



REPORT TO PLANNING COMMISSION

Hearing Date: March 12, 2012
File Number: 2012-7045

SUBJECT: **Sholeh Hashemi:** Application for a project located at **1372 Cordilleras Avenue** in an R-1 (Low Density Residential) Zoning District (APN: 323-08-053):
Motion **2012-7045** – 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

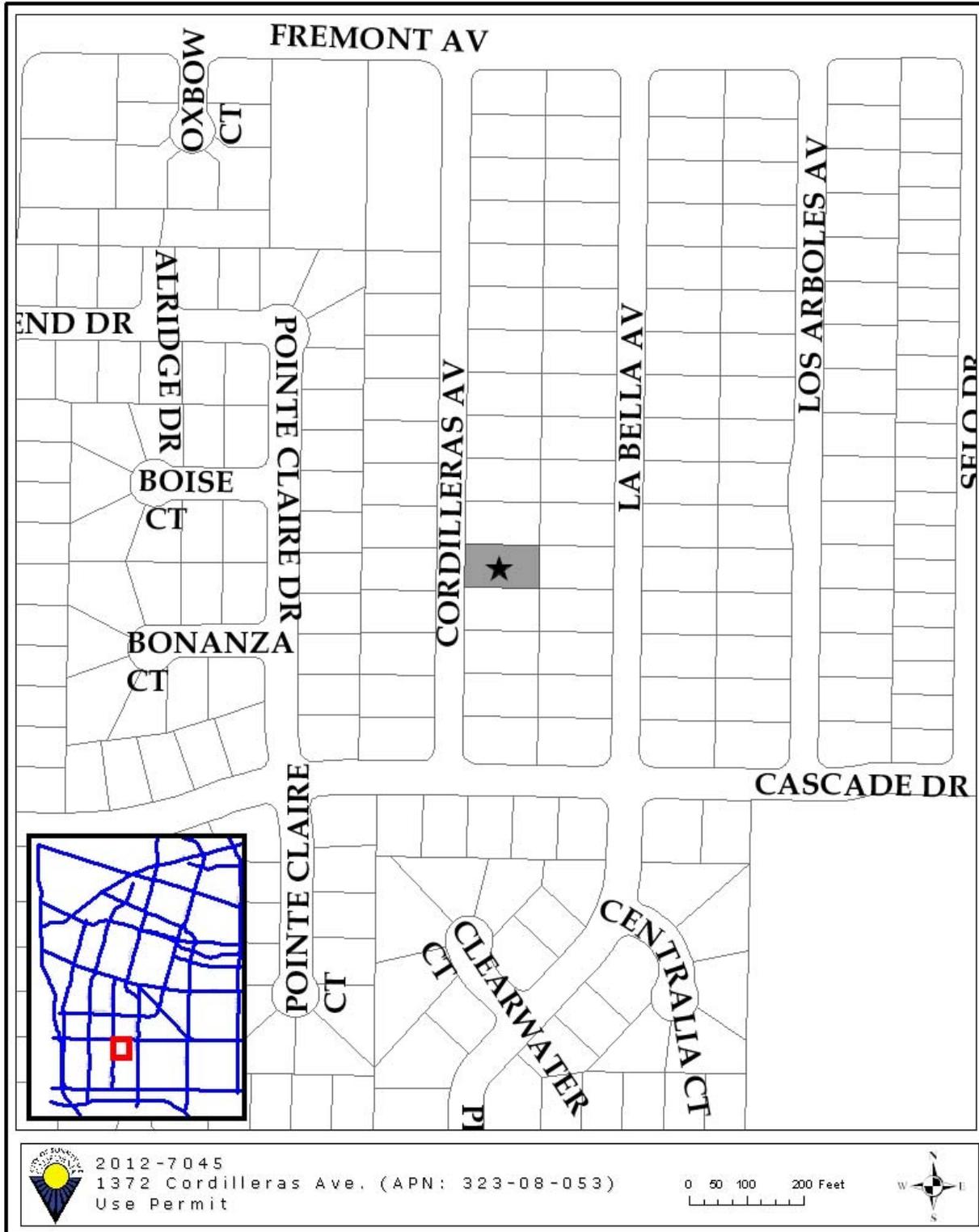
North	Single-Family Home
South	Single-Family Home
East	Single-Family Home
West	Single-Family Home

Issues Parking, 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-1	Same	R-1
Lot Size (s.f.)	9,633	Same	8,000 min.
Gross Floor Area (s.f.)	3,610	Same	N/A
Lot Coverage (%)	24%	Same	40% max.
Floor Area Ratio (FAR)	37%	Same	45% max. without PC review
Parking			
Total Spaces	4	Same	4
Covered Spaces	2	Same	2

★ 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.

