

Dear City of Sunnyvale:

I live in the property directly adjacent to Windsor Academy. I have lived in the same house in this neighborhood since 1970, over 40 years. I have watched the neighborhood change drastically—the strip mall across the street came into the neighborhood, as did other development.

Change is always hard for people, but in this case, the benefits certainly outweigh the costs. There are more working mothers and younger parents needing childcare. The needs of Sunnyvale residents are changing. The City should be responsive to these changes, especially in this situation where increasing capacity would not cause problems. Here are reasons I feel an increase in student population is appropriate for this property:

1.) Adequate Parking:

Every morning, I sip my coffee as I observe the families and children going to school. I am home during pick-up time as well.

Families arrive and depart at different times throughout the day. They stay long enough to just drop-off/pick-up their children and leave. Many families walk to school. Because of these reasons, there are always open parking spots. Even with an increase in student capacity, there would be sufficient parking.

2.) Noise issues are non-existent:

My fence is low enough that I can easily see the children playing in the outdoor area. The sound of well-supervised laughing children is compatible with the neighborhood. Moreover, the children are outside only 1-2 hours a day and never on Fridays (they go to the park). When they are indoors, they cannot be heard at all.

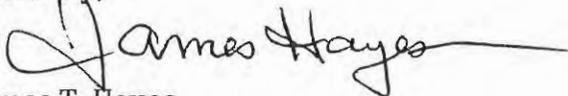
I hear more noise from the shopping center directly across the street and Mary Avenue than I do from Windsor Academy. Increasing the student capacity would not change this.

3.) Neighborhood-compatible:

I like that Windsor Academy is compatible with the “look and feel” of the neighborhood. No major external modifications were made to the house during construction, so the facility blends right in.

Over the past several years, I have seen that the school is consistently well run and the owners are responsible and professional. I am confident that increasing student capacity would be extremely beneficial to the neighborhood.

Sincerely,



James T. Hayes
250 S. Mary Ave., Sunnyvale



Windsor Academy | City of Sunnyvale

Brent Harrison <brenth1@me.com>
To: Shanam Saini <windsorparents@gmail.com>
Cc: Jennifer Ayre <jemicer@mac.com>

Mon, Mar 11, 2013 at 4:24 PM

Dear Sunnyvale City Council,

We are Sunnyvale residents live close to Windsor Academy. Both of us are working parents.

Our youngest son enrolled at Windsor Academy shortly after it opened 4.5 years ago. We have been part of the extended Windsor community from the beginning, through its renovations, and from its growth from 14 to 18 students. (Our son, now in Kindergarten, continues to attend the school on a drop-in basis to present).

Before Windsor Academy opened in the neighborhood, we were driving all the way to Redwood City for childcare. What a relief it was to have top-tier, high quality childcare that is walkable!

This past year Jennifer's mother was diagnosed with terminal cancer. In order to assist her and make it to chemotherapy sessions, we needed more childcare hours for our son. With the current student capacity restrictions, this proved to be very difficult. Here we had a walk-able school right next to our home that had the space to accommodate our son and, moreover, he was very comfortable in (during a very stressful family time), but we were unable to use it. This doesn't make sense.

Please grant Windsor Academy the modest increase in capacity it is seeking. From my understanding, their facility is constructed to accommodate 24 students - it has adequate parking, and is integral to the fabric of our neighborhood.

We would love to see the city be responsive to the needs of working parents with children.

Sincerely,
Jennifer Ayre and Brent Harrison

ATTACHMENT
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City of Sunnyvale

Charlie Zhu <charlie_195@yahoo.com>
Reply-To: Charlie Zhu <charlie_195@yahoo.com>
To: Windsor Academy <windsorparents@gmail.com>

Tue, Mar 12, 2013 at 5:10 PM

Dear City of Sunnyvale,

We are almost next-door neighbors to this school; until 2012 we lived two houses over from 260 South Mary. We are parents of a young boy, who attended Windsor Preschool Academy for 5 years. We have attended this school as it increased from 14 to 18 children, and our son regularly attended as it operated with 18 students this past year.

-Regulations met:

Windsor Academy already meets all state and city regulations for 24 students. There are no operational problems in the years our son has attended the school.

-Siblings:

We have a second child. Many other families have multiple children attending the school, which means reduced traffic (one car for all children, if they are driving). This will continue since preference for admission is given to siblings and the age range of children accepted.

-Mary Avenue:

We're adding of 6 cars (a very maximum if no one is walking and there are no siblings, which is unlikely) to Mary Avenue. Mary Avenue has something like 25,000 cars daily.

-Neighbors

We walked to school, like many other neighbors.

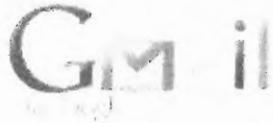
This is an excellent, high-quality local business. We toured many preschools in the south bay, but picked Windsor for our child, given the home-based atmosphere, professionalism, and dedicated staff. We couldn't find any other preschool like Windsor.

The neighborhood is behind this, and has been for the past several years. We are in favor of granting the increase.

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Thank you,

Charlie and Joyce Zhu
280 S. Mary Ave
Sunnyvale, CA 94086

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Letter for Sunnyvale

Emily Johnson <emmyjsf@gmail.com>
To: Windsor <windsorparents@gmail.com>

Tue, Mar 12, 2013 at 7:10 PM

Dear City Staff,

My daughter has attended Windsor Academy for the past 4.5 years to present. Through this letter, I would like to communicate what the impact of increasing student capacity from 14 to 18 students has been on us.

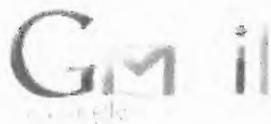
We drive to school. Traffic and parking has not been impacted. Parents drop-off and pick-up at staggered times throughout the day. Even after the increase in students, I have never had a problem finding parking. There is actually plenty of open parking.

After I park, I walk up to the school, pick up my daughter, and off we go! MUCH smoother and faster than my daughter's elementary school. This takes only a few minutes. I have observed other families do the same.

Even with an increase of 6 students to 24 students total, the impact would be minimal. This property has a large driveway, sufficient parking, and staggered schedule for pick-up and drop-off.

The increase to 18 students has been seamless. Granting the expansion to 24 will result in minimal negative impact to the neighborhood. It will allow siblings of current students and other children to enroll at an excellent childcare facility in a convenient location. I hope to see the City support working parents with young children.

Emily Johnson



Letter to city

Shalini <shalini.aggarwal@gmail.com>
To: Windsor Academy <windsorparents@gmail.com>

Mon, Mar 11, 2013 at 5:54 PM

To whom it may concern,

My family lives in the neighborhood, right on Mary Avenue and very close to Windsor Academy. Our 5-year-old daughter is a current student at the school. She was one of the first students and has been attending Windsor Academy for most of her life.

I would like to address, through this letter, why this specific location is so important to families. The location of the school, in a mixed commercial and residential neighborhood, is important and vital for several reasons.

- *Many families in our neighborhood walk to the school.*

Industrial areas are not appropriate for schools. Completely commercial areas are not walkable since they are far from home and off the route of our commute. A school at this location is ideal because it is in a walkable setting.

We walk to school. If it's raining, we walk over with an umbrella and raincoat. We have seen many other Windsor Academy parents in our neighborhood do the same.

We believe as population grows and Sunnyvale has more traffic congestion, this European-style walkable neighborhood school is what we will need to move toward. This is a very eco-friendly solution.

- *The location is ideal for the resources it offers to children.*

I've never seen a school take such great advantage of their surroundings.

The children go on walking trips to the Sunnyvale Library monthly and visit Sunnyvale's Washington Park weekly. The children have visited the Sunnyvale Police Station on foot. And the proximity to the shopping center across the street allows for "people in your neighborhood" style visits with hair stylists, coffee baristas, dry cleaners, etc.

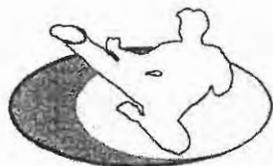
Increasing capacity at Windsor Academy is a win-win for Sunnyvale, for the environment, and for our neighborhood.

