



**CITY OF SUNNYVALE
REPORT
Planning Commission**

December 8, 2008

SUBJECT: **2008-0953:** Application for a property located at **790 South Wolfe Road** (near Iris Ave.) in an R-0 (Low Density Residential) Zoning District.

Motion Use Permit to allow a Large Family Day Care facility within 300 feet of an existing Large Family Day Care home.

REPORT IN BRIEF

Existing Site Conditions Single-family residence with an existing Small Family Day Care

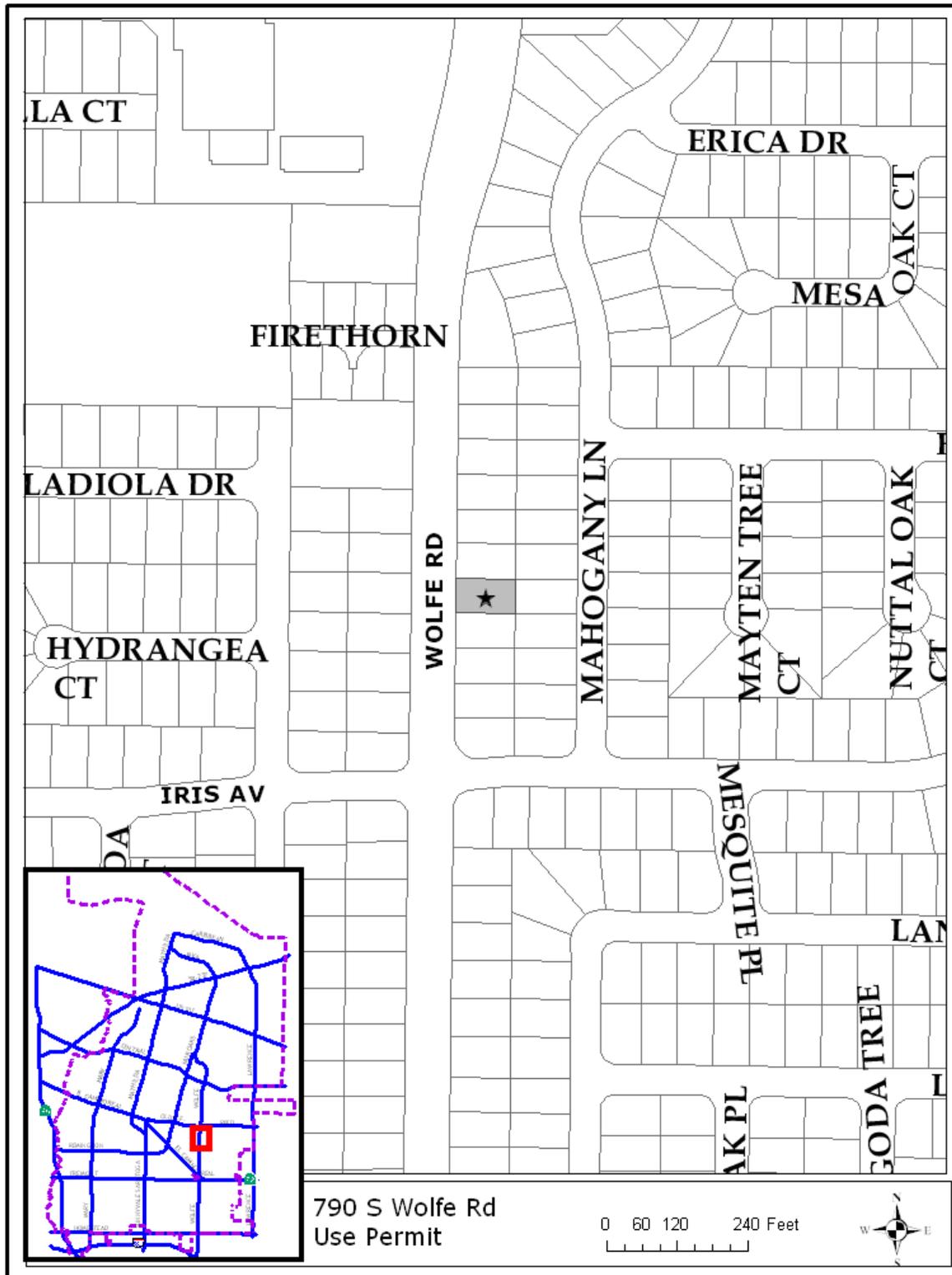
Surrounding Land Uses

North	Single-family residence
South	Single-family residence with a Large Family Day Care facility
East	Single-family residence
West	Single-family residence (across S Wolfe Rd)

Issues Compatibility of use with neighborhood, traffic, parking

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low-Density	Same	Residential Low-Density
Zoning District	R-0	Same	R-0
Lot Size (s.f.)	5,900	Same	6,000 min.
Gross Floor Area (s.f.)	1,533	Same	2,655 max.
Lot Coverage (%)	26%	Same	45% max.
Floor Area Ratio (FAR)	26%	Same	45% max.
Parking			
Total Spaces	4	Same	4 min.
Covered Spaces	2	Same	2 min.

