



**CITY OF SUNNYVALE
REPORT
Planning Commission**

April 27, 2009

SUBJECT: **2009-0171:** Application for a property located at **750 Morse Avenue** (between E. Ferndale Ave. and Glendale Ave.) in an R-0 (Low Density Residential) Zoning District.]

Motion Use Permit to allow a large family day care within 300 feet of an existing large family day care.

REPORT IN BRIEF

Existing Site Conditions Single Family Home

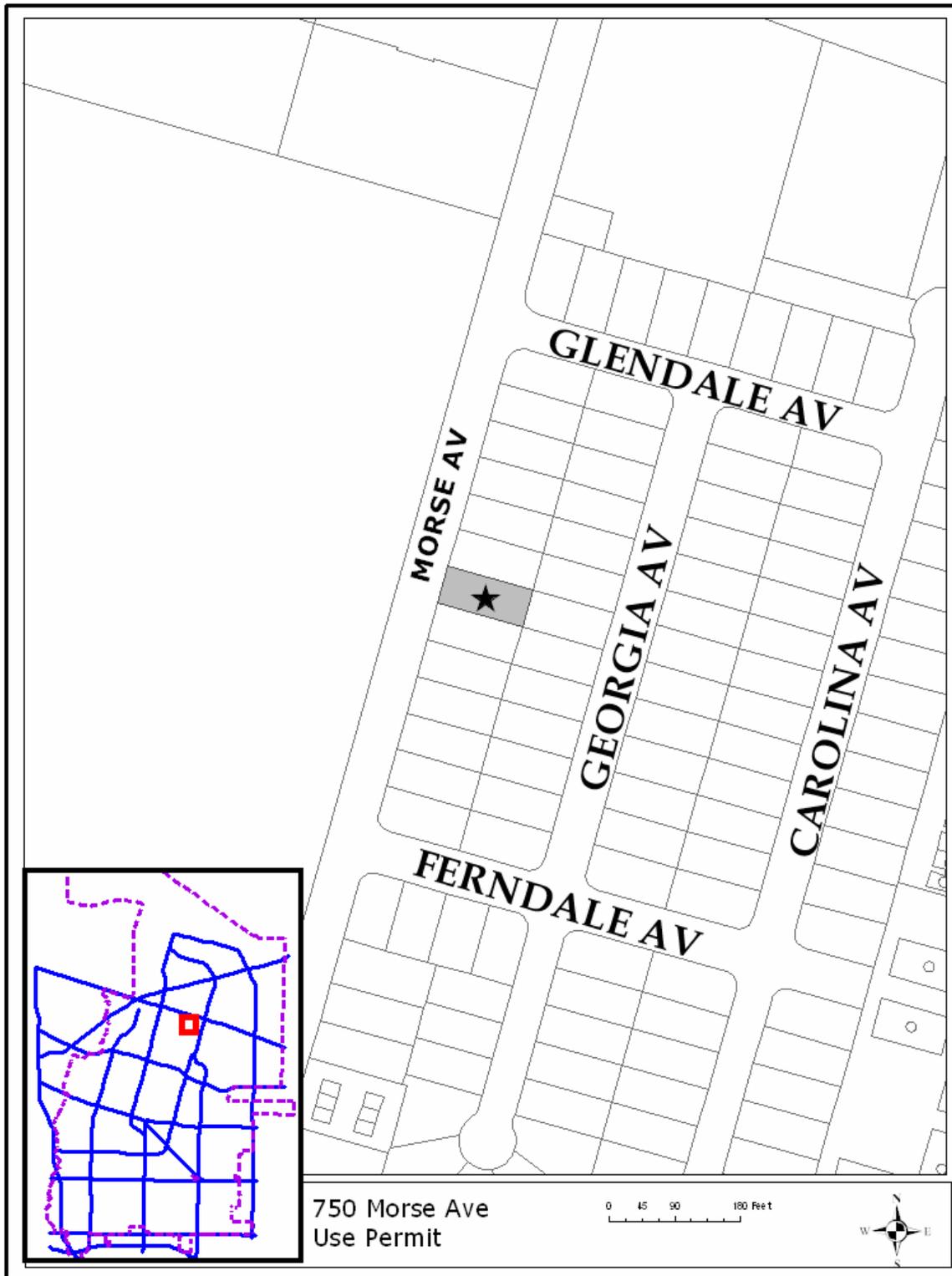
Surrounding Land Uses

North	Single Family Residential
South	Single Family Residential
East	Single Family Residential
West	School (Columbia Middle School)

Issues Traffic, Noise

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

Staff Recommendation Approve with Conditions



750 Morse Ave
Use Permit

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.)	6,119	Same	6,000 min.
Gross Floor Area (s.f.)	996	Same	max.
Lot Coverage (%)	16%	Same	45% max.
Floor Area Ratio (FAR)	16%	Same	45% max. without PC review
Parking			
Total Spaces	4	Same	4 min.
Covered Spaces	2	Same	2 min.

ANALYSIS**Description of Proposed Project**

The proposed project is for a large family day care within an existing single family home. Another large family day is located around the corner on the same block at 717 Georgia Avenue (See Page 5). 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.

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 includes family day care facilities.

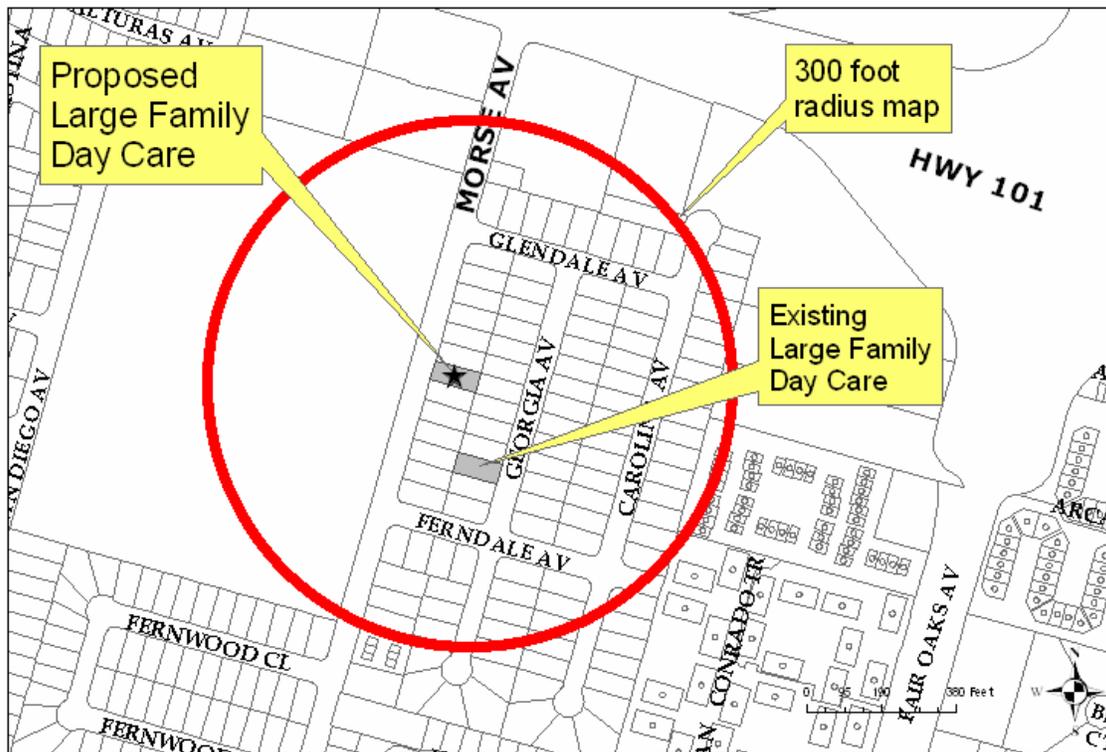
Use Permit

Detailed Description of Use: The applicant is proposing to provide care for up to 14 children. Children will range in age from 12 months to 5 years. The hours of operation are from 8am to 6pm Monday through Friday. In addition to the applicant, one full time employee will be at the site from 9am to 6pm.

