

PLANNING COMMISSION MINUTES OF DECEMBER 8, 2008

2008-0953: Application for a Use Permit to allow a large family day care facility within 300 feet of another large family day care facility. The property is located at **790 South Wolfe Road** (near Iris Ave.) in an R-0 (Low Density Residential) Zoning District. (APN: 213-20-016) EH

Gerri Caruso, Principal Planner, presented the staff report. She said staff recommends approval of the Use Permit subject to the conditions of approval in Attachment B.

Comm. Hungerford confirmed with staff that no opposing comments have been received regarding this application. Comm. Hungerford asked staff how much public noticing is done for this type of application. Ms. Caruso said the requirement is to notify neighbors within 300 feet of the site confirming that would include the neighbors on either side and up the block a little bit.

Comm. Klein asked staff how many children attend the LFDC (Large Family Day Care) next door to the proposed site. Ms. Caruso said the maximum number of children allowed for an LFDC is 14 and the state determines how many children a day care can have based on the number of assistants. Comm. Klein asked what the hours are for the existing LFDC. Ms. Caruso said that the existing day care did not have to go through the Use Permit process so staff does not know their hours adding that the hours would probably be similar to the proposed site's hours. Comm. Klein asked if staff had looked at the street parking situation during the hours of operation of these two day cares. Ms. Caruso said that the drop off and pick up of children is staggered, there is street parking available on Wolfe, and the applicant would leave the two driveway spaces available as part of the conditions of approval.

Vice Chair Chang opened the public hearing.

Belin Di Lascio, applicant, provided her comments through an interpreter (Lorena Rodriguez). Ms. Di Lascio presented photographs to the Commission of the day care she currently operates. She said she has been providing Small Family Day Care (SFDC) services at this site since May 2007. She said in August of 2007 the Department of Social Services performed an inspection and gave their approval for her to operate a LFDC. She said she is waiting the City's response for this application so she can obtain her permit and Public Safety can complete their inspection. Ms. Di Lascio said she would like to expand her day care to provide more service and flexibility to the families she works with. She said the SFDC license limits the number of children she can care for. She provided her reasons for wanting to expand the day care. She discussed her

current SFDC. She referred to letters of support from parents and neighbors expressing her appreciation to Commission for considering her application.

Comm. Sulser asked Ms. Di Lascio if there have been any conflicts with her SFDC and the LFDC that is within 300 feet of the site. Ms. Di Lascio said there have been no problems. Comm. Sulser asked if there is a close enough working relationship between herself and the neighboring LFDC provider that conflicts could be worked out. Ms. Di Lascio she and the neighbor get along well. She said that they do not communicate a lot as there are language differences as she is from Venezuela and the neighbor is from Taiwan.

Comm. Klein asked Ms. Di Lascio if there have been any parking issues. Ms. Di Lascio said there have been no issues regarding the parking. Comm. Klein said on his site visit he noticed that most of the street spots were parked in. He said he is concerned about parking for a larger number of people. Ms. Di Lascio said she currently has three families that she works with and she has had no problems. She said if there were any problems she would work with the neighbors. She added that it is not her intention to have 14 children in the day care, and that her intention for obtaining this permit is to have more flexibility.

Comm. McKenna asked Ms. Di Lascio if the children learn Spanish while they are with her. She said Spanish and English are both spoken at the day care and her assistant and her mother-in-law both speak Spanish with the children. Comm. McKenna asked about the parking habits of the families that she currently provides care for. Ms. Di Lascio said that the three families she currently provides care for come at staggered times and there have been no parking problems.

Jean Claude Gigot, a parent of one of the children that Ms. Di Lascio currently cares for, spoke in support of this application. He said French is spoken at his home and his child is also learning Spanish and English. He said he has never had any problem parking on the street. He said he would like his child to have more children to play with. He expressed how wonderful Ms. Di Lascio and this day care adding that he likes to sit and read with his child there. He said by observing how Ms. Di Lascio works with the children that he is learning to be a good Dad. He said that Ms. Di Lascio is an angel.

Chia-Hsiu Chang, provider of the nearby LFDC and next door neighbor, said that she has 12 children in her day care. She said that the two day cares have different drop off and pick up schedules, and different outdoor activity times, so she thinks that traffic and noise should be under control. She said that she will ask her parents to help in shortening their drop off and pick up times in the future.

Ines Di Lascio, mother-in-law to the applicant, provided comments through an interpreter (Monica Guerra). Ines Di Lascio spoke in support of this application. She said she is an assistant at the day care and speaks both Spanish and English. She said she does not have a car and said if the application is approved for the LFDC that she can assist more. She said she is a “grandmother” to all of the children.

Raquel Romano, a parent of two of the children that Ms. Di Lascio currently cares for, said that parking has never been a problem. She said Ms. Di Lascio encourages the parents to use the driveway. Ms. Romano said that the purpose of this request is to allow more flexibility in the services she can provide and not to build a gigantic day care. Ms. Romano agreed that she is an angel and an amazing day care provider.

Michael Mathieson, a parent of a child that Ms. Di Lascio currently cares for, spoke in support of this application. He agreed with the other two parents that she is a wonderful day care provider adding that the more children she can influence and teach the more service she brings to the community. He said she has an amazing ability to touch children, and that his child is two and is speaking English, Spanish and learning sign language. He confirmed that the parking is staggered. He said most of the parents live nearby and the pick ups usually are before or after rush hour. He said most of the time the driveway is free. He said there are positive cultural elements in the day care, the children think of her as family, and the assistants are also wonderful. He said they are hopefully going to have another child and he would like Ms. Di Lascio to be permitted to have the larger day care so if they have another child that she can provide day care for that infant also.

Ederson Grajales, a neighbor, spoke in support of this application. He said when he comes and goes from his house he has never had any problems with parents dropping off their children. He said Ms. Di Lascio is a wonderful person, that he never sees anything wrong, that she is patient with the children, that she is concerned about safety, and takes good care of the children. He said they hope to have children some day and would like to have Ms. Di Lascio be their day care provider because they like her very much.

John Gard, an Independent Design Consultant, spoke in support of this application. He said as a hobby he likes to help prepare facilities for day care centers. He said he has worked with Ms. Di Lascio and her husband retrofitting the home upgrading ergonomic standards, aesthetics, and safety issues including shelving, gate latches and a gate alarm system. He said he likes to take the codes for the different City’s regarding day cares and exceed the

standards. He said parking has not been an issue when he has been at the site. He said this is a safe place for children to be and Ms. Di Lascio is a wonderful person.

Gladys Castro, a friend and fellow Sunnyvale Family Childcare Network member, spoke in support of this application. She said that she thinks Ms. Di Lascio should be permitted to have the LFDC as she is prepared for it.

Ms. Di Lascio thanked everyone who came to support her application this evening. She said she hoped the Commission would approve her application.

Vice Chair Chang closed the public hearing.

Comm. Klein asked staff, if a parking problem were to develop, what would be the neighbors' recourse. Ms. Caruso said if there was an immediate issue then the Department of Public Safety could be called and if there was an on-going issue that could not be worked out that the neighbors could contact the Neighborhood Preservation Division.

Comm. Klein moved for Alternative 1, to approve the Use Permit with attached conditions. Comm. Travis seconded the motion.

Comm. Klein said he was able to make the findings. He said in the past there have been problems with multiple day cares within a small proximity of each other. He said in this case there is an existing LFDC being run in a low-key manner not affecting the community and another day care provider next door that is already loved by parents and neighbors. He said one of the things that brought him to make this decision was Ms. Chang already willing to work with the neighbor to work things out so both day cares can exist. He said, in general having two day cares side by side is unusual, but it seems to be appropriate in this situation. He said he is happy to approve the request of the applicