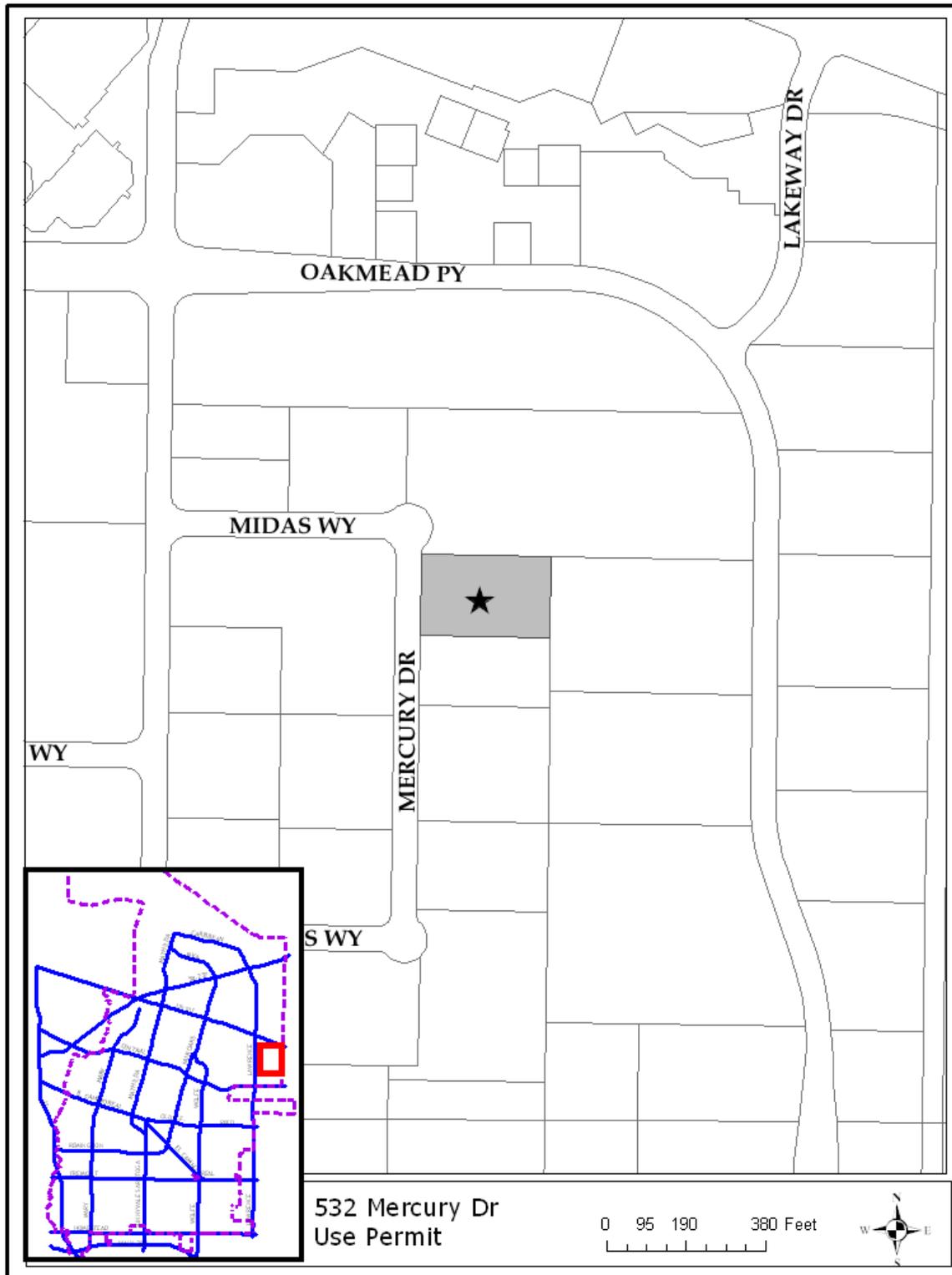
**Surrounding Land Uses**

North	Office/R&D
South	Office/R&D
East	Office/R&D
West	Office/R&D

**Issues**               Compatibility of use, landscaping and parking

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

**Staff**                 Approve with conditions  
**Recommendation**



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Industrial	Industrial	Industrial
<b>Zoning District</b>	M-S (Industrial and Service)	M-S (Industrial and Service)	M-S (Industrial and Service)
<b>Lot Size (s.f.)</b>	59,764	Same	22,500 min.
<b>Gross Floor Area (s.f.)</b>	20,448	Same	26,894 max.
<b>Gross Floor Area of Tenant</b>	10,816	Same	N/A
<b>Lot Coverage (%)</b>	34.2%	Same	45% max.
<b>Floor Area Ratio (FAR)</b>	34.2%	Same	35% max.
<b>No. of Buildings On-Site</b>	1	Same	N/A
<b>Building Height (ft.)</b>	23'-5"	Same	75 max.
<b>No. of Stories</b>	1	Same	8 max.
<b>Setbacks (First/Second Facing Property)</b>			
<b>Front (Mercury Drive)</b>	67'-11"	Same	25' min.
<b>Left Side</b>	1'-4"	Same	0 min.
<b>Right Side</b>	45' (46'-4" total)	Same	0 min. (20' total)
<b>Rear</b>	62'	Same	0 min.
<b>Landscaping (sq. ft.)</b>			
<b>Total Landscaping</b>	7,675 (12.8%)	7,615 (12.7%)	11,953 min. (20%)
<b>Parking</b>			
<b>Total Spaces</b>	81	79	539 min. or by UP
<b>Standard Spaces</b>	63	61	269 min.
<b>Compact Spaces/ % of Total</b>	14 (17%)	14 (18%)	268 (50%) max.
<b>Accessible Spaces</b>	4	Same	4 min.
<b>Bicycle Parking</b>	0	6 (2 Class I, 4 Class II)	6 min. (2 Class I, 4 Class II)



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

## **ANALYSIS**

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### **Description of Proposed Project**

The proposed project is to allow an institution of higher learning (California Ezra Bible Academy) within a 10,816 square foot tenant space in an existing multi-tenant industrial building. The two remaining tenants in the building are office/R&D uses. California Ezra Bible Academy is a university that offers bachelors, masters and doctoral degrees in theology for students 18 years and older. The project includes standard site upgrades to allow for compliance with local and State handicap and fire accessibility requirements, resulting in further deficiencies to on-site parking and landscaping. No modifications are proposed to the building exterior.

The Sunnyvale Municipal Code (SMC) allows consideration of an “Education-Institution of Higher Learning” use in an M-S (Industrial and Service) zoning district through a Use Permit application. The Code definition of “Education - Institution of Higher Learning” includes technical or trade schools where training is conducted and educational credits, degrees and “certificates of completion” are earned. The proposed use meets this definition.

### **Background**

The existing building was built in 1977. No significant permits have been obtained for this property.

### **Environmental Review**

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. The initial study focused on the project impacts on transportation/traffic and hazards and hazardous materials, and determined that with mitigation the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

**Environmental Context:** The subject site is located in an area occupied by many industrial uses, some of which use and store hazardous materials and chemicals as part of their normal operation. The highest level of hazardous materials use in the immediate area is associated with Arasor located at 1220 Midas Way, across the street from the project site. In addition, remediation (cleanup) was completed for an underground fuel tank leak in 1995 at an industrially-used site located at 506 Oakmead Parkway. Additional information about the hazardous materials use of these tenants is provided below. There are other smaller industrial uses throughout the area which use and store

hazardous materials in limited quantities, but are not considered to be significant.

*1220 Midas Way (Arasor)* – Arasor is a developer and manufacturer of optical and wireless electronics, which requires the storage of toxic gases on-site, including arsine, hydrogen chloride and phosphine. Of these gases, arsine is the most toxic. The City's Hazardous Materials Coordinator conducted a plume model (worst case) for an accidental release and found that the toxic plume could potentially be lethal out to 780 feet with exposure of 60 minutes. The project site is located approximately 600 feet from Arasor; therefore, at the worst case scenario, the project site would be fully within the toxic plume.

