

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, CA 95014

CITY OF CUPERTINO
PLANNING COMMISSION MEETING
APPROVED/AMENDED MINUTES

6:45 P.M.	APRIL 25, 2017	TUESDAY
CITY COUNCIL CHAMBERS		

The regular Planning Commission meeting of April 25, 2017, was called to order at 6:45 p.m. in the Cupertino Council Chambers, 10350 Torre Avenue, Cupertino, CA. by Chairperson Don Sun.

SALUTE TO THE FLAG

ROLL CALL

Commissioners Present:	Chairperson:	Don Sun
	Vice Chairperson:	Geoff Paulsen
	Commissioner:	Alan Takahashi
	Commissioner:	David Fung
	Commissioner:	Jerry Liu

Staff Present:	Asst. Director of Community Development:	Benjamin Fu
	Associate Planner:	Erick Serrano
	Public Works Director:	Timm Borden
	Capital Improvements Program Manager:	Katy Jensen
	City Traffic Engineer:	David Stillman
	Deputy City Attorney:	Angela Munuhe

APPROVAL OF MINUTES

1. *Minutes of the March 14, 2017 Planning Commission meeting.*

Com. Fung noted the following changes:

Page 3, Line 12: Mayor Cheng should read: *Mayor Chang*

Page 13, Com. Fung 2nd statement: Delete “Also noted that the Council ...previous year” and insert “*Vice Chair Paulsen: Also noted that the Council had not taken a stand on the 20% outdoor seating issue from the previous year*” as a separate bullet.

MOTION: Motion by Com Liu, second by Vice Chair Paulsen, and unanimously carried 5-0-0 to approve the minutes of the March 14, 2017 Planning Commission meeting as amended.

POSTPONEMENTS/REMOVAL FROM CALENDAR: None

ORAL COMMUNICATIONS: None

WRITTEN COMMUNICATIONS: None

CONSENT CALENDAR: None

PUBLIC HEARINGS:

- 2. Capital Improvements Program** Review of five-year Capital Improvements Program
City of Cupertino (FY 2017-2018 to 2021-2022) for conformity to the City's
Citywide Location General Plan. Recommend that City Council concur that the
program conforms to the City's General Plan per the draft
resolution.

Timm Borden, Director of Public Works, presented the staff report:

- Presented the annual review of the alignment with the proposed Capital Improvement Program (CIP) with the city's General Plan (GP). The Planning Commission will consider the 5 year spending plan for capital improvements in the city, the City Council will set and prioritize the CIP but the Planning Commission will consider the thread that ties the CIP to the public policies goals of the city's General Plan. It is a vital connection to make sure that what is being built is headed toward the implementation of the city's GP and its policies. Staff has put the projects in different categories as they make that connection to the city's GP.
- The six different categories include: the projects that improve the safety and function of the city's primary circulation system, e.g. the implementation of the 2016 Bicycle Plan. The next category is the transportation projects that manage neighborhood traffic, decrease reliance on the usage of private cars, promote pedestrian activity and provide safe routes to schools. The Bike Plan is a good example of that but there is also the various sidewalk improvement projects that are planned within the program.
- He reviewed the General Plan consistency findings summarized in the staff report: (1) Projects that improve the safety and function of the City's primary circulation system; (2) Transportation projects that manage neighborhood traffic, decrease reliance on the usage of private cars, promote pedestrian activity and provide Safe Routes to Schools; (3) Projects that maintain the usability of and/or expand the capacity, performance and efficiency of the City's public infrastructure and facilities; (4) Storm drainage projects that create and implement plans to develop and maintain an effective and efficient stormwater system; (5) Projects that maintain the usability of the City's parks and recreation inventory; and (6) Projects that maximize the use of native plants and minimize water use.
- Staff has provided Attachment 4 which gives some of the GP consistency review notes on a project-by-project basis for the projects that are in the first year of the five years, those are the projects that are actually funded or proposed to be funded with this plan.

Com. Liu:

- Questioned the reason for having the service center replacement in the admin. building with the EOC. The proposal is to put the EOC not at the Civic Center Plaza and it seems to be ideal to have the EOC in the plaza.

Timm Borden:

- Originally in the Civic Center Master Plan it was adopted but not implemented, a new city hall with parking underground and a new Emergency Operations Center (EOC) as part of that. The Master Plan was approved but as the project is not moving forward they considered the service center at the end of Mary Avenue as a potential Emergency Operations Center because in the City of Cupertino there are contract services for police and fire, a large part of the emergency response is their maintenance functions; and that is where there are 60 maintenance workers with all the equipment. Although the city executive staff is at the Civic Center, many of the functions are out of the service center, which was envisioned in this plan.

Vice Chair Paulsen:

- Commended the Public Works Department staff for their quality work and keeping abreast of needs and trends. As a former Chair of the Bicycle and Ped Commission he said he heartily endorsed the Bicycle Plan and bicycle activities; and he was pleased they were finally moving ahead with the much needed and very important projects. As former Chair of the Parks and Rec Commission he said he was heartened to see the progress being made on the Parks Master Plan and seeing it move forward as well.
- He also endorsed the EOC. He shared his experience as the Director of the County Office of Emergency Services and the Asst. Director in the 1989 quake when he was in the EOC for days on end. He stressed the importance of a quality EOC and said it should not be delayed. He stressed the importance of having windows in the center because one can get confused as to what day it is if you are in there for 24 or 36 hours straight; and said that it was also important to have an executive conference room where the core people can get away from the hustle and bustle of the EOC and have uninterrupted conversation.
- Relative to storm drains, the GP says to follow best practices and there is a lot of talk about reducing runoff from private property; and private property is not your purview; but what is the thinking about analyzing ways to mitigate and reduce runoff in the first place? I understand the importance of storm drains, but do you work with the City Council to enact ordinances that would govern runoff from private property into the storm drains?

Timm Borden:

- What you are seeing in the CIP is the replacement, improvement, enlargement of storm drains within the right-of-way, so these are storm drains; however, as far as our storm drain program within the city of Cupertino, it is very much involved in the community development review process as it relates to private property; any new private properties that are developed in Cupertino whether single-family, residential or businesses are required to have the stormwater mitigation program. Often that will be with grassy swales where the water will filter down through and into the ground or it will be putting in stormwater detention facilities, underwater tanks, etc. to hold that water on site to the extent practical. There is a public and a private part of that and on the private side both the Public Works development review section and community development are working toward that end.

Vice Chair Paulsen:

- Relative to street lights, since the General Plan was written there have been advances in lighting technology; he said he was a fan of LED, from an environmental standpoint they are wonderful; but there has been some research on the impact of the spectrum of light on human sleep and behavior; it is not yet determined what the best solution is, but the American Medical Assoc. came out with street light guidelines last year that recommend having a spectrum of less than 3,000 degrees kelvin? for street lights and I think it can make a difference. He said he did not favor the sodium vapor lights, the yellow ones in San Jose because the yellow lights look almost the same color as the stoplights which could be a hazard; but at the same time streetlights create an atmosphere in the city and there has been a warmer spectrum street light created. He encouraged them to keep abreast of the latest technology with regard to that.
- A second question, there was a discussion of Larry Way and Randy Lane street light replacement some years ago; there were neighborhood meetings where the neighbors decided they didn't want more street lights.

