



REPORT TO PLANNING COMMISSION

Hearing Date: July 8, 2013

File #: 2013-7304
Location: 653 San Miguel Avenue in a R-0 (APN: 205-15-019):
Proposed Project: Use Permit to allow a large family day care within 300 feet of another large family day care.
Applicant/Owner: Yan Huang (Binh Thai)
Environmental Review: Class 1 Categorical Exemption
Staff Contact: Elise Lieberman, 408-730-7443, elieberman@sunnyvale.ca.gov

REPORT IN BRIEF:

Existing Site Conditions **Single-Family Residence**

Surrounding Land Uses

North	Single-Family Residence
South	Single-Family Residence
East	Single-Family Residence
West	Medium Density Residential

Issues Compatibility of use with neighborhood, traffic
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 DESCRIPTION:

Typically a large family day care (LFDC) does not require a land use permit from the City. However, 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 at 635 San Patricio Avenue (Attachment F – Proximity to day care facilities). The applicant is seeking approval to allow a waiver of this 300 foot separation requirement.

DISCUSSION:

Use Permit

The applicant currently operates a small family day care at the existing home and provides care for two 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 8:00 a.m. to 6:30 p.m. Monday through Friday. Currently no other staff members are required; however one full-time employee will be on-site during the hours of business once there are 8 or more children.

Site Layout

The proposed day care will utilize portions of the existing kitchen, living room, and bathroom. In addition, one bedroom will be used during nap times for the children. The backyard area will be used for 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. Any future employees will park within the garage to leave the driveway available for drop-off and pick-up. Parents may also use available on-street parking for drop-off and pick-up. The actual drop-off and pick-up times will be staggered as morning drop-off will be between the hours of 8:00 a.m. and 9:30 a.m. and evening pick-up will be between the hours of 5:00 p.m. and 6:30 p.m. 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 closest LFDC home is located on San Patricio Avenue, a street parallel to San Miguel Avenue. No other LFDC homes are located on San Miguel Avenue or a perpendicular street within 300 feet; therefore congestion from multiple LFDCs is unlikely.

Noise

The proposed LFDC will have outdoor activities within the fenced backyard, 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 San Miguel Avenue and a row of houses.

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 home located on San Patricio.

Privacy

On average, the children will collectively play outside for no more than 2 hours a day. Outdoor activities are continuously supervised by staff of the LFDC. The applicant indicates that staff ensure the children are respectful of their surroundings and do not make excessive noise. Only small play structures will be located in the backyard so that children cannot look over the fence and so that no Planning permits will be required.

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 Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 48 notices mailed to the property owners and residents within 300 ft. of the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • 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 • City of Sunnyvale's Website

CONCLUSION

Findings and General Plan Goals: Staff was able to make the required Findings and General Plan Goals as demonstrated in Attachment C.

Conditions of Approval: Recommended Conditions of Approval are located in Attachment D.

ALTERNATIVES

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

RECOMMENDATION

Recommend Alternative 1 in accordance with the Findings in Attachment C and Conditions of Approval in Attachment D.

Prepared by:



Elise Lieberman
Project Planner

Reviewed by:



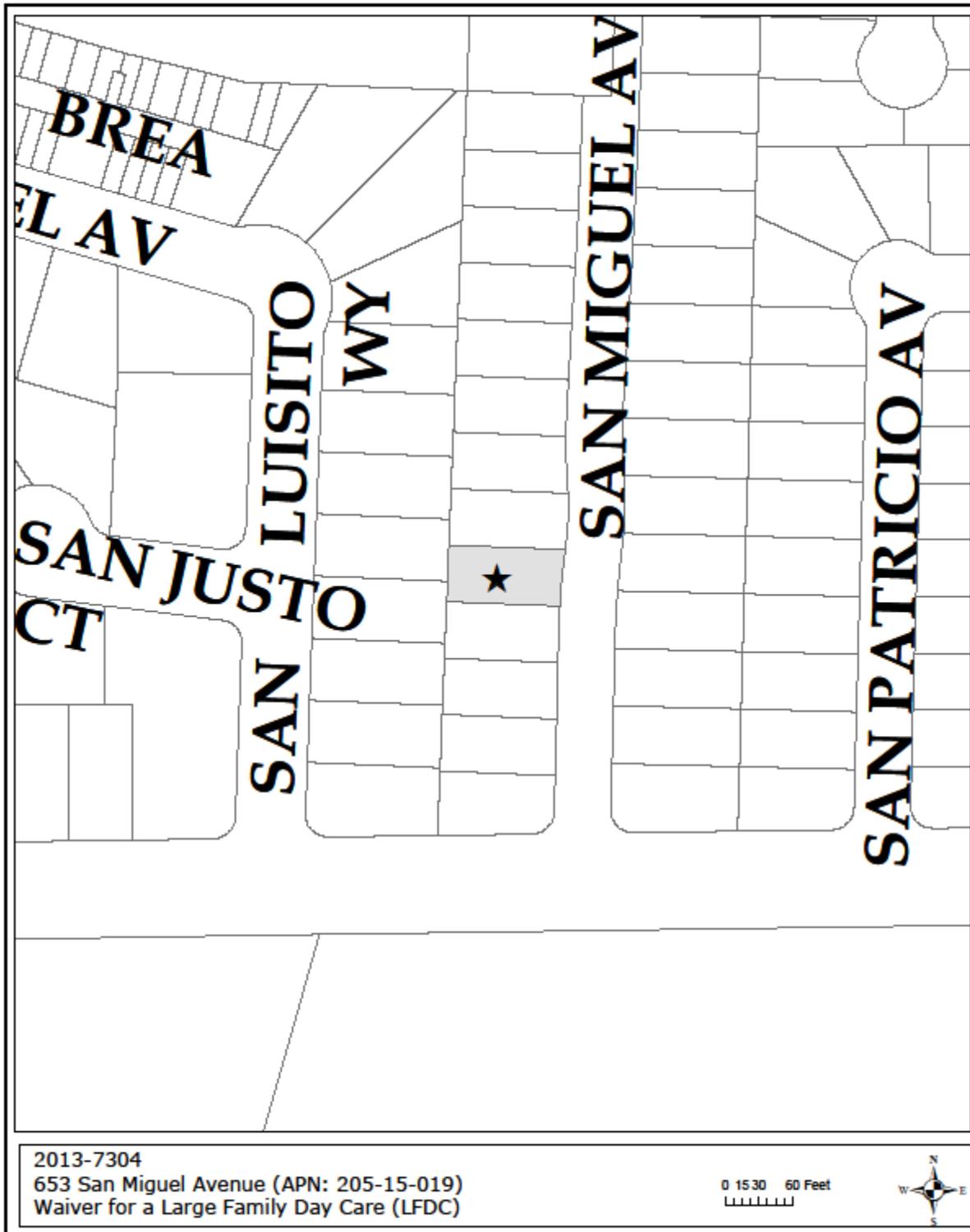
Gerfi Caruso
Principal Planner

Attachments:

- A. Vicinity Map
- B. Data Table
- C. Recommended Findings
- D. Recommended Conditions of Approval
- E. Site and Architectural Plans
- F. Proximity to day care facilities
- G. Site Images

Attachment A

VICINITY MAP



2013-7304
653 San Miguel Avenue (APN: 205-15-019)
Waiver for a Large Family Day Care (LFDC)

0 15 30 60 Feet
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Attachment B

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.)	5,000	Same	6,000 min.
Gross Floor Area (s.f.)	1,664	Same	N/A
Lot Coverage (%)	33%	Same	45% max.
Floor Area Ratio (FAR)	33%	Same	45% max. without PC review
Parking			
Total Spaces	4	Same	4 min.
Covered Spaces	2	Same	2 min.

Attachment C

RECOMMENDED FINDINGS

Use Permit

Goals and Policies that relate to this project are:

Sunnyvale’s Consolidated General Plan Chapter 3 – 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.

Sunnyvale’s Consolidated General Plan Chapter 3 – 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

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.

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 these facilities 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.

Attachment D

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
JULY 8, 2013**

Planning Application 2013-7304

653 San Miguel Avenue

Use Permit to allow a LFDC within 300 feet of another LFDC

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.

