



Ryan Kuchenig <rkuchenig@sunnyvale.ca.gov>

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## New Season Market Residential Concerns

1 message

Louise Miller <louise.miller@sunnyvale.ca.gov>

Thu, Jun 2, 2016 at 12:22 PM

To: Claudia Knotek <claudiak@newseasonsmarket.com>

Cc: Ryan Kuchenig <RKuchenig@ci.sunnyvale.ca.us>, Louise

Hi Claudia:

Here is a quick recap of the past/potential residential concerns regarding the New Season Market site. These issues are problematic to the adjacent Property Owners of Chopin Drive - Houses - 743 - 747 - 751 - 755 - 759.

**BUILDING ENTRANCE ORIENTATION** - It would make a huge difference if New Season Market located the building entrance on the commercial street 'El Camino Real'. The decision to orient the buildings main entrances towards each other on the rear side of the structure is contrary to the city design guidelines. The Design Policy or Guideline (Site Layout) specifically states: "Site design of non-residential projects shall have external orientation for a positive street experience. Orient buildings toward public streets and provide view corridors into the project." The two 'Big Box' type buildings represent generic cookie cutter corporate architecture. With the two buildings directly facing each other, rather than the commercial street 'El Camino Real', there are now huge privacy and aesthetic concerns confronting the adjacent single family homeowners. The building rear side entrance locations have an adverse visual and traffic impact on the surrounding residences. The main parking lot is only 41' from residential property lines creating an assortment of landscaping, screening, lighting, noise and security issues. History - Back in August 2004, several residents did express objections to the orientation of the building entrances facing each other and the Planning Commission denied the proposal 5-0, due to concerns with the proposed architecture and layout of the building entrances. Later, residential concerns fell on the deaf ears of City Council, who voted unanimously to overturn the Planning Commission recommendation.

**NEW SEASON MARKET SIGNAGE FEATURE** - It is imperative that the New Season Market signage feature projection is located to the commercial front of the building. The front location of the signage will actually maximize the 'visibility of the store' directly upon prospect customers and minimize its glaring effects on the residential neighborhood. The Best Buy sign/blue architectural projection is an immense visual problem for homeowners. It literally shines down upon residents' backyards and into homeowners' living rooms, kitchens and bedrooms. The Best Buy sign/blue angular feature is imposing and intrusive to homeowners. The visual impact on the entire neighborhood is overpowering. It is an 'eyesore' for the homeowners and spoils the scenic vista of the entire residential street.

**TREES IN 41' LANDSCAPE ZONE** - A variation of trees with a height ranging from 18-20' reside along the masonry wall of the above four private residential properties which consists of 1 one-story house (747 Chopin Drive) and 3 two-story houses (743, 751 & 755 Chopin Drive). The Ash, Fern Pine and Deodar Cedar trees have height and are presently growing. The development set a precedent with its large number of trees as a protective barrier. If the Fern Pine and Deodar Cedar trees need replacement, 48-60" box size are the preference and placement is directly behind the properties and/or close to the adjacent properties. The number of trees should increase by 3 or more trees per house for a total of 11-12 trees per house. The 41' green barrier area has ample room for additional trees and groundcover. The mature Fern Pine and Deodar Cedar trees must be strong, healthy, sturdy specimens of the highest quality grade and visually appealing in shape. We DO NOT want any Sequoia Redwood trees directly behind the property and/or close to the adjacent property. Why? The foliage creates a messy litter in property owner's backyards, pool areas, hot tubs and gardens. The droppings from the trees make it impossible to grow plants, to maintain landscaping and to keep rooftop drainage spouts clear. The root systems break up cement work, destroy bricking and pull up fences. Overall maintenance expense is too high and costly per personal experience. Additionally, the landowner needs to do deep watering of trees, prune/shape the trees, replace dead/diseased trees, maintain the drip irrigation on a regular basis and perform ANY/ALL future (monthly/annual) maintenance on the 41' landscape buffer zone.

**WROUGHT IRON FENCE** - Install a 5-6' black wrought iron gated fence directly on top of or right next to the concrete curb or behind the Ash trees to enclose and secure the 41' green barrier buffer area from loitering pedestrians and dogs as well as protect the residents, trees and groundcover. Note the 'Orchard Heritage Park' black wrought iron gated fence at the Sunnyvale Community Center is a perfect example of the type of fence to install. We had Ryan Kuchenig take a look at the 'Orchard Heritage Park' fence in the past. You might want to check out the 'Orchard Heritage Park' fence as well. A second fence did exist with the previous 'car dealer' business owners and it needs to be rebuilt. Pedestrians and dogs continue to loiter in the open buffer zone. Pedestrians and dogs walk on the landscape and litter the area with waste and garbage. Pet owners ignore the posted signs. Some signs are no longer standing. Dog owners walk on the landscape and litter the area with dogs waste. It not only affects the trees and groundcover ability to survive, but is a real health hazard. Pedestrians leave trash (glass bottles, soda cans, paper bags) in the open buffer zone and no one cleans up the garbage in the area.

**BUILDING BEIGE COLOR** – Building beige color is neutral and needs to stay as neutral.

**OUTSIDE TABLE SEATS** – It is crucial that the New Season Market outside table seats are located on the commercial street 'El Camino Real', not on the rear side of the building or near the 41' landscape buffer zone. It is vital to avoid any and all adverse noises, odors, lighting, disturbances, security issues and traffic impact on the surrounding residences. The main parking lot is only 41' from resident's backyards which open onto homeowners' living spaces. The goal is to keep residence's homes and backyards private and safe.