*506 Oakmead Parkway* – The State Water Resources Control Board monitors leaking underground storage tank sites and found an underground fuel tank leak reported in 1988 at the property located at 506 Oakmead Parkway, which is approximately 750 feet east of the project site. Mandatory remediation was required by the State and oversight was conducted by the Santa Clara Valley Water District during the cleanup process. The case was closed in 1995 when the State found the remediation of the site to be in compliance with established regulations. No additional cases have been reported within 1,000 feet of the project site, and the site is not located within any underground pollution plumes.

**Environmental Determination/Mitigation Measures:** Employees at an office or manufacturing use have regular, full-time, daily attendance for extended periods, and can be appropriately trained on a regular basis to recognize and respond to hazards which may arise in their environment. Uses such as schools, on the other hand, involve a more irregular attendance by a changing population of students who attend infrequently and for shorter periods. It is more difficult to appropriately train irregular and infrequent users to recognize and respond to potential hazards in the environment. The occupancy of the 532 Mercury Drive site by a school, which would include irregular attendance and irregular emergency training of students, has some potential for exposure of the student population to hazardous materials impacts in the event of an accidental release of chemicals from nearby industrial sites.

However, various local, State, and Federal laws, regulations, and ordinances require sufficient engineering controls on such uses to help prevent chemical releases, and in the event of a release, to help protect human health and the environment. The implementation and enforcement of these regulations regarding the use, storage, transport, and disposal of hazardous materials should prevent potential impacts to the school. In addition, the City's Hazardous Materials Coordinator recommends that the following mitigation measures be implemented in order to prepare the proposed users of the site to effectively deal with uses that operate with hazardous materials, including the

potential for a toxic gas release. With implementation of existing regulations and the recommend mitigation measures, staff finds the impacts of hazards and hazardous materials to be less than significant.

The following mitigation measures are proposed:

WHAT: 1. The applicant shall develop a Site Safety Plan addressing the risks presented to employees and trainees/students, from the surrounding industrial facilities. The plan shall include the following components:

- Identification of high risk locations within 1,000 ft.
- Knowledge of risks presented by these facilities (toxic gases, corrosive vapors, liquid leaks, fires).
- Contact information for nearby high risk facilities (names and phone numbers of management / safety personnel at nearby facilities).
- Arrangements with nearby facilities for phone notification in the event of a hazardous material release or potential release.
- Procedures for appropriate responses to chemical releases from nearby high risk facilities (complete evacuation / shelter in place procedures), addressing the specific needs of trainee/student population.
- Initial and ongoing safety training program for staff to insure on-site personnel are familiar with the Site Safety Plan and emergency procedures.
- Site and floor plan showing, at a minimum, building exits, evacuation routes, interior area of refuge (shelter in place), fire extinguishers and air handler shutoffs.
- The plan shall be reviewed by the City's Hazardous Materials Coordinator and updated annually.

2. The applicant shall acknowledge in writing that it is locating in an industrial area that may result in higher levels of noise, traffic, and exposure to hazardous materials than would normally be encountered in non-industrial areas.

WHEN: These mitigation measures were converted into conditions of approval for this Use Permit prior to its review by the City's Planning Commission. The conditions will become valid when the Use Permit is approved. The mitigation measures are required to be approved by the City prior to occupancy of the site by either employees or trainees/students.

WHO: The applicant shall draft and submit Mitigation Measure #1 for review and approval by the Director of Community Development. The

property owner will be solely responsible for implementation and maintenance of the mitigation measure.

The applicant shall draft and submit Mitigation Measure #2 for review and approval of the City's Hazardous Materials Specialist, which shall be included as an exhibit in the Use Permit document. The property owner will be solely responsible for implementation and maintenance of the mitigation measure.

**HOW:** The conditions of approval will require these mitigation measures if the project is approved.

### **Use Permit**

**Detailed Description of Use:** Ezra California Bible Academy offers degrees in theology to students 18 years and older. Classes will be structured in the form of lectures and small group seminars, and will be offered Monday through Friday from 7 a.m. to 11 p.m. A maximum of 5 employees (including instructors) and 50 students are anticipated to be on-site at any given time. No mass assemblies of non-enrolled students are proposed on-site.

The proposed floor plan includes classrooms, library, administrative areas and a "recreation room". The recreation room will be minimally used by the college, and will accommodate small assemblies/presentations for enrolled students and employees. The library and recreation room will be provided for use of staff and enrolled students only, and will not be open to the public (Attachment B, Recommended Conditions of Approval).

**Site Layout:** The site layout consists of a multi-tenant office/R&D building, with access provided by three driveways along Mercury Drive. The building is surrounded by surface parking on all sides, with landscaping along the property lines and adjacent to the building. No changes to the site layout are proposed.

**Architecture:** No exterior modifications to the building are proposed with this application.

**Landscaping:** Current landscaping on site consists of shrubs, groundcover and trees, of which six are greater than 38 inches in circumference and are considered "protected". No trees are proposed for removal as part of this project.

The site was developed in 1997 with approximately 7,675 square feet of landscaping (12.8%), where 11,953 square feet (20%) is required by current City Code. In order to meet fire accessibility requirements (30-foot turning radius), approximately 60 square feet of landscaping (ground cover and shrubs)

must be removed (Attachment B, Recommended Conditions of Approval). This results in approximately 7,615 square feet of landscaping (12.7%). Although the proposed project will result in a further deficiency in landscaping, there are limited opportunities for adding landscaping to the site. Parking spaces or driveway areas would have to be removed, or a portion of the building would have to be demolished in order to provide additional landscaping on-site. Staff does not recommend these alternatives in order to provide additional landscaping, and finds that the benefit of this safety upgrade outweighs the loss of landscaping.

**Parking/Circulation:** The existing building was developed under the “General Industrial Office/R&D” rate which allows a minimum of 1 space 500 square feet minimum and a maximum of 1 space per 250 square feet maximum. There are 81 existing on-site parking spaces, which complies with this parking requirement. To meet current handicap accessibility requirements, the existing handicap parking spaces must be widened and re-striped (Attachment B, Recommended Conditions of Approval). This will result in the loss of two parking spaces, with 79 on-site parking spaces remaining.

*SMC Parking Requirements:* The proposed use would occupy 10,816 square feet of the building. A strict interpretation of the City’s parking regulations would result in a minimum parking requirement of 539 spaces. It is unlikely that a school of this size would generate a parking demand of this magnitude due to the nature of the use and the limitations to class sizes and building occupancy. Therefore, staff finds the City’s parking requirements to be unreasonable and does not accurately reflect the parking demand of the proposed use.

*Proposed Parking Requirements:* Project specific conditions may also be considered when determining the appropriate parking demand. Based on the City’s parking requirements for office/R&D uses, approximately 19 parking spaces would be required for the two existing tenants. With a total of 79 parking spaces, 60 parking spaces could potentially be used for additional tenants. The applicant estimates no more than 5 employees (including instructors) and 50 students to be on-site at any given time. Assuming that all students and employees drive to the site alone, the applicant estimates no more than 55 vehicles on-site. As parking spaces are shared and are not assigned to particular tenants, staff finds that limiting the subject tenant to no more than 55 students and employees at a given time will result in adequate parking for the entire building. To further ensure compliance with **to**the recommended occupancy limitation, staff also recommends that class starting times are staggered by a minimum of 15 minutes to reduce potential overlap of students on-site.

With the information provided by the applicant and staff’s recommended conditions, staff finds that the parking capacity can accommodate the proposed use. However, staff has included Condition of Approval #1.D.a., which requires

that further expansion of the use beyond the maximum 55 people would require review and approval by the Director of Community Development, with a parking management plan (Attachment B, Recommended Conditions of Approval).