Timm Borden:

- Said there has been some recent discussion about that; they wouldn't move forward with the streetlights until they met with the community, but they had a project within the proposed operating budget to do streetlight upgrades in areas where it has been requested, and there would be community involvement

before. There are LEDs in all the park parking lots at this point; in 2010 the street lights in the city were changed to induction technology. They are still working well, much better than the sodium vapor used previously.

Com. Takahashi:

- Said he supported a lot of the activity to implement the Bike Pedestrian Plan; and was excited to see progress on that front. Referred to Item 6, Orange and Byrne sidewalk improvements; this is one where if you have every dropped off students at Monta Vista it is a very dangerous road, Orange because there are no sidewalks and you have the mix of improved properties and unimproved properties where the sidewalks are discontinuous. It talks about acquiring the right-of-way as needed; how is that going?

Timm Borden:

- Said they have not started acquiring right-of-way on Orange and Byrne yet, however they have started discussions with property owners on McClellan; the McClellan Rd. sidewalk project where we are filling in gaps as well is going well; working around the property owners who don't want to be involved, but the majority of the property owners are giving some positive feedback; have not acquired the properties yet but are approaching them as they are typically required with the redevelopment of their property or remodeling of their property, they are required to build those improvements and that is why you get that patchwork quilt. What we are saying is if they give us the necessary right-of-way, then we will provide those improvements and they won't have to do them in the future, so it's a grade and is going well, and that would employ that on Orange and Byrne as well.

Katy Jensen, Capital Improvements Program Manager:

- The international cricket ground is scaled up considerably; it is competition size; looking at what is feasible and the international focus on this was requested this last year that it may be incorporated as an unfunded project; it has been re-funded to do the study and analyze the international but would probably be looking at what makes sense in a more scaled down version as well.

Com. Fung:

- Commended staff on being forward looking in the list of projects especially in light of the parks master plan; and was pleased to see that there were many things lined up in preparation for moving forward even though that won't be close to the end of this period before the results are seen from that. In particular he was pleased to see the inclusion of the study for the inclusive parks; it will be a great addition to the city when the time comes.
- Said there was an item for the study for the rework between the garden, and he was surprised how high that was.

Katy Jensen:

- Said it was not really a study; the initial part of that is over 2 years, \$30K and \$70K; the initial funding is to do some conceptual planning with the gardeners and start to queue up a design which would then be the followup project, which would get more into the nitty gritty details of construction documents potential. This would be working with the gardeners to come up with a much better operating garden.

Chair Sun:

- Asked staff to provide information on capital improvement programs, including the general concept for five years of the projects; what's the percentage of first year work allocated; second year, so there is a concept of the funds put in and information related to how each project is prioritized.

Timm Borden:

- How much is being put into the first year vs. future years? The first year is the only year that it is

proposed that the funding would be attached to these projects; for the future years it is more of a plan. \$12 million dollars and 2020 down to under \$1 million dollars, 2021 just over \$1 million and 2022 is where we don't have a lot of projects and that is down at this point to \$100K. The planning years are meant to move back and forth depending on priorities at that time.

Chair Sun:

- Said for the Cupertino residents they focus mostly on the GP or it's a particular project but people pay little attention to the CIP. He asked how the department handles public outreach and keep the public informed on the projects and how they are prioritized.

Timm Borden:

- How do we determine the projects that are moving forward; how do we prioritize them? Many of them ideally are coming out of Master Plan processes; so the master plans are meant to be verified public processes where there is input from all aspects of the community and then projects come out of those master plans; then there are other priorities. If it is something that is safety related; one example is on Regnart Road where a slide reduced it down to one lane which is a safety improvement of the highest priority. There are safety improvements, mandates; if the state through the stormwater program or some law says something has to be done, the city has to comply. Next are things for the infrastructure, if they invest in it now it will save money in the long run; the streets and repaving those streets is a good example of that; if we invest in those now the maintenance is much less than if we have to rebuild the streets in the future. That is a high priority. Another one is a lot of the park projects fall under this, where is quality of life; it is a priority, it may not be as high as public safety or a mandate but it is still a priority that is in the order of what we look at on these projects. Ideally more and more of the projects will come out of master plans that are of the highest public involvement.
- Within the city's budget there are performance measures and those go to many areas of city operations; including the capital budget. There are performance measures that measure how we are doing as far as our commitment for a project budget, if we are staying within budget, and also one that says how are we staying within schedule. There are schedule and budget measurements within the city's budget that track how we are doing. There are so many variables, there is no score system.

Chair Sun:

- There are always complaints about the traffic issue; is there any method we can go with a low budget to improve some circulation in the city for the next five years capital improvement; do we have a particular project to do that?

Timm Borden:

- Said to help congestion the Bike and Ped projects are the best answer to that; they are working with the VTA and CalTrans to look at the redesign of the Wolfe/280 interchange so that traffic flows better in and out of that interchange; Bike and Ped is a strong element of that design and how people are going to traverse across 280. There is a proposal in next year's operating budget to add a transportation planner to look at shuttle systems and the feasibility of certain shuttle systems for schools and seniors. That's another idea of how they might be able to reduce congestion within the city.

Com. Takahashi:

- Said perhaps there is already thoughts about how to make this happen, a master transportation plan that would tie into circulation and tie into the Bike Ped plan as well; then you could plan capital improvement projects on achieving benefits of those or projects as outlined in that master transportation plan. Is that something the city has ever tried to implement?

Timm Borden:

- Not an individual document that ties all those together; referred back to the General Plan so there is a circulation element within the GP, that references our Ped. Plan and Bike Plan and it also says now that we should have a traffic impact fee. They are working on that and if you have a traffic impact fee you must have a certain bundle of traffic improvements or bike improvements that are going to be funded through that fee; we are working towards a more holistic plan, but it is really part of the GP.

Com. Takahashi:

- The specific plans tend to outline specific problem areas and weigh potential solutions; with traffic infrastructure the dollars are significant and I can see where that in itself somewhat prohibitive to pull off a lot of the projects; but at least from the standpoint of understanding where the congestion is and what potential solutions are so that either state funding or other elements could be pursued. Seems like it would at least capture that and people could pull it all together. The traffic signal at Foothill and I-280 southbound off ramp, and my only comment/request on that is that this has been a problem area for cyclists primarily the southbound Foothill because you are going uphill right on the freeway and there is a conflict where cars are getting onto I-280 southbound and bicycles are moving very slowly because they are climbing the hill, and it has been a jurisdictional nightmare because its CalTrans, Los Altos and Cupertino and nobody wants to step *up*, and this is based on some historical desire to see that improved; with a signal light there, it seems like there is an opportunity to put in a green bike lane headed for the southbound just to give a cyclist a feeling of protection as they head up that hill and deal with cars. Since we are putting a light in and working on that area, it seems like the perfect time to actually get that done.

Timm Borden:

- Said that project is within the county's expressway master plan which is funded through the recently approved Measure B transportation tax in the county. That project will be moving forward and the bike facilities and the circulation there will be a major part of it.

Vice Chair Paulsen:

- Said that when he was a planner with mid-Peninsula Open Space District the Acquisition Manager was involved in the practice of acquiring easements and rights, through a lifetime estate plan where they would purchase the easement now and let the resident remain on the property until he or she passed away, at which time they would take over the land. He questioned if there were ways to use creativity in addition to just the trades he mentioned to ensure that the easements are eventually obtained.