Each solution and idea in one way or another improves and solves the respective issues at hand and impacts property values in a positive manner. It seems that relocating the building entrance to the commercial street, locating corporate signage to front of the building, sizing signage smartly, replacing damaged trees, restoring groundcover, improving maintenance, adding more Fern Pine and Deodar Cedar trees, installing a wrought iron gated fence, keeping the beige color of the building and situating the outside table seats on the commercial street will solve the many issues/problems.

Thanks for maintaining a good neighbor status with the surrounding neighbors, considering the property owners' concerns/ideas/suggestions on the New Season Market project and working towards satisfactory resolutions/solutions.

Looking forward to your site visit of the New Season Market in June.

Sincerely,

Josephine Gembala  
Property Owner – 747 Chopin Drive

Louise Miller  
Daughter of Property Owner

cc:  
Ryan Kuchenig, Senior Planner  
Sunnyvale – Community Development



Ryan Kuchenig <rkuchenig@sunnyvale.ca.gov>

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## Best Buy/New Seasons market on El Camino

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Anagha Jog-Kale

Thu, Jun 9, 2016 at 9:57 AM

Reply-To: Anagha Jog-Kale <call\_anagha@yahoo.com>

To: "RKuchenig@ci.sunnyvale.ca.us" <RKuchenig@ci.sunnyvale.ca.us>

Hello Ryan,

I live in the SunnyArts neighborhood and am concerned about the issues created by the New Seasons market (at the existing Best Buy location). I think the city needs to take a closer look at the architectural plans to ensure that the neighborhood quality of life is not degraded. Specifically, I am concerned about the entrance direction, outdoor dining (noise, music etc.), Signage (lit up all times of day and night) and colors of the building (not neutral currently red/black). I would like to ask that the planning division prioritize its residents over the businesses to continue to keep Sunnyvale as a nice place to live not just to shop.

Thanks,  
Anagha



Ryan Kuchenig <rkuchenig@sunnyvale.ca.gov>

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**RE: New Seasons Market/Best Buy;**

1 message

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**Pradeep Bisht** <bisht.pradeep@gmail.com>

Fri, Jun 10, 2016 at 11:43 PM

To: rkuchenig@sunnyvale.ca.gov

Cc: Navi <

Hi Ryan,

We live at 759 Chopin Dr, Sunnyvale. We came to know that New Seasons grocery market is opening in place of best buy, right behind our house. This is such a huge change. We are afraid that this will impact our lives dramatically.

We have following concerns and would need the city of sunnyvale to address them:

1. Noise - this is the biggest concern. With best buy and pet smart, it is relatively quite but once a while there is a car alarm. With a grocery market+restaurant which is open from early morning to late night, the noise of cars, people chatting in outside sitting space, it is going to be really painful for us. We have a 8 month baby and all these noises are going to make our life miserable.
2. Dust - I was planning to complain about this last year but we just got busy with our new baby. The cleaners who come on Bestbuy/PetSmart side, they blow all the dust and leaves on our side of the wall which leaves our swimming pool unusable for days. Also the machines that these cleaners use makes such a loud noise that it is practically impossible to goto our backyard when they are cleaning. With more people coming to this parking lot there will be more cleaning required resulting in more frequent/longer cleaning which means longer periods of this painful noise.
3. Large PGE gas meter - we also came to know that there is a large gas meter on the Pet Smart side of the wall. I think this is just too scary for us. There are plenty of dry leaves on either side of the wall which is too small to prevent a fire spread in case an accident happens.

I request to you please address these concerns. I suggest that the height of the wall be increased (preferably doubled) and sound proof material be added to it. In addition, please plant more trees [not plants] which block the view of the New Season and Pet Smart buildings. If you have other ideas, we are all ears.

It is utterly disappointing that as the property tax payer of the city of Sunnyvale, we were not even informed of such a huge change which will impact our daily life. I request you to please address our concerns. If you are not the right person, kindly direct us to the proper authority.

Thank you.

kind regards,  
pradeep



Ryan Kuchenig <rkuchenig@sunnyvale.ca.gov>

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## Concerns re: New Seasons Market building architectural plans

1 message

Manal Bari

Sun, Jun 12, 2016 at 4:15 PM

To: RKuchenig@ci.sunnyvale.ca.us, claudiak@newseasonsmarket.com, aminer@ci.sunnyvale.ca.us, sarahj@newseasonsmarket.com,  
Cc: John Bari

Dear Ryan, Claudia et al,

We are writing in concern of the changes taking place with the opening of New Seasons Market directly behind our SunnyArts home at 743 Chopin Dr.

While we are excited with the prospect of a neighborhood supermarket, there is grave concern as to the impact it will have on our home, neighborhood, and visual appeal.

One of the considerations we had when we purchased our home 2 years ago and saw that it backed into commercial property was:

- the type of business
- safety, as we have young children
- noise that would be generated by the business
- aesthetic impact given we see the entire space from the second floor of our home

When looking at some of the plans for the New Seasons Market there are several items that are concerning which are outlined below. We are also very surprised and disappointed that there has been a significant amount of planning for this new site and that the city of Sunnyvale's planning department did not contact the homeowners directly impacted. The type of business (grocery market) opening up is significantly different than the one currently occupying the space (electronic retail). The clientele, hours of operation, foot traffic, and noise levels are significantly more with grocery sales which seems to be overlooked by the city of Sunnyvale with regards to the neighboring community.

I'm hopeful the below items do not go on deaf ears. The city planning department and New Seasons Market need to hear the concerns of the neighbors and look at how together we can come to an arrangement that is a win for all.

The items below are not a comprehensive list of concerns/asks as there are still some unknowns but outline most of them based on what we understand today.

### 1. Noise is the biggest concern.

- We'd like to understand the plans to mask the noise that will be generated from the outdoor seating.
- 10 tables is quite an invitation for a LOT of noise and they are very close to homeowners (see below bullet).
- From the drawings the seating appears to be closer than the 41' landscape barrier. This is not acceptable as it is too close to the homeowners. There must be a different location in which this seating area can exist. Maybe in front, on El Camino facing?
- From the drawing it appears that there will be an additional entrance / exit added to get people to the outdoor seating area. Is that the case? If so that is a huge increase in traffic and therefore noise. It is too close to the homeowners property line. The current door at best buy is not ideal although somewhat far enough away to not have a significant impact on us. Putting one at the corner near the 41' landscape barrier is of deep concern.
- Are there plans for music in the "outdoor seating" (ie will there be music piped in?) other locations look like they have live music performances....does that take place in the store? because if it is happening outside that is another problem.

### REQUEST RE: OUTDOOR SEATING:

- Find a different location for it (on side facing El Camino)
- If no new location is found, the reduce the number of table seating by at least half (from 10 to 4 or 5) if to remain in current location
- Limit hours of availability of seating area and accessibility (that can be done with light, chained off space in that area)
- Another mechanism of noise reduction (maybe a high wall around the reduced size of the "open space"). We suspect the city has requirements, and codes regarding this for seating close to residential homes

### 2. Privacy

- We feel very exposed with the lack of trees and barriers in the 41' landscape barrier area. It currently isn't well maintained and as stated earlier the type of business will potentially increase the mess there. If more trees and vegetation were added it would visually block the facility. Right now there aren't many large or mature trees.

#### REQUEST RE: PRIVACY

- **Double the amount of very large/ mature large trees in the 41' landscape barrier space at least 3 or more per house.** These should be the previously agreed upon type (Fern Pine and Deodar Cedar Trees) and must be strong healthy and of the highest quality grade.
- **Increase the ground cover.**
- **The landowner/property owner needs to ensure all maintenance of the 41' landscape barrier** (i.e. do deep watering of the trees, prune/shape them, replace dead/diseased trees, maintain the irrigation and perform any and all future (monthly/annual) maintenance on the 41' landscape barrier).
- **Install a wrought iron fence** to prevent people from going into the barrier space. A 5-6' black wrought iron gated fence should be installed at the curb to enclose and secure the 41' landscape barrier in order to prevent loitering pedestrians and dogs and to protect residents, trees and ground cover. As we understand it the property owners of the commercial space previously had this second fence. Without it there continue to be people and animals loitering in the buffer zone. It is becoming a trash zone in which no one is cleaning it up. (again will be increased given the type of business that is going into the space).

#### 3. Light:

- The signage is a concern however if more mature trees are planted and there is a lot of tree vegetation it may be not be as significant (depending on the maturity of the trees and their height).

#### REQUEST RE: Lighting

- It is important to ensure that any **signage "New Seasons Market" and "the friendliest store in town" are located as close to the front of El Camino as possible.** It will ensure the best visibility for the store while reducing the overall glare and impact to the homeowners and residential neighborhood.
- **LED lighting above the green wall.** Is that necessary and what is the purpose? When will those lights go "off" as they will illuminate into our children's bedrooms on the 2nd floor and to all neighbors who can see that through the trees. That seems like an architectural nice to have with no real purpose other than to show off the green wall. And if that is the case move those lights right above the green wall and not on the top of the building where it will illuminate all of our backyards.
- **Exterior Progress LED Lights.** Currently the number of exterior flood lights at both Best Buy and Petsmart are 4 large on BB and 7 small on PS. The seven exterior LED lights currently planned is excessive and should be reduced to a total of 4 lights – 2 at each door entrances (given there is only 2 doors – middle and front east location). The Progress Led Lights shields should push the light towards the ground and prevent impact to surrounding residents and private properties. The exterior light operation times should coincide with the agreement to shut off exterior lights as they do now.

#### 4. Parking:

- It is unclear as to what changes will be made to the parking lot. There **shouldn't be any additional parking spaces** created as this too will impact noise and traffic.

We'd like to request that there be a in person meeting between the city, property owner/business, and impacted residential neighbors in order to discuss and brainstorm how we can resolve the concerns. We appreciate your consideration and look forward to working together on a solution that is in the best interest of the homeowners and the incoming business.

