



**APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
July 8, 2013
456 W. Olive Avenue, Sunnyvale, CA 94086**

**SPECIAL START TIME - 7:15 PM
Study Session – West Conference Room**

- 1. File #:** 2013 - 7171
Location: 455 S. Mathilda Avenue in a DSP Block 14 zoning district (APN: 165-03-0041005)
Proposed Project Special Development Permit for 105 residential units with underground parking.
Applicant/Owner Urban Housing Group (SummerHill Homes)/Judith O. Burns Trustee
Staff Contact Gerri Caruso, (408) 730 – 7591, gcaruso@sunnyvale.ca.gov

- 2. Public Comment on Study Session Agenda Items** (5 minutes)

- 3. Comments from the Chair** (5 minutes)

- 4. Adjourn Study Session**

8:00 PM - Public Hearing – Council Chambers

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

Members Present: Chair Gustav Larsson; Vice Chair Maria Dohadwala; Commissioner Bo Chang; Commissioner Glenn Hendricks; Commissioner Russell W. Melton; and Commissioner Ken Olevson.

Members Absent: None.

Staff Present: Trudi Ryan, Planning Officer; Elise Lieberman, Assistant Planner; Kathryn Berry, Senior Assistant City Attorney; and Recording Secretaries, Terilyn Anderson and Joey Mariano.

Any agenda related writings or documents distributed to members of the Planning Commission regarding any open session item on this agenda will be made available for public inspection in the Planning Division office located at 456 W. Olive Ave., Sunnyvale CA 94086 during normal business hours, and in the Council Chambers on the evening of the Planning Commission meeting pursuant to Government Code §54957.5.

SCHEDULED PRESENTATION - None.

PUBLIC ANNOUNCEMENTS/PUBLIC COMMENTS

Speakers are limited to three (3) minutes. If you wish to address the Planning Commission, please complete a speaker's card and give it to the Recording Secretary or you may orally make a request to speak. If your subject is not on the agenda, you will be recognized at this time; but the Brown Act (Open Meeting Law) does not allow action by Planning Commission Members. If you wish to speak to a subject listed on the agenda, you will be recognized at the time the item is being considered by the Planning Commission.

CONSENT CALENDAR

Chair Larsson asked if anyone wanted to pull an item from the consent calendar. **Ms. Ryan**, Planning Officer, said she wanted to point out that a recently received email communication about one of the consent items was placed on the dais for Commissioners' review.

Commissioner Hendricks asked to pull Item IB from the consent calendar for a quick discussion.

1.A. Approval of Minutes: June 10, 2013

Comm. Melton moved to approve the **June 10, 2013 minutes as modified in the corrected draft. Comm. Dohadwala** seconded the motion.

Comm. Chang said he would not be voting on the motion because he did not attend the June 10 meeting.

ACTION: Comm. Melton moved to approve the June 10, 2013 minutes with modifications. Comm. Dohadwala seconded. Motion carried, 5-0 with Comm. Olevson and Comm. Chang abstaining.

1.B File #: 2013-7319
Location: 663 Toyon Avenue in a R-0 Zoning District (APN: 213-10-031):
Proposed Project: Design Review Permit for a first and second-story addition of 928 square feet resulting in 2,768 square feet and 49.7% Floor Area Ratio (FAR).
Applicant/Owner Bo Design/Jagdeep & Besaint Sahni
Staff Contact: Elise Lieberman, 408-730-7443, elieberman@sunnyvale.ca.gov
Note: Staff recommends approval.

Elise Lieberman, Assistant Planner, gave the staff report.

Comm. Melton asked if the Conditions of Approval require that the existing colors match the redesign. Ms. Lieberman responded that the plans show they match, but she will add this requirement to the Conditions of Approval.

Comm. Kolchak and staff discussed the balcony with respect to existing or planned trees.

Chair Larsson opened the public hearing, and with no presenters or speakers, closed it.

Comm. Hendricks moved for **Alternative 1**, to approve the Design Review Permit with attached conditions. **Comm. Melton** seconded the motion.

