



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES
Wednesday, June 16, 2010

2010-7323 – Samuel and Shirley Braeman [Applicant/Owner]: Application for a Special Development Permit to allow a commercial child care center for up to 30 children in an existing 1,380 square foot building located at **404 E. Evelyn Avenue**. (APN: 209-04-052)
NC

In attendance: Jacob Orrin, Applicant; Bhawna Patkar, Applicant; Kristen Anderson, Consultant; Josh Rosenberg, Neighbor; Jean Chen, Neighbor; Amanda Glincher, Neighbor; Dylan Smeder, Neighbor; Penny Kelly, Neighbor; Gerri Caruso, Administrative Hearing Officer; Noren Caliva, Project Planner; Luis Uribe, Staff Office Assistant.

Ms. Gerri Caruso, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Caruso announced the subject application.

Noren Caliva, Project Planner, presented the item. Ms. Caliva stated that an email was received after the report was circulated and there were some issues regarding parking and noise. The Project Planner stated that there will be no more than 6 children outside at a time. Ms. Caruso added a condition of approval and modified the findings.

Ms. Caruso opened the public hearing.

Jacob Orrin, Applicant, received and reviewed a copy of the staff report. Mr. Orrin stated that the location of the building is ideal in that it will meet state requirements and that they do have some concerns, one of them being noise issues. Parking is another issue and they currently have six parking spaces plus two additional spaces for staff. Mr. Orrin stated that for safety reasons, a parking attendant that will assist with pick-up and drop-off. The applicant also mentioned that they would like to put up an acoustic fence to help minimize the noise during outside play and submitted additional signatures for their petition. Ms. Caruso asked if they would replace the current fence with the new material and Mr. Orrin stated that the material would be attached to the fence.

Kristen Anderson, Consultant, stated that she is the author of a book called "Planning for Child Care in California". She also stated that this is an ideal location but it might not be an ideal building and that it is difficult to convert these types of buildings. Ms. Anderson stated that since the building is located near residential and commercial properties that it would serve a great purpose at this location. She also stated that she feels the applicants have over accommodated the concerns of staff and that there shouldn't be any traffic build up since there should be no more than three cars at the center at a time.

Josh Rosenberg, Neighbor, stated that he believes this would be a great asset to the neighborhood and eventually he would love to use the service provided.

Zei-huan Chen, neighbor, stated that she believes the size of the building will not accommodate 30 children. She also stated that there is no way to verify that the applicants will only use the parking spaces provided. Ms. Chen submitted letters signed by neighbors in opposition of the project.

Jean Chen, Neighbor, stated that her only concern is street traffic.

Amanda Glincher, Resident, stated that she had to put her child into a daycare that was located outside of Sunnyvale due to the lack of availability. She also stated that the location of the building is in a commercial area and feels that it should be expected that one day a business would be located there.

Dylan Smeder, Neighbor, stated that there is very few places for child care and he believes it would be safer to keep children in a residential area since there will be less traffic. He is in support of the project.

Penny Kelly, Neighbor, stated that at first she was against the project but would like to rescind her signature from opposing the project. She also stated that she knows the architect and feels that if he is involved the project will be great and they support his work 100%. She also mentioned that Bayview does have some traffic issues and that this could be a good opportunity to review and find alternatives to relieve the traffic.

Mr. Orrin stated that he believes this will be a great addition to the City of Sunnyvale.

Bhawna Patkar, applicant, stated that they are doing a lot of improvements to have the building handicap accessible and to make it extremely safe for the children. She also mentioned that there is another daycare facility that is going to be closing and she feels that they can help relieve some of the problems that would cause for the community.

Ms. Caruso had some clarifying questions for staff.

Ms. Caruso closed the public hearing.

Ms. Caruso approved the application subject to the findings and conditions of approval located in the staff report and added two new conditions. Condition 23 – that the maximum capacity for the outdoor play area is limited to no more than six children at a given time. Accepting the applicants proposal to install an acoustical fence, Ms. Caruso added condition 24 – acoustical fencing material shall be installed along the south fence line used by the child care facility and shall be installed along the side of the fence facing the subject property.

Ms. Caruso 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 2:54 p.m.

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Minutes approved by:

Gerri Caruso

Principal Planner