ANALYSIS**Description of Proposed Project**

The applicant is proposing to operate a Large Family Day Care (“LFDC”) within an existing single-family home in a low-density residential area. There is an existing LFDC located in the neighboring home immediately adjacent to the south. The Code prohibits the establishment of a large family day care home within 300 feet of a parcel with another similar use (SMC 19.58.020) without approval of a Use Permit by the Planning Commission. The applicant is seeking approval of a Use Permit to allow a waiver of this 300 foot separation requirement.

The applicant is currently operating a Small Family Day Care (“SFDC”) at the subject site. The existing SFDC serves a total of 6 children and has been operated at the subject site since May 2007. The SFDC use does not require a Use Permit or City business license. It does require a license from the State Department of Social Services, which the applicant has obtained. The applicant would like to expand her child care services to provide care for up to 14 children. The proposed hours of operation are 7:30 a.m. to 6:00 p.m., with children arriving at different times during the day (see Attachment D – Letter Regarding Proposed Use).

Background

There are no previous planning applications related to the subject site.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include projects involving existing facilities.

Use Permit

Proposed Use: A Use Permit is required in order to grant a waiver of the 300-foot separation requirement for Large Family Day Care homes. The applicant is proposing to provide care for a total of 14 children, including her own child. The ages of children to be cared for in the home range from infants to 4 years. The LFDC is to be operated by the applicant and her mother-in-law, who reside at the site, as well as one additional employee, who is dropped off and picked up. The hours of operation are from 7:30 a.m. to 6:00 p.m. Monday through Friday.

Site Layout: The LFDC use will occur within 6 rooms in the house: the family room, the dining room, the kitchen, a bathroom, and 2 bedrooms. The LFDC use will also occur outdoors in the rear yard (see Attachment C – Site and Floor Plans). There is no obvious presence of the LFDC use when the home is viewed from the street.

Parking/Circulation: The subject site is located in a single-family residential area on a high-volume arterial street. South Wolfe Road is a major north-south corridor for the City, carrying significant traffic during most hours. On-street parking is available in front of the subject property. South Wolfe Road is also a through-street that allows customers of the proposed LFDC use to circulate easily to and from the home. As a result of all of the above, traffic congestion associated with the proposed use is unlikely.

The applicant maintains two covered parking spaces in the garage and two uncovered spaces on the driveway. The applicant states that neither of her employees have vehicles, so there is no employee parking needed (see Attachment D). Parents dropping children off for the LFDC may use the driveway or the available on-street parking. The proposed use allows parents to drop off or pick up their children anytime during the stated business hours. The applicant states that her existing customers drop off children at different times. Although street parking is available, as stated above, the applicant encourages her customers to use the driveway as a drop-off location so that parking in front of adjacent properties is not necessary. As noted previously, there is another LFDC facility located next-door, but due to the existing volume

of traffic, a change in use from a SFDC to a LFDC should not cause a significant impact to the traffic and parking conditions.

Noise: The proposed LFDC use includes a fenced outdoor play space in the back yard. As a result, there is a potential for noise impacts on adjacent properties. The Municipal Code does not address the issue of daytime noise not caused by machinery such as compressors or air conditioner units. However, the 300-foot separation requirement for LFDC uses was established partially to protect property owners from the potential noise impacts associated with large numbers of children being cared for in outdoor areas. Staff has not received any complaints from neighbors about noise levels at the existing SFDC on the subject site, nor has Staff received any complaints about noise levels associated with the adjacent LFDC home located at 792 South Wolfe Road. These two properties are located on the same side of the street, and therefore their back yards face in the same direction. Noise in the back yards of both properties is most likely to impact residents on the west side of Mahogany Lane. As a result, staff finds that the simultaneous operation of LFDC facilities at both of these addresses could potentially result in higher noise levels than would a single facility. However, due to the existing considerable traffic noise from South Wolfe Road and existing SFDC and LFDC at the properties, it is unlikely that the impact would be significant.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 69 notices mailed to property owners and residents within 300 feet of to the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Web site • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • Posted on the City of Sunnyvale's Web site

At the time of this staff report, Staff has not received any comments from members of the public regarding this application.