*Bicycle Parking:* No bicycle parking is currently provided on-site. The applicant will provide 6 bicycle parking spaces (2 Class I and 4 Class II) along the building entry to comply with Code standards and VTA Guidelines (Attachment B, Recommended Conditions of Approval).

**Stormwater Management:** This project does not require compliance with the new Stormwater Management requirements since the project is not disturbing an area of 10,000 square feet or more.

**Compliance with Development Standards/Guidelines:** The project meets most applicable development standards, with the exception of landscaping and parking. Standard site upgrades (fire accessibility and handicap accessibility) will further result in deficiencies to landscaping and on-site parking. However, the benefits of these site upgrades outweigh the losses, and options to add landscaping and parking are unreasonable. Staff finds that the proposed project, with implementation of the recommended conditions of approval (including occupancy limitations), can be accommodated on-site.

Siting educational uses within industrial neighborhoods may not always be appropriate where there is heavy use of hazardous materials and higher risks associated with accidents or where the area is more oriented to commercial service. The subject property is located within an area primarily used for office/R&D and commercial uses two blocks away on Lawrence Expressway. This can be seen as a land use limitation for nearby existing and future industrial uses. The current composition of uses in this neighborhood tends towards office/R&D and lighter R&D; however, other heavier industrial uses are permitted in this zoning district.

If new industrial uses are introduced later, those uses may require special plans in response to a school neighbor. In addition, the annual review of Site Safety Plans by this project will assure continued compatibility with the neighborhood context in regards to hazardous materials. Therefore, staff finds that the use is compatible with the neighborhood.

**Expected Impact on the Surroundings:** No significant impacts on surrounding properties are expected to result from the proposed uses. Implementation of the Conditions of Approval and mitigation measures will ensure that impacts on traffic, parking and hazards/hazardous materials will be minimal. Requiring that additional permits be attained for any proposed

expansion or modifications to the use also helps to reduce impacts on neighboring businesses.

**Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected. Based on trip generation estimates from the Institution of Transportation Engineers (ITE) for college uses, the City’s Transportation and Traffic Division found that the proposed project will not result in a net increase in peak hour trips; therefore, the project is not subject to payment of a transportation impact fee.

**Public Contact**

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Staff has had phone conversations with an adjacent property owner of an industrial building. The owner expressed concerns regarding the compatibility of the proposed use with the neighborhood and potential parking spill-over. Staff finds that the composition of uses in the neighborhood and implementation of the recommended conditions in Attachment B will help reduce negative impacts to nearby businesses.

<b>Notice of Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"> <li>• Published in the <i>Sun</i> newspaper</li> <li>• Posted on the site</li> <li>• 116 notices mailed to the property owners and residents within 300 ft. of the project site</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City of Sunnyvale's Website</li> <li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City's official notice bulletin board</li> <li>• City of Sunnyvale's Website</li> </ul>

**Conclusion**

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**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**

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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**

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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
- D. Site and Floor Plans
- E. Site Photos
- F. Project Description/Use Permit Justifications
- G. Staff's Parking Analysis

**Recommended Findings - Use Permit**

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Goals and Policies that relate to this project are:

**Land Use and Transportation Element**

**Policy N1.1** – *Protect the integrity of the City’s neighborhoods; whether residential, industrial or commercial.*

**N1.1.4** *Anticipate and avoid whenever practical the incompatibility that can arise between dissimilar uses.*

**Policy N1.14** *Support the provision of a full spectrum of public and quasi-public services that are appropriately located.*

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

The proposed institute of higher learning would support businesses and religious institutions within the City. The proposed location is located ideally near a major arterial (Lawrence Expressway) and Highway 101 and public transit. As conditioned, the proposed use is compatible with the neighborhood with primary uses composed of office/R&D and commercial uses two blocks away on Lawrence Expressway.

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*).

Based on information provided by the applicant, staff reviewed the needed parking for the proposed use and determined that demand could be met, with implementation of the attached conditions of approval. Conditions of Approval require further evaluation if expansion should occur in the future.

**Recommended Conditions of Approval - Use Permit**

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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. Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- B. The Use Permit shall expire if the use is discontinued for a period of one year or more, or as prescribed by the Sunnyvale Municipal Code.
- C. 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 and is approved by the Director of Community Development, or as prescribed by the Sunnyvale Municipal Code.
- D. The approved use is for an institution of higher learning for students 18 years and older. The use is limited with the following provisions:
  - a) The maximum number of occupants that will be allowed on-site at any given time is 55 people (including students and employees). Any expansion or modification of the approved use beyond the maximum 55 people shall be reviewed and approved by the Director of Community Development through a separate application, with a parking management plan.
  - b) The library and recreation room will be provided for use of employees and enrolled students only, and will not be open to the public.
  - c) Mass assemblies of non-enrolled students are prohibited on-site.
  - d) Class starting times shall be staggered by a minimum of 15 minutes to reduce potential overlap of students on-site.

**2. COMPLY WITH OR OBTAIN OTHER PERMITS**

- A. Obtain the necessary Building permits for all tenant improvements related to this use.
- 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.

**3. 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: 1. The applicant shall develop a Site Safety Plan addressing the risks presented to employees and trainees/students, from the surrounding industrial facilities. The plan shall include the following components:

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  - Knowledge of risks presented by these facilities (toxic gases, corrosive vapors, liquid leaks, fires).
  - Contact information for nearby high risk facilities (names and phone numbers of management / safety personnel at nearby facilities).
  - Arrangements with nearby facilities for phone notification in the event of a hazardous material release or potential release.
  - Procedures for appropriate responses to chemical releases from nearby high risk facilities (complete evacuation / shelter in place procedures), addressing the specific needs of trainee/student population.
  - Initial and ongoing safety training program for staff to insure on-site personnel are familiar with the Site Safety Plan and emergency procedures.
  - Site and floor plan showing, at a minimum, building exits, evacuation routes, interior area of refuge (shelter in place), fire extinguishers and air handler shutoffs.
  - The plan shall be reviewed by the City's Hazardous Materials Coordinator and updated annually.
2. The applicant shall acknowledge in writing that it is locating in an industrial area that may result in higher levels of noise, traffic, and exposure to hazardous materials than would normally be encountered in non-industrial areas.

WHEN: These mitigation measures were converted into conditions of approval for this Use Permit prior to its review by the City's Planning Commission. The conditions will become valid when the Use Permit is approved. The mitigation measures are required to be approved by the City prior to occupancy of the site by either employees or trainees/students.

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The applicant shall draft and submit Mitigation Measure #2 for review and approval of the City's Hazardous Materials Specialist. The property owner will be solely responsible for implementation and maintenance of the mitigation measure, which shall be included as an exhibit in the Use Permit document.

HOW: The conditions of approval will require these mitigation measures if the project is approved.

#### **4. LANDSCAPING**

- A. All landscaping shall continue to be maintained in a neat, clean, and healthful condition.
- B. Only landscaping areas needed to meet fire accessibility requirements (30-foot turning radius) shall be removed.
- C. No protected trees shall be removed as part of this project.

#### **5. PARKING**

- A. The existing four accessible parking spaces shall be widened and re-stripped to meet current requirements
- B. All compact spaces shall be clearly marked, and included on building permits for review and approval by the Director of Community Development.

#### **6. BICYCLE PARKING**

- A. Provide 2 Class I and 4 Class II bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development.

#### **7. RECYCLING AND SOLID WASTE**

- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.

**8. SIGNS**

- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code.
- B. Separate permits are required for new signs.