Timm Borden:

- Said it was a good idea, and he was familiar with the lifetime estates; the County of Santa Clara used it at the Marshall Connell Park in San Jose and that is now a beautiful park; as it applies to right of way and other parklands within Cupertino, he would take that comment in.

Vice Chair Paulsen:

- Said relative to the Foothill intersection, in the past he had a conversation with a resident about jurisdictional nightmare where he suggested they sharpen the slope of the underpass under 280 when you are going southbound on Foothill to a wider bike lane and then plunge the bike lane down along the slope onto the Union Pacific tracks. It is possible and intriguing because it would tie into other possibilities of going to Rancho San Antonio etc. without getting involved with traffic at the second light on the onramp. It is a big issue but they could explore all possibilities while planning that intersection and hopefully arrive at the best one.

Com. Liu:

- Sidewalk improvement at Orange and Byrne but it really applies to the city; just wondering what is the process, you talk about you haven't started the right of way acquisition process; do you have a right of way acquisition process and sign up everybody and start construction, or is this a rolling process where as you get homeowners signing up for the program, you start building out the sidewalk. It seems to me that there is a subtle difference there in terms of enticing perhaps our neighbors who might be reluctant to join the program doing it if they start seeing improvements with their neighbors, but that may cause logistical issue complexity also; just wondering what the current city process is for something like this.

Timm Borden:

- Said showing property owners what's possible is important but it becomes difficult and more costly if done piece by piece as you acquire them; on McClellan, Orange and Byrne they are attempting to get as much property as possible and move forward with the project. However, said they are pointing them back to Pasadena Avenue which was just completed this year as a good example of an area that was a patchwork quilt and is a very nice street with good sidewalks.

Chair Sun:

- Said he did not know how much it would cost, but he felt the public felt safety was the most important concern, and they have placed the importance on the pedestrian and bike; have used the green color for the bike lane, but for major intersections like DeAnza and Stevens Creek and some other major cross streets, it is dangerous for people walking, especially the right turn for the car. The thought is if you can get the one center cross street at DeAnza and Stevens Creek, they can build a right turn, with one bumper before the walkway so people will slow down, which would also save many lives.

Timm Borden:

- There are many things that can be done to make that area within the bike master plan safer; there is a proposal for protected bike lanes on Stevens Creek that would go through that intersection as well; you would still have right turn issues, typically speed bumps we would only put on residential streets, but the point is well taken. At that location we will continue to look at things we can do especially on those right turns; he agreed that is probably the worst element to that intersection.

Chair Sun opened the public hearing.

Jennifer Griffin, Rancho Rinconada resident:

- Said she was a proud resident of Cupertino; the city is well taken care of; roads are in good shape, not a lot of potholes. Said she would put in a plug for the Lawrence/Mitty neighborhood, where the residents are very patient. Said she remains concerned that someone will try to build housing on that property or construct a bridge over Saratoga Creek into Rancho Rinconada. Rancho San Antonio does not have play structures all over it; it is a wildlife preserve, other than the small farm back there. Lawrence/Mitty is a creek corridor, it has wildlife. It is important that Cupertino think about taking advantage of opportunities to purchase new parkland around the city; if parcels of land are coming up in the city, especially if someone wants to donate it as an estate, the city should think about purchasing it, because the land won't be there forever.

Chair Sun closed the public hearing.

Com. Liu:

- Said he supported the programs; there is a nice mix of projects; the flashier projects like Lawrence/Mitty Park, but other things in here with stormdrains and sidewalks I think to follow up on Ms. Griffin's comments, these are the things that maintain the quality of life in the city and I am grateful to have the

staff that proactively looks out to maintain the quality of life here and I do feel there is alignment with the General Plan.

Vice Chair Paulsen:

- Said when he was recently planting trees on newly refurbished Pasadena, Public Works Director Borden came out and offered encouragement. He said the Public Works Department is doing a fantastic job, and he encouraged increased funding for that activity.

Com. Fung:

- Said he felt it was difficult for the public to have visibility into what Public Works is doing; perhaps having use of the Measure B funds for transport improvement and similar things; that is something that demonstrates forethought.
- Many of those things are driven by opportunities that really leverage the money; said he felt it would be good to highlight that and make them more visible; the only way you would know that today is if you attended the budget workshop. Staff is to be commended for pursuing grant opportunities and leveraging our money; and we look forward to further collaboration and leveraging in the future.

Com. Takahashi:

- Said he agreed with fellow commissioners with regard to the diversity of the projects; they are very well tied to the GP, there is no looking at something and wondering if that seems odd; that obviously is a strength with regard to the capital plan and shows how well the city is organized around the GP and executing against the GP.

Chair Sun:

- Said they have been working together for many years, and expressed his appreciation for the excellent work they do, and encouraged them to continue to publicize their accomplishments and make sure the community knows what they have done and how they set their priorities to have successful projects; people will then understand better how the city runs.

MOTION: Motion by Com. Fung, second by Com. Liu, and unanimously carried 5-0-0 to adopt the draft resolution as presented; that the Planning Commission approves the appropriateness of the compliance of these programs with the General Plan objectives

**3. U-2016-02, DIR-2016-34,
Appellant(s) Srilakshmi Vemulakonda
Applicant: Dian Hsu
940 So. Stelling Rd.**

Appeal of the Administrative Hearing Officer's decision to approve an amendment to an existing Use Permit to Allow a private school/daycare center to expand their hours of operation to 7:00 a.m. to 6:30 p.m. and a Director's Minor Modification to allow modification to the site including installation of an outdoor play structure.

Erick Serrano, Associate Planner, presented the staff report:

- Reviewed the application for a Use Permit to modify the hours of an existing after school program, hours 12:00 p.m. to 6:30 p.m. to new hours of 7:00 a.m. to 6:30 p.m. for a private school daycare. The proposed modification would also decrease the number of students from 90 to 70 students; the Director's Minor Modification was to allow for an outdoor playground structure. The project was heard at the administrative hearing on February 23, 2017 where the public was given the opportunity to

comment on the project; prior to the hearing and at the hearing the public raised concerns with respect to parking and traffic impacts, noise impacts, neighborhood safety and privacy. In order to address concerns raised at the administrative hearing, the administrative hearing officer added the following conditions:

