



CITY OF SUNNYVALE ZONING ADMINISTRATOR HEARING

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; Harmesh 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

Principal Planner