GC-1. USE EXPIRATION:

The approved Use Permit shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

GC-2. 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 expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]

GC-3. 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]

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 8:00 a.m. to 6:30 p.m. for standard hours of operation. Hours extending beyond 6:30 p.m. shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]

AT-2. PARKING:

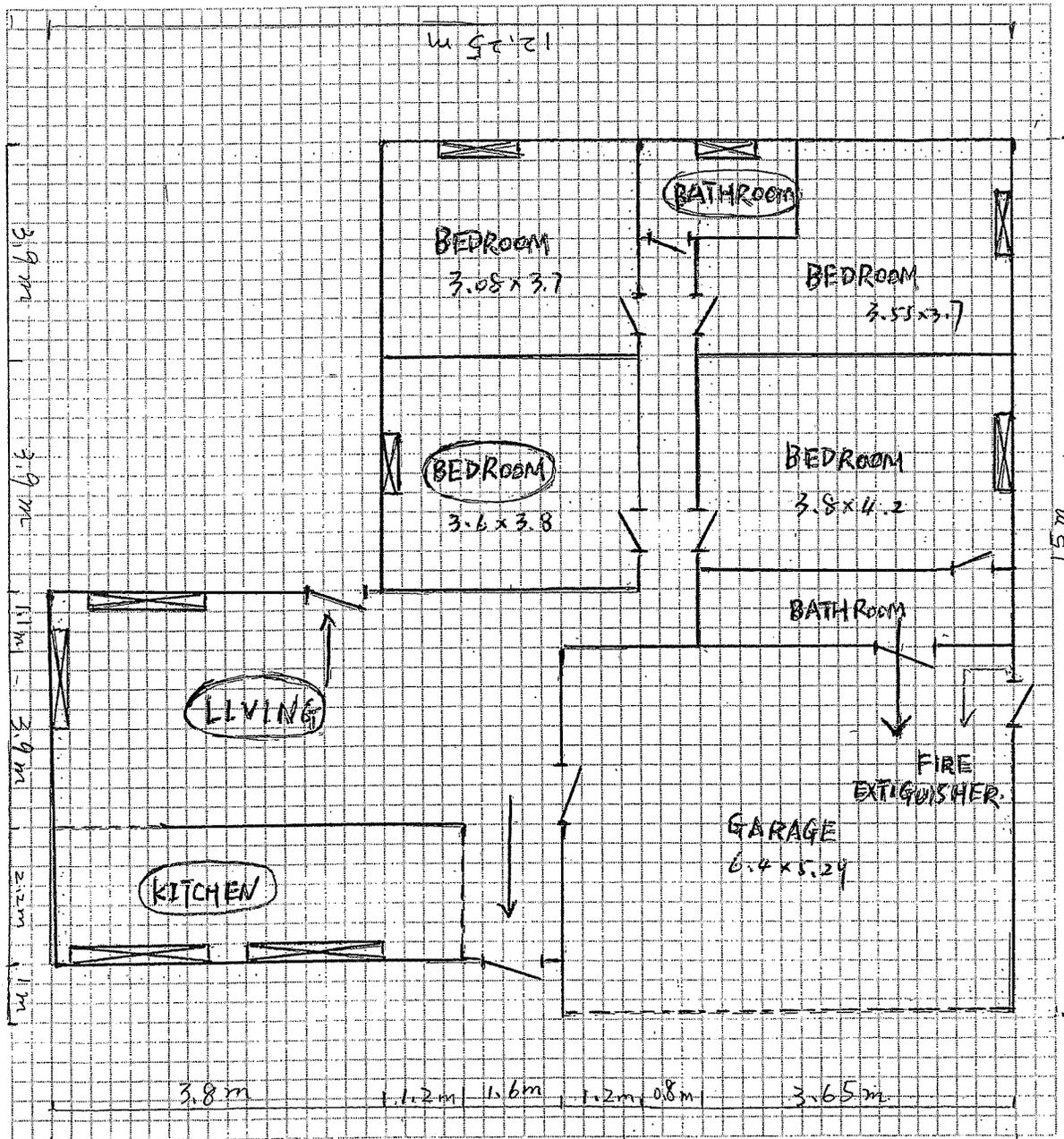
Garage spaces shall be maintained at all times so as to allow for parking of two vehicles. Vehicles belonging to the business operator and residents of the home shall be stored inside the garage during the operating hours of the large family day care. [COA] [PLANNING]

Attachment E

FACILITY SKETCH (Floor Plan) - Family Child Care Home

Applicants are required to provide a sketch of the floor plan of the home or facility and outside yard. The floor sketch must label rooms such as the kitchen, bath, living room, etc. Please identify areas which will be "off limits" to children. Door and window exits from the rooms must be shown in case of an emergency (see Emergency Disaster Plan). Show room sizes (e.g. 8.5 x 12). Keep close to scale. Use the space below. See back for yard sketch.