1. Change of start time to alleviate traffic concerns in the morning hours;
 2. A traffic management plan to avoid onstreet parking, manage traffic and circulation conditions;
 3. The review of noise generation; the condition of approval was added to ensure periodic consistency with the city's noise ordinance;
 4. The study for feasibility of a new driveway to alleviate potential traffic impacts on Jollyman and to work in conjunction with the Jollyman entrance.
- He reviewed the appellant's basis of appeal and staff's responses.
The appeal was filed on March 8th, and focused on the following: parking and traffic impacts; noise impacts; neighborhood safety; privacy and other items. Relative to parking and traffic, the appeal said that the traffic was addressed sufficiently, i.e., a traffic study examination of Jollyman Lane and So. Stelling Road. The city senior transportation engineer determined that based on the size and scope of the project a traffic study was not necessary, that the total number of cars was a small volume for a standard residential street that serves approximately 20 homes, and the project reduced the total number of students from 90 to 70.
 - At the hearing a condition of approval was added that required the property owner to work with the city on a new driveway approach along So. Stelling Road to incentivize Sterling and to make Jollyman a secondary point of entry. The appeal was concerned that the change of start time does not alleviate traffic concerns; preschools generally operate between the hours of 7:30 a.m. to 6:00 p.m. with most allowing incidental late pickup and dropoff until 6:30 p.m. the conditions including the change of start time are intended to ensure consistency with the city's municipal code and are intended to address concerns identified by the public at the administrative hearing including traffic. Traffic and safety concerns at the intersection of Jollyman Lane and Stelling Road; as a condition of approval the applicant is required to work with the Public Works Department to determine the feasibility and implementation of a new driveway curb cut on Stelling Road to help alleviate traffic on Jollyman Lane. The applicant has confirmed that the new driveway approach is feasible because the new driveway would provide access to Stelling at the four-way stop. There is concern regarding the feasibility of the new driveway; it should be noted that the driveway was not part of the original project scope, it is something the applicant proposed.
 - The noise study conducted was not accurate; it was prepared by the city's acoustical consultant using current industry wide recognized best practices to determine noise impacts. The analysis concluded that based on the project noise levels the outdoor play activities would not have a significant impact on the area. The projected maximum yard levels are below the limits allowed by the city's community noise ordinance; the city's noise limits are measured at the property line; the noise limits are a maximum of 60 dba while the projected noise levels are between 43 and 50 dba, a 10 dba difference. Additionally the homes are separated from the playground by the church, the playground is separated from the homes with a yard, fence, landscaping and driveway. There would be far more hours that neighbor noise would be present; the noise study concludes that the overall ambient noise levels and the project area depend primarily on the existing traffic noise from cars driving on Stelling. The noise study does not indicate that no noise levels would be generated; but that noise level generated would be consistent with the city's ordinance. The condition of approval of the project require periodic review of the noise generated to ensure consistency with the city's community noise control ordinance with the city verifying conformance with noise measurement devices.
 - Neighborhood safety: concerns of the commercial use of the daycare being allowed. It is a Quasi-Public (BQ) zoning district; it is intended to accommodate religious, community service child care, residential care or another type of facility; the city zoning ordinance allows the proposed use with the

conditional use permit to ensure consistency with the city's regulations. The project had a previous approval for an after-school daycare program; this was for increase in the hours and decrease in number of students. The city should strictly monitor and act practically on any current violation; as with all perceived violations of the city's regulation, the perceived violation must be reported to the city and the city's code division will review any perceived violation and determine necessary steps to ensure consistency with project conditions of approval.

- Relative to neighborhood safety, daycare use will make it difficult to watch out for activities in the area such as unknown cars parked in the residential neighborhood. The project is parked consistent with the city's ordinance; there is adequate parking on site to accommodate the proposed use and because of the age of the students, state licensing requires the parents and guardians to sign the children in and out; it is unlikely that parents are to park on the public streets to pick up and drop off their children. Condition of approval No. 7 has been added so that private school daycare operation includes in the welcome package items discouraging onstreet parking, informing them to park on site. This does not preclude anyone from parking on the street. The neighborhood may apply for residential parking permit to control parking within their neighborhood. There was concern of potential violations and accidents; while there will be a negligible increase in traffic in the morning a.m. hours, there will be an overall decrease in the p.m. peak hours with the proposed project because of the reduction of students. Drivers, pedestrians, bicyclists are all required to adhere to traffic laws to prevent accidents.
- The play structure is 14 feet but the highest point where a child would be standing is 5 feet; the structure is located approximately 55 feet from their property line inside the site; living spaces and usable yard of 20896 Jollyman Lane are located about 100 feet away, separated by a wooden fence, foliage and a 3-car garage at 20894 Jollyman Lane, separated by a 20 foot driveway.
- The appellant was provided with the Administrative Hearing Summary which differs from meeting minutes since the minutes were not available at the time of the request. It is not anticipated that preschoolers or staff from the preschool will cause damage to the property in the neighborhood. All applicants must consult with and, if required, obtain permits from the city prior to making changes to their permit/operations. The city encourages meaningful community outreach by applicants; in this case applicant held two public meetings to allow for the neighbors the opportunity to review the proposed project and ask questions and collect comments. As a result of those public meetings the applicant voluntarily proposed to install a new driveway along So. Stelling.
- The project is categorically exempt from the requirement of the California Environmental Quality Act Section 15301.
- The recommendation is that the Planning Commission deny the appeal and uphold the Administrative Officer's decision to approve the project in accordance with the draft resolutions. Planning Commission decision is final unless appealed within 14 days.
- Errick Serrano answered questions regarding the appeal.

Com. Liu:

- Said he wanted to clarify the condition of approval regarding the driveway; is the condition for the applicant to work with the city to put in a driveway or just put in a driveway? If you work with the city you may actually not result in a driveway.

Errick Serrano:

- Said at that point it was not definitive whether the applicant could do that; since then they have worked with their architect or engineer on the feasibility of it and staff did not anticipate any issues; their intent is to do it prior to occupancy.

David Stillman, City Traffic Engineer:

- Said there is a reduction in the total number of enrollment at the daycare from 90 to 70 students. The amount of traffic generated by the 70 students is about 50 trips during the morning peak hour; meaning

in traffic engineering terms that there are 25 trips in and 25 trips out during that peak hour in the morning which will result from the daycare. That is less than the threshold for needing a traffic study; it results in about one additional car through the intersection every 2 minutes.

Dr. Srilakshmi Vemulakonda, Appellant, read statement into the record:

- I am a proud and happy resident of Cupertino for the last 5 years and listening to all of you today makes me more proud because I feel like your visions are aligned with what most of us residents want, and you brought up some great points and those are the same points that I want to share; where our concerns lie. According to the 2010 census, Cupertino's population is about 58,000 and the children between 0 to 5 years of age are 3,157; there are 66 preschools in Cupertino, all of them have about 4.5 star rating.
- On this background we wanted to bring the appeal out mainly because we felt like the issues raised by us in regard to this privacy, traffic, noise and safety were not addressed completely, and we only had the administrative hearing summary available so I did not have access to whether the driveway was feasible; before this meeting I have just looked at it on the presentation with you. We still feel like they are insufficient to mitigate the identified concerns and challenges that the community is facing. I want to give a few examples of the same thing; like Com. Liu said that the administrative hearing summary says that the applicant will work with the city of Cupertino and only if feasible they will try to put a driveway; there is no mandatory driveway; there is no actual action item on it that a driveway will be created. I am tying into Com. Paulsen's comment about why it is so much easier if it is backed up on Jollyman rather than Stelling. As you know, Stelling is a nightmare during peak hours, the traffic is blocked between Rainbow and Stevens Creek Blvd., it is a one narrow lane; it is always blocked. To add 70 cars during peak time in the morning and evening, I feel it is common sense that you are adding 70 cars more and telling me that it is not going to be enough of a traffic problem and it is not enough to do a traffic study; I find it really hard to believe. I do not know where those 70 cars are going to go? The left turn to Jollyman has a very short 3-car left turn, so it is very common when there was an after-school event we would see that the parents would be hurried and they would make the hazardous left turn. There are so many people that walk in that area; it hasn't become a traffic accident yet but I don't want to bet that adding another 70 cars will still not make it a traffic disaster. Forget making a left turn from Jollyman to Stelling; there is such a long lane from Rainbow Creek to Rainbow Drive to Stevens Creek; it is impossible to make that left lane.
- The noise study was done when nobody was around. You add 70 children and a play structure and you are telling me that the noise is not going to increase; he said the noise would increase but it will be within standard; but how? We have not had a study. Experience shows that 19 families are telling you over and over again that even with the after school program the noise was high and now it is going to be made 7:00 a.m. to 6:30 p.m. and according to the city standards the noise will not be enough. We have had a few breakins; we are a close knit group of 19 families and the church, which was an integral part of our two cul de sacs and we had self-help programs, seniors doing tai chi in the parking lot, we have a wonderful community, and now suddenly there are concerns for traffic, increased noise and the same point pointed out in the southwest corner where there is no foliage, it looks into a resident's garage, a flag lot and she uses it as her main entrance because there is no other entrance. The resident's morning and evening activities will be exposed for everyone to see and she will have no privacy. That was one of our main concerns.
- Security: neighborhood watch, we have been part of it for 20 years now; they are saying there are city mandated 7 parking spaces, and they have 11 spaces. Even with the after school program when they had a special event, our lanes would be completely blocked; we have experienced it for the last 5 years. Unless this can all be mandated, then all this would not happen. At whose cost am I sacrificing this nice quiet neighborhood for a commercial purpose? We have nothing against the church; it is part of our community but why should we turn it into a commercial business? I don't understand that there was a non-local resident who came in last time and said how wonderful the school was. It may be the

best school, but you will see that all Cupertino preschools are 4.5 rated; at whose need am I doing this? They said the applicant put out 48 fliers informing the surrounding community about its new project; out of 48 people, if 19 people who are most affected by it because the homes look into the church; are saying that this is not o.k., we have had trouble with the after-school program, don't increase it to full time now and make our lives even harder. I feel it is starting off on the wrong foot; I am sure this relationship with the church is changing, unfortunately into something that we don't want. I will leave it to your wisdom and appreciate the time to speak.

Diane Hsu, Christian Light and Salt Foundation, Applicant:

- Read her presentation into the record. She provided a background of the owners, Pastor Joseph Chu and wife Jane began ministry in 2001 in Fremont, moved to current location 10 years ago and continued with young people's ministry in Cupertino. They are dedicated to serving young people for over 20 years; extending their ministry and as Christians share the mission that it takes a village to raise a child; and the best way to serve the younger generation is to offer quality early childhood education in a setting that also instills Christian values. So far they have done their due diligence; we have been providing proven facts to support the project and address and mitigate the neighbors' concerns. They understand there are additional concerns and requests from the neighbors and would like to address them. Regarding traffic, the parking requirement is exceeded; we have more than adequate parking for the size and scope of the project; the traffic pattern is trickling which is different from the pattern of larger schools with enforced start time; parents don't necessarily arrive and leave at the same time.
- We have heard concerns of the neighboring residents and have been working to determine the feasibility of the new driveway approach on So. Stelling. The church has the intent to implement the curb cut project even if they have to carry the financial burden to accomplish it. While the costly project is not necessary for this scope of operation, we believe the multiple access points will benefit the traffic flow of the surrounding area in the long run. Stelling will become the primary access point for the church and school and will further alleviate the traffic on Jollyman. Regarding the change in start time; while most of the preschools open at 7:30 a.m. the request for the stricter start time of 9:00 a.m. is not in line with the standard operation practices for child care services and will pose a significant hardship and severely limit the project purpose for the average parent who needs to arrive at work by 9:00 a.m. The one hour cut from 7:00 to 8:00 from the administrative hearing already placed us behind the industry norm; the original starting time of 7:00 a.m. will actually help to expand the drop off time and spread out the traffic more. The request for no grace period after 6:00 p.m. will not be feasible for the operation since there will be unforeseen circumstances and incidents or late pickups.
- There is also a request for a full-time traffic monitoring and we feel this is not reasonable since school traffic also the peak hour drop off and pick up time will be limited. There is plenty of ancillary parking and a pattern of continuous flow or overflow to the street will not be anticipated even during the peak traffic hours. We do not anticipate any queuing issues; parents will naturally choose the closest points to park near the facility for their own convenience and safety to drop off and pick up their children. The parking lot turnover rate for this type of service is anticipated to be quick and due to the traffic management plan we are limiting the drop off and pick up time to be 10 minutes. This is required as part of the admission agreement.
- A safety concern; in a preschool setting, children are under direct and concentrated supervision; their daily activities are in close areas; all indoors and outdoors are fenced off and the surrounding area is not accessible to the children. The chances of having them damage the surrounding properties caused by children and staff members is extremely unlikely. Neighbors have expressed concern over potential highly unlikely intrusion or damage to their property caused by the proposed school; in fact the church has been intruded upon by the neighbors various times in the past such as routinely using the church parking lot when hosting parties and recently the church experienced a break-in by a neighbor who arrested them who was under the influence and caused damage to the church property. We share the same concern; everyone in this community should have the responsibility to respect each other's

properties and solve problems when accidents occur.

- As far as privacy is concern, the far distance of the play structure from the property line hinders the children's ability to ensure our neighbors' privacy. Children do not stand on the rooftop of the highest platform of the play structure; the platform for the structure is only 5 feet tall; and the way children use the play structure they do not hang there and watch; they don't use telescopes to observe. When children are climbing up and sliding down they focus on playing and having fun; they do not have a tendency to watch the neighbors' front door. The high fence, the ample lot, the trees will provide buffers for the privacy. We cannot change the proposed structure to the ground level structure due to the need of this particular age group which is preschool; the ground level structures are more appropriate for infants and toddlers; this does not serve the need of the preschool children since they need the body movement opportunity to climb up and down.
- Church and school are part of the community; it provides the critical and convenience service that improves quality of life; they support children, families and safer healthier community. As part of the community we share the same safety, traffic, noise and privacy concerns of our neighbors. We also want a harmonious, safe and peaceful environment for the neighborhood. A preschool is a completely appropriate use of this quasi-public property; the site and location of the school protect the integrity of the neighborhood and supports the provision of a full spectrum of public and quasi-public services that appropriate locate in residential neighborhood. This project also supports the effort to improve the availability and quality of early childhood education in the city of Cupertino. Daycares will not be injurious to the property of the surrounding neighborhood; it will not be detrimental to the public health, safety, privacy, general welfare or convenience. As neighbors we are supposed to co-exist; some of the requests submitted by the appellant for this project are overly restrictive and if granted will set a precedent for the city and impact all the preschools and daycare centers. Again we feel that we have already over-compromised; we have gone above and beyond to provide due diligence and mitigate the neighborhood's concerns. This operation shall and cannot be held to different standards than others in the industry. This project already meets and exceeds all city and state regulations.
- We sincerely hope the neighbors see our efforts and we can continue to be good neighbors and support each other. The mission statement of Good Shepherd Community Church clarifies our purpose in our current endeavor to open the preschool in this community. We seek to honor God by building a Christ center grace filled community in Silicon Valley helping each other to love and follow Jesus. Thank you to the Planning Commission for your consideration and we request that you deny this appeal.