Rakesh Gupta and Shalini Aggarwal

141 S. Mary Ave.

ATTACHMENT E
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January 23, 2012



AMERICA'S BEST KARATE

Sunnyvale Academy

251 S. Mary Ave. Ste. 4
Sunnyvale, CA 94086
(408) 732-2378

To the city of Sunnyvale:

My name is Todd Penner and I am the owner of America's Best Karate of Sunnyvale and I am writing this letter on the behalf of Windsor Academy. It is my understanding that Windsor has petitioned to expand their enrollment to 24 students and I am writing in support of this decision. First, I think that it is important that you know the extent of the relationship between our businesses. Windsor Academy is literally right across the street from my studio, from my office I see the kids come and go every day. About 2 years ago I was approached by Shanam, (the owner) and asked to teach a special class for the Windsor students as part of their enrichment program. Since then the class size has grown and we have actually added a second class. So our partnership has definitely benefited my business.

I have been teaching for over 15 years and I know a good quality children's program when I see one and I know that Windsor Academy is top notch. Twice a week I go to pick up the children and I get a chance to go into the school and see how it operates. The kids are always so excited to share with me what they learned that day and what they did at school, I can tell that they love it there.

As great as I feel that Windsor is, I know that is not the only concern that the city has. I know that traffic concerns are an issue and on a street like Mary the city wants to know if additional students would create a problem. As I said, I have a perfect view of Windsor Academy from my office and I have never once seen any traffic jam or potential risk posed by the parents dropping off or picking up their children. Noise is another issue, especially with children who love to scream. I have never heard a sound from that school, even when I am out front getting ready to pick them up. There have been days where as I walked up to the school, that I wasn't sure it was open because of how quiet it is.

After working with Windsor Academy for the past 2 years and seen the professionalism and abilities of the teachers, I have no doubt that they will be able to handle 24 students. Not only is Windsor Academy a benefit to the community by creating happy, healthy, well-rounded people, it has directly helped my studio to grow and I think that it is only right to allow them to grow as well.

With respect,

Master Todd Penner
(408) 732-2378
mastertpenner@abkmartialarts.com

~~Letter from Parent & Hair Business~~
Across the Street

Hair Galleria
Jafar Reisi
201 South Mary Ave. Suite 3
Sunnyvale, CA 94086

To Sunnyvale City Staff:

As a neighboring business owner and parent, I would feel uncomfortable with a giant preschool on Mary Avenue. However, 24 students for a preschool is tiny.

A couple years ago, I was interested in enrolling my then preschool-age son since Windsor has an impressive program. Unfortunately, we did not get in due to the waiting list (imagine the disappointment! It's just right across the street from where I work!).

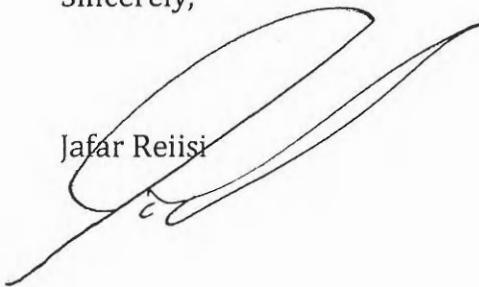
My son instead attended a larger preschool center, large daycare centers can have up to hundreds of children. This is only 24.

There is already a running business there and they will add on a few more children.

I think that is reasonable. The school is operating with no problems. Parking and traffic is fine. They also have plenty of space inside and out.

Windsor Academy should be granted the increase. The request is within reason for the property. It would help out working parents in the neighborhood.

Sincerely,


Jafar Reisi

ATTACHMENT
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E**Case #2011-4205 / Planning Permit #2009-0756**

Steve Frias <SFrias@ci.sunnyvale.ca.us>
To: Shanam Saini <shanamsaini@gmail.com>

Tue, Dec 6, 2011 at 3:19 PM

Shanam,

Thank you for your email. The allegation does not adversely affect any permitting process. Additionally since there appears to be no merit to the complaint, it does not create a negative record against your person, property or business.

Thank you,

Steve Frias

>>> Shanam Saini <shanamsaini@gmail.com> 12/6/2011 11:21 AM >>>

Dear Mr. Frias,

I am responding to the letter we received regarding the complaints our neighbor Arthur made.

It is our every intention to adhere to the conditions of approval set forth by the City of Sunnyvale.

With regard to the use of the garage, attached are photos of our two-car garage. As you can see, we are in compliance with the conditions of our conditional permit.

With regard to vehicles obstructing the neighboring driveway, a public safety officer, Lt. Boone, visited us before we received your letter, as I discussed over the phone with you. The officer spoke to other neighbors and also observed drop-off of children. He found no evidence of obstruction.

[Personal information redacted. Full letter available upon request.]

Given his actions and our compliance, could you comment on how this incident will affect the permitting process?

Will

his claims be appended to our permanent record?

Thanks so much for your time. I appreciate it.

Shanam

ATTACHMENT
Page 11 of 17**File Number: 2013-7202 Use Permit to allow child care facility to increase capacity from 18 to 24 children****Arthur Kawai**

Thu, May 9, 2013 at 12:31 PM

To: rkuchenig@sunnyvale.ca.gov

My wife, Carolee and I live at 270 S. Mary Ave., adjacent to the child care center at 260 S. Mary Ave. On Tuesday November 17, 2009 at 4:54 PM we sent you an email which we requested to be submitted into the records objecting to the issuance of use permit 2009-0756. We listed the reasons for our objections. The problems we listed then continues to persist. I would like to submit the following for the record, again.

On Nov. 17, 2009 I submitted Ryan Kuchenig an email with my concerns and objections to the permit being extended to the cay care facility. I again object on the basis of the following:

1. **INCREASED TRAFFIC** The driveway at 260 S. Mary is not designed for commercial traffic of 24 parents in a hurry to drop off and pick up their children at the same time five days a week. It poses as a danger to drivers on Mary and nearby residents.
2. **INADEQUATE PARKING.** There are only two parking spots plus one additional handicap parking for the parents of 24 children. The parents have blocked my driveway and physically parked in my driveway. I have physically gone over to the facility to request that the parents move the car, but their response has not always been cooperative. One parent who was blocking my driveway had the gall to say, "Can't you see I'm on the phone? You should have some patience!" I have called the police to cite the parents, but they drive off before the officers arrive.
3. **NOISE** Twice a day, once at 11:00 a. m. and once at 4:00 p. m., the children are allowed to play in a tiny backyard for a full hour. The shouting children as well as the adult aide shouting at each other trying to get the attention of the other twice a day is aggravating. You would think this was a hearing impaired facility. The backyard is not large enough to host 24 screaming children and an adult aide screaming to keep control even with the 10' fence that was installed between out properties. .
4. **TRASH** With the installation of a 10' fence the level of trash coming over the fence has decreased, but the challenge of children throwing hats and plastic toys continue. This is a clear indication of inadequate supervision to control the number of children in a chaotic backyard.

These problems persist and continue. On May 15, 2013 the permit to increase the number of children to 24 become permanent. I would appreciate some advice and support on limiting the number to a tolerable number of 14 children.

Sincerely,
Arthur Kawai



Sunnyvale Chiropractic Group™

Health Massage Wellness

www.SCGWELLNESS.com

ATTACHMENT E
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July 1, 2013

I am the owner of the chiropractic clinic across the street from Windsor Preschool. Right when I step outside of my office, I get a perfect view of the school. Actually, our family both lives *and* runs a small business in this neighborhood.

Our daughter was waitlisted to get into the program, which is walkable from our home and business, for NINE months. My wife and I were driving across town for childcare.

On May 15, 2013, we were ecstatic to hear that Sunnyvale City approved Windsor's permit to expand to 24 students. Given we can walk to school, we were on Windsor's preferred list for admission.

We were tremendously disappointed to hear that the decision was appealed.

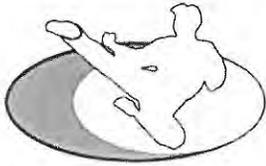
Business owners and neighbors, like myself, would not tolerate a nuisance in our neighborhood. From my frequent observations of this business, parking/traffic issues are nonexistent due to ample off- and on-site parking. Mary Avenue is a loud, noisy street to begin with, and the school doesn't add much to it. Not only does the school have an impressive educational program, it is a responsibly run business.

There are other families in the same boat as us, who live in the neighborhood and have been waiting desperately to get admitted.

Please uphold the decision made by City staff to grant approval to the school. This is a model daycare, and it is serving a real need in our neighborhood.

Sincerely,

Dr. Anthony Wilson



**AMERICA'S BEST
KARATE
Sunnyvale Academy**

251 S. Mary Ave. Ste. 4
Sunnyvale, CA 94086
(408) 732-2378

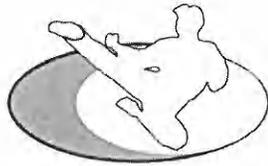
Dear Ma'am or Sir:

My name is Todd Penner and I am the owner of America's Best Karate of Sunnyvale. I send my apologies for not being able to make the meeting tonight however, I had a prior commitment. I am sending Ethan Penner in my place, Ethan is not only my brother, he is also an instructor at America's Best Karate.

To give you a little history about my relationship with Windsor academy, my studio is directly across the street from Windsor and from my office, I have a perfect view of the school. Approximately 2 ½ to 3 years ago, Shanam approached me about offering a martial arts class to her students as part of an enrichment program that Windsor offers and we have been teaching Windsor students ever since. Honestly, I didn't even realize there was a school there until Shanam approached me about teaching the Windsor students. That leads into my next point which is the noise level and traffic concern that has been brought up. Certain days we open up the front door to let fresh air in the studio and I can't hear the kids, we also walk over and pick up the students twice a week and walk them to the studio for their classes and even when I am directly in front of the school, I can't hear the children. I am often in the studio in the mornings when it is prime drop-off time for parents and I have never seen more than a few cars at a time, Shanam does a great job at staggering drop-offs so that issue will be avoided.

To be frank, this is the third time I have had to speak on Windsor's behalf and I think that it is silly that the needs of the many do not take priority over the needs of the few. I have been in this community for almost 5 years now and I run into people all the time that have sent their children to Windsor and they can't say enough good things about the academy and how much of an impact it has made on their children. There are a handful of small businesses across the street and I know most of the owners and they are all in favor of Windsor being able to reach its full potential. My chiropractor sends his kids to Windsor and when they're old enough he told me that he will be sending them to my studio, many parents take their kids to the dentist office next door. All of the small business owners in the community not only try to fill a need, but we support each other's business as well. Shanam and Windsor have had a large impact on my life and business as well. With the partnership that we have, it has allowed my business to grow over the years, yet she is not able to grow her business? I think that is very unfair.

One of the reasons that our partnership works well is that we are in very similar businesses...and that is child development. Even though we both have a passion for developing children, we also have a business to run, and if I were told that no matter how good my facility was, or how well trained my staff was, or how professional I was, that I was restricted to how many kids I was allowed to impact...well, I would go elsewhere, someplace I would be allowed to maximize my impact on kids.



**AMERICA'S BEST
KARATE
Sunnyvale Academy**

251 S. Mary Ave. Ste. 4
Sunnyvale, CA 94086
(408) 732-2378

Our similar philosophy is another reason that our partnership works so well and our philosophy is to help create confident, healthy, happy, well-rounded kids. If you look at the long-term impact that Windsor has on kids and on the community, I think it is silly to compare it with somebody who is inconvenienced by from time-to-time hearing a kid laugh or play a little too loud. I'm not trying to make light of the situation, because I know that the city takes that issue seriously, but if you just look at what is at stake here and that is parents in the community having a top notch facility to take their children and Shanam's ability to run her business to allow it to reach its maximum potential versus some people's opinion that kids are playing and laughing too loud occasionally. There is no contest in my book.

Regards,

Master Todd Penner

(408) 732-2378

masterpenner@abkmartialarts.com

July 1, 2013

Dear Sunnyvale City,

Jennifer attended the Zoning Administrator hearing on May 15, 2013, during which the City granted approval for an increase to 24 students to Windsor Academy. Unfortunately, due the Fourth of July weekend, we will be out of town and unable to attend the upcoming Planning Commission meeting.

We wanted to resubmit our letter (below), as our sentiments remain the same. Actually, our son was at Windsor Academy today for the day. As always, there was adequate parking, smooth traffic flow, and well-behaved children learning and playing while being supervised by professional teachers.

We hope to see the Planning Commission support the Zoning Administrator's decision.

Sincerely,


Jennifer Ayre and Brent Harrison

March 11, 2013

Dear Sunnyvale City,

We are Sunnyvale residents who live close to Windsor Academy. Both of us are working parents.

Our youngest son enrolled at Windsor Academy shortly after it opened 4.5 years ago. We have been part of the extended Windsor community from the beginning, through its renovations, and from its growth from 14 to 18 students. (Our son, now in Kindergarten, continues to attend the school on a drop-in basis to present).

Before Windsor Academy opened in the neighborhood, we were driving all the way to Redwood City for childcare. What a relief it was to have top-tier, high quality childcare that is walkable!

This past year Jennifer's mother was diagnosed with terminal cancer. In order to assist her and make it to chemotherapy sessions, we needed more childcare hours for our son. With the current student capacity restrictions, this proved to be very difficult. Here we had a walk-able school right next to our home that had the space to accommodate our son and, moreover, he was very comfortable in (during a very stressful family time), but we were unable to use it. This doesn't make sense.

Please grant Windsor Academy the modest increase in capacity it is seeking. From my understanding, their facility is constructed to accommodate 24 students - it has adequate parking, and is integral to the fabric of our neighborhood.

We would love to see the city be responsive to the needs of working parents with children.

Sincerely,



Jennifer Ayre and Brent Harrison

June 28, 2013

Dear Sunnyvale's Planning Commission,

We live on Mary Avenue, next to Windsor Preschool.

Our family will be on vacation for the Independence Day July 4th weekend. Since we cannot be present at the Planning Commission meeting given the unfortunate timing, we wanted to still express our thoughts through another letter.

Our daughter graduated from Windsor last week, after 4 joyful and wonderful years. Our business relationship with Windsor has ended, but our neighbor relationship continues. We remain supportive of the school's growth because Windsor Preschool is a vital part of the ecosystem of our neighborhood. Our neighborhood needs a walkable school and this mixed commercial and residential neighborhood is the ideal location for it. Parents do not have to add to the traffic congestion in Sunnyvale, and children have access to great resources.

As for parking, traffic, and noise, we were surprised to hear these are even "concerns" at this facility. We have observed how professionally the business has run for the past 4 years. For those parents who have to drive, drop-off and pick-up is staggered throughout the day, and there is plenty of parking. When playing outside, the children are not mindlessly running around screaming or being an annoyance; we have seen them in the yard busily gardening, biking around, playing in the sandbox, hiding in the play house, rearranging rocks, etc. Living on Mary Avenue ourselves, we know that realistically the constant sounds of siren/car alarms/traffic on Mary are louder than busy children playing outside for a mere 1-1.5 hours a day.

Windsor Academy should be granted the approval, given by Sunnyvale's Zoning Administrator. The positive impact on our neighborhood is enormous.

Shalini

Rakesh Gupta and Shalini Aggarwal
141 S. Mary Ave.



CITY OF SUNNYVALE
ZONING ADMINISTRATOR HEARING

ATTACHMENT F
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MINUTES

Wednesday, May 15, 2013

FILE #: 2013-7202
Location: 260 S Mary Ave (APN: 165-09-014)
Proposed Project: Use Permit for the required one year review of an existing commercial day care facility and request to increase capacity from 18 to 24 children.
Applicant / Owner: Harmesh Saini
Environmental Review: Categorically Exempt Class 1
Staff Contact: Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov

In attendance: Shanam Saini, Applicant; Bill Masten, Architect; Hamesh Saini, Owner; Arthur Kawai, Neighbor; Todd Penner, Neighbor; Jennifer Am, Neighbor; Jim Hayes, Neighbor; Ray Crump, Neighbor; Emily Johnson, Neighbor; Andrew Miner, Zoning Administrator; Ryan Kuchenig, Project Planner; Luis Uribe, Staff Office Assistant.

Mr. Andrew Miner, Zoning Administrator, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Mr. Miner announced the subject application.

Ryan Kuchenig, Project Planner, presented the item and stated that the use had been approved by Council in 2010 and that no modifications to the floor plan will be made. In 2011, Code Enforcement was called to the site and that there was no violation found. Staff recommends approval.

Mr. Miner opened the public hearing.

Bill Masten, Applicant, received and reviewed a copy of the staff report. Mr. Masten stated that they met with neighbors as to meet as to discuss any issues they have pertaining to the child care facility. They also installed a sound wall to assist with noise reduction, which was not required. Stated that they are in conformance and have a huge waiting list

Shanam Saini, Applicant, stated that a lot of the students live in the neighborhood and they are filling a need in the community and during the past year 18 children were being cared for. Mr. Miner asked about drop off and Ms. Saini stated that they get dropped off between 8 and 11:30. She mentioned that people drop off curbside and a majority of the parents will bike or walk their kids to the facility. Every year they inform the parents about safe parking practices and it is enforced throughout the year. Mr. Miner asked if additional staff will be added, Ms. Saini said no and that they still meet the Teacher/Student requirement. Mr. Miner asked about outside play, which Ms. Saini stated that currently all the students play outside at the same time. When enrollment increases she plans to take the children out in groups of two. She also mentioned that while outside they play group games and do activities to keep them occupied. Mr. Miner asked about employee parking and she stated that all employees park in the garage.