Comm. Hendricks said he would have been willing to approve the project on the consent calendar and that the main issue in the email communication is privacy. He said that the placement of the balcony and the location of the windows on the side will not provide a direct view and that all setback requirements are met. He said he can make the findings in Attachment C.

Comm. Melton said he appreciated the concern in the email communication from a member of the public and expressed the view that the staff had done a good job in addressing those concerns. He said could make the findings.

Comm. Olevson said he will be supporting the motion and noted that the neighborhood is well-kept and that the project is consistent with design guidelines. He can make the findings.

Comm. Kolchak said he supports the motion and that his main concern was the balcony, but with the location of the balcony and the setbacks he does not feel privacy will be a major issue.

Vice Chair Dohadwala said she supports the motion and can make the findings.

Chair Larsson said he can make the findings and that the project is within design guidelines.

ACTION: Comm. Hendricks made a motion on 2013-7319 to approve the Design Review Permit with attached conditions. Comm. Melton seconded. Motion carried, 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than July 23, 2013.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2. File #:** 2013-7020
Location: 702 Santa Rita Street in R-0 Zoning District (APN: 205-11-001)
Proposed Project: Design Review Permit to allow a new two-story single-family home resulting in 3,296 square feet and 51% Floor Area Ratio (FAR).
Applicant/Owner Staff Contact: Romex Construction/Maria Ryan
 Elise Lieberman, 408-730-7443, elieberman@sunnyvale.ca.gov
Note: Continued from June 10, 2013

Elise Lieberman gave the staff report. The revised design would result in a total proposed floor area of 3,296 square feet and approximately 51% FAR. The second floor area would be approximately 42% of the first floor area. Floor plan changes have been used to reduce the second floor area to add greater setback to the second story on the right side.

Comm. Melton noted that the two right side elevation renderings depicted on page 1 and page 2 in Attachment E appear to be different and asked for clarification. Ms. Ryan said that the rendering on page 1 is the new design, and that the rendering on page 2 is the old design and that street scape was not updated on this page.

Comm. Hendricks said it appears that the current redesign reduced the ratio of the first to second floor, but the total project size has gone up. He asked if this was achieved by more tapering and taking something from the second floor and putting it on the first floor. Ms. Ryan confirmed that this is correct.

Chair Larsson opened the public hearing.

The applicant's representative, **Sorin Chereji**, from Romex Construction, described how the project was redesigned to respond to the Planning Commission's action on June 10, 2013.

Comm. Hendricks asked if Mr. Chereji was comfortable with the staff recommended Conditions of Approval and with the flow of the rooms with the change from the second to the first floor. Mr. Chereji responded that he was.

Comm. Olevson commented that a 3 1/2 foot shift in the location of a room is a major design change and asked if Mr. Chereji was comfortable with this. Mr. Chereji said that he had no problem with it.

Vice Chair Dohadwala pointed out that that the FAR is still higher than the neighboring properties and asked if the neighbors were consulted about this, as requested at the June 10 Planning Commission meeting. Mr. Chereji said that the owner did speak with some neighbors and they had no objection to the project.

Chair Larsson asked if anyone wanted to speak about the project, and there being none, invited Mr. Chereji to give his final presentation.

Mr. Chereji concluded by saying that several changes in the design were made since the Planning Commission last reviewed the project and that he feels that the redesign meets the Commission's intent.

Chair Larsson closed the public hearing.

Comm. Melton moved for Alternative 1, to approve the design review with the conditions in Attachment D. Comm. Kolchak seconded the motion.

Comm. Melton said that by trimming some floor off the second story the project now fits well into the neighborhood. By his calculation only 30 square feet has been added to the overall project. He said he hoped that this project will spark other redevelopment in the neighborhood and wished the applicant well.

Comm. Kolchak said that this is a wonderful area for redevelopment and thanked Mr. Chereji for working with the Commission and staff to reduce the second to first floor ratio. He said this project would be a good model for other redevelopment projects.

Comm. Hendricks said the main issue with the project was massing and bulk. He thanked Mr. Chereji and the applicant for working with staff to resolve this concern.

Comm. Olevson complemented Mr. Chereji and the homeowner for working with staff to quickly redesign the project to meet design guidelines. The project is a nice addition to the neighborhood and he hopes that it will stimulate more redevelopment. He said he can make the findings.

Vice Chair Dohadwala said the original project was sensitively designed which was helpful in asking for project refinements to meet design guidelines. She commented that the neighbors will be happy that larger homes can be built in the neighborhood and thanked Mr. Chereji and the applicant for their patience.

Comm. Hendricks said that each project that the Planning Commission looks at is viewed as unique. One reason he is comfortable with the size of this project is that it is located on a corner, rather than in the middle of the street. He said he wanted to be clear that the Planning Commission is not putting out a blanket precedent about the size of projects as each one has its own characteristics.

Chair Kolchak said he would be supporting the motion and can make the findings. He stated that the 51% FAR was not the issue. He expressed appreciation for Mr. Chereji and the homeowner's willingness to work with staff and the Commission in reducing the second to first floor ratio to meet the intent of the design guidelines.

ACTION: Comm. Melton made a motion on 2013-7020 to approve the Design Review Permit with the conditions recommended by staff. Comm. Kolchak seconded. Motion carried 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than July 23, 2013.

- 3. FILE #:** 2013-7202
Location 260 S Mary Avenue (APN: 165-09-014)
Proposed Project Appeal of a decision by the Zoning Administrator approving a 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

Ms. Ryan gave the staff report. She made a correction to Item 2, page 5 of 6 of the staff report. Item 2 states that the finding was not met, however it should state that the finding was met.

Vice Chair Dohadwala asked if there are any special setback requirements for a commercial daycare center located in a residential neighborhood. **Ms. Ryan** explained that there are not, however this building started out as a home and is legal and meets setback requirements for an R0 Zoning District. A use permit was required for the property to become a commercial daycare facility and as part of that use permit certain conditions could have been considered such as setbacks.

Comm. Melton asked if the Planning Commission has full latitude to increase or decrease the number of children or deny the use permit, and **Ms. Ryan** confirmed that it does.

Comm. Olevson said he did not find the term “commercial” in the state code addressing childcare centers. **Ms. Ryan** explained the term “commercial daycare” in Sunnyvale and provided an overview of state regulations.

Chair Larsson opened the public hearing.

The appellant, **Mr. Arthur Kawai**, elaborated on the reasons for his appeal. He said he did not have any problems with the center when it opened with 6 to 8 children. When it grew to 14 children there were problems with traffic, inadequate parking, noise and trash. He has had problems getting in and out of his driveway, the children throw toys and trash over the fence into his yard, and the noise level of the children is quite loud which he hears through his window. He said he has filed complaints with the City, but by the time inspectors arrive they find no violations because the situation has changed. He said a parent mentioned to him that the facility holds classes on Saturdays, which is a violation of their operating requirements. He expressed the view that it is inappropriate to allow a commercial facility in a residential neighborhood. He asked the Planning Commission to deny the use permit for 24 children and reduce it to 14.

Comm. Melton and **Mr. Kawai** discussed parking and noise.

Comm. Hendricks and **Mr. Kawai** discussed the resolution of his complaint about an early morning gardener at the center and the possibility of photo documenting parking problems.

Comm. Hendricks asked if the Council provided criteria to review to decide if 18 children should be increased to 24. Ms. Ryan explained that the Council wanted the Zoning Administrator to determine if the existing Conditions of Approval are sufficient to fit into the neighborhood and if additional conditions should be considered to increase to 24 children.

Harmesh K. Sain, the applicant, and the project architect, **Bill Maston**, gave a presentation. Mr. Maston said the project was built for 24 students and that the Conditions of Approval called for an evaluation after one year to see how the program was doing and how community issues were addressed. He described the parking plan in place to stage children's drop-off and pickup for minimal impact, the construction of a sound wall next to Mr. Kawai's home to buffer noise, and limiting the number of children allowed in the play yard at the same time to 12. He said he was not aware of any trash being thrown over the wall and explained that smaller balls have been replaced with larger ones so they can't be thrown over the wall.

