

Present: 7 - Chair Daniel Howard
Commissioner John Howe
Commissioner Sue Harrison
Commissioner Ken Olevson
Commissioner Ken Rheaume
Vice Chair David Simons
Commissioner Carol Weiss

ORAL COMMUNICATIONS

CONSENT CALENDAR

1.A [19-1261](#) Approve Planning Commission Meeting Minutes of November 25, 2019

Vice Chair Simons requested to pull Items 1.A and 1.B from the Consent Calendar and stated that the third Condition of Approval on page five should more directly instruct the applicant and staff to work together to select colored concrete for the front yards. Assistant Director Andrew Miner stated that staff can review the recording and make the requested change if necessary.

MOTION: Vice Chair Simons moved and Commissioner Howe seconded the motion to approve Item 1.A with a minor modification to specify that the 505 East McKinley Avenue applicant must work with staff to select colored concrete for the front yards.

The motion carried by the following vote:

Yes: 6 - Chair Howard
Commissioner Howe
Commissioner Harrison
Commissioner Olevson
Commissioner Rheaume
Vice Chair Simons

No: 0

Abstained: 1 - Commissioner Weiss

1.B [19-1263](#) Annual Review of the Code of Ethics and Conduct for Elected and Appointed Officials

Vice Chair Simons stated his opinion that many of the rules are not related to conduct and ethics and his belief that the City should instead frame these goals as values and then discipline elected and appointed officials when necessary.

Assistant Director Andrew Miner assured Vice Chair Simons that his comments will be captured in the meeting minutes for the City Council's review.

MOTION: The Commissioners acknowledged that they have reviewed Item 1.B.

The Commissioners agreed to consider Item 3 first in the interest of the families with young children present.

PUBLIC HEARINGS/GENERAL BUSINESS

3. [19-1209](#) **Proposed Project:** Appeal of a decision by the Zoning Administrator to approve a Special Development Permit to allow a childcare center providing preschool for 120 children within an existing 6,920 square foot building.
 Location: 755 S. Bernardo Avenue (APN:198-16-006)
 File #: 2019-7502
 Zoning: C-2/PD
 Applicant / Owner: JY International Education LLC (applicant) / Atul S and Kusum A Sheth Trustee (owner)
 Environmental Review: The Class 1, 3, and 32 Categorical Exemptions relieves this project from the requirements of CEQA.
 Project Planner: Cindy Hom, 408-730-7411, chom@sunnyvale.ca.gov

Associate Planner Cindy Hom presented the staff report and introduced Principal Transportation Engineer/Planner Lillian Tsang and a representative from traffic consultant AECOM.

Assistant Director Andrew Miner noted that the staff report should be corrected to reflect the proposed project's zoning as C-1/PD, Neighborhood Business/Planned Development.

Chair Howard clarified with Associate Planner Hom that the item for consideration is an appeal brought forward by appellants Allen Yu and John Leding.

Commissioner Weiss clarified with Associate Planner Hom that an existing Recommended Condition of Approval increases the fencing around the outdoor play areas from four feet to six feet.

Commissioner Olevson asked staff why the proposed project was not exempt from the California Environmental Quality Act (CEQA) the first time the Zoning Administrator considered it. Senior Assistant City Attorney Rebecca Moon stated that the play area in the original plan was closer to the residential properties to the