



REPORT TO PLANNING COMMISSION

Hearing Date: October 25, 2010
File Number: 2010-7625

SUBJECT: **Sarika Agrawal (Sanjay Agrawal)**: Application for a project located at **790 Mahogany Lane** in an R-0 (Low Density Residential) Zoning District (APN: 213-19-022):
Motion **2010-7625** - Use Permit to allow a large family day care within 300 feet of another large family day care.

REPORT IN BRIEF:

Existing Site Conditions Single-Family Home

Surrounding Land Uses

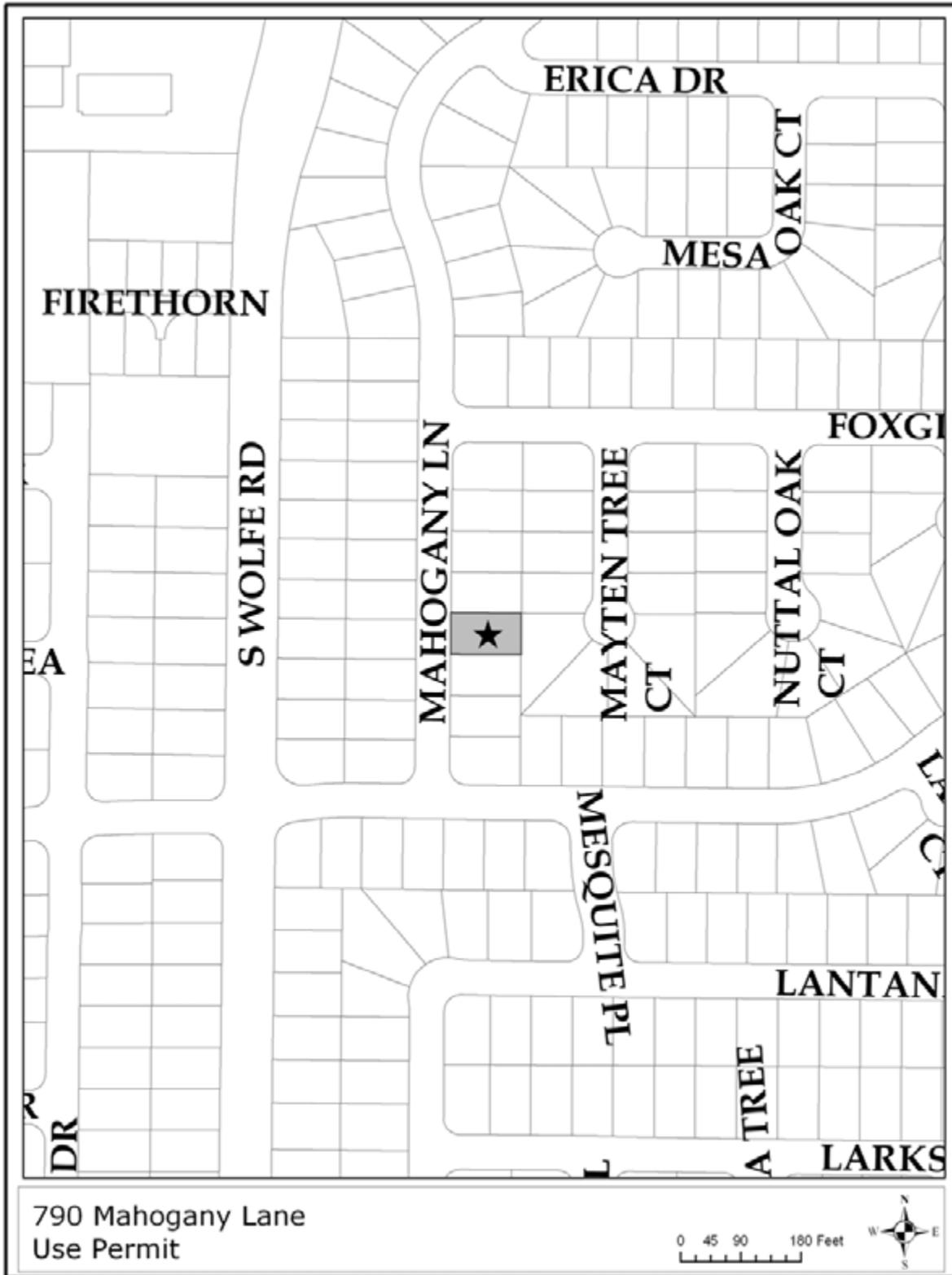
North	Single-Family Home
South	Single-Family Home
East	Single-Family Home
West	Single-Family Home

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

VICINITY MAP



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.)	6,150	Same	6,000 min.
Gross Floor Area (s.f.)	2,108	Same	N/A
Lot Coverage (%)	34.3%	Same	45% max.
Floor Area Ratio (FAR)	34.3%	Same	45% max. without PC review
Setbacks (Facing Property)			
Front	20'	Same	20' min.
Left Side	8'	Same	4' min. each side, 13' combined
Right Side	8' (16' combined)	Same	
Rear	30'	Same	20' min
Parking			
Total Spaces	2 garage + 2 driveway	Same	2 garage + 2 driveway

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

BACKGROUND:

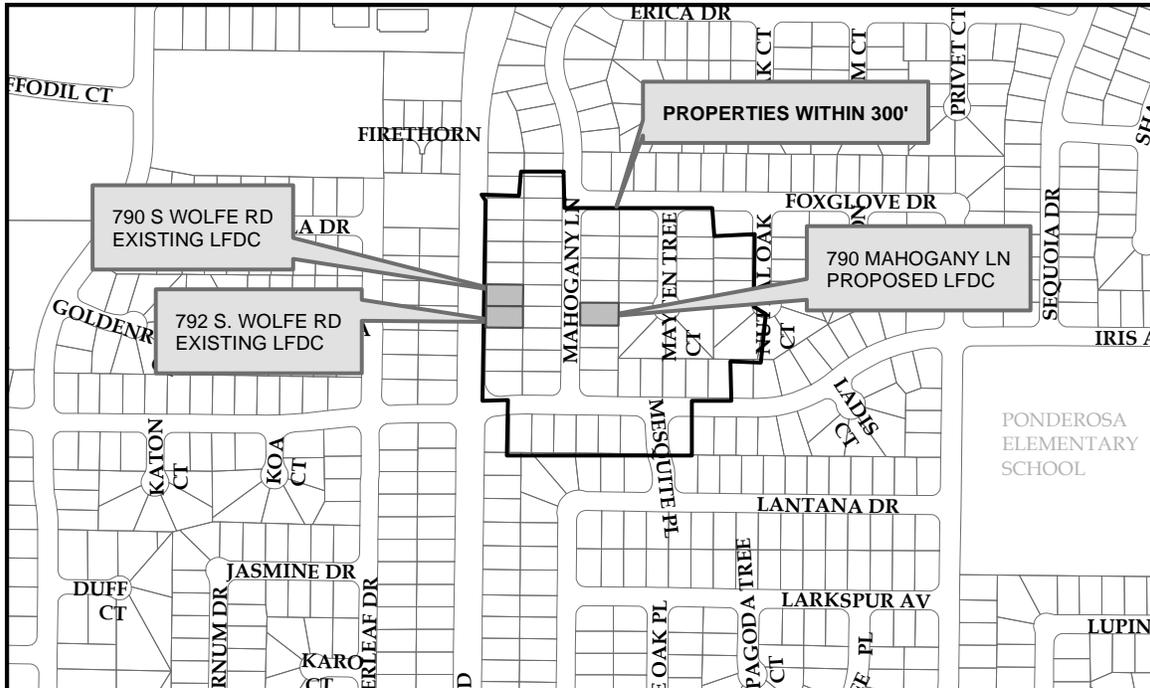
The proposed project is to allow a large family day care (LFDC) within 300 feet of another LFDC. No site or architectural modifications are proposed to the existing home.

Previous Actions on the Site

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

DISCUSSION:**Requested Permit(s)**

Sunnyvale Municipal Code Chapter 19.58.020 prohibits the establishment of a LFDC within 300 feet of another LFDC without approval of a Use Permit by the Planning Commission. There are currently two LFDC homes within 300 feet of the subject property located one block away at 790 and 792 S. Wolfe Road (see map below). The applicant is seeking approval to allow a waiver of this 300 foot separation requirement. The following map shows the proximity of these day care facilities:



- **Use Permit**

The applicant currently operates a small family day care at the existing home and provides care for up to eight children, which is not subject to the same siting requirements as a LFDC. The applicant is now requesting to operate as a LFDC in order to provide care for up to 14 children. The hours of operation will be from 8 a.m. to 6 p.m. Monday through Friday. In addition to the applicant, one full-time employee will be on-site during the hours of the business.

ANALYSIS:

Development Standards

The proposed project complies with the applicable Development Standards as set forth in the Sunnyvale Municipal Code. The following have been identified as items for clarification by the Planning Commission:

- **Site Layout**

The proposed day care will utilize portions of the existing living room, family room, dining room and bathroom. In addition, three of the four bedrooms may be used during nap times for the children. The existing rear patio and backyard area will also be used as outdoor recreational space. No exterior modifications or additional floor area will be added to the home as part of this project.

- **Parking/Circulation**

The existing home meets the parking requirements for a single-family home by providing two-covered garage spaces and two-uncovered driveway spaces. Parents may utilize the existing driveway and available on-street parking for drop-off and pick-up. Some children require all day care and are picked-up in the evening hours, while others are there part-time and are picked up in the afternoon hours. Due to the availability of parking and varying drop-off and pick-up times, staff finds that the parking demand for the use will not adversely impact neighboring residents.

The other LFDC homes are located on Wolfe Road, a street parallel to Mahogany Lane. No other LFDC homes are located on Mahogany Lane or a perpendicular street within 300 feet; therefore, traffic congestion is unlikely.

- **Noise**

The proposed LFDC will have outdoor activities within the fenced back yard, and as a result, may have potential noise impacts on adjacent properties. Noise from children at a day care is not subject to the operational noise limits in the Municipal Code. The 300-foot separation requirement for LFDC 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 three 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 configuration and distance between the sites. The rear yards are not adjacent to one other and are separated by a row of homes and a Mahogany Lane.

The City's Neighborhood Preservation Division (NPD) has not received noise complaints from the current small family day care operation at this home, nor has NPD received any noise complaints from the other two LFDC homes located on Wolfe Road.

- **Signs**

SMC 19.42.010 prohibits the display of wall and window signs. There is an existing window sign at this property advertising the day care use. As required by the code and captured in the Recommended Conditions of Approval in Attachment B, the existing sign must be removed immediately or the matter will be referred to NPD for enforcement.

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.

FISCAL IMPACT

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

PUBLIC CONTACT

Staff has not received any comments at the time the staff report was prepared.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 65 notices mailed to property owners and residents within 300 feet of 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

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 the conditions in Attachment B.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

RECOMMENDATION

Recommend Alternative 1 to the Planning Commission.

Prepared by:

Noren Caliva
Project Planner

Reviewed by:

Shaunn Mendrin
Senior Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter from the Applicant
- E. Use Permit Justification Form
- F. Site Photos

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.

Sunnyvale Municipal Code – Chapter 19.58.070

*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 on 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 are two other existing large family day care homes within 300 feet of the proposed use, the simultaneous operation of all three facilities is not likely to result in detrimental traffic, parking, or noise levels in the neighborhood due to the distance between the sites. 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.

ATTACHMENT B

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
OCTOBER 25, 2010**

Planning Application 2010-7625 790 Mahogany Lane
Use Permit

To allow a large family day care within 300 feet of another large family day
care.