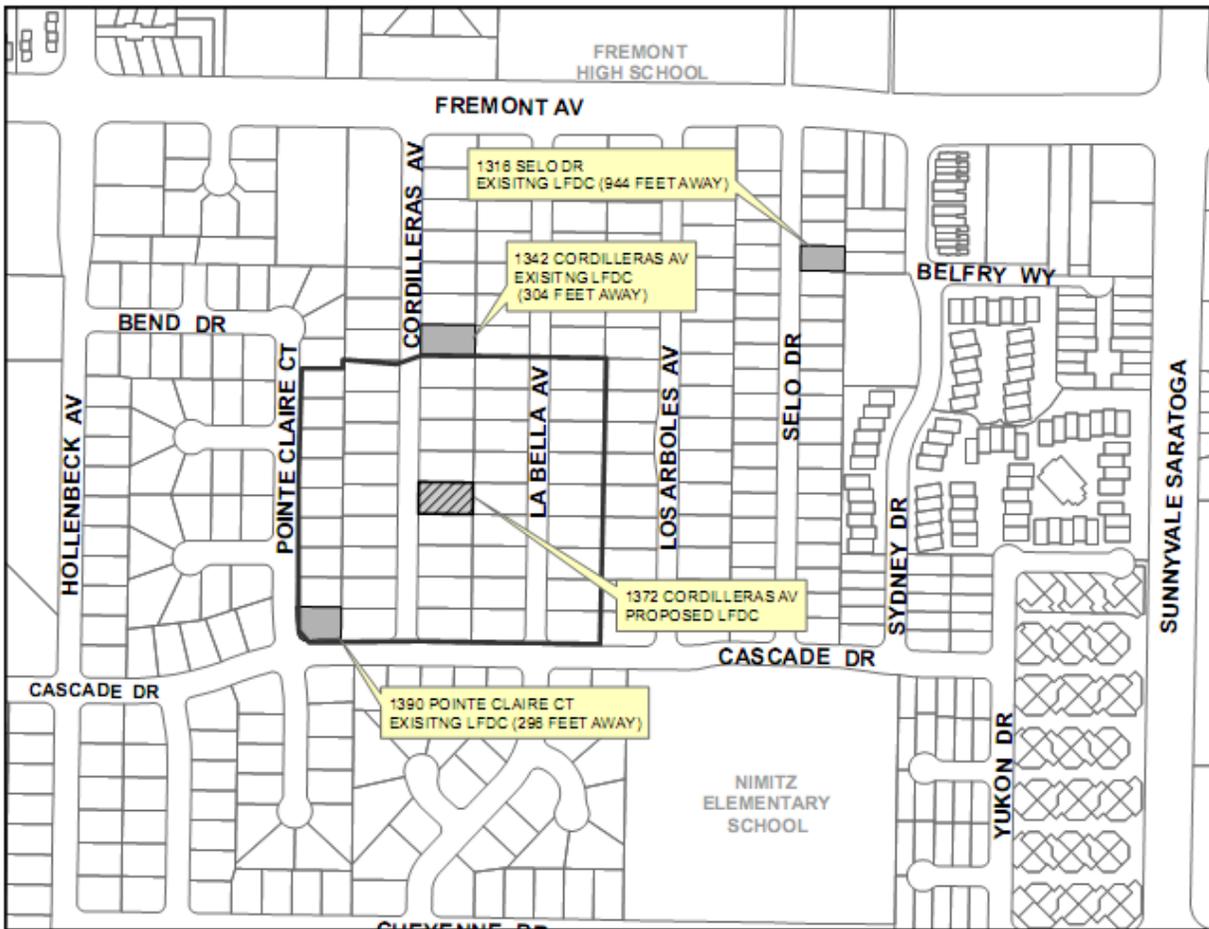
Previous Actions on the Site

The following table summarizes previous planning application related to the project site.