Kind Regards,  
John and Manal Bari



Ryan Kuchenig <rkuchenig@sunnyvale.ca.gov>

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## concerns about New Seasons Market

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mackie99@nashell.net

Wed, Jun 15, 2016 at 10:16 PM

Reply-To

To: "RKuchenig@ci.sunnyvale.ca.us" <RKuchenig@ci.sunnyvale.ca.us>, "aminer@ci.sunnyvale.ca.us" <aminer@ci.sunnyvale.ca.us>, "claudiak@newseasonsmarket.com" <claudiak@newseasonsmarket.com>, "sarahj@newseasonsmarket.com" <sarahj@newseasonsmarket.com>  
Cc: "sunilrambhojwani@hotmail.com" <sunilrambhojwani@hotmail.com>

Hi all,

We are one of the neighbors that live behind the parking lot between the Best Buy and PetSmart buildings. We have lived in our house for 19 years. We were informed by our neighbor's daughter, Louise Miller, that the Best Buy store is closing and that New Seasons Market will open sometime in the next several months. I'm very disappointed that the City of Sunnyvale neglected to inform us of the change of tenants. We endured the original development by Sand Hill Properties. It was very painful for us. I expect Ryan remembers the issues we had in 2004 when the City Council approved the Sand Hill Properties development. I still remember being woken up at 5 am on dark December mornings for weeks by the sound of bulldozers and crashing cement. When I complained to John Tsai at Sand Hill Properties, he told me there was nothing he could do about it. The City never informed us of the sound ordinances and when the developer could have crews working on the site. They worked 7 days a week and started around 5:30 am. I stood over the top of my fence on Dec 24 and got the attention of the guy driving one of the trucks. I asked him if they would be working early on Christmas day. I prayed they would take the day off or at least start later so that I could get some much needed sleep. Thankfully they didn't work on Christmas. Sand Hill Properties' sole focus was their own profit and if homeowners weren't aware of the laws, they felt no obligation to obey them. About a month after they broke ground, I saw an article in the City newsletter about the hours that homeowners could use leaf blowers. I called the City to see if commercial developments were subject to the same noise ordinance and was told they were. That's how I finally got some peace and sleep, at least until 7 am every morning. Informing homeowners beforehand of what the developer could and couldn't do would have saved me a lot of frustration which was compounded by lack of sleep.

When we bought our house, it was located behind a car dealership. There was a large building that shielded us from the noise and view of El Camino. Our yard and home were very quiet. When the City allowed Sand Hill Properties to have free reign with the development, the atmosphere of our home was changed forever. After construction was completed, our home was located in the middle of the parking lot with a clear view of El Camino and subject to all of the street noise. We hear most everything that is taking place in the parking lot. Every day, we hear car alarms. Most days we hear some young kids crying or someone who is trying to impress us with their stereo system. Each spring when the sunrise is earlier, I am woken up by the parking lot maintenance crew using leaf blowers. We have double pane windows and sleep with them closed regardless of the temperature outside because I am woken up by sirens on El Camino during the night and by the maintenance crews in the morning. I usually get up at 6:30. I start to notice the leaf blowers when I'm woken up around 6 or 6:15. I then begin making calls to PetSmart to ask them to talk to their maintenance crew. I've been woken up as early as 5:15 am by the leaf blowers. There are actually 2 crews, one for each half of the parking lot. I shouldn't know these details because the maintenance crews shouldn't have an impact on my life, but I do.

Lately, the parking lot is quieter. I expect this is because Best Buy's business has dropped off. From the time the buildings were being constructed, the people we had contact with at Best Buy were very arrogant and rude. Their Dir of Public Relations had no place speaking with the public. I'm glad fewer people are shopping there. I never did because they are such a horrible neighbor. What has happened to Best Buy is karma in my opinion. This spring has been the most peaceful since Sand Hill Properties entered my life. The trees have grown and for the most part, much of the big box buildings aren't visible anymore. We have the tallest wall they would build for us so we're somewhat shielded from the view. If the wall provides much sound protection however, I'm not aware of it. My primary issue continues to be the noise from the parking lot and street.

With a new business moving into the building, the City and New Seasons Market have the opportunity to correct some past mistakes and oversights. With the initial development, we asked for the store entrance to face El Camino. Best Buy refused to orient the store in that direction and Best Buy's and Sand Hill Properties' desires were much more important than the neighbors that live behind the parking lot so the entrance remained at the back of the lot. The view from my bedroom window is of their large, hideous sign. I can still see it. The bright yellow stands out against the green tree leaves. In the winter when there are fewer leaves, it's more prominent. Best Buy made sure they reminded me every time I look out my window that they are there. If the main store entrance for the market is located facing El Camino, most people will park in the front of the parking lot. With the entrance where it is, most people park in the back of the parking lot which increases the amount of noise we hear.

We are asking again, please locate the main store entrance facing El Camino. I understand that New Seasons Market will have 2 entrances and there will be a wall of windows between them. Move both entrances to the front of the building, one on each corner, rather than continuing to have one entrance at the back of the building. I've heard the major objection to this orientation is that there's a fire lane at the front of the building. First, many stores in Sunnyvale have a fire lane in front of them and second, if it is an issue, the fire lane is literally paint on asphalt. It can't cost much to move it if needed.

I have also been told that the market wants to put 10 picnic tables along the green space in the back of the parking lot. Please move the picnic tables to near the front of the building. This is also primarily a noise issue. I don't want to feel included in everyone's picnics each evening and all weekend long. I'm sure there will be noise from people enjoying themselves, kids crying and people playing music. In addition, there could be an issue with rats and other rodents and noise from gulls if the market isn't vigilant about emptying the trash at least every night. The picnic tables could also become popular hang out spots for teenagers and college age students during summer evenings. This was a problem the first few summers after Best Buy opened. There were guys that would rev their engines, turn up their stereos and hang out starting at 10:30 pm when they got off of work. Finally the novelty wore off but it was very annoying and some of us need to get to sleep because we have to work in the morning.