Site Layout: The layout of the proposed day care home will utilize three rooms and a bathroom inside the home. Additional rooms that include two bedrooms, kitchen, sun room, and garage will not be utilized for purposes of the business. A site/floor plan is located in Attachment C. A large backyard area will also be utilized for the daycare. No additional floor area is added to the home or any exterior modifications.

Parking/Circulation: The home meets the parking requirements for single family residential properties with two garage spaces and two driveway spaces. The property has enough room for four cars on the driveway (parked in tandem). Parking is also available in front of the property along the street. Morse Avenue is a busy street with frequent traffic circulating to/and from Columbia Middle School and Neighborhood Center. Customers will be able to use the driveway to drop off children and parking in front of the adjacent properties will be minimal and for short term only. The employee will utilize street parking. The other day care use within 300 feet is located on Georgia Avenue, a street parallel to Morse Avenue. It will not impact the proposed day care operation; therefore, traffic congestion is unlikely.

Noise: The proposed day care use will have outdoor activities within the fenced 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. The 300-foot separation requirement for large family day care uses was established in part to protect property owners from the potential noise impacts associated with large numbers of children being cared for in outdoor areas. Although, the combined operation of two facilities within 300 feet of another may result in higher noise levels at adjacent properties, staff does not believe that this impact will be significant due to the distance between the two sites and that existing fences offer adequate attenuation. The following map illustrates the relative proximity of the day care facilities.



Fiscal Impact

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

Public Contact

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

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 54 notices mailed to property owners and residents adjacent 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

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.*

Although located within 300 feet of another large family day care, the operation of each day care should not be negatively impacted. The subject property is located on another street with little interaction with traffic circulation. The neighboring circulation of the school use should also not be impacted especially during afternoon/evening hours where pick-up times are not concurrent. Noise levels of the two day care uses should not be significant given that a reasonable separation of the properties exists. 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: Recommended 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:



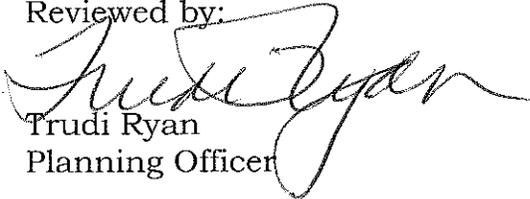
Ryan M. Kuchenig
Project Planner

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. Project Description Provided by the Applicant

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 provides a desirable use to the neighborhood as a convenient location for day care within a residential neighborhood. There is sufficient traffic circulation and parking for the proposed use which should not interfere with neighboring uses. An adequate buffer from distance and fences currently already exists that will reduce possible noise impacts to adjacent residential properties. The simultaneous operation of the day care uses will have little interference with each other's activities, and therefore 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 of 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