Hamesh Saini, informed the Zoning Administrator that the reason for installing the sound wall was to keep in good graces with the neighbor.

Arthur Kawai, Neighbor, stated that when they have events, parents tend to block the driveway. He also mentioned that the garage is never used as employee parking and wants to know how this will be monitored. Noise, Mr. Kawai played a recording of the noise to show how loud the children are at play. He stated that he hears this on a daily basis and does not want the level to increase. He also noted that he is constantly having items thrown into his yard.

Todd Penner, Neighbor, stated that he has been teaching a lot of the students at his Martial Arts School located across the street. He stated that he has never observed any traffic issues due to the child care facility. He also mentioned that he has never been able to hear the children from the front of the house.

Jennifer Am, Neighbor, Stated that her children attend the child care facility and in those four years, it's been nothing but positive experiences for the families. She also noted that every year the parents are informed on parking safety and there has never been any issue with parking.

Jim Hayes, Neighbor, stated that he loves having the business there and that sometimes parents will park in front of his property but its only for a few minutes and is not an issue. Mr. Miner asked if he had the same issues as Mr. Kawai, Mr. Hayes stated he has no issues and if something goes over the fence, he simply throws it back.

Ray Crump, Neighbor, had questions regarding zoning and does not understand how this type of business was allowed at this site. He wanted to know if there would be any review if the property was to be sold. Mr. Miner addressed the questions asked by Mr. Crump and stated that this is considered a commercial use in a residential district.

Emily Johnson, Neighbor, stated that it is a great facility and that when there is an event they are sent an email regarding parking. She also stated that the events are small and is really appreciated by the parents.

Ms. Saini stated that sometime they will have a parent's night out where they will drop off their kids and it will be a movie day for the kids with no outside play. She also noted that she previously spoke with Mr. Kawai about the trash issues and they are willing to work with the neighbors and they have a history of that.

Mr. Miner closed the public hearing.

Approved subject to the findings and conditions of approval located in the staff report with modified conditions, to add a condition of approval requiring that no more 12 children be permitted within the rear yard at a time. Mr. Miner stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.

The meeting was adjourned at 3:13 p.m.

Minutes approved by:

Andrew Miner

for Andrew Miner, Principal Planner

ATTACHMENT F
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270 South Mary Avenue
Sunnyvale, CA 94086
May 28, 2013

Attn: Planning Commission
Subject: Appeal of Zoning Commission Decision of May 15, 2013
Reference: File #: 2013-7202 APN: 165-09-014

I respectfully submit my appeal to overturn the decision the Zoning Administrator handed down on May 15, 2013 to increase the capacity of the existing commercial day care facility located on 260 S Mary Avenue from 18 to 24. I would like to request that the Commission reconsider reverting back to the 14 that was in place prior to the Commission rejecting the request from 14 to 18/24.

My wife, Carolee and I reside at 270 S. Mary Ave., adjacent to the child care center on 260 S. Mary Ave. Back on November 17, 2009 we sent the Zoning Administrator an email and requested to be on record objecting to the issuance of use permit 2009-0756. We listed the reasons for our objections. The problems we listed then continues to persist. I would like to submit the following for the record, again.

1. **INCREASED TRAFFIC** The driveway at 260 S. Mary is not designed for commercial traffic of 24 parents in a hurry to drop off and pick up their children at the same time five days a week. It poses as a danger to drivers on Mary and nearby residents.
2. **INADEQUATE PARKING.** There are only two parking spots plus one additional handicap parking for the parents of 24 children. The parents have blocked my driveway and physically parked in my driveway. I have physically gone over to the facility to request that the parents move the car, but their response has not always been cooperative. One parent who was blocking my driveway had the gall to say, "Can't you see I'm on the phone? You should have some patience!" I have called the police to cite the parents, but they drive off before the officers arrive.
3. **NOISE** Twice a day, once at 10:30 a. m. and once at 4:00 p. m., the children are allowed to play in a tiny backyard for a full hour to an hour and a half. The shouting of the children and the adult aide above the level of the chaos with each trying to prompt attention is downright annoying. The back yard is a tiny fraction of it's original size after the addition of a sun room and the installation of a gazebo that occupies much of the backyard. The noise reverberates and megaphones to our home.
4. **TRASH** With the installation of a 10' fence the volume of trash coming over the fence has decreased, but the challenge of children throwing hats and plastic toys continue. This is a clear indication of inadequate supervision to control the number of children in a chaotic backyard.