Lastly, when will deliveries be allowed for the market and where will deliveries be made? This is another noise concern. If trucks make deliveries early in the morning or late at night, this will be an issue. Trucks idling in the parking lot and rolling doors going up and down are very noisy. Deliveries shouldn't be allowed any earlier than the noise ordinance hours, specifically not before 7 am M-F, not before 8 am on Saturdays and not at all on Sundays. I'm fine with evening deliveries but none should be allowed after 9 pm. There used to be a Petsmart vendor that brought a delivery of reptiles once a week from Texas. He arrived between 10-11 pm one week night each week. He drove a truck and trailer and parked in the parking lot overnight after he arrived. To keep the reptiles' body temperatures in the right range, he ran a generator all night and no surprise, it woke me up repeatedly. I used ear plugs, but could still hear the generator. After 12 years of living behind this parking lot, nothing surprises me. I never realized how much activity there is in a parking lot aside from the obvious parking of cars.

We would appreciate your focus and assistance with addressing these issues. I'm hopeful that New Seasons Market will be a much better neighbor than Best Buy was and if things go well, I may shop there one day. I have my fingers crossed.

Best regards,

Karyn and Devin Mackie



Ryan Kuchenig <rkuchenig@sunnyvale.ca.gov>

## New Seasons Market Building Architectural Plans - Residential Concerns

Louise Miller <lmiller@newseasonsmarket.com>

Thu, Jun 16, 2016 at 1:42 PM

To: RKuchenig@ci.sunnyvale.ca.us

Cc: sunilrambhojwani@hotmail.com, claudiak@newseasonsmarket.com, aminer@ci.sunnyvale.ca.us, sarahj@newseasonsmarket.com, jerryc@newseasonsmarket.com

To: Ryan Kuchenig – Senior Planner – Sunnyvale – Community Development:

### SUBJECT: NEW SEASONS MARKET BUILDING ARCHITECTURAL PLANS

This letter is in reference to the proposed architectural plans to the location of 760 East El Camino Real to construct and modify the building into the New Seasons Market. After reviewing the proposed plans for the New Seasons Market site, we have major concerns about the modifications to the building and its impact on the adjacent residential houses, surrounding neighborhood and vista points. The building modification changes are huge and will significantly amplify noise levels, increase foot traffic and raise safety issues. The extensive building modifications must adhere to city codes, design policies and building guidelines which include advising residents about such plans. The lack of communication to property owners by the Planning Division on the New Seasons Market Architectural Plans is quite surprising and disappointing. The New Seasons Market, an organic grocery market is quite diverse compared to a Best Buy, a electronic retail business. It will attract customers all day long and well into the evening. Its operation hours are 8am-9pm daily (7 days a week). Truck deliveries will come and go in early morning hours and come back in late evening hours. The Planning Division must understand how these issues affect the residential neighborhood. It is crucial that the Planning Division address these concerns with New Seasons Market and protect the adjacent private residential property – houses values are \$2 million in this neighborhood.

### NEW SEASONS MARKET BUILDING CONCERNS:

**OUTSIDE DINING AREA WITH UMBRELLAS, TABLES & SEATS** – It is crucial that the New Season Market outside umbrella table seats (10 total) are NOT located on the rear side of the building or near the 41' landscape buffer zone. The outside seating area is even closer to the concrete wall given how the concrete walkway is designed. The measurements of the area from the concrete walkway to the property line is less than 41' in some areas – it measures 13' 2", 20' and 30' 1" respectively. It vital to avoid any and all adverse noises, cigarette smoke, food odors, lighting, disturbances, security issues and traffic impact on the surrounding residences. The main parking lot is only 41' from resident's backyards which open onto homeowners' living spaces. The goal is to keep residence's homes and backyards private and safe. This modification is NOT acceptable and should be removed from the architectural plans or relocated somewhere else. A modification such as an outside dining areas that is so close to residential houses must adhere to city codes, design policies or guidelines.

**SINGLE DOOR ENTRANCE/EXIT** – The single door entrance/exit for the outside dining area is a third doorway on the rear side of the building and is an unacceptable modification. It is contrary to the city design guidelines. The Design Policy or Guideline (Site Layout) specifically states: "Site design of non-residential projects shall have external orientation for a positive street experience. Orient buildings toward public streets and provide view corridors into the project." With the current main entrance, there are huge privacy and aesthetic concerns confronting the adjacent single family homeowners. The building rear side main entrance location has an adverse visual and traffic impact on the surrounding residences. The main parking lot is only 41' from residential property lines creating an assortment of landscaping, screening, lighting, noise and security issues. Back in August 2004, several residents did express objections to the orientation of the building entrance and the Planning Commission denied the proposal 5-0, due to concerns with the proposed architecture and layout of the building entrance. Later, residential concerns fell on the deaf ears of City Council, who voted unanimously to overturn the Planning Commission recommendation. There are already issues with the main entrance and another single door entrance/exit will only cause more issues for residents. It is too close to the resident's property line and will amplify sounds, add cigarette smoke, boost food odors, increase foot traffic and raise security problems. It is important to preserve the property value and resident's privacy given the building is only 30' away from the 8 foot high wall. It will be a huge change to have a single door entrance/exist closer to residence backyards.. There were NO back/rear exits with the previous 'car dealer' business setting a precedent with the adjacent homeowners.