Comm. Hendricks asked if the facility has Saturday classes. **Ms. Saini** replied that they do not offer Saturday classes, but they have provided emergency care on a Saturday for one or two hours for a couple of children. She commented that under the updated Conditions of Approval this would not be allowed.

Comm. Melton asked if a condition were included to repaint the parking striping, would that be agreeable. **Ms. Saini** replied that it would.

Next, **Chair Larsson** invited members of the public to speak.

Rahul Jain spoke in favor of granting the use permit.

Seema Batavia supported granting the use permit.

James Hays, a next door neighbor, expressed the view that the use permit should be granted.

Emily Johnson expressed her support for the facility and for approving the use permit.

Kalpna voiced her support for granting the use permit.

Krisit A. Chiocco supports the facility and use permit.

Anne Langer stated her support for granting the use permit.

Daniel McCune said he supports approving the use permit.

Ray Crump spoke in opposition to granting the use permit. He emphasized that he is supportive of childcare centers, but does not think it is appropriate to locate a commercial childcare facility in a R0 zone.

Comm. Hendricks asked staff to comment about what the General Plan says about the appropriateness of commercial child daycare facilities in residential areas. **Ms. Ryan** said that there is a policy to support a full spectrum of uses throughout the community, and for a use such as a childcare facility, to look at its compatibility with the neighborhood. There are also City Council policies that relate to childcare such as supporting the industry, being a good neighbor, etc.

Ethan Penner said he supports granting the use permit.

Chair Larsson invited the appellant to give his closing comments.

Mr. Kawai said he does not have a low opinion of the educational excellence of the childcare center, but reiterated his objection to allowing a commercial facility next to an R0 zoned house.

Comm. Hendricks discussed previous compliance issues and the Conditions of Approval. **Mr. Kawai** said very recently things have been improving because of his interventions; however he has a problem with increasing the number of children at the facility.

The applicant, **Harmesh K. Saini**, and the project architect, **Bill Maston**, gave their final comments. Mr. Maston said that the location of the childcare center is appropriate and gave his opinion about the land use advantages of the location. Ms. Saini discussed the educational advantage of being located in a mixed use neighborhood and said that the center had a positive track record of addressing community concerns.

Comm. Melton asked Mr. Maston is there was choice between locating the childcare center at its present location or across the street at the commercially zoned mall, which would he pick? **Mr. Maston** expressed the view that the current location is preferable because it provides a more homelike environment for the children.

Comm. Kolchak asked if all 18 children are in the play yard at the same time. **Ms. Saini** confirmed that they are, but with the new Conditions of Approval only 12 children would be allowed in the yard at the same time.

Vice Chair Dohadwala and Mr. Maston discussed setback requirements for commercial daycare facilities in other jurisdictions. **Mr. Maston** said that in his experience, the setback requirements for commercial daycare facilities must match those of the zoning district that the facilities are located in; however, there are minor differences such as meeting fire code standards.

Chair Larsson closed the public hearing.

Comm. Melton asked the definition of child daycare facilities. **Ms. Ryan** explained that a residence with up to 14 children is a large family daycare facility. A facility approved for 14 or more children is defined as a commercial daycare facility, although it may actually have fewer children.

Comm. Olevson pointed out a typographical error in Attachment B: AT-S should read “yard” instead of “year”.

Comm. Hendricks moved Alternative 1 to deny the appeal and grant approval of the use permit with recommended Conditions in Attachment B and to replace “yard” with “year” in AT-S of Attachment B. Comm. Olevson seconded the motion.

Comm. Hendricks thanked the members of the public for speaking. He said he didn't think the Planning Commission was making a precedent setting action. There are Council policies which encourage childcare centers in residential neighborhoods. He believes that the applicant is making a good faith effort to address the appellant's concerns.

Comm. Olevson said he was sensitive to the appellants concerns, but an overriding factor is the need for more childcare centers in Sunnyvale. He expressed the view that the applicant is doing her best to integrate into the neighborhood and respond to community concerns. He will be supporting the motion and can make the findings.

Comm. Melton offered a friendly amendment to restripe the driveway which was accepted by Comm. Hendricks.

Comm. Melton thanked the members of the public for testifying, and in particular Mr. Hays for describing what is happening in the neighborhood. He said the most important issue is land use. Looking at the appeal in the entire context, the facility is located on Mary which is a busy major thoroughfare and it is the policy of Sunnyvale to support childcare centers. He will be supporting the motion.

Comm. Kolchak said he will be supporting the motion and can make the findings. He said that the community wants childcare centers located in easily accessible areas. The location provides a softer residential feel which is beneficial to the children. He is happy that the applicant is working with the neighbor to resolve issues. He thanked the members of the public for coming and providing their comments.

Vice Chair Dohadwala said she supports the motion and can make the findings. She said that the facility meets all current Sunnyvale codes and requirements. The quality of daycare is important for the community and the applicant had done a good job of addressing traffic issues. She empathized with the appellant over his concern with noise and commented that children's noise bothers some people but not others. She expressed concern that Sunnyvale's existing code does not require larger setbacks and bigger properties for commercial daycare centers.

Comm. Chang said he can make the findings and supports the motion.

Chair Larsson said that he sees this as a land use decision. The appropriateness of the location was decided by the City Council when it approved the location for 18 students as a trial run. He said the childcare center had done a good job of integrating into the community and addressing neighborhood issues, citing the sound wall as a significant action in mitigating noise. He commented that there is some discretion in the decision. The fact that it is located in a busy area on a major road and across the street from a commercial center does not have the same impact of being located in a quieter R0 neighborhood. Another factor is that Sunnyvale has a pressing need for quality daycare. He will be supporting the motion.

ACTION: Comm. Hendricks made a motion on 2013-7202 to deny the appeal and grant approval of the Use Permit with modified conditions: that the word "year" be deleted and replaced with the word "yard" in AT-S of the attached Conditions of Approval (Attachment B) and that the parking striping in the driveway parking be refreshed. Comm. Olevson seconded. Motion carried 7-0.

APPEAL OPTIONS: This action of the Planning Commission upholding the decision of the Zoning Administrator is final unless appealed to the City Council no later than July 23, 2013.

- 4. FILE #:** 2013-7304
Location: 653 San Miguel Avenue (APN: 205-15-019)
Proposed Project: Waiver for a Large Family Day Care (LFDC) within 300 Feet of another LFDC.
Applicant / Owner: Yan Huang / Binh Thai
Environmental Review: Categorically Exempt Class 1
Staff Contact: Elise Lieberman, (408) 730-7443, elieberman@sunnyvale.ca.gov

Elise Lieberman gave the staff report.

Comm. Melton asked if the LFDC (Large Family Day Care) located one block away from the applicant's property at 635 San Patricio Avenue is still operating as a daycare and **Ms. Lieberman** confirmed that it is. He asked if there is a study issue coming up regarding LFDCs and **Ms. Ryan** replied that there is. She explained the state regulations for small family daycares. The City has authority to establish location, parking, noise and other requirements of LFDCs which will be the focus of the study issue.

Comm. Olevson asked if the applicant's LFDC property would continue to be used as a residence and how space is divided between the residential and childcare uses in the home and yard. **Ms. Lieberman** confirmed that it will continue to be used as a residence. **Ms. Ryan** said the state has square foot standards for various childcare facilities and that childcare and residential uses are shared spaces and not partitioned.

Chair Larsson opened the public hearing.

The applicant, **Yan Huang**, assisted by translator, **Jack Huang**, presented her request to expand to 14 children. She explained the staggered pickup and drop-off schedule, availability of two driveway parking spots, and the two hours-per-day maximum outside play time limit to reduce disturbance to neighbors.