File Number	Brief Description	Hearing/Decision	Date
2008-1304	Demolish one-story home and build a new two-story home.	Staff/Approved	2/12/2009

DISCUSSION:

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 is currently one LFDC home within 300 feet of the subject property located one block away and around the corner at 1390 Pointe Claire Drive. The applicant is seeking approval to allow a waiver of this 300 foot separation requirement. There are two other LFDC homes within the vicinity, one located five homes away at 1342 Cordilleras Avenue (same street but beyond 300 feet) and the second located three blocks away at 1316 Selo Drive (more than 900 feet away). 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 applicant proposes to retain the existing hours of operation, which are from 8:30 a.m. to 6 p.m. Monday through Friday. In addition to the applicant, two employees 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 kitchen, family room, and bedroom on the first floor. The 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 (see Attachment C).

- **Parking/traffic**

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. Generally, children are dropped off between 8:30 a.m. and 9:30 a.m. 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 (see Attachment D). 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 located within 300 feet is located on Pointe Claire Drive, a street parallel to Cordilleras Avenue. The other two LFDC homes within the vicinity are located more than 300 feet away. Therefore, staff finds that there is reasonable separation between the LFDC homes and that traffic impacts are 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 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 configuration and distance between the sites. The rear yards are not adjacent to one other and are separated by a row of homes and Cordilleras Avenue.

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 LFDC homes within the vicinity.

- **Outdoor Play Structures**

Outdoor play structures are not proposed at this time. A separate staff-level permit will be required in the future for play structures greater than 8 feet in height located in the backyard, subject to siting and height restrictions contained in SMC 19.40. Play structures are prohibited in the front yard.

- **Signs**

SMC 19.42.010 prohibits the display of wall and window signs, which is noted in Staff's Recommended Conditions of Approval in Attachment B.

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 family day care facilities.

FISCAL IMPACT

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

PUBLIC CONTACT

To date, staff has received one letter from a neighboring resident (see Attachment F). The resident, who lives across the street along Cordilleras Avenue, expressed concerns regarding traffic and noise. These issues have been addressed in other sections of the staff report.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 50 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:

Gerri Caruso
Principal 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. Letter from Neighboring Resident

RECOMMENDED FINDINGS

Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation – Policy LT-4.4c

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

Land Use and Transportation – Policy LT.4.14

Support the provisions for a full spectrum of public and quasi-public services (e.g. parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial and industrial neighborhoods and ensure that they have beneficial effects on surrounding areas.

Sunnyvale Municipal Code – Chapter 19.58.070

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 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 is one other existing large family day care home within 300 feet of the proposed use, the simultaneous operation of the two 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 MARCH 12, 2012

Planning Application 2012-7045

1372 Cordilleras Avenue

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 AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.
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GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. 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 shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

GC-3. PERMIT EXPIRATION:

The 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 the expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]

GC-4. OUTDOOR PLAY STRUCTURES:

A separate staff-level permit is required for play structures greater than 8 feet in height located in the backyard and must comply with siting requirements contained in SMC 19.40. [COA] [PLANNING]

GC-5. SIGNS PROHIBITED:

Display of wall and window signs are prohibited per SMC 19.42.010. [PLANNING] [COA]

GC-6. 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 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. [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:

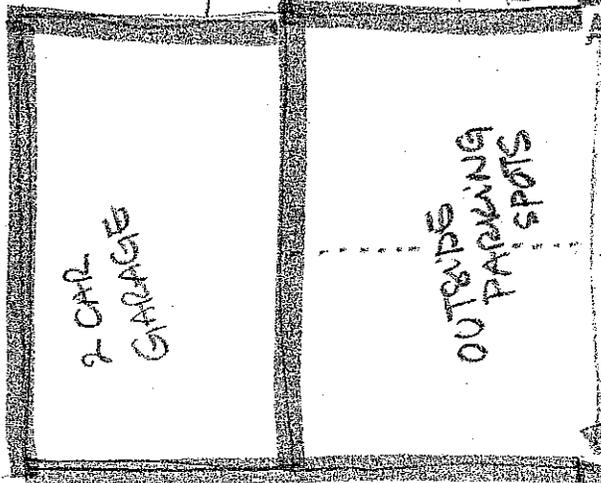
The use permitted as part of this application shall comply with the following hours of operation at all times:

- a) The hours of operation are limited from 8 a.m. to 6 p.m. [COA] [PLANNING]

AT-2. 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]

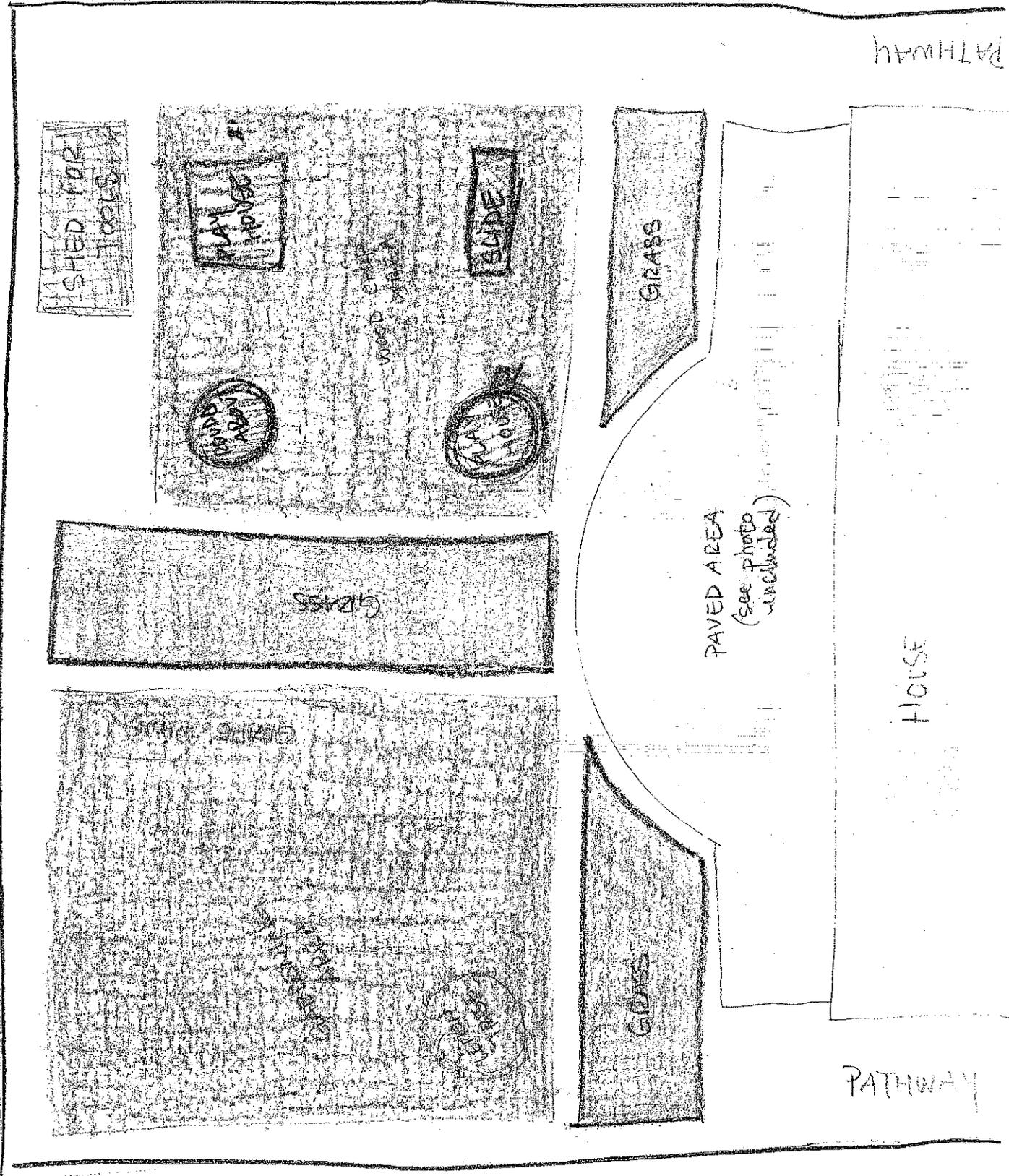
HOUSE



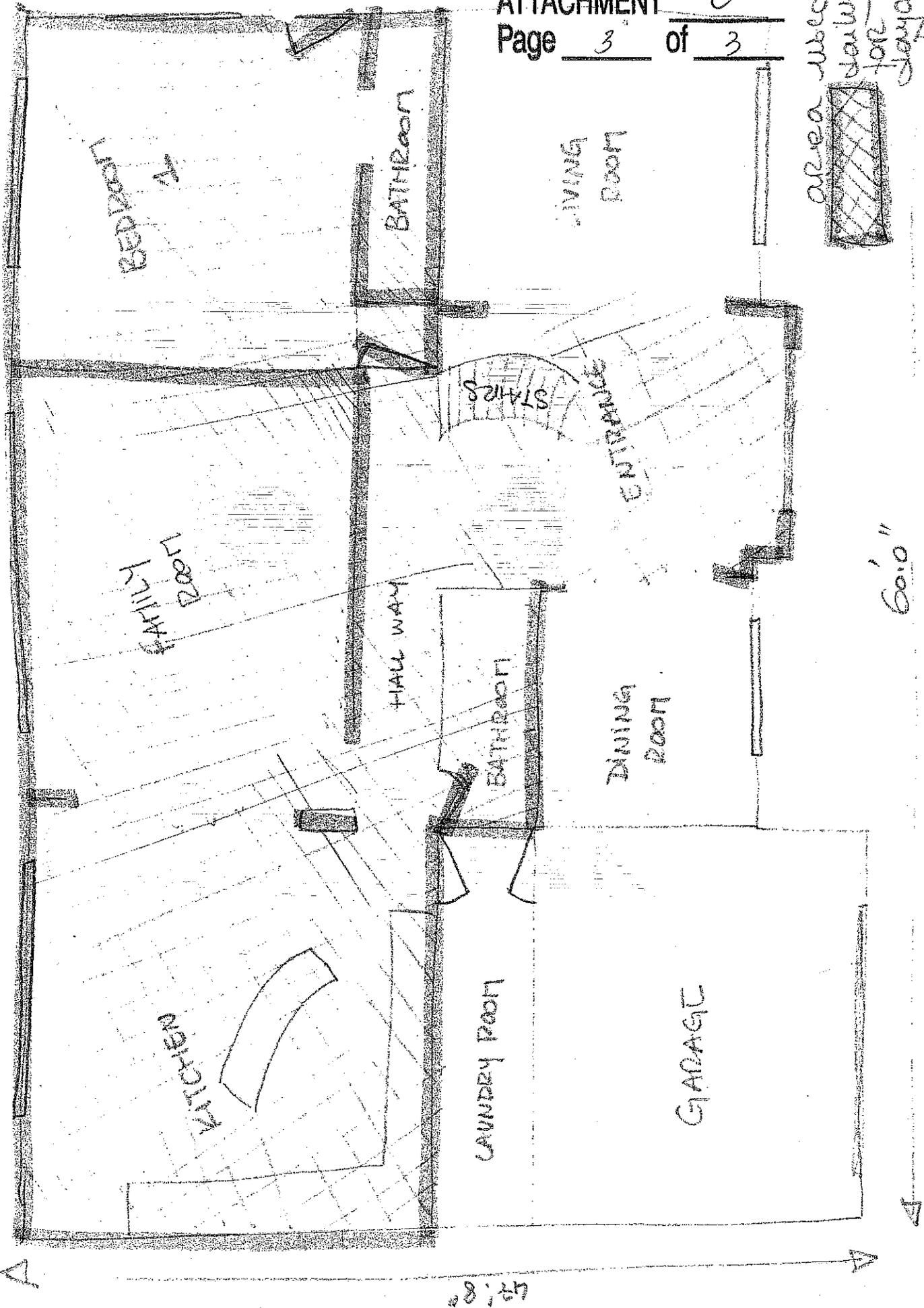
possible to park 2 or 3 cars in front of the house + 2 outside parking spots

1372 CORDILLERAS AVE

PARKING - PAVING ATTACHMENT



area used
daily for
storage



FLOOR PLAN

60' 0"

42' 8"

PROJECT DESCRIPTION LETTER

The project is to obtain a license daycare for 14 children for an existing small family daycare, already licensed by the state under the number # 434411516.