**TREES IN 41' LANDSCAPE ZONE** – A variation of trees with a height ranging from 18-20' reside along the masonry wall of the above five private residential properties which consists of 2 one-story house (747 & 759 Chopin Drive) and 3 two-story houses (743, 751 & 755 Chopin Drive). The Ash, Fern Pine and Deordar Cedar trees have height and are presently growing, but still very scarce in many areas. The development set a precedent with its large number of trees as a protective barrier, especially given the Walgreen development sizable allocation of trees. If the Fern Pine and Deordar Cedar trees need replacement, 48-60" box size are the preference and placement is directly behind the properties and/or close to the adjacent properties. The number of trees should increase by 3 or more trees per house for a total of 11-12 trees per house. The 41' green barrier area has ample room for additional Fern Pine and Deordar Cedar trees and more Vinca groundcover. The mature Fern Pine and Deordar Cedar trees must be strong, healthy, sturdy specimens of the highest quality grade and visually appealing in shape. We DO NOT want any Sequoia Redwood trees directly behind the property and/or close to the adjacent property. Why? The foliage creates a messy litter in property owner's backyards, pool areas, hot tubs and gardens. The droppings from the trees make it impossible to grow plants (groundcover), to maintain landscaping and to keep rooftop drainage spouts clear. The root systems break up cement work, destroy bricking and pull up fences. Overall maintenance expense is too high and

costly per personal experience.

**WROUGHT IRON GATED FENCE** – It is time to install a 5-6' black wrought iron gated fence and secure the 41' green barrier (buffer zone) in order to prevent loitering pedestrians with dogs from entry, to avoid trash dumping in the area, to protect the trees along with groundcover from foot traffic and to guarantee the adjacent residents their privacy and safety. There is ample room for installation of a gated fence either directly on top of the curb, right next to the curb, in front of the Ash trees or behind the Ash trees. The development set a precedent by enclosing the landscape zones behind each 'Big Box' building with two black wrought iron gated fences to keep out vagrants. A second fence did exist with the previous 'car dealer' business owners and it needs to be rebuilt. The 'Orchard Heritage Park' black wrought iron gated fence at the Sunnyvale Community Center is a perfect example of the type of fence to install. Otherwise, pedestrians and dogs will continue to loiter in the open buffer zone. Right now pedestrians leave trash (plastics hangers, liquor bottles, soda cans, paper bags, plastic cups, cigarette butts, plastic wrappers, dog bowls, shopping carts, handicap parking signs) in the open buffer zone and no one cleans up the garbage in the area. Pet owners ignore the posted *No Pet* signs – some signs are no longer standing. Dog owners walk their dogs on the landscape and litter the area with dogs waste. It not only affects the trees and groundcover ability to survive, but is a real health hazard. Additionally, the property owner needs to hire a reliable landscape maintenance contractor. It does not look like any landscape maintenance has occurred in many months. The landscape maintenance contractor must do deep watering of trees, prune/shape the trees, replace dead/diseased trees, maintain the drip irrigation, pickup garbage on a regular basis and perform any and all future (weekly/monthly/annual) maintenance on the 41' landscape zone. Neighborhood Preservation who oversee the code enforcement for the site needs to regularly monitor the 41' landscape zone.

**YELLOW/BLACK SIGNAGE 'NEW SEASONS MARKET' AND WHITE SIGNAGE 'The friendliest store in town'** – It is imperative that the 'New Season Market' signage feature projection is located as close as possible to the commercial street 'El Camino Real' and the 'The friendliest store in the town' signage feature is relocated to the commercial front of the building. The front location of the signage will actually maximize the 'visibility of the store' directly upon prospect customers and minimize its glaring effects on the residential neighborhood. Both signage features light up at night and the farther away from the residents' property line the better. Currently the Best Buy sign/blue architectural projection is an immense visual problem for homeowners. It literally shines down upon residents' backyards and into homeowners' living rooms, kitchens and bedrooms. The Best Buy sign/blue angular feature is imposing and intrusive to homeowners. The visual impact on the entire neighborhood is overpowering. It is an 'eyesore' for the homeowners and spoils the scenic vista of the entire residential street. It is very important to place any signage as far away from the residence property line and to not cast glare or overcast of illumination on private residential property.

**SILVER CREE LED FIXTURES ON TOP OF GREEN WALL** – What is the purpose of the 4-8' silver CREE LED fixtures on top of the green wall? This building modifications must adhere to city codes, design polices and building guidelines. Any exterior light fixture can not cast glare or surface illumination on private residential property. The Best Buy building 'Exterior Lighting Condition of Approval' (Per the October 12, 2004 Report) states: "All exterior lighting shall not cast surface illumination beyond the project boundary. Commercial lighting shall not cast glare on the residential portion of the project. All detached and attached spot and flood lighting fixtures shall be shielded to prevent exposure to surrounding public vantage points, and glare or overcast of illumination on to adjacent public areas, streets, residential areas and private properties surrounding the use." The 4-8' silver CREE LED fixtures on the top of the green wall is NOT in compliance and is an unacceptable modification because its illumination directly impacts the adjacent residential properties.