**9. FIRE REGULATIONS**

- A. As applicable, comply with the requirements contained in Sunnyvale Municipal Code Chapter 16.52, 16.53 and 16.54; California Fire Code, Title 19 California Code of Regulations.
- B. Provide required number of approved fire extinguishers (minimum size of 2A10BC) (CCR Title 19: 568).
- C. All California Fire Code, California Building Code, and other appropriate codes shall be followed for the appropriate occupancy classification. Provide occupant loads for classrooms and recreation room to determine occupancy classification during building permits.
- D. All exit systems, exit signs, and emergency lighting shall comply with the provisions of the California Fire Code.
- E. Provide fire access roads with a minimum width of 20 feet and a minimum inside turning radius of 30 feet. (MC 16.52.180)
- F. Prior to any combustible construction or materials on site, provide fire access drives and operational on-site fire protection systems if applicable. (Chapter 14 CFC)

Santa Clara County Clerk - Recorder's Office  
 State of California

County of Santa Clara  
 Office of the County Clerk-Recorder  
 Business Division



County Government Center  
 70 West Hedding Street, E. Wing, 1st Floor  
 San Jose, California 95110 (408) 299-5665



Document No.: 15427  
 Number of Pages: 24  
 Filed and Posted On: 3/20/2009  
 Through: 4/10/2009  
 CRO Order Number: 186520  
 Fee Total: 0.00

REGINA ALCOMENDRAS, County Clerk - Recorder  
 by Veronica Aguirre, Deputy Clerk - Recorder, *[Signature]*

**CEQA DOCUMENT DECLARATION**

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of Sunnyvale
2. PROJECT TITLE: Application for a Use Permit filed by California Ezra Bible Academy
3. APPLICANT NAME: California Ezra Bible Academy PHONE: \_\_\_\_\_
4. APPLICANT ADDRESS: 532 Mercury Drive, Sunnyvale, CA
5. PROJECT APPLICANT IS A:  Local Public Agency  School District  Other Special District  State Agency  Private Entity
6. NOTICE TO BE POSTED FOR 21 DAYS.

7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

<input type="checkbox"/> 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152)	\$ 2,768.25	\$ 0.00
<input type="checkbox"/> 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C))	\$ 1,993.00	\$ 0.00
<input type="checkbox"/> 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY)	\$ 850.00	\$ 0.00
<input type="checkbox"/> 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS	\$ 941.25	\$ 0.00
<input type="checkbox"/> 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE) Fish & Game Code §711.4(e)	\$ 50.00	\$ 0.00

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

<input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)	\$ 50.00	\$ 0.00
<input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)		
DOCUMENT TYPE: <input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION	\$ 50.00	\$ 0.00

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

<input checked="" type="checkbox"/> NOTICE OF PREPARATION	<input type="checkbox"/> NOTICE OF INTENT	NO FEE	\$ NO FEE
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8. OTHER: \_\_\_\_\_ FEE (IF APPLICABLE): \$ \_\_\_\_\_
9. TOTAL RECEIVED..... \$ 0.00

\*NOTE: "SAME PROJECT" MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND TWO COPIES. INCLUDE A THIRD COPY IF YOU REQUIRE AN ENDORSED COPY FOR YOUR RECORDS.

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)



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

File Number: 2009-0022  
**ATTACHMENT** No. 09-05  
 Page 2 of 24

File#: 15427 3/20/2009

**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 **California Ezra Bible Academy**.

**PROJECT DESCRIPTION AND LOCATION (APN):**

**2009-0022 - California Ezra Bible Academy** [Applicant] **Chan Yeh Trustee** [Owner]: Application for a Use Permit to allow an institution of higher learning (educational use) at an approximately 10,816 square foot tenant space within a multi-tenant industrial building. The property is located at **532 Mercury Drive** (at Midas Wy.) in an M-S (Industrial & Service) Zoning District. (Mitigated Negative Declaration) (APN: 216-44-063) 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, April 13, 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, April 13, 2009** 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 March 20, 2009

Signed:   
 Andrew Miner, Principal Planner

File#: 15427 3/20/2009

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 #: 2009-0022 UP  
Project Address: 532 Mercury Drive  
Applicant: California Ezra Bible Academy  
Use Permit for 532 Mercury Drive

- 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: 532 Mercury Drive, Sunnyvale CA 94086
- 5. Project Sponsor's Name and Address: Verdant Ventures, Ron Halfhill  
570 E. El Camino Real  
Sunnyvale, CA 94087
- 6. General Plan Designation: Industrial
- 7. Zoning: M-S (Industrial and Service)
- 8. Description of the Project:

The proposed project is for a Use Permit to allow an institution of higher learning (California Ezra Bible Academy) at an approximately 10,816 square foot tenant space within a multi-tenant industrial building. Sunnyvale Municipal Code Section 19.12.060 defines an institution of higher learning as "any business, professional, technical, or trade school where training is conducted and educational credits, degrees or certificates of completion are earned or granted for students over the age of eighteen." California Ezra Bible Academy offers bachelors, masters and doctoral degrees in theology. Classes will be offered Monday through Friday, from 7:00 a.m. to 11:00 p.m. and enrollment will be limited to 50 students and 5 employees on-site. The subject tenant space was previously occupied by a television studio and office use (KTN San Francisco Inc.).

The project includes minor site upgrades for compliance with handicap and fire accessibility requirements. Site access will be maintained with an existing driveway off of Mercury Drive. Minimal modifications will be made to the existing landscaping, and all trees on-site will be maintained. No modifications are proposed to the existing building exterior, and the project will not result in additional building square footage.

- 9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings) The site is currently developed with a multi-tenant building, which has been used for industrial and offices uses. Surrounding uses include industrial and office buildings on all sides.
- 10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement). None.

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Project Address: 532 Mercury Dr., Sunnyvale, California 94086  
Applicant: California Ezra Bible Academy

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

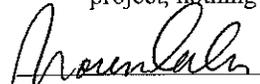
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

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.

  
Signature

March 20, 2009  
Date

Noren Caliva, Assistant Planner

For the City of Sunnyvale  
(Lead Agency)

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Project #: 2009-0022 UPProject Address: 532 Mercury Dr., Sunnyvale, California 94086Applicant: California Ezra Bible Academy**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.

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**Project #: 2009-0022 UP**

**Project Address: 532 Mercury Dr., Sunnyvale, California 94086**

**Applicant: California Ezra Bible Academy**

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

**I. AESTHETICS.** Would the project:

a.	Have a substantial adverse effect on a scenic vista?	θ	θ	θ	X	2, 94
b.	Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	θ	θ	θ	X	2, 94
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?	θ	θ	θ	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?	θ	θ	θ	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?	θ	θ	θ	X	3, 97, 100
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	θ	θ	θ	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)?	θ	θ	θ	X	3, 96, 97, 100, 111
d.	Expose sensitive receptors to substantial pollutant concentrations?	θ	θ	θ	X	62, 63, 111, 112
e.	Create objectionable odors affecting a substantial number of people?	θ	θ	θ	X	111, 112

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Project #: 2009-0022 UPProject Address: 532 Mercury Dr., Sunnyvale, California 94086Applicant: California Ezra Bible Academy

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

## III. BIOLOGICAL RESOURCES:

- |   |   |   |   |   |                 |
|---|---|---|---|---|-----------------|
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service? | 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   |

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

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	θ	θ	θ	X	10, 42, 94, 111
d. Disturb any human remains, including those interred outside of formal cemeteries?	θ	θ	θ	X	2, 111, 112
<b>V. LAND USE AND PLANNING.</b> Would the project:					
a. Physically divide an established community?	θ	θ	θ	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?	θ	θ	θ	X	28, 31, 111
c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?	θ	θ	θ	X	2, 94
<b>VI. MINERAL RESOURCES.</b> 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?	θ	θ	θ	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?	θ	θ	θ	X	2, 94
<b>VII. NOISE.</b> 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?	θ	θ	θ	X	2, 16, 26, 94
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	θ	θ	θ	X	2, 16, 26, 94
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	θ	θ	θ	X	2, 16, 26, 94,

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

d. A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	0	0	0	X	2, 16, 26, 94
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