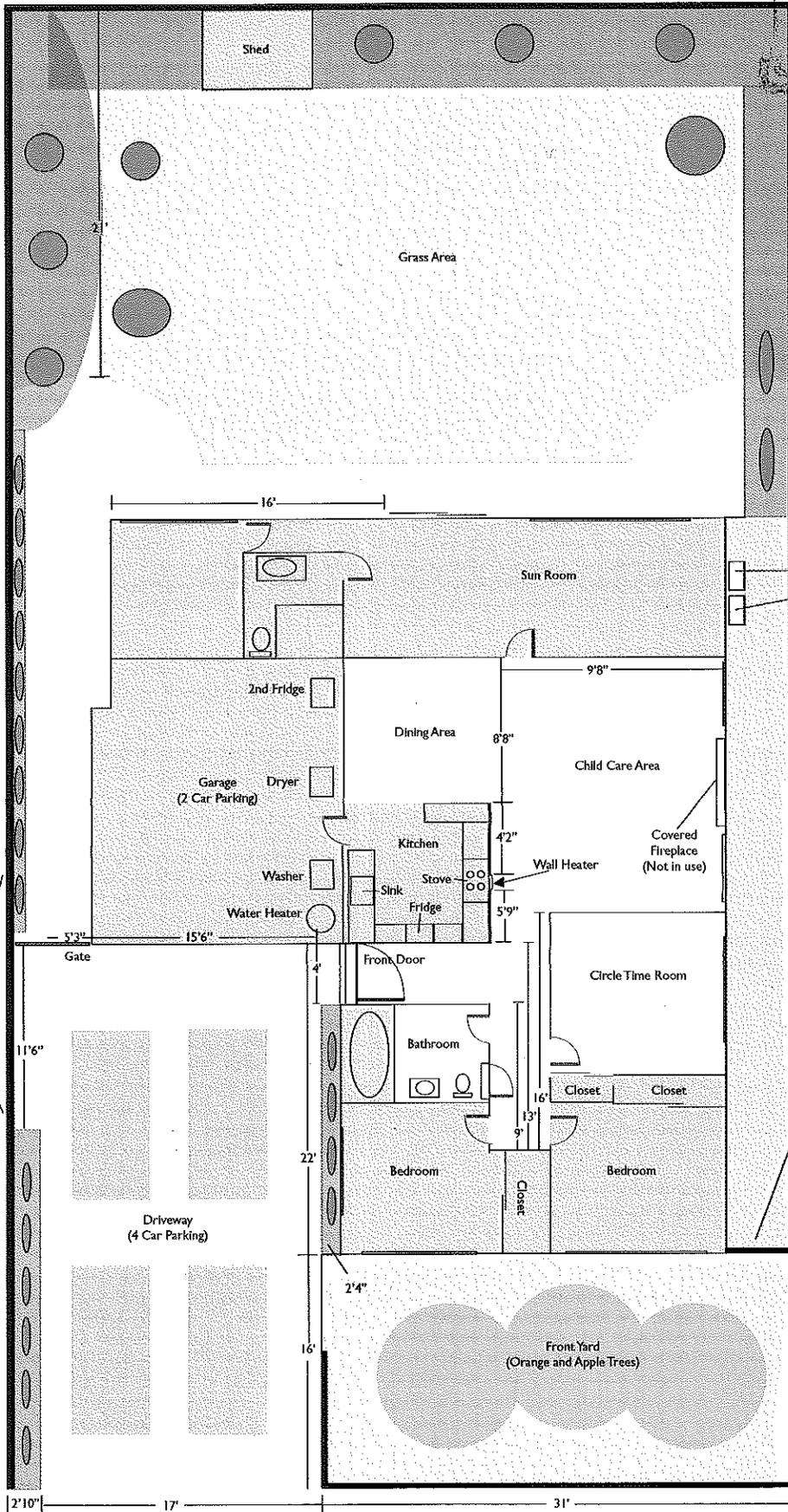
- A. Obtain all required permits/licenses to operate a Large Family Day Care from the State Department of Social Services.
- B. Obtain required permits from the City of Sunnyvale Department of Public Safety, Fire Services.
- C. Obtain a City of Sunnyvale business license.

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.



Creative Explorers
 Large Child Care At Home
 750 Morse Ave, Sunnyvale CA 945085
 Contact: Darcy Hellums
 408.431.3373

-  Off Limit Areas
-  Trees
-  Fence
-  Grass
-  Dirt
-  Parked Cars



DARCY HELLUMS

ATTACHMENT D

Page 1 of 6

750 Morse Ave
Sunnyvale, CA 94085

T 4084313373
darcyjean317@hotmail.com

www.creativeexplorersfcc.com

March 12, 2009

RE: Permit for Large Family Daycare to Darcy Hellums at 750 Morse Ave, Sunnyvale, CA 94085

To Whom it May Concern,

I have worked with young children for over five years and have found it the most rewarding job I have done. I look forward to being with the children everyday and unlike other jobs, have never dreaded going into work. It has been a dream now for several years to open my own at home Child Care and have finally been able to realize this dream.

The house on 750 Morse Avenue was very carefully chosen to suit this purpose and as you will see in the attached pictures, business plans as well as recommendation letters, early childhood education is my passion. I have recently found out that there is a Large at home DayCare within 300 feet and that I will need to go before a public hearing.

Although there is a Large at home DayCare on Georgia Avenue and within 300 feet of my home, the simultaneous operation of day care facilities at both sites are not likely to impact on the traffic pattern, parking or noise levels in the neighborhood. Columbia Middle School is directly across the street from my house and the traffic ceases around 8:15am. I plan to operate the daycare between the hours of 8am and 6pm so that drop off times do not interfere with the existing traffic patterns. Since my pickup time is much later than when Middle School Students finish, there should not be a huge impact in traffic.

There is a four car driveway as well as street parking directly in front of my home and will be available for parents for drop-off as well as pick-up. The parents come at varying times so parking in front of adjacent properties will not be necessary.

The rear yard of the house is fenced in to provide a private outdoor recreation area and will prevent excessive noise impacts on adjacent properties.

I hope that you will agree with me that an at home family child care is a desirable addition to the community, as it will provide a high quality and much needed conveniently located neighborhood child care. Thank you in advance for your consideration.

Sincerely yours,

Darcy Hellums



CREATIVE EXPLORERS FCC

750 Morse Ave

Sunnyvale, CA 94085

WWW.CREATIVEEXPLORERSFCC.COM

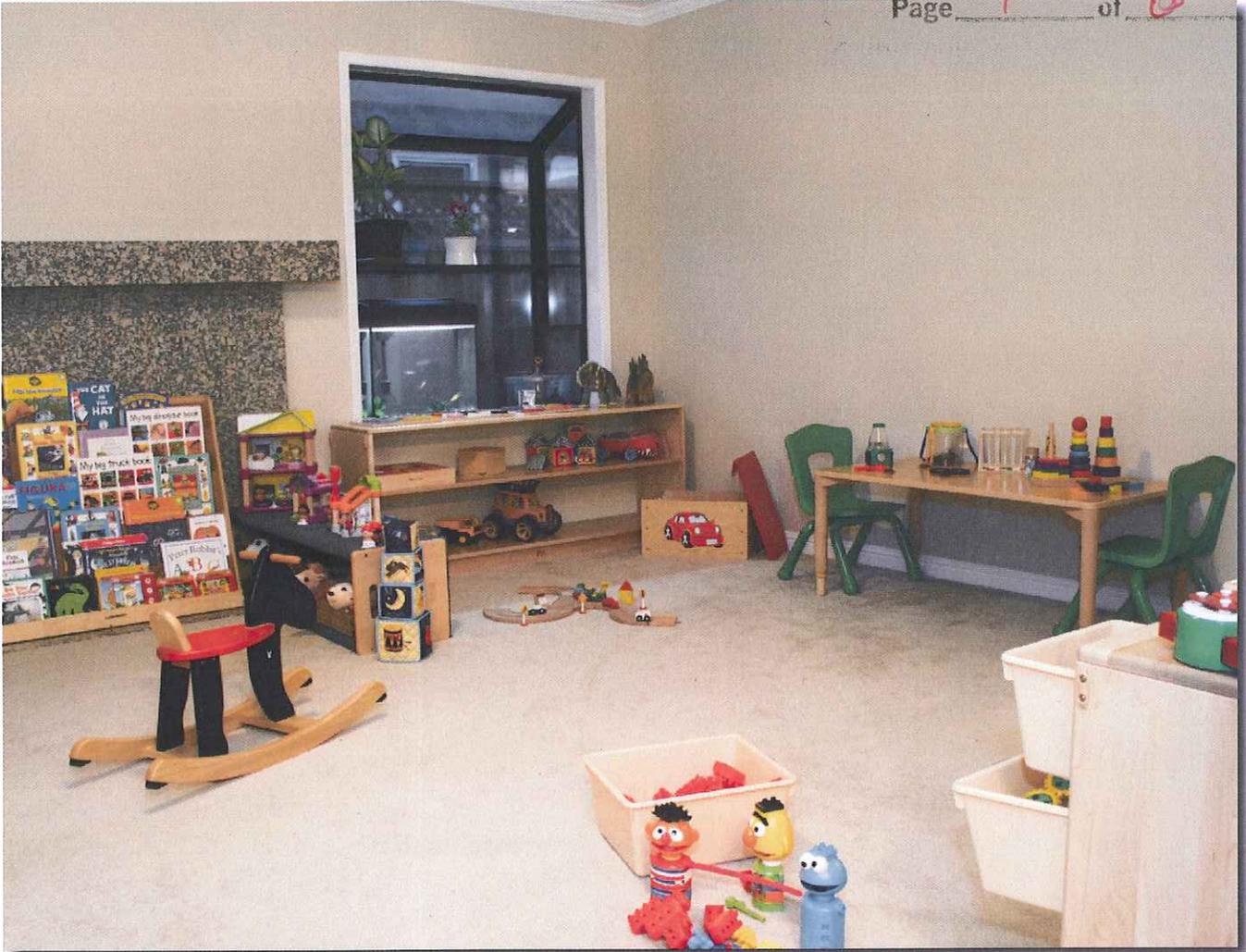


CREATIVE EXPLORERS FAMILY CHILD CARE WE INSPIRE CURIOSITY



MISSION STATEMENT

Creative Explorers provides quality care by providing a safe, fun and upscale environment that facilitates learning through creativity, experimentation and imaginative play. We are committed to providing a well rounded education that will benefit all areas of development and prepare each child for a lifetime of success.