**EXTERIOR PROGRESS LIGHTING LED FIXTURES** – The Best Buy building has 4 large exterior shielded flood light fixtures and the Petsmart building has 7 small exterior shielded flood light fixtures. The proposed 7 exterior Progress Lighting LED fixtures located as wall sconce is excessive because each door entrance has 2 WAC Lighting LED fixtures located on the underside of each door canopy – totaling 9 fixtures. The exterior Progress Lighting LED fixtures should be reduce to a total of 4 light fixtures – 2 at each door entrance (middle and front east location). The number of LED fixtures need to mirror the Best Buy allotment of flood lights. Are there other LED fixtures in the upper green wall area which showcase the building? The shields on the LED fixtures must push the light towards the ground to prevent exposure to surrounding residents vantage points and glare or overcast of illumination onto adjacent residential areas and private properties as per the October 2004 Report. The exterior lights on/off control times need to continue operating as per the 'exterior lights shut off agreement' that is currently in effect.

#### **SHOPPING CART STATION AREAS:**

The shopping cart station locations must reside as close to the front of El Camino as possible. The noise from the clanging shopping carts will become problematic.

We would like the you to take action and set up a meeting between the Planning Division, New Season Market Development and Residential Property Owners to discuss concerns, ideas and solutions. We are looking forward to achieving a win-win outcome for all parties.

Thanks for maintaining a good neighbor status with the surrounding neighbors, considering the property owners' concerns/ideas/suggestions to the New Season Market proposed architectural plans and working towards satisfactory resolutions/solutions.

Sincerely,

Josephine Gembala – Property Owner – 747 Chopin Drive  
Louise Miller – Daughter of Property Owner

cc:

Andrew Miner – Planner Officer – Sunnyvale – Community Development  
Sunil Bhojwanti – Property Owner – 760 East El Camino Real

Claudia Knotek – Community Relations Manager – New Season Market  
Sarah Jonnides – Director of Social Responsibility – New Season Market  
Jerry Chevassus – Chief Development Officer – New Season Market



Ryan Kuchenig <rkuchenig@sunnyvale.ca.gov>

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## Major Concerns with the New Seasons Market

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hai trung <

Sun, Jun 19, 2016 at 8:18 PM

Reply-To: hai trung <

To: "RKuchenig@ci.sunnyvale.ca.us" <rkuchenig@ci.sunnyvale.ca.us>, "amin@ci.sunnyvale.ca.us"

<amin@ci.sunnyvale.ca.us>

"claudiak@newseasonsmarket.com" <claudiak@newseasonsmarket.com>, "sarahj@newseasonsmarket.com"

<sarahj@newseasonsmarket.com>

Dear Ryan, Andrew, Sunil, Claudia and Sarah,

We are one of the many neighbors living behind the parking lot between the Best Buy and Petsmart buildings. We just learned that Best Buy is moving and New Seasons Market has plans to remodel and occupy the building in the very near future. We are quite surprised and alarmed that the City of Sunnyvale Planning Department omits to inform the Sunnyarts neighborhood about the changes to the site. We were at the City Council Meeting that approved the Best Buy Plans and were very disappointed with the outcome and how the construction decisions were handled. Now the Planning Department and New Seasons Market have an opportunity to fix many of the the problems that plague the site and make things right for the adjacent property owners.

We put together a list of major concerns as followed:

The Building Main Entrance: The New Season Market needs to relocate the main entrance to the front side of El Camino Real. The rear side entrance of the build has caused huge aesthetic and privacy issues with the adjacent homeowners. This is the time to correct this issue for the property owners. We like to see the fire lane to be moved to the rear side and the main entrance relocated to the front side. Most patrons will then park in the front parking lot.

New Season Market Signs/Logos: All of the New Season Market signs and logos should face El Camino Real to attract customers into the grocery store. The Best Buy sign has been a big problem for homeowners. It literally shines through the trees, down onto backyards and into living rooms, kitchens and bedrooms.

Outside Dining Area: The New Season Market outside dining area (10 umbrella tables and seats) is located too close to our single family homes that are priced near \$2M. It is best to locate the outside dining area to the front side of the building. The adjacent property owners are extremely upset with all the constant disturbances from Best Buy and Petsmart. The outside dining area will only raise an assortment of new problems: lighting, sound, noise, odor, smoke, traffic, loiters, rats, rodents, birds and the list goes on..

Outside Dining Area Door: The outside dining area door is a bad modification. It is too close to the adjacent private property line and will cause an variety of issues: aesthetic, privacy, security and traffic.

Building Color Change: It is a visual change that will effect the residential neighborhood vista. The new building paint colors of black fox and jungle moss are very dark colors. The colors will stick out in the residential neighborhood skyline.

Trees In The Landscape Area: We like to see more trees in the landscape area to provide thicker screening. The trees and ground-cover are pretty sparse in a lot of sections. Extra Fern Pines and Deodar Cedars are needed. It appears that no landscape maintenance has been done for quite awhile and the irrigation system does not work. Trees and ground-cover are dying, trash in the area. This situation needs to get fixed.

Wrought Iron Fence: The wrought fence has been requested since the Best Buy and Pet Smart project began. The adjacent property owners want to keep pet owners and dogs out of the buffer zone. The patrons leave their trash behind in the area that has been a big problem for the adjacent property owners and the solution is just waiting to get implemented.

Exterior Light Fixtures: Exterior light fixtures should not cast any light on private residential property. The four green wall light fixtures are not in compliance with the city code. They will shine right into private residential properties. The seven Progress lights should be reduced in number, especially given that two WAC lights are located in the canopy underside. The shields of the exterior light fixtures should point the light towards the ground to prevent glare onto private properties. Additionally, the exterior lights control times need to continue operating as they do now.