Comm. Melton asked the ages of the children. **Ms. Huang** said that 12 of the children are two months to five years old, and the other two are a kindergartener and elementary student who will be dropped off after school.

Comm. Olevson noted that the application states that once eight children are onsite a fulltime employee will be hired. **Ms. Ryan** clarified that this is a state requirement; however it does not preclude hiring an employee if there are less than eight children. **Ms. Huang** said that right now she cares for two children.

Comm. Hendricks asked if **Ms. Huang** would be willing to have a condition of approval requiring that the two-car garage be used for herself and an employee and that the two driveway spaces be left open for parent parking. **Ms. Huang** said that would be ok.

Ms. Mindy Huelsenkamp, a next door neighbor, spoke in opposition to approving the use permit citing traffic flow, congestion, parking and safety concerns. She expressed

the view that the garage at the LFDC is quite small and not large enough to accommodate two normal sized cars. She emphasized that it is very difficult to find parking on the street due to the nearby location of San Miguel School and two LFDCs.

Comm. Milton asked Ms. Huelsenkamp to expand on her safety concerns. **Ms. Huelsenkamp** explained that there is a high crime area nearby involving gang activity, large scale marijuana growing and drug trafficking.

Comm. Hendricks asked how the LFDC would impact crime. **Ms. Huelsenkamp** explained that it may draw in people looking for children to potentially victimize. He asked if she had called Public Safety about her traffic and other concerns. She responded that she has and that a traffic study was recently done.

Casey Miller, a neighbor, said he did not favor approving the use permit because of traffic and parking concerns.

Comm. Hendricks commented that the addition of 14 more cars is an incremental impact and asked how this might affect traffic on the street. **Mr. Miller** expressed the view that any additional traffic would impact congestion, particularly in the morning and afternoon.

David Geisler, a neighbor, expressed opposition to the LFDC, citing traffic issues. He said it is dangerous to pull out of his driveway in the morning, especially between 7:40 am and 8:15 am, and 14 more vehicles would negatively impact the situation.

Antoinette Wilson spoke against approving the LFDC due to traffic and congestion concerns.

Ms. Huang gave her closing comments, stressing her staggered pickup and drop-off times and the availability of driveway parking. She expressed the view that the few cars that will come to the center should not make traffic worse.

Comm. Melton asked Ms. Huang what geographic area she anticipates that the 14 children will come from. **Ms. Huang** replied that the parents will be coming from different areas, for example, San Jose, but that they work at companies near her LFDC.

Comm. Larsson asked if all the children will be picked up by 6:30 pm and if the current start time was changed from 8:00 am to 8:30 am would that be acceptable. **Ms. Huang** responded that all children would be picked up by 6:30 pm and that delaying the opening time to 8:30 am would be alright.

Comm. Hendricks asked Ms. Huang if she would be willing to share her informational materials about parking and pickup and drop-off with staff, and she replied that she would.

Chair Larsson closed the public hearing.

Comm. Melton and **Comm. Hendricks** discussed with staff how to approach whether the LFDC contributes to overconcentration, the possibility of requiring a one year review and the existing traffic problem in the neighborhood.

Chair Larsson asked about large versus small family daycares. Ms. Ryan said that the state defines small daycares as those with a maximum of 6 to 8 children and the increment between 8 to 14 children falls under limited City regulations.

Chair Melton moved **Alternative 2: to approve the use permit with modified conditions and require a 12-month review to evaluate adherence to the Conditions of Approval. The motion died for lack of a second.**

Comm. Hendricks moved **Alternative 2: to approve the use permit with modified conditions to require that the two-car garage be kept clear and that the parking informational materials be reviewed by staff.** Chair Larsson pointed out that the Conditions of Approval already address keeping the space clear. **Comm. Hendricks modified the motion by dropping the garage reference and Vice Chair Dohadwala seconded the motion.**

Comm. Hendricks said he that he does not see an overconcentration of child daycare facilities, but does see that there is a traffic problem, mainly caused by the location of the elementary school. He does not believe that the incremental number of cars associated with the LFDC would be a major challenge to traffic.