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

**X. MANDATORY FINDINGS OF SIGNIFICANCE**

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

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

**XI. GEOLOGY AND SOILS. Would the project:**

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

(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	θ	θ	θ	X	<u>2, 19, 94, 103, 104, 107, UPC, UMC</u>
(ii) Strong seismic ground shaking?	θ	θ	θ	X	<u>2, 19, 94, 103, 104, 107, UPC, UMC</u>
(iii) Seismic-related ground failure, including liquefaction?	θ	θ	θ	X	<u>2, 19, 94, 103, 104, 107, UPC, UMC</u>
(iv) Landslides?	θ	θ	θ	X	<u>2, 19, 94, 103, 104, 107, UPC, UMC</u>
b) Result in substantial soil erosion or the loss of topsoil?	θ	θ	θ	X	<u>2, 19, 94, 103, 104, 107, UPC, UMC</u>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	θ	θ	θ	X	<u>2, 19, 94, 103, 104, 107, UPC, UMC</u>
d) Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?	θ	θ	θ	X	<u>2, 19, 94, 103, 104, 107, UPC, UMC</u>

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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, 19, 94, 103, 104, 107, UPC, UMC

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

**XII. UTILITIES AND SERVICE SYSTEMS. Would the project:**

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	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

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

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

**XIII. TRANSPORTATION/TRAFFIC.** Would the project:

- |  |   |   |   |   |   |
|--|---|---|---|---|---|
| a) Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | 0 | 0 | X | 0 | Discus<br>sion at<br>end of<br>check-<br>list |
| 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 | 0 | X | 3, 8,<br>12, 13                               |
| 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,<br>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,<br>13                                  |
| f) Result in inadequate parking capacity?  | 0 | 0 | X | 0 | Discus<br>sion at<br>end of<br>check-<br>list |
| g) Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?   | 0 | 0 | 0 | X | 12, 81,<br>85                                 |

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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**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	X	0	Discussion at end of checklist
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	X	0	Discussion at end of checklist
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

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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**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
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**INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

Appendix G, CEQA Guidelines

City of Sunnyvale, Department of Community Development, Planning Division

Page 14 of 22

Project #: 2009-0022 UP

Project Address: 532 Mercury Dr., Sunnyvale, California 94086

Applicant: California Ezra Bible Academy

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,<br>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,<br>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,<br>111 |
|----|--------|---|---|---|---|----------------|

Source: Open Space and Recreation Sub-elements

**INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

**Appendix G, CEQA Guidelines**

City of Sunnyvale, Department of Community Development, Planning Division

**Project #: 2009-0022 UP**

**Project Address: 532 Mercury Dr., Sunnyvale, California 94086**

**Applicant: California Ezra Bible Academy**

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

**INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

**Appendix G, CEQA Guidelines**

City of Sunnyvale, Department of Community Development, Planning Division

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**Project #: 2009-0022 UP**

**Project Address: 532 Mercury Dr., Sunnyvale, California 94086**

**Applicant: California Ezra Bible Academy**

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

**HYDROLOGY AND WATER QUALITY.** Would the project:

a) Violate any water quality standards or waste discharge requirements?	θ	θ	θ	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)?	θ	θ	θ	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?	θ	θ	θ	X	2, 24, 25, 111, 112
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?	θ	θ	θ	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?	θ	θ	θ	X	2, 24, 25, 87, 111, 112
f) Otherwise substantially degrade water quality?	θ	θ	θ	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?	θ	θ	θ	X	2, 56
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	θ	θ	θ	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?	θ	θ	θ	X	2, 56, 111, 112
j) Inundation by seiche, tsunami, or mudflow?	θ	θ	θ	X	2, 19, 24, 25, 111

## INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

Appendix G, CEQA Guidelines

City of Sunnyvale, Department of Community Development, Planning Division

Page 17 of 22

Project #: 2009-0022 UPProject Address: 532 Mercury Dr., Sunnyvale, California 94086Applicant: California Ezra Bible Academy**DISCUSSION OF IMPACTS WITH NO MITIGATION INCORPORATED:**

**X111. TRANSPORTATION/TRARRIC a) and f)** The project site is developed with a 20,446 square foot multi-tenant building, which as been used for industrial and office uses. The 10,816 square foot tenant space that will be occupied by California Ezra Bible Academy was previously used for a television studio and office. Based on trip projections established by the Institute of Transportation Engineers and the number of students (50 maximum) and employees (5 maximum) proposed by the applicant to be on-site at any given time, the proposed project will result in a net increase of 6 AM and 6 PM peak hour trips. Therefore, the impact of the net trips produced by this project will be less than significant.

Staff is currently working with the applicant to clarify how the floor plan will function, which will enable a final determination to be made regarding parking requirements. This issue will be addressed through project conditions, which may include restrictions for on-site uses, class schedules and limitations on building occupancy. Therefore, the project will result in a less than significant impact on parking.

**DISCUSSION OF IMPACTS WITH MITIGATION INCORPORATED:**

**XIV. HAZARDS AND HAZARDOUS MATERIALS a) and b)** The subject site is located in an area occupied by many industrial uses, some of which use and store hazardous materials and chemicals as part of their normal operation. The highest level of hazardous materials use in the immediate area is associated with Arasor located at 1220 Midas Way, across the street from the project site. In addition, remediation (cleanup) was completed for an underground fuel tank leak in 1995 at an industrially-used site located at 506 Oakmead Parkway. Additional information about the hazardous materials use of these tenants is provided below. There are other smaller industrial uses throughout the area which use and store hazardous materials in limited quantities, but are not considered to be significant.

**1220 Midas Way (Arasor)** – Arasor is a developer and manufacturer of optical and wireless electronics, which requires the storage of toxic gases on-site, including arsine, hydrogen chloride and phosphine. Of these gases, arsine is the most toxic. The City's Hazardous Materials Coordinator conducted a plume model (worst case) for an accidental release and found that the toxic plume could potentially be lethal out to 780 feet with exposure of 60 minutes. The project site is located approximately 600 feet from Arasor; therefore, at the worst case scenario, the project site would be fully within the toxic plume.

**506 Oakmead Parkway** – The State Water Resources Control Board monitors leaking underground storage tank sites and found an underground fuel tank leak reported in 1988 at the property located at 506 Oakmead Parkway, which is approximately 750 feet east of the project site. Mandatory remediation was required by the State and oversight was conducted by the Santa Clara Valley Water District during the cleanup process. The case was closed in 1995 when the State found the remediation of the site to be in compliance with established regulations. No additional cases have been reported within 1,000 feet of the project site, and the site is not located within any underground pollution plumes.

## INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

Appendix G, CEQA Guidelines

City of Sunnyvale, Department of Community Development, Planning Division

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Project #: 2009-0022 UPProject Address: 532 Mercury Dr., Sunnyvale, California 94086Applicant: California Ezra Bible Academy

**Environmental Determination** – Employees at an office or manufacturing use have regular, full-time, daily attendance for extended periods, and can be appropriately trained on a regular basis to recognize and respond to hazards which may arise in their environment. Uses such as schools, on the other hand, involve a more irregular attendance by a changing population of students who attend infrequently and for shorter periods. It is more difficult to appropriately train irregular and infrequent users to recognize and respond to potential hazards in the environment. The occupancy of the 532 Mercury Drive site by a school, which would include irregular attendance and irregular emergency training of students, has some potential for exposure of the student population to hazardous materials impacts in the event of an accidental release of chemicals from a nearby industrial site.

However, various local, State, and Federal laws, regulations, and ordinances require sufficient engineering controls on such uses to help prevent chemical releases, and in the event of a release, to help protect human health and the environment. The implementation and enforcement of these regulations regarding the use, storage, transport, and disposal of hazardous materials should prevent potential impacts to the school. In addition, the City's Hazardous Materials Coordinator recommends that the following mitigation measures be implemented in order to prepare the proposed users of the site to effectively deal with uses that operate with hazardous materials, including the potential for a toxic gas release. With implementation of existing regulations and the recommend mitigation measures, staff finds the impacts of hazards and hazardous materials to be less than significant.

**Mitigation Measures** – The following mitigation measures are proposed:

- WHAT: 1.** The applicant shall develop a Site Safety Plan addressing the risks presented to employees and trainees/students, from the surrounding industrial facilities. The plan shall include the following components:
- Identification of high risk locations within 1,000 ft.
  - Knowledge of risks presented by these facilities (toxic gases, corrosive vapors, liquid leaks, fires).
  - Contact information for nearby high risk facilities (names and phone numbers of management / safety personnel at nearby facilities).
  - Arrangements with nearby facilities for phone notification in the event of a hazardous material release or potential release.
  - Procedures for appropriate responses to chemical releases from nearby high risk facilities (complete evacuation / shelter in place procedures), addressing the specific needs of trainee/student population.
  - Initial and ongoing safety training program for staff to insure on-site personnel are familiar with the Site Safety Plan and emergency procedures.
  - Site and floor plan showing, at a minimum, building exits, evacuation routes, interior area of refuge (shelter in place), fire extinguishers and air handler shutoffs.
  - The plan shall be reviewed and updated annually.
2. The applicant shall acknowledge in writing that it is locating in an industrial area that may result in higher levels of noise, traffic, and exposure to hazardous materials than would normally be encountered in non-industrial areas.

## INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

Appendix G, CEQA Guidelines

City of Sunnyvale, Department of Community Development, Planning Division

Page 19 of 22

Project #: 2009-0022 UPProject Address: 532 Mercury Dr., Sunnyvale, California 94086Applicant: California Ezra Bible Academy

**WHEN:** These mitigation measures were converted into conditions of approval for this Use Permit prior to its review by the City's Planning Commission. The conditions will become valid when the Use Permit is approved. The mitigation measures are required to be approved by the City prior to occupancy of the site by either employees or trainees/students.

**WHO:** The applicant shall draft and submit Mitigation Measure #1 for review and approval of the Director of Community Development. The property owner will be solely responsible for implementation and maintenance of the mitigation measure.

The applicant shall draft and submit Mitigation Measure #2 for review and approval of the City's Hazardous Materials Specialist. The property owner will be solely responsible for implementation and maintenance of the mitigation measure.

**HOW:** The conditions of approval will require these mitigation measures if the project is approved.

Completed By: Noren Caliva, Assistant Planner

Date: March 20, 2009

INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

Appendix G, CEQA Guidelines

City of Sunnyvale, Department of Community Development, Planning Division

Project #: 2009-0022 UP

Project Address: 532 Mercury Dr., Sunnyvale, California 94086

Applicant: California Ezra Bible Academy

**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)
- 51. Kaiser Permanente Medical Center Replacement

## INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

Appendix G, CEQA Guidelines

City of Sunnyvale, Department of Community Development, Planning Division

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**Project #: 2009-0022 UP****Project Address: 532 Mercury Dr., Sunnyvale, California 94086****Applicant: California Ezra Bible Academy**

- 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 Range Transit Plan

## INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

Appendix G, CEQA Guidelines

City of Sunnyvale, Department of Community Development, Planning Division

Page 22 of 22

**Project #: 2009-0022 UP****Project Address: 532 Mercury Dr., Sunnyvale, California 94086****Applicant: California Ezra Bible Academy**

File#: 15427 3/20/2009

- 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**

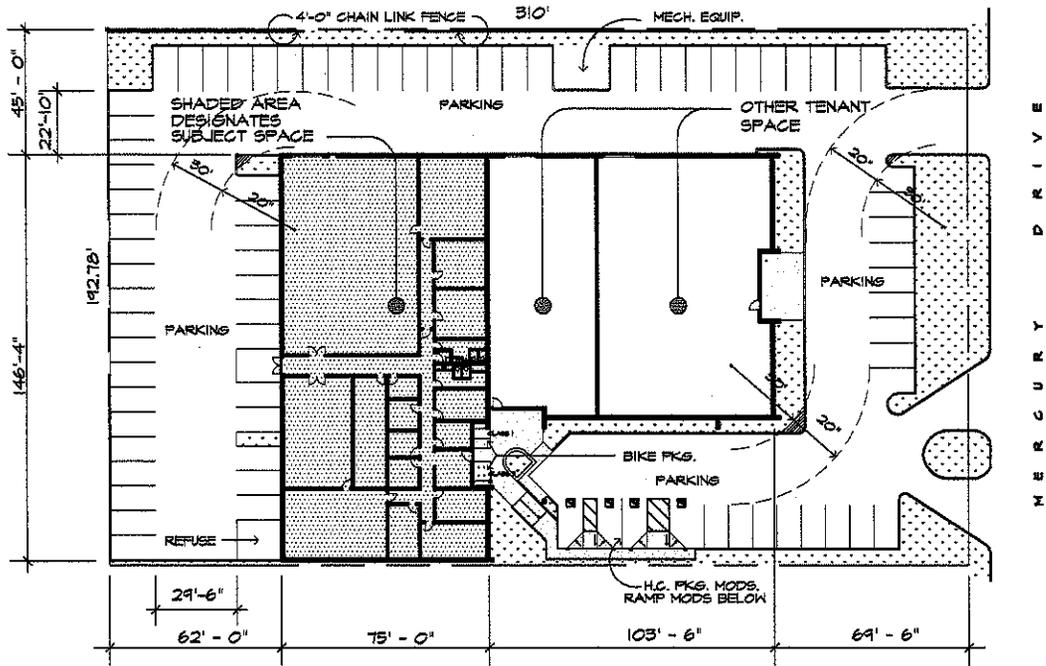
- 94. Field Inspection
- 95. Environmental Information Form
- 96. Annual Summary of Containment Excesses (BAAQMD)
- 97. Current Air Quality Data
- 98. Chemical Emergency Preparedness Program (EPA) Interim Document in 1985?)
- 99. Association of Bay Area Governments (ABAG) Population Projections
- 100.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

**Building Safety**

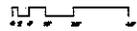
- 103. Uniform Building Code, Volume 1, (Including the California Building Code, Volume 1)
- 104. Uniform Building Code, Volume 2, (Including the California Building Code, Volume 2)
- 105. Uniform Plumbing Code, (Including the California Plumbing Code)
- 106. Uniform Mechanical Code, (Including the California 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



**SITE PLAN**



NORTH  
↓

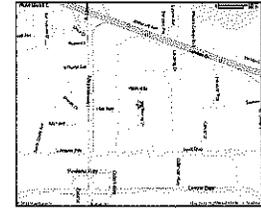
**AREA DATA**

		M - S ZONE	
APN:	216 44 63		
SITE AREA	59761.8	S.F.	
TOTAL BLDG AREA	20,448	S.F.	
SUBJECT PROPERTY AREA	10,816	S.F.	
PARKING STALLS	79		

**SCOPE OF WORK**

USE OF EXISTING SPACE IN COMMERCIAL STRUCTURE TO ACCOMMODATE AN INSTITUTIONAL BIBLE SCHOOL FOR RELIGIOUS INSTRUCTION. NO STRUCTURAL OR NON-STRUCTURAL CHANGES ARE PLANNED.