Please keep us informed of the possible meeting between the Planning Department, New Seasons Market and the Property Owners.

Thanks you very much for your help.

Best Regards,

Hai and Yen Truong



Ryan Kuchenig <rkuchenig@sunnyvale.ca.gov>

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## Re: 760 E. El Camino Real - MPP 2016-7127 (Site Modifications Permit) APPEAL

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Louise Miller · >  
To: Rvan Kuchenig <rkuchenig@sunnyvale.ca.gov>  
Cc:

Thu, Sep 1, 2016 at 12:09 PM

To: Ryan Kuchenig – Senior Planner – Sunnyvale – Community Development:

### RE: 760 E. El Camino Real - MPP 2016-7127 (Site Modifications Permit) APPEAL

Site Modifications – Points of Concern – Outstanding Issues – Areas of Clarification:

#### **Single exit-only door on the southeast corner:**

The single exit-only door has been relocated closer to the adjacent homeowners property line. It is now several feet closer. What is the exact location of the single exit-only door – approximate feet from the concrete wall? It needs to be as far away as possible from the adjacent homeowners property line. We ask that the single exit-only door be relocated back to where the Best Buy Entrance Door is now. We understand New Seasons Market (NSM) has interior design issues. But, we negotiated to have Best Buy Main Entrance built as far away as possible when the building was originally constructed. There are so many problems with the Best Buy Main Entrance why would anyone think that moving the single exit-only door closer to adjacent homeowners would add any value or cause no issues. The single exit-only door is a good modification with a bad location. It is too close to the adjacent private property line and will cause a variety of issues: aesthetic, privacy, security and traffic. We think it is time to make this issue right for the property owners and relocate the single exit-only door as far away from the adjacent homeowners property line as possible.

#### **Up to three additional trees may be planted on the site:**

A lot more trees are needed in the landscape area to provide a thicker screening. The trees and groundcover are pretty sparse in a lot of sections. No landscape maintenance has been done for quite awhile. The ground is rock hard. The irrigation system was just recently turned back on. Trees and groundcover have been damaged. No one picks up the trash in the area. This situation needs to get fixed. Flora Terra, the Landscape Maintenance contractor turned off the irrigation system in the landscape area due to drought and current water restrictions early this year. This was huge surprise and disappointing discovery. The City of Sunnyvale wants businesses to water landscape areas. Neighborhood Preservation oversees the code enforcement for the site and needs to make sure that any landscape that is dead as a result of no water be replaced. Extra Fern Pines and Deodar Cedars need planting right now. The Landscape Maintenance contractor needs to do deep watering of trees, prune/shape the trees, replace dead/diseased trees, maintain the drip irrigation on a regular basis, perform adequate monthly/annual maintenance on the landscape zone and regularly pick up the garbage scattered throughout the site.

Note...The Best Buy New Deodar Cedar tree (DC#3) was cut down in the green barrier area over two years ago and was never replaced. All that remains is the Deodar Cedar tree stump. We had hoped to get the cut down Deodar Cedar tree replaced and replanted within a month. It has taken way too long for the tree to get planted. Can you please advise us when the replacement of the Deodar Cedar tree will take place? It was approved by the Property Owner in a email dated February 15, 2013. A Sequoia Redwood tree was planted by mistake, instead of a Fern Pine tree in the green barrier area directly behind the property as well. The Sequoia Redwood needs to be removed and the Fern Pine tree planted as planned. It was agreed upon that NO Sequoia Redwood trees would be planted directly behind the property and/or close to the adjacent property. The foliage creates a messy litter in property owner's backyards, pool areas, hot tubs and gardens. The droppings from the trees make it impossible to grow plants, to maintain landscaping and to keep rooftop drainage spouts clear. The root systems break up cement work, destroy bricking and pull up fences. Overall maintenance expense is too high and costly.

#### **Seven Exterior Progress Light Fixtures and Two WAC Lights in Canopy Underside:**

The seven Progress lights have not been reduced in number. The lights are LED lights and suppose to cast a soft illumination (10 watts), than a florescent lights. The two WAC lights that are located in the canopy underside were never discussed – this is an outstanding issue. The seven Progress lights and two WAC lights – totaling 9 fixtures – are overkill and should be reduced in number, especially given that two WAC lights are located in the canopy underside. Additionally, the exterior lights control times need to continue operating as they do now.

#### **Yellow/Black Signage 'New Seasons Market' and White Signage 'The friendliest store in town':**

Why can't the signage be relocated to the commercial front of the building? The front location of the signage will actually maximize the 'visibility of the store' directly upon prospect customers and minimize its glaring effects on the residential neighborhood. This is an outstanding issue.

#### **Shopping Cart Station Areas:**

Shopping Cart Station Areas will be revisited once the the NSM opens up. Why not solved the shopping cart station areas issue now? It is going to be very difficult to get NSM to revisit this issue once the shopping cart station areas are installed. The shopping cart station locations must reside as close

to the front of El Camino as possible. The noise from the clanging shopping carts will be problematic.

**Transformer:**

Transformer continues to make a lot of loud noise at all hours. It is approximately 20 feet away from the concrete wall. The transformer will be upgraded and should be quiet. It was agreed upon that a wooden wall cover will be added around the transformer approximately 6-8 feet tall, thick and angled to force sound away from the concrete wall. Is this going to happen? Is this a real transformer or a generator? If this is a transformer, will a generator be added to the NSM site as well? Status update?