FIRST IMPRESSIONS

The upscale look and high quality furniture and learning materials will be beautiful and impressive to both the parents and children. Music and Movement, Spanish, Science, Language, Math and Art education are a part of the program, included in the tuition and do not have extra enrichment program fees unlike many other centers.



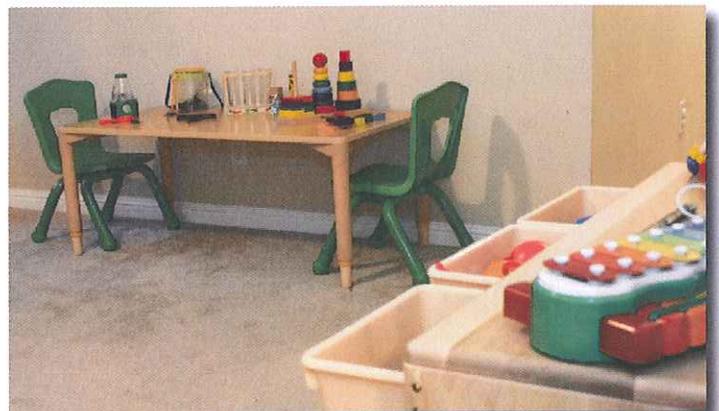


Our program offers many fun and unique services. We strive to be environmentally friendly and do this by offering individual hand towels to each child that are laundered daily, composting, gardening, recycling, and reusable dish ware.

Children will explore sculpture, mosaics, paint, pastels, abstract art, photography as well as their own experimental creations. Kindermusik's ABC Music and Me program will also be a part of Creative Explorers curriculum. Music provides a

foundation for language, cognitive, social, emotional, physical and many other forms of development,

The best time to learn multiple languages is before the age of five when the brain is wired to receive new vocabulary. Children are naturally curious about new languages and research shows that as a person ages it becomes increasingly harder to learn another language. Because of all these benefits Spanish will be integrated throughout your child's day.



FUN! FUN! FUN!

Our aim at Creative Explorers is to create an atmosphere where children will have so much fun they won't even realize that they are being taught a new learning concept and skill. We focus on a child centered curriculum and every learning experience will naturally be tailored to each child's needs. Instead of forcing a skill onto a child, we will focus on one on one individualized learning. Happy, well educated, experienced teachers will ensure quality and individualized care. Strong parent and teacher communication and superior management will help build strong relationships with families and create an excellent reputation.