**VICINITY MAP**



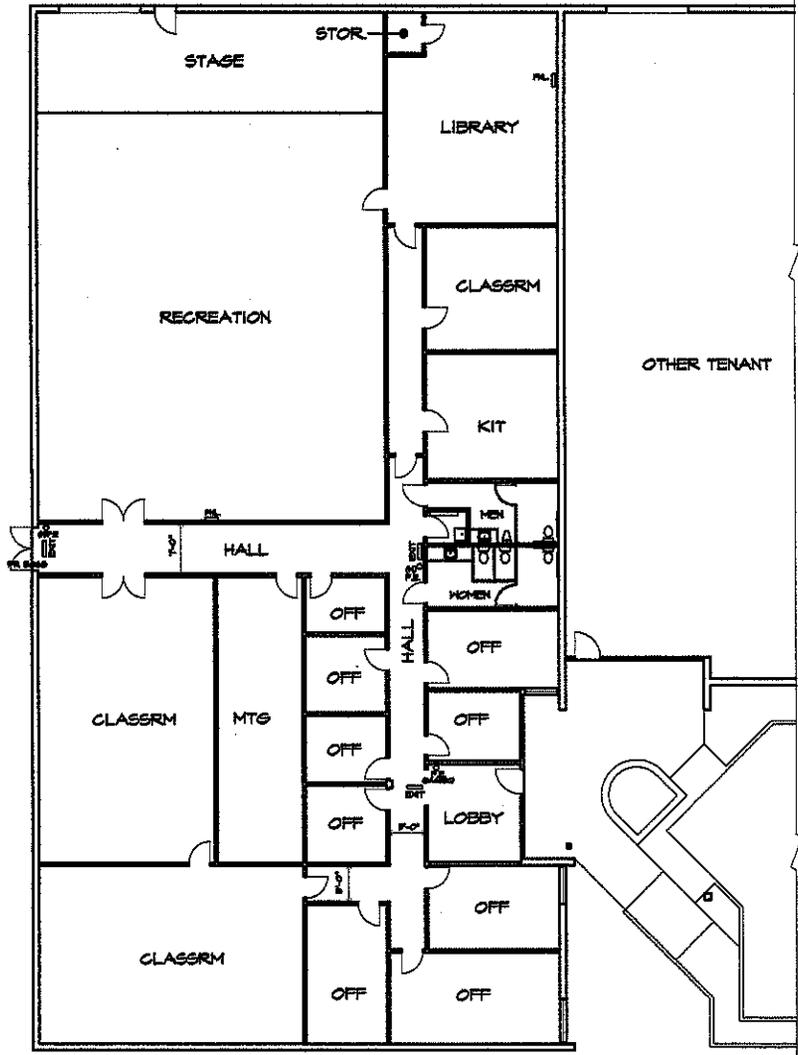
**VERDANT VENTURES**  
DESIGN / DRAFTING  
570 EAST B. CAMINO REAL  
SUNNYVALE, CALIFORNIA 94085 • 800/295-0295

REVISIONS


**ATTACHMENT D**  
Page 1 of 4

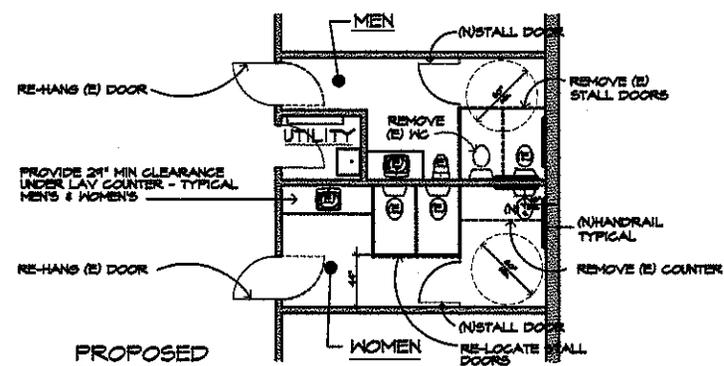
CALIFORNIA EZRA BIBLE ACADEMY  
552 MERCURY DRIVE  
SUNNYVALE, CALIFORNIA  
JOB NO. 2381  
DRAWN: RON  
APPROVED:

INT. NO. 5  
1-1  
8



**PROPOSED FLOOR PLAN**

1/8" = 1'-0"  
0' 2" 6" 14"



**PROPOSED BATHROOM PLAN**

1/4" = 1'-0"  
0' 1" 3" 7"

**VERDANT VENTURES**  
DESIGN / DRAFTING  
570 EAST B. CANINO RD. SUITE A  
SUNNYVALE, CALIFORNIA 94085 • 650.948.0285

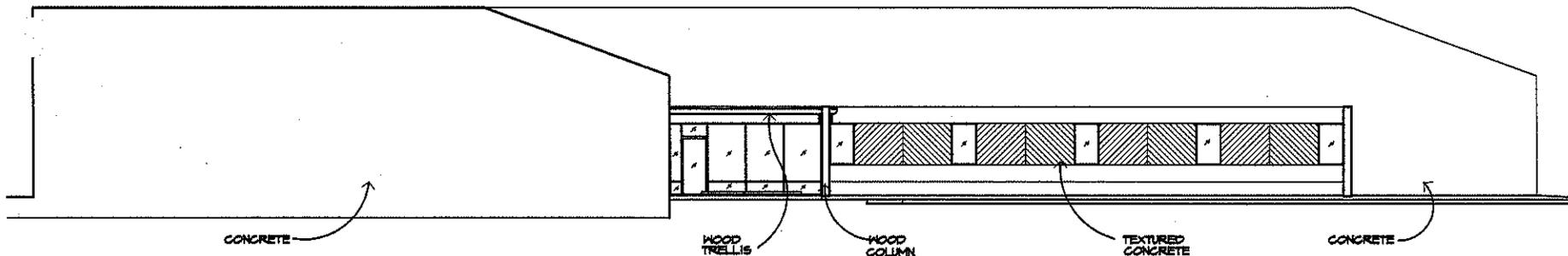
REVISIONS


FLOOR PLAN  
BATH PLAN

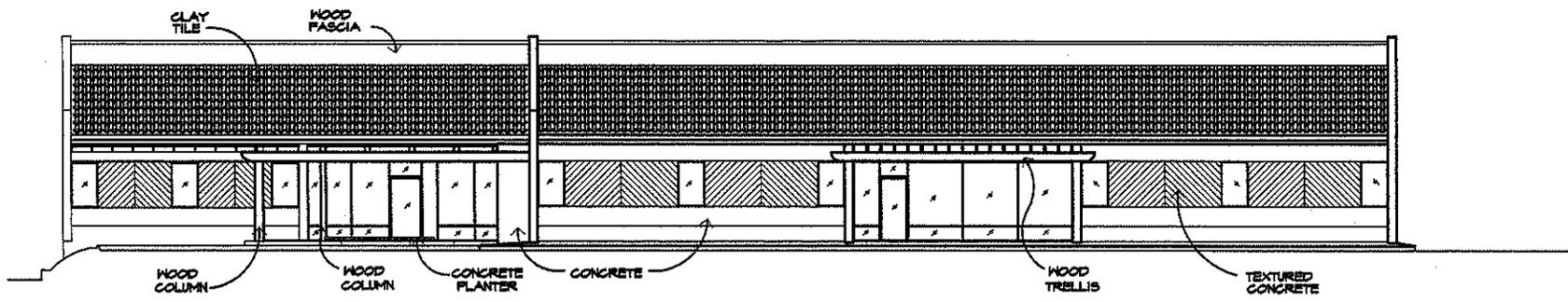
CALIFORNIA EZRA BIBLE ACADEMY  
532 MERCURY DRIVE  
SUNNYVALE, CALIFORNIA  
DATE: 12/24/08 DRAWS: RON APPROVED:

Page 2 of 4  
**ATTACHMENT D**

SHT. NO. A-2  
SHT. OF 09



NORTH ELEVATION



WEST ELEVATION

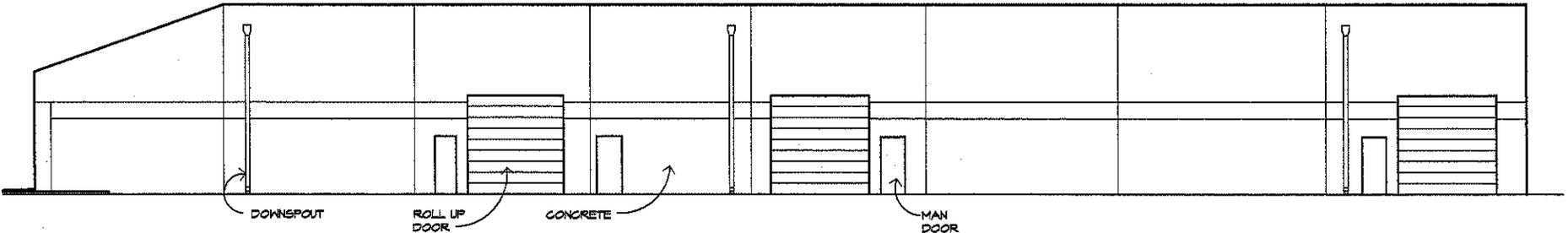
Page 3 of 4  
**ATTACHMENT D**

**VERDANT VENTURES**  
 DESIGN / DRAFTING  
 870 EAST EL CAMINO REAL SUITE A  
 SUNNYVALE, CALIFORNIA 94093-0028

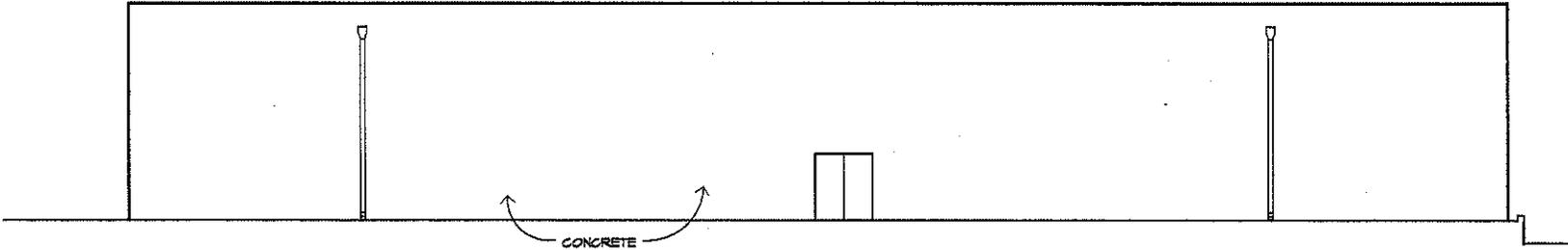
REVISIONS

CALIFORNIA EZRA BIBLE ACADEMY  
 552 MERCURY DRIVE  
 SUNNYVALE, CALIFORNIA  
 JOB NO. 281 DATE 12/26/08 DRAWN: RGA APPROVED:

ST. 5  
 A - U  
 ST. 6



SOUTH ELEVATION



WEST ELEVATION

ATTACHMENT D  
 Page 4 of 4

**VERDANT VENTURES**  
 DESIGN / DRAFTING  
 550 EAST E. CANING ROAD SUITE A  
 SUNNYVALE, CALIFORNIA 94087 • 408/965-0225

REVISIONS
1
2
3
4
5

EXTERIOR  
 ELEVATIONS

CALIFORNIA EZRA BIBLE ACADEMY  
 552 MERCURY DRIVE  
 SUNNYVALE, CALIFORNIA

JOB NO. 2811      DATE 12/28/08      DRAWN      APPROVED

1/1  
 1/1



Rear



Right Side



**Building Frontage**

December 12, 2008

Re: California Ezra Bible Academy

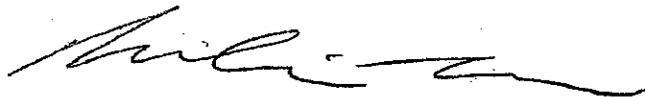
To Whom It May Concern:

California Ezra Bible Academy is a post-secondary institution for higher learning that currently grants bachelor, master and doctoral degrees in theology for students over the age of 18. California Ezra Bible Academy is qualified for exclusion pursuant to California Education Code (CEC) Section 94739 (b) (6) and has current status as a nonprofit religious corporation under the Corporation Code. Our declaration has been evaluated and exclusion pursuant to CEC Section 94739 (b) (6) has been verified. According to Bureau for Private Postsecondary and Vocation Education (BPPVE), it is declared that on the basis of the information submitted, our present curriculum meets the exclusion requirements.

California Ezra Bible Academy is approved by BPPVE to offer the following religious degrees: bachelor of theology, master of divinity, master of Christian counseling, master of Christian education, master of theology, doctor of ministry, and doctor of theology. California Ezra Bible Academy is also approved by US Immigration and Customs Enforcement (ICE) to issue the Certificate of Eligibility (I-20) form to foreign students pursuing academic degrees offered at the Academy.

The hours of operation are Monday through Friday from 8 am. to 5 pm. Students are instructed in the form of lectures and small group seminars. Activities that occur at California Ezra Bible Academy would consist of theological education and student activities aside from class instruction may include individual and small group studies, computer labs and fellowships. There will not be mass assemblies.

Sincerely,



Moulim Lee  
Administrator



# USE PERMIT/SPECIAL DEVELOPMENT PERMIT JUSTIFICATIONS

ATTACHMENT F

Page 2 of 3

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 ...

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 ...

THE PROPOSED USE, CALIF. EZRA BIBLE ACADEMY, WILL BE QUITE SIMILAR TO THE EXISTING USE, AND THE BUILDING'S APPEARANCE WILL NOT CHANGE, NOR WILL PARKING BE NEGATIVELY AFFECTED.

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

**California EZRA Bible Academy**  
**Class Schedule (Spring 2009)**

Day Time		Monday		Thursday	Remark
		Graduate	Undergraduate	Undergraduate	
1	07:00~07:50	Greek II (1) Hebrew II (1) Namsoo Woo	No Class		
2	08:00~08:50				
3	09:00~09:50	Church History II (3) EunSoo Choi			
4	10:00~10:50				
5	11:00~11:50				
6	12:00~12:30	Lunch Break			<b>**Summer Intensive</b> 1. Practical Mission - Sooyeon Tak  2. Practical Pastoral Theology - Changsoon Kang  Date : May 18~22  Place : Zephyr Point In Lake Tahoe
7	12:30~13:20	Introduction to N.T. (3) Soonam Sung	No Class		
8	13:30~14:20				
9	14:30~15:20				
10	15:30~16:20	Christian Doctrine II (4) Youngkyo Choi		Class start 5:00 PM  Introduction to the Minor Prophets Jongin Kim	
11	16:30~17:20				
12	17:30~18:20				
13	18:30~19:00	Chapel			
14	19:00~19:50	Chorus(1) Jonathan Choi			
15	20:00~20:50		Introduction to Sociology (3) Namsoo Woo	General Epistles(3) Hyeonoak Park	
16	21:00~21:50				
17	22:00~22:50				

**532 Mercury Drive Use Permit 2009-0022**

**Site Data:**

Building Total = 20,448

Parcel Total = 59,762

(E) Parking = 81

(P) Parking = 79 (due to ADA upgrades)

**Parking Analysis:**

**Existing:**

Suite #	Suite Area	Tenant Name/Use	Parking Rate	Min. Parking Required
528	6,020	Ideographix/Office R&D	1/500	12
530	3,612	Innovative Service Technology/Office R&D	1/500	7
532	10,816	Vacant/Office R&D	1/500	22
<b>Total Min. Parking Required</b>				<b>41</b>
<b>Total Max. Parking Required</b>				<b>82</b>

**Proposed:**

Suite #	Suite Area	Tenant Name/Use	Parking Rate	Min. Parking Required
528	6,020	Ideographix/Office R&D	1/500	12
530	3,612	Innovative Service Techn./Office R&D	1/500	7
532	10,816	California Ezra Bible Academy/	1/3 fixed seats, plus 1/21sf open area or seating,	0 515
		Institution of Higher Learning	plus 1/employee, plus 1/special purpose vehicle	5 0
<b>Total Min. Parking Required</b>				<b>539</b>