Chair Sun opened the public hearing.

Daniel Lee:

- Expressed his opposition to the application. Has been a Cupertino resident for 30 years; looking at past history and recent traffic study, it is not an ideal condition. Said on his way to the meeting it took two traffic light changes to get from McClellan to go through DeAnza Blvd. in normal traffic. At 6:00 p.m. when people are picking up their children, there will be 90 cars; in the morning there will be the same situation; there is not much distance between Jollyman Lane and the McClellan traffic light, 150 yards maximum. When the people drop off their children, they slow down, let the child out and leave. Imagine 90 cars coming that way and 150 yard distance. Please consider that and the safety for the people. Those are all the side effects that affect the residents of Cupertino; consider the Cupertino resident first before the other people.

Joe Lo:

- Resident of Cupertino, not a member of the Good Shepherd Church. Said he supported the preschool; it provides a good option for the community; maybe the neighbors don't have children so they don't need the preschool. There are other parents in other areas that need the school and this would provide an option for them. In terms of the concern, drive through Stelling many times; nobody goes there and

drives very fast because of that stop sign and there is a rumor around Cupertino that is always a cop hiding around the corner. Everybody stops there very nicely. I believe if you implement that 4-way stop sign it should relieve the traffic concern. When making a decision, it does comply with the law; if this preschool complies with all the laws it should be approved.

Isaac Liu:

- A member of the Good Shepherd Christian Church, not a resident of Cupertino. I have been at the church since I was a teen and when I met my wife she was passionate about teaching and now is a teacher for visually impaired. One of her passions in life is to be able to help the parents and kids and help them be able to grow up in a proper manner and my wife was part of the team in our church that built the Sunday School program which now averages 20 to 30 kids and we have seen kids grow immensely; we want a preschool that we can identify with, our values and beliefs and help our kids grow up in an environment that we believe will most represent us. I think that this will bring the city of Cupertino not only another option for those of us that really believe in Jesus Christ with our faith, I know from the bottom of my heart that this will be a very strong and beneficial to the community.

Ernest Lin:

- There is a need in Cupertino for a preschool especially with Christian focus. He has lived in Cupertino for one year and has 3 children, one in elementary school and 2 in preschool. Said that he would like to work with the school to build good community relationships. New Life Church had a daycare program when they moved into their home; the daycare was then closed and they had to search for another preschool. The members of the church will bring great value to the community; would hope that there are not too many stringent restrictions in the school outside of the norm. Said he would like to work with the neighbors to overcome any concerns that may arise, as a resident and a member of the church. Said he supported the project.

David Lee:

- Not a Cupertino resident but has attended Good Shepherd Church for 6 years; The attempt is to bring a Christian based school into the facilities and serve the community. Said Good Shepherd Church was a catalyst 6 years ago that changed his life.

Edward Lin:

- Said he was a member of the church speaking in support of the church; is a teacher in East Side Union School District and is aware of how crucial early childhood education is; there are only two preschools within the Cupertino city limits, not a lot of options. Sees a clear connection between his faith and his profession as a teacher; the church strives to meet the needs of the community. Ask and believe in the vision that our church wants to bring and bless the community with a Christian preschool and ask that the committee and neighbors work along with them to see the project through to completion and is successful in a way that is a blessing, not just to the community but to the neighbors themselves and to the church as well.

Madeline Tsai, (not present) represented by Annie, with written comment:

- My name is Madeline Tsai, and I live at 10728 Stevens Canyon Rd, Cupertino; I support the Good Shepherd Community preschool project; they have been in the community and being a Christian I believe it is necessary to have this project going; it not only improves the abilities and education options accessibility to the residents in the city of Cupertino, but also expand preschool program school facilities and offers parents a choice of private education with Christian values and principle.

Jacqueline Jatu:

- Said she wanted to share her experience of living in close proximity to Lawson Middle School with a

student population of 1100 students. When Lawson School moved into our neighborhood replacing Collins School about 9 years ago, our neighborhood was very concerned because not only size had increased from 700 to 1100 but also the age of the children attending the school. Also Lawson School has expanded twice pushing its boundary closer to our neighborhood by removing the district office. We were concerned about the privacy, traffic, security, safety and noise. Over the years, the issues have not been as bad as we had anticipated; the impact was minimal to our lives. I work from home and have only occasionally heard the sounds of the children playing during recess; on weekends it is quiet because school is not in session. The impact on my husband who also works from home is minimal if any. The traffic impact is limited because the traffic was limited to a concentrated time of day; also the real estate value has increased from what it was ten years ago, which she said she contributes having a good school in her neighborhood. She said she was familiar with the founders of GSCC for forty years and members for over 10 years and is confident they will build a great school which she felt will benefit the community and will increase its real estate value.

Stanley L.:

- Supports the project, the goal of the project is to provide early intervention for the kids, which benefits the other businesses as well by generating business. The Christian preschool would act as a complement to the good school reputation that Cupertino has. He feels the noise impact from the school will be minimal as the attendees will be taught good behavior.

Maureen Chang:

- Currently has 2 young children, expecting another; shared her experience this past year with second born son; enrolled in kindergarten at Regnart in August and he struggled until Feb. they put him in a different program. Her son is sensitive, kind but did not take well to school; given previous experience with three previous daycares she wanted to focus on providing him with a loving and warm environment. My mother suggested Bethel Lutheran Church program next to Cupertino High School; this school is comparable to the current proposed project but the school hasn't cited any traffic issues or noise issues and more importantly, she is happy what it offered her son. Since attending Bethel her son has grown in ways she did not think an institution could offer; he talks about friends, is a positive thinker; truly believes in himself now. He has grown a lot with his creative, artistic talent and he has grown to be more resilient with difficult tasks which are all things she struggled through with him as a young child. Said if they could have a comparable preschool somewhere near her neighborhood, it would definitely be a huge asset to the community. I am confident that the proposed project will allow residents here to have access to a program of similar quality because the churches are well acquainted and interrelated and she believes the program will produce kinder, more socially conscious children, who may grow up to become leaders in their communities and to their peers in schools like Regnart, Lincoln, and eventually Kennedy and Monta Vista.

Robert Chang:

- Said he read the staff report prior to the meeting and was proud to be a member of the Cupertino community, to know that the Planning Commission clearly takes time and effort to treat the issue seriously; said he felt a lot of effort and work was put into the report. Said it struck him as he listened to the claims that the appellant made today, that they didn't really hear any new arguments; he felt it was the same issues being rehashed over again and he felt those issues had been adequately addressed in the Planning report. He felt that it was obvious that a lot of time and resources went into researching the issues, treating them very seriously, and the church should be commended for their willingness to make a lot of concessions; they are clearly listening to the concerns of their neighbors and are willing to work with them. Overall as a resident he said he fully supported the conclusion of the staff report which is to uphold the original decision and to allow for the expansion of the preschool. He said he felt it would be a highly beneficial project for the community.