Conclusion

Compliance with Development Standards/Guidelines and Expected Impact on Surroundings: The following section of the Sunnyvale Municipal Code applies to the proposal:

19.58.070(b)(1)- *The Planning Commission may grant a waiver and associated use permit upon finding that a waiver would not be detrimental or injurious to the property or improvement, or uses in the immediate vicinity.*

There is sufficient parking available for the proposed use both in the driveway of the home and on the street. The rear yard of the home is fenced to provide a private outdoor recreation area and prevent undue noise impacts on adjacent properties. Although there is another existing Large Family Day Care home located next-door to the proposed use, the simultaneous operation of day care facilities at both sites is not likely to result in detrimental traffic, parking, or noise levels in the neighborhood. As a result, the proposed use would not be detrimental to the public welfare or injurious to the property, improvements, or uses within the immediate vicinity.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Recommended Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

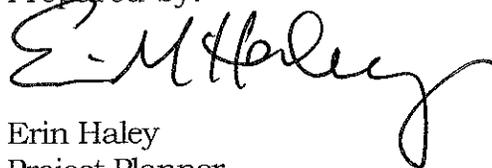
Alternatives

1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

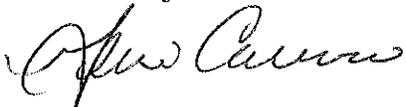
Alternative 1

Prepared by:



Erin Haley
Project Planner

Reviewed by:



Gerri Caruso
Principal Planner

Reviewed by:



Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Floor Plans
- D. Letter from the Applicant Regarding Proposed Use

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Sub-Element – Policy N1.4.3

Encourage and support home businesses that accommodate changing technologies and lifestyles, while remaining secondary to the nature of the residential neighborhood.

Housing and Community Revitalization Sub-Element – Policy C.6.a

Continue to implement the home occupation regulations that allow businesses that do not affect the primary residential character of the neighborhood and that do not involve retail sales, large inventories, hazardous materials, or traffic or parking problems.

Required Finding:

A waiver of the 300-foot separation requirement would not be detrimental or injurious to the property or improvement, or uses in the immediate vicinity.
[Finding met]

The proposed use is a desirable addition to the community, as it provides conveniently-located neighborhood child care. There is sufficient parking available for the proposed use both in the driveway of the home and on the street. The rear yard of the home is fenced to provide a private outdoor recreation area and prevent undue noise impacts on adjacent properties. Although there is another existing Large Family Day Care home within 300 feet of the proposed use, the simultaneous operation of day care facilities at both sites is not likely to result in detrimental traffic, parking, or noise levels in the neighborhood. As a result, the proposed use would not be detrimental to the public welfare or injurious to the property, improvements, or uses within the immediate vicinity.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review and approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The project shall be in conformance with the plans approved at the public hearing(s). Any expansion or modification of the approved use shall be approved by separate application at a public hearing.
- B. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and approved by the Director of Community Development.
- C. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.

2. OBTAIN OTHER PERMITS

- A. Obtain all required permits/licenses to operate a Large Family Day Care from the State Department of Social Services.
- B. Obtain required permits from the City of Sunnyvale Department of Public Safety, Fire Services.
- C. Obtain a City of Sunnyvale business license.

3. PARKING

- A. Garage spaces shall be maintained at all times so as to allow for parking of vehicles. Vehicles belonging to property owners and residents of the home shall be stored inside the garage during the operating hours of the Large Family Day Care.

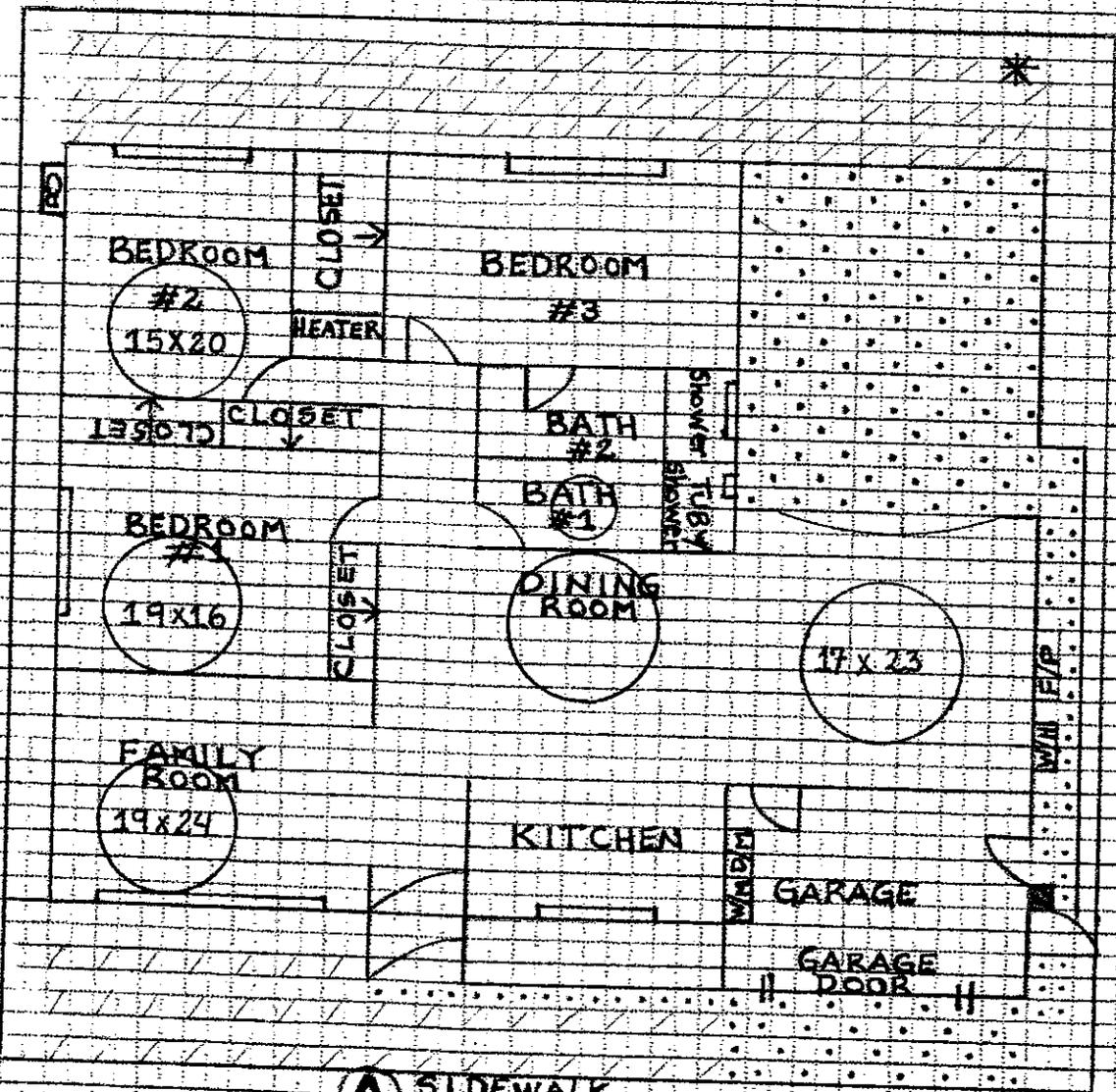
4. SIGNS

- A. No on-site signage may be displayed related to the proposed Large Family Day Care use.

CRONOGRAMA DEL ESTABLECIMIENTO (Plano)

Elaborar un croquis de los cuartos que proporcionen un croquis del plano del hogar o establecimiento y del patio exterior. El plano tiene que identificarse con los cuartos como la cocina, baño, sala, etc. Ponga un círculo alrededor de los nombres de los cuartos que usarán los clientes. Tener que mostrarse las puertas y ventanas de salida para en caso de emergencia (vea el Plan para Emergencias). Anote el tamaño de los cuartos (por ejemplo, 8.5 x 12). En lo posible, mantenga el plano a escala. Use el espacio que hay abajo. Vea el croquis del patio.

NOMBRE DEL ESTABLECIMIENTO: Belén Di Lascio DIRECCION: 790 S. Wolfe Rd. Sunnyvale, CA 94086



- (A) SIDEWALK**
- | | | | |
|-------------------|-----------------|-----------------------------|------|
| CONCRETE PATIO | WASHING MACHINE | WINDOW | LAWN |
| FIRE PLACE | DRY MACHINE | DOOR | |
| WATER METER | GAS METER | | |
| ELECTRICITY METER | WATER HEATER | 40 Feet AWAY MEETING place. | |

August, 29, 2008

Attention: Planning Department

To: Whom it May Concern

Subject: Permit for a Large Family Daycare to
Belen Di Lascio, 790 S. Wolfe rd, Sunnyvale, CA 94086

I have two girls (11 years old and almost 3 years old) residing at this address. I employ one person full-time Monday through Friday (8:30am – 6:00pm). She is dropped off and picked up by a family member. My mother-in-law helps me as a volunteer several days a week and resides at this address. Neither my employee nor mother-in-law require a parking space.

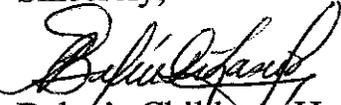
The two car driveway and street parking directly in front of my home is available to parents for drop-ff and pick-up. The parents come at different times, so parking in front of adjacent properties is not necessary.

The daycare hours are 7:30am to 6:00pm. Currently, I care for 3 infants full-time, 2 toddlers part-time and my daughter full time.

I schedule my children to play outside several days a week from 10:45am to 11:30am and 4:00pm to 4:45pm. We are careful not to disrupt our neighbors and to be respectful to ward them.

If I am granted a use permit for a Large family Daycare, I would be allowed a maximum of 14 children. This would allow me more flexibility and the capability of serving more families with high-quality childcare in the community.

Sincerely,


Belen's Childcare Home
Belen Di Lascio