Vice Chair Dohadwala said she would be supporting the motion. She does not see that this LFDC contributes to an overconcentration of daycares in the neighborhood and commented that the problem with traffic is already there.

Comm. Olevson said that he will be supporting the motion noting that he believes that the State of California has usurped authority to make a decision on the totality of circumstances. He does not find an overconcentration of use or the justification to reject the use permit.

Comm. Chang said he will be supporting the motion and can make the findings that there is not an overconcentration in the neighborhood. He said the applicant's traffic management plan and the availability of driveway parking addresses the traffic issue.

Comm. Melton said he would be supporting the motion because he does not find that there is an overconcentration. He said he has been on San Miguel numerous times and understands that there is a significant traffic problem there. He commented that he hopes that some criteria can be established for defining overconcentration within a 300 foot radius through a future study issue.

Comm. Kolchak said he would be supporting the motion. He did express concern that not all the elements are in place to transition from 6 to 8 kids to 14, commenting that there may be unforeseen difficulties related to the flow of traffic, noise regulation and responding to neighbor concerns.

Chair Larsson said he does not find that the presence of the other daycare center within 300 feet causes an overconcentration. The absence of the LFDC is not going to fix the traffic problem or public safety issues which already exist. He said it was good that the neighbors contacted the City about the traffic issues, as this is the avenue to address the situation.

ACTION: Comm. Hendricks made a motion on 2013-7304 to approve the Use Permit with modified conditions: to require that the staff review the materials describing the parking, drop off and pickup advice to be provided to the customers of the Large Family Day Care. Comm. Dohadwala seconded. Motion carried 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than July 23, 2013.

5. Standing Item Potential Study Issues

Vice Chair Dohadwala suggested a study issue evaluating whether commercial daycare centers located in residential neighborhoods should be required to have a buffer zone and larger setbacks.

6. Election of Chair

Chair Larsson opened the floor for nominations for Chair of the Planning Commission. **Comm. Hendricks nominated Vice Chair Dohadwala to be the Planning Commission Chair.** Staff said a nomination does not need a second. Vice Chair Dohadwala accepted the nomination to be the chair.

ACTION: Comm. Hendricks nominated Vice Chair Dohadwala to be the Planning Commission Chair. Vote: 7-0

7. Election of Vice Chair

Chair Larsson opened the floor for nominations for Vice Chair of the Planning Commission. **Comm. Olevson nominated Comm. Melton to be the Planning Commission Vice Chair.** Comm. Melton accepted the nomination to be the Vice Chair.

ACTION: Comm. Olevson nominated Comm. Melton to be the Planning Commission Vice Chair. Vote 7-0

8. Selection of Seats

Ms. Ryan explained the seating selection process and said the seniority of the Commissioners is: Comm. Chang, Comm. Dohadwala, Comm. Hendricks, Comm. Larsson, Comm. Kolchak, Comm. Melton and Comm. Olevson. The commissioners selected their seats for the 2013-2014 year. The results of the selection resulted in the following seating arrangement (numbered from left to right facing the dais): Comm. Hendricks, Comm. Kolchak, Vice Chair Melton, Chair Dohadwala, Comm. Larsson; Comm. Chang, Comm. Olevson.

Ms. Ryan said the new Chair, Vice Chair and seating arrangement will be effective at the July 22, 2013 Planning Commission meeting.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS - None
- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Ryan said that the Planning Commission has a joint Study Session with the City Council on July 23, the day after the July 22, 2013 Planning Commission meeting. The Council will consider an appeal on the 457-475 East Evelyn Avenue project at its July 9, 2013 meeting. Staff is recommending a redesign to move the driveway to the west.

Other Staff Oral Report

Ms. Ryan said staff received an appeal on the single family design at 726 San Miguel which the Planning Commission considered about a month ago.

Ms. Ryan also announced that she will be out of the office next week and that Gerri Caruso will fill in for her during her absence.

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting adjourned 12:01 a.m.

Respectfully submitted,

Trudi Ryan
Planning Officer