FACILITY NAME: Blue sky family daycare ADDRESS: 653 San Miguel Ave. Sunnyvale, CA 94085



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FACILITY SKETCH (Yard) - Family Child Care Home

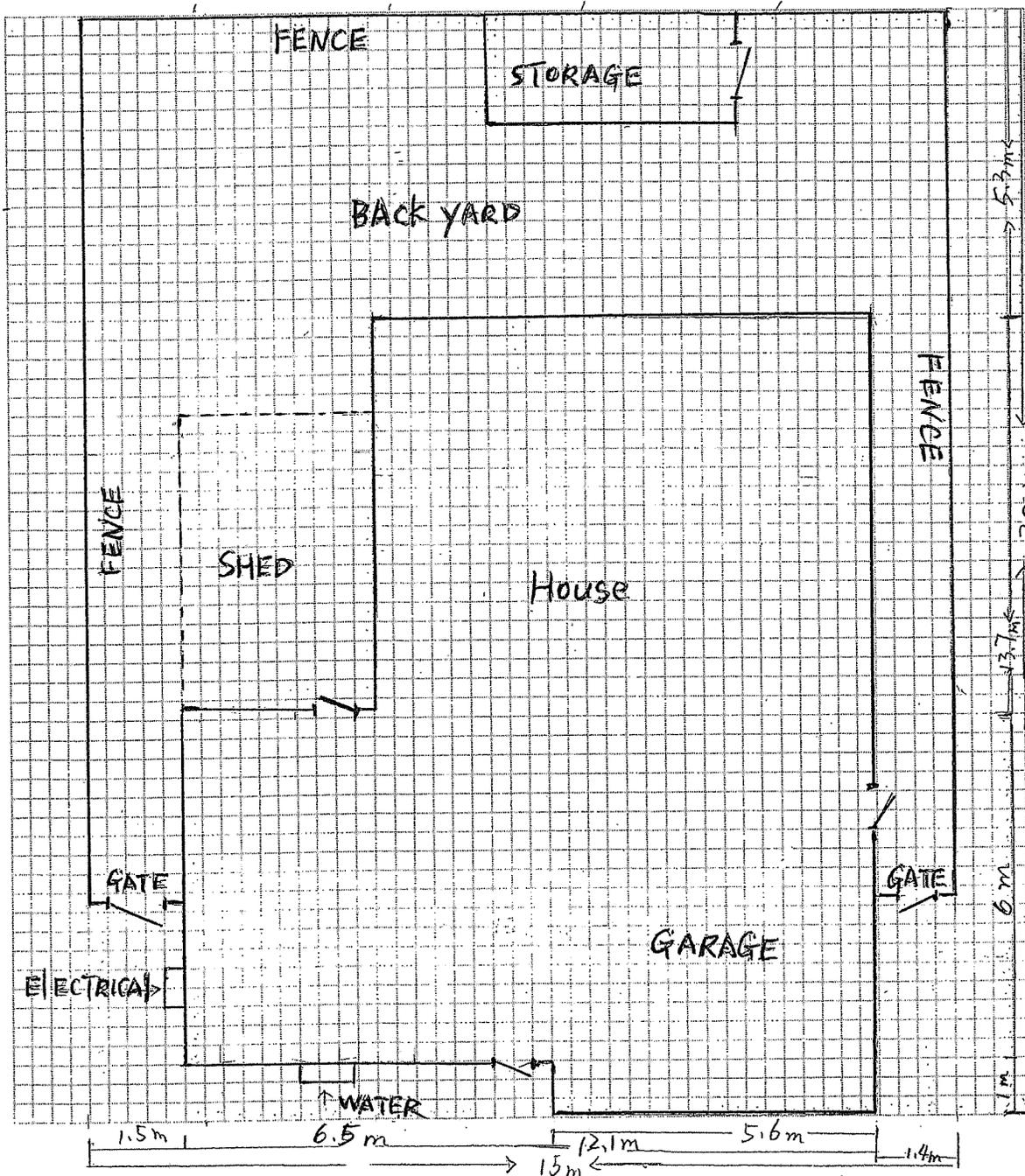
The yard sketch should show all buildings in the yard including the home (with no detail), garage and storage building. Include walks, driveways, play area, fences, gates. Please identify areas which will be "off limits" to children. Show any potential hazardous areas such as pools, garbage storage, animal pens, etc. Show the overall yard size. Try to keep the sizes close to scale. Use the space below.

FACILITY NAME:

Blue sky family daycare

ADDRESS:

653 San Miguel Ave Sunnyvale, CA 94085



Attachment F



Attachment G