French American Kids offers a French language immersion program for children 18 months and up to 4 years of age.

The area (Sunnyvale, Mountain View, Los Altos...) has a very big French or Francophone community and the daycare fulfills a need for families who want to keep their children in a French language environment or/and expose them to the French culture.

The daycare is opened since October 2010 and we have seen an increase in the amount of families interested in our program.

we would like to obtain a license for 14 children in order to accomodate those families.

The daycare is opened daily from 8:30 am to 6 pm, the hours will remain the same.

Presently, the daycare has one employee aside from the owner, who also works there everyday. The increase in the number of children will require another french teacher to be present; we will then have 2 teachers and the owner working at the facility.

There won't be any change in the program or previous use of the daycare, nor will there be any construction or modification to the structure of the house.

Use Permit Document - French American Kids

Description of Drop-off and Pick-up Schedule

The daycare opening hours are from 8:30 am to 6pm daily.

Children are dropped off from 8:30 to 9:30, when scheduled activities start. Most children arrive between 9 and 9:15. Parents park on the street or in the driveway and walk their children to the front door. Parents do not come inside the daycare (unless there is something specific, like paperwork to be done...) most parents leave their children at the door where our teacher greets them. They do not spend more than 5 or 10 minutes parked on the street.

Pick-up time starts at 12:00pm and goes until 6pm. Our daycare offers very flexible schedule and parents can choose to pick up their child at 12:00pm, 1:00pm, 3:00pm or later. Younger children usually leave at noon, and most children leave after lunch at 1:00pm. Some stay until 3:00pm and only one stays until 5:30-6:00pm.

We will offer the same type of schedule, with possible half day or full day.

Usually, there are between 2 or 4 cars parked at the same time. With at least one car in the driveway, it doesn't seem to impact the quietness and order of the street, and our families are very polite and well-mannered. We have not had any problems with neighbors and passing cars.



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 ...

There will be no changes in the structure or general appearance of the property. The only change would be the number of children attending and one extra teacher. As far as the impact on the neighborhood, I don't think there will be any complaints. Most new children will be sibling, so the

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

1/2

traffic on the street at drop off and pick-up time won't increase very much.

There has been a steady demand from families to attend our program. This daycare offers a unique french immersion and there are not many other options for people interested in an immersion program.

The other similar daycare in Palo Alto and Redwood City are all full.

There is a definite need from the surrounding community.

USE PERMIT (2/2)

Noren Caliva - File 2012-7045 Large Family Day Care

ATTACHMENT F
Page 1 of 1

From: Cynthia Markiewicz < >
To: "ncaliva@ci.sunnyvale.ca.us" <ncaliva@ci.sunnyvale.ca.us>
Date: 2/27/2012 5:26 PM
Subject: File 2012-7045 Large Family Day Care

As requested I am sending my comment re the above application. I am unable to attend the public hearing due to the need to care for someone having surgery that day.

I approve of day-care in private homes and appreciate the need for same. However, I believe the number of children should be limited to 5 or 6. You told me that there is no license needed for up to 8 of which I was unaware. I understand that this application would allow up to 14 children! This number of children in a residential neighborhood is far too many in my opinion. The traffic, the noise of the children which of course is natural, is fine for a school or major day-care center but I did not buy my home in a residential area with the idea I would be near a day-care center. I take care of my grandchildren and other children at times and with two or three the noise level can be high which at times concerns me because of my neighbors. This has always been a quiet neighborhood. I would appreciate keeping it this way. There are times, of course, when folks have parties and the noise level is high but that is infrequent, not a daily event.

To summarize, eight children is too many (from my viewpoint) so I am much opposed to an increase above this number.

Most sincerely,

Cynthia Markiewicz
1385 Cordilleras Ave.
Sunnyvale, CA

"The ideals which have always shone before me and filled me with the joy of living are goodness, beauty, and truth." - Albert Einstein