Zachary Lo:

- Read statement into the record; my name is Zachary Lo, I am a small group leader at Good Shepherd Church, and I would like to share my thoughts and support for opening a Christian preschool in Cupertino. As many have mentioned before, education is very important for parents and its wishes of young Christian parents are to have access to quality Christian preschools. That is what this church has to offer for the city of Cupertino. Being a young parent myself, I am proud of our church's focus on development of Sunday School programs and our commitment to nurture the minds of our future generation with godly values; values that are of love and not selfishness that makes them contributing members of the society. At Good Shepherd we see ourselves as a member of the community and we want to give Cupertino the best gift that we have, which is to build up godly characters in young kids by providing a safe and stimulating environment in the form of a Christian preschool. This Christian preschool is consulted by experts in the field; it will provide high quality care and educational opportunities. The infrastructure, curriculum, operating hours and school activities are all elements that make the school a desirable alternative for families. The experts have developed a program that works; putting limitation on the program will only decrease the effectiveness of its operation. Cited an analogy and said they should be excited that a high caliber preschool is coming to Cupertino which gives much needed access for young Christian parents. In the process of applying for this permit, we have not only met but exceeded city requirements, so I ask the Planning Commission to treat us the same as other school services in Cupertino and ask that the Use Permit be granted, and allow them to control the operation; allow Good Shepherd to be the contributing member in the Cupertino community by giving what they do best, which is helping to mold and flourish the minds of the future generation in the form of a Christian preschool.

Joanne Cho:

- Resides on the flag lot next to the church; attends a community church in the area which also runs a preschool on its premises. Their preschool runs from 9 a.m. to 6:00 p.m. It is thriving with 95 students, and there is a ground level play structure; for that reason they do not want to infringe on their neighbors' privacy. She said she treasures the church as a neighbor, its mission, their objectives, which can be addressed through its church ministry. Having an entity there that is in addition to that, that is to serve as a business is not something she would like to see, especially with the lowering of the enrollment, but is not convinced that it is the only entity that can exist along with the church at that location. A bigger issue is not necessarily with the church, but with the transfer of ownership comes the transfer of the operation of that business or entity whoever takes over; we have issues with Fusion which was the entity that operated there prior when Good Shepherd came on board. Said she has not made formal complaints but has on a monthly basis had rocks thrown on her premises, had to talk to the owner of the former business, had trash all over, have evidence of email exchanges, all of which me as a good neighbor and them as well intended people, but people who could not necessarily be there 24/7 getting it under control. Those are some of my concerns and one other thing is the traffic, noise and things, I just want to say as a resident who has lived there when those things were there vs. not, there is a huge difference and a huge impact. I do appreciate the consideration of opening up to Stelling and I would like these things to be formalized, documented and disseminated so that we all know what to expect.

John Chang:

- Lives near Monta Vista and McClellan; said he understands and respects the neighbors' concerns in Jollyman neighborhood, and thanked them for voicing their concerns because it is important to have constructive dialog about issues that face our communities. Traffic, noise, safety, privacy, these concerns can be adequately addressed as the staff report spoke to. I grew up here, went to Lincoln, Kennedy and Monta Vista, and after college came back here because I knew that the city offered really good quality services and support to its citizens. I didn't always understand just how good of a support system the city offered until in 2011 his sister gave birth to twins early and were faced with various

health issues. Today they attend a preschool in Cupertino and he became aware of how difficult it is to secure a space in the schools. The staff report did an excellent job of addressing the concerns that the neighborhood has; the church should work with the neighborhood to address those concerns, but he believes that such a preschool would benefit the city, and hopes that the Planning Commission would uphold the decision and allow the preschool to be open.

Raja Kommula:

- Resides next to the church; said people supporting the preschool don't understand the real problem. There are traffic and safety impacts; last year there was an attempted robbery in his home during the school hours; none of the neighbors reported anything suspicious. Has two children at different schools and has to drop them off at two different schools. Children have to get up at 6:30 because of the traffic they encounter on way to school. Requested that consideration be given to moving the start time to 9:00 a.m. to help traffic problems. Ask that the proposal be rejected; or at least move the starting time until 9:00 a.m. and change closing time.

Umesh Toprans, 10705 Online Ct.:

- Thanked the church for working hard to try and accommodate some of the concerns expressed; not rehash everything talked about; two points to make; one is the request for the start time to be 9 a.m. to 6 p.m., there is a reason for 9 a.m. with due respect to last speaker; there are 4 schools in that area, with Monta Vista, Lincoln, Kennedy, and Faria; starting from 7:15 a.m. there is a very heavy flow of traffic on Stelling at that time of the morning. Starting at 9 a.m. would alleviate that problem; unlike any other situation, Jollyman is one way in/one way out, from a safety perspective, starting at 9 a.m. is beneficial for the residents and for anyone else. As pointed out previously it is a preschool and no matter how much supervision you have there is going to be kids going to play, throw things, it would be nice to make sure if they accidentally break something in the area, there is some indemnity for church so we are not getting into any other issues. Move the time to 9 a.m. we are not opposed to the school coming in if it meets, because again, thank you to Pastor Chu and the organization that he has brought in to mitigate any of the concerns expressed, but I think 9 to 6 as Joanne pointed out is workable and would alleviate many of the traffic issues and the indemnity piece where if the kids are playing, throwing things, are in the play structure, something gets damaged or window gets broken, there is indemnity to cover some of the damage.

Chin Jung Liu: no longer present

Munir Vora:

- Said he was confused; the issue at table is not around church and activities; the issue is changes coming to the area. We know many of you have been in the Council race and we heard you loud and clear; traffic, safety, security, for last many years and we supported you; Chair Sun mentioned about the master traffic plan, traffic impact, safety; those kinds of questions, exactly the topic we are talking here. This is no different than the city's focus; this has nothing to do with church and with respect, neighbors we wanted to be part of this community, initially the whole neighborhood offered to work together when they learned about the plan; as soon as we learned about the plan, forget the past. Let's work together, timing can be close, Jollyman driveway, can we work together; so it's not like that neighborhood had not stepped up; they stepped up considering let's accept the church, what they are doing, church needs some money by having some commercial entity as a school learning. Said he felt guilty that so many kids are not going to a preschool; the truth is simple that every corner has a preschool but if the church wanted to have a preschool we were okay to work with them; they did not accept to work with us to accommodate us to the full extent. If we focus on the facts rather than opinion, there are certain educated technical staff with the city, such as four-way traffic; it makes sense, it is a technical topic, it's a fact, but seeing the 25 cars in one direction; 14 teachers, 18 teachers, parents, it is not 70

cars, it is going to be 100 cars going both directions. Said they had 110 or 120 questions in emails to the city and not everything was answered; that's the problem we had; the city should not be blamed for not doing the complete work, not doing the research, we really want the city to step up as a big brother.

Mei Ying Hu: (not present; statement read into the record):

- There is a very high demand for child care in Cupertino; child care centers in this area all have a long waiting list; there are 300 children on the list at DeAnza Child Development Center near Good Shepherd Church and the school. Cupertino families are not getting enough support for affordable and good quality child care. Many Cupertino parents have to send their children to centers in other cities, which increases the stress of our young families in addition to lack of child care slots. As a child care educator in Cupertino, I believe with so many dramatic changes in our society we do not just need child care, but high quality education program teaching good values to young ones, especially in character building. In the past decade violent crime has increased 500% and teen suicide has tripled. Early years count forever; the basic personality is built before age 6, building a child care program at Good Shepherd Church will help solving the problem of lacking child care slots in Cupertino. This wonderful Christian value will also help to build a stronger generation of children with good character.