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

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 and Standard Development Requirements of this Permit:

GC: THE FOLLOWING GENERAL CONDITIONS SHALL APPLY TO THE APPROVED PROJECT.

- GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:
The project shall be in conformance with the plans approved at the public hearing(s). Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]
- GC-2. USE EXPIRATION:
The approved use Permit for the use shall expire if the use is discontinued for a period of one year or more. [SDR] [PLANNING]
- GC-3. PERMIT EXPIRATION (Ordinance 2895-09):
The Use Permit shall be valid for three (3) years from the date of approval by the final review authority (as adopted by City Council on April 21, 2009, RTC 09-094). Extensions of time may be considered, for a maximum of two one year extensions, if applied for and approved prior to the expiration of the permit approval. If the approval is not exercised within this time frame, the permit is null and void. [SDR] [PLANNING]

GC-4. OBTAIN OTHER PERMITS AND LICENSES:

The following additional permits and licenses are required prior to commencement of the approved use:

- a) Obtain all required permits or licenses to operate as a large family day care from 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. [COA] [PLANNING]

GC-5. SIGNS:

Existing signs on-site must be removed immediately. Failure to remove the sign will result in code enforcement action by the Sunnyvale Neighborhood Preservation Division. [COA] [PLANNING]

AT: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.

AT-1. HOURS OF OPERATION:

The use permitted as part of this application shall comply with the following hours of operation at all times:

- a) The hours of operation are limited to 6:00 a.m. to midnight for standard hours of operation, excluding short duration sales events which may have extended hours. Hours extending beyond midnight shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]

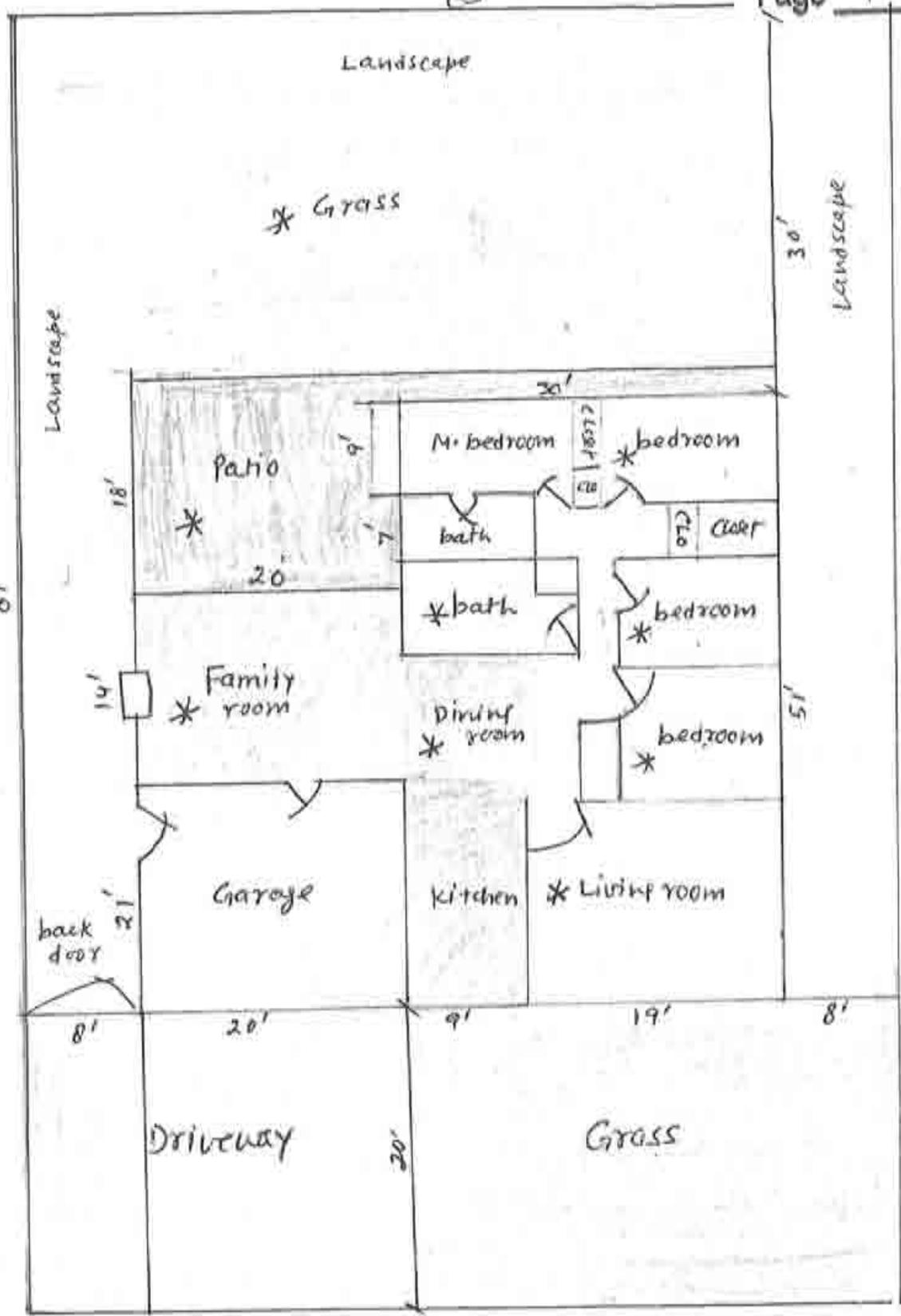
AT-2. SIGNS PROHIBITED:

No signage may be displayed on-site. [COA] [PLANNING]

AT-3. PARKING:

Garage spaces shall be maintained at all times so as to allow for parking of two vehicles. Vehicles belonging to the business operator and residents of the home shall be stored inside the garage during the operating hours of the large family day care. [COA] [PLANNING]

65'



*Rooms used for children

← Sidewalk →

← 790 Mahogany Ln →

Sarika Agrawal
790 Mahogany lane
Sunnyvale, CA, 94086

Date: 08/27/2010

To Whom It May Concern
Planning Department
City Hall, Sunnyvale

Subject: Permit for a Large Family Daycare at 790 Mahogany Lane, Sunnyvale, CA, 94086.

Dear Sir/Madam,

I am living in the house (790 Mahogany Lane, Sunnyvale) with my husband (Pushendra Agrawal) and 8 year old son (Ishu Agrawal). I employ one person part-time Monday through Friday (8:30am - 1:00pm). She uses VTA bus for transport.

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

The daycare hours are 8:00am to 6:00pm. Currently, I care for 2 infants full time, 1 infant part time, 3 toddlers part time.

I schedule my children to play in my backyard several days a week from 10:45am to 11:30am and 4:00pm to 4:45pm. We are always careful not to disrupt our neighbors and to be respectful towards 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,


Sarika Agrawal

* Additional Information

- Two on street parking space available
- Drop off time is about 8:00 am to 10:00 am & pick up time is 4:30 to 6 for full time & 12:00 to 1:00 for part time.
- Two vehicle will visit the home at busiest time



USE PERMIT/SPECIAL DEVELOPMENT PERMIT JUSTIFICATIONS

One of the two following findings must be made in order to approve a Use Permit or Special Development Permit application.

The Sunnyvale Municipal code states that at least one of the following two justifications must be met before granting the Use Permit or Special Development Permit. Please provide us information on how your project meets at least one of the following criteria.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project ...

OR

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as ...

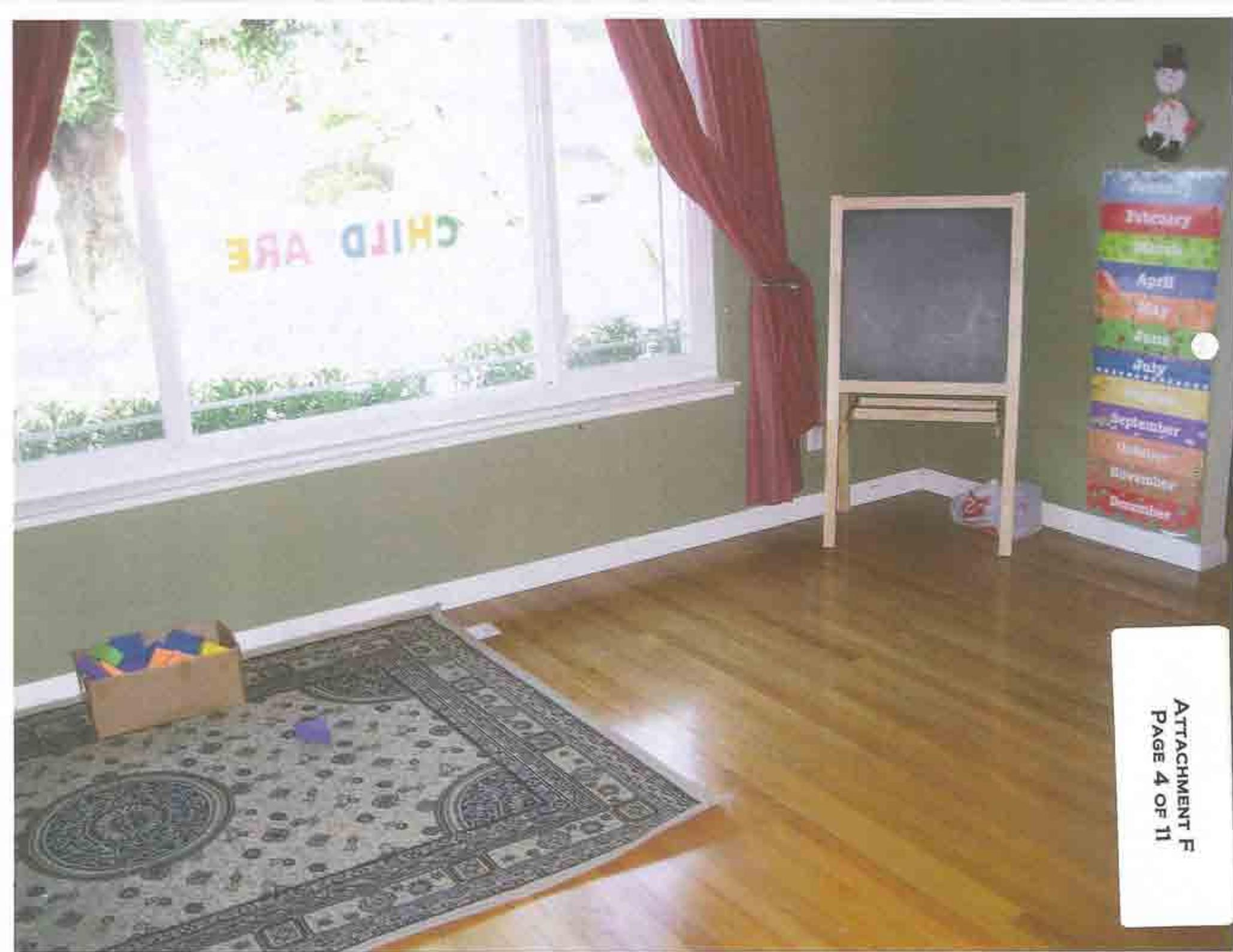
The daycare is open for business from 8:00am to 6:00pm. The parents use my two-car driveway and the street parking directly in front of my home when dropping off and picking up their children. The parents come at different times, so there is never a need to park in front of adjacent properties.

If you need assistance in answering either of these justifications, contact the Planning Division staff at the One-Stop Permit Center.













ATTACHMENT F
PAGE 6 OF 11