We purchased and have lived in our house for 42 years in what we thought would be a quiet residence free from the encroachment of a noisy, high traffic, limited parking commercial establishment. The conversion of the neighboring property from residential to a commercial day care facility did not seem overbearing at first with only 8 children, but the day care expanded from 14 to 18 then 24 children and has proven to be a severe hardship to cope with daily. In addition, Ray Crump, real estate broker, has adamantly stated that there will be a reduction in the price of homes within proximity to the day care facility.

The Planning Commission is on record of originally rejecting the bid of Harmesh Saini to increase the capacity from 14 to 18/24. Unfortunately, the Sunnyvale City Council saw fit to overturn the Planning Commission's decision. The Commission has an opportunity to reverse the Council's decision and rightly implement their original decision of protecting residential zoned properties from hardships imposed by commercial properties located in residential areas. I would like to request that the decision of May 15, 2013 be reversed and the day care be limited to 14 children as originally approved by the Commission.

Thank you for your consideration in advance.

Sincerely,



Arthur Kawai

408-739-6539

Cell: 408-306-3093

270 South Mary Avenue
Sunnyvale, CA 94086
June 28, 2013

Attn: Planning Commission

Subject: Appeal of Zoning Commission Decision of May 15, 2013

Addendum to Appeal: File #: 2013-7202 APN: 165-09-014

I respectfully submit an addendum to my appeal to overturn the decision the Zoning Administrator handed down on May 15, 2013 to increase the capacity of the existing commercial day care facility located on 260 S Mary Avenue to 24.

The commercial day care facility fails to understand that they are in a residential area which requires special sensitivity to the character of the neighborhood. They continue to ignore agreements they made with the city and persist being a nuisance to my wife and I as neighbors.

1. On Nov. 30, 2012 I filed a complaint with Neighborhood Preservation that the Staff of the day care was parking in the spaces for parents and not using the garage as they agreed to do with the City to alleviate parking. The facility had an agreement with the City to comply upon completion of construction. Completion date was April 2012. They ignored the order until April 2013, a month before the Zoning Commission hearing to comply.
2. At the Zoning Commission meeting on May 15, 2013, one of the parents is on record expressing her gratefulness for having the day care open on weekends for children. This is in direct violation of the agreement they have with the City of the facility being closed on weekends.
3. On May 28, 2013, I filed a complaint with the Neighborhood Preservation about the day care's gardener starting up their leaf blower at 7:15 AM. The day care owner failed to realize that the rules that applies to a commercial zoned area is different than residential zoned area. Neighborhood Preservation visited the facility on 6/4/2013 to notify them of the problem and at the same time inspected the garage to find only the Director's car parked in the garage. Neighborhood Preservation was informed that the aide was not in that day, but that meant only one aide was watching 18 children.
4. We are concerned that a change in ownership of this facility will result in us reliving and having to go through the same process of resolving problems again. We request that any new ownership be required to start at the 6-8 children level and build an amicable relationship with its future residential neighbors before they are allowed to increase headcount.

The failure of the day care owner to respect and understand that the facility is situated in a residential area persists and needs to be stopped. The day care is

highly profit motivated and has consistently ignored the sensitivity of its residential neighbor. Increasing the number of children would only exacerbate the current situation.

Our appeal is not an issue of whether the day care facility should be closed, but a question of how many children is a burden to its residential neighbor. The Planning Commission is on record of originally rejecting the bid of Harmesh Saini to increase the capacity from 14 to 18/24. Unfortunately, the Sunnyvale City Council saw fit to overturn the Planning Commission's decision. The Commission has an opportunity to reverse the Council's decision and rightly implement their original decision of protecting residential zoned properties from hardships imposed by commercial properties located in residential areas. I would like to request that the decision of May 15, 2013 be reversed and the day care is limited to 14 children as originally approved by the Commission.

Thank you for your consideration in advance.

Sincerely,



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