Kelly Kucic:

- Said she was a preschool teacher and program director with 12 years' experience with children and families in the Bay Area; not a Cupertino resident. Purpose here is to help everyone to understand the preschool operation and to answer some of the concerns based on her experience with running a school. There are a number of preschools and daycare centers in Cupertino; it is true what they say; good help or in this case, good care is hard to find. Quality neighborhood, early childhood programs are a valuable resource for Cupertino residents; the impact of this project is far beyond the immediate neighborhood; the GSCS preschool will (1) attract young residents to the community to establish roots; (2) support local industry by providing necessary infrastructure for workers; (3) encourage growth that will support and sustain public education funding in the future; (4) decrease regional traffic which results when parents need to find care outside of the city and further away from their homes, and it will improve property values to have needed resources in the area.
- While the neighbors' concerns are understandable, they are also largely unfounded based on my personal experience; I have been a preschool director in nearby area; my school is almost twice the size and so with a maximum capacity of 70 students, I would not anticipate a strong impact on the traffic situation even during the peak dropoff and pickup hours; it is very minimal addition. We have a similar setting and there is very few concerns from neighbors based on traffic that is related directly to our school. We also are in a neighborhood that has several schools in close vicinity. Traffic concerns are rare; GSCS has already conceded to provide a traffic monitor during peak hours and I don't see a need for that based on the traffic; unlike tech workers who need to be at work earlier; people like teachers, doctors, nurses, whose shifts would start earlier than that and have to be in place. They need a center that requires an earlier dropoff option. The proposed site location at Stelling and Jollyman is 1.5 acres, so it has mature landscaping and fencing and is adequate to buffer the playground noise generated by preschoolers and to ensure privacy for the neighborhood. Furthermore, playground noise will only occur during weekday daytime hours and will not affect residents in the evening or during the weekends when most residents would be at home. As far as children from the playground and their visibility towards neighboring properties, there is really not likelihood that they will have an interest in that.

Pastor Joseph Chu:

- Read his statement into the record. As a pastor, what is my commission leading this church? I think that is given a perspective for neighbors who don't know us very much. How we see this property is being used to the benefit of the people, especially for the city of Cupertino; these two points I will address. I have been in high tech industry for 20 years and was called to serve people taking a 60%

pay cut, used to live in Cupertino, I just want to say that in my past serving in an industry I saw too much of broken relationships, neglected children, overdriven and unhappy children, all that cut to my heart and for one benefit I get to do what I love to do is to care about families, couples and individual growth. Our church emphasizes the strong family, strong parent and child relationship and we offer many classes to people; not only do we care about the children, but we also care about the parents of the children. The daycare and school has always been in our vision; we are not talking personal gain, but personal sacrifice. We are trying to build the daycare and after school to provide a loving environment, with love and grace to the children. Opportunity for the parents to interact with the children in a loving and healthy way, which has been our mission for our church and I am very proud that many came today to testify to that.

Natalie Han:

- Said she has been a church member for 6 years and has benefited from the church in many ways; through premarital counseling to children's training program; the church cares about the family and parents of the family, also a Sunday School teachers. Also leads small groups with her husband; I support this school project; I believe it is God's calling to serve the community and bless the children. She read a co-worker's letter. (below)

Female (no longer present) 9244 Baker Drive, statement read into the record:

- I am writing to support approval for the preschool from 940 Stelling Road, Cupertino; I live in the Cupertino community and have children who need a quality preschool program and daycare services; My husband and I really need to have more quality preschool selections in the City of Cupertino; preschool program and daycare services are as important at other levels of education in the city. Please support this project; many workers in the community will benefit from the approval from this project.

Janice Fong:

- Member of the Church Board of Directors, Acting Deacon Chairperson, Sunday School teacher, have been a church member for 17 years. Asked them to think of the word "home" you don't call just anywhere home. To me when we think about home, it is a place that we spend a lot of time at, and we really take care of. It is a place where we feel safe and are welcome; called the church on 940 Stelling Road their home and my family is there; we celebrate life's special events together; gone through tough times also. I hope you will give us the opportunity to bless our neighbors in Cupertino.

Chia Jung Lin:

- Said she was a music teacher at Fusion where she met the pastor and his wife. Said she was impressed when she heard about their vision. She shared her positive experience with the school.

Jane Chu:

- Appreciate the help our church received from the city; honored to be part of it. We don't know where funds will come from but we have faith. We have spent a lot of budget to make the facility better; the church has contributed a lot to the community. It is our vision to build a place which will be a home for the residents of Cupertino; we share the same neighborhood and pay the price.

Raj Avasara:

- Supports the idea but not at the cost of breakins, accidents, safety issues and quality of life is lower; said he did not want to send his children to some place where all the issues are there.
- Said he resided two houses next to the church; said he wanted to support the music teacher's comments; because she has experience, he has been there almost 5 years now; said from 9 a.m. to 6 p.m it works; he supports the idea; will the preschool only serve Christians? It is not about religious things; focus on Cupertino education. Said he was not against the church; his children are 6 and 10 years old; they

attend the after-school church. Said he supported the project.

Chair Sun closed the public hearing.

Benjamin Fu, Asst. Director of Community Development:

- Explained that the action before the Planning Commission today is the request for an appeal; the first action to decide is weighing the conditions within the resolution whether the project was acted on properly; and either you deny the appeal; therefore the decision made by the hearing officer stands; or you uphold the appeal and overturn the decision by the hearing officer and make any necessary changes that you wish to.

Vice Chair Paulsen:

- Asked if they could do a line item veto because one element, the driveway, was added not as the original staff recommendation, but later on. Do they have the flexibility to give thumbs up or thumbs down on that additional change?

Benjamin Fu:

- Said it is one of the conditions placed by the hearing officer for the project. If you wish to either eliminate or modify in the conditions or add another condition, you must uphold the appeal and overturn the hearing officer decision and then you can make changes. In order to do that, you must consider the findings within the resolution as well when you make your decision.
- Said the city did not receive any complaints or any code violations during the operation of the previous daycare center. When contacting the Sheriff's office, there was nothing specifically tied to the church regarding crime, etc.

Staff:

- Said they have done 24 hour counts on Stelling at that location; the counts are a couple of years old but they are still valid; you would expect in the morning, the northbound direction is the heavy movement. The peak hour in the morning is about 8:30 to 9:30 a.m. Southbound in the morning is much lighter.

A discussion was held to address all concerns and conditions of approval relative to the proposed project.

MOTION: Motion by Com. Takahashi, second by Com. Liu, and unanimously carried 5-0-0 to uphold the decision of the Administrative Hearing Officer and deny the appeal of the approval of the Use Permit U-2016-02 and the Director's Minor Modification DIR02016-34 per the draft resolutions.

OLD BUSINESS: None

NEW BUSINESS: None

REPORT OF THE PLANNING COMMISSION: No Committee reports given.

REPORT OF THE DIRECTOR OF COMMUNITY DEVELOPMENT: No report.

ADJOURNMENT:

- The meeting was adjourned to the next Planning Commission meeting on May 9, 2017, at 6:45 p.m.

Respectfully Submitted: /s/Elizabeth Ellis
Elizabeth Ellis, Recording Secretary

Approved as Amended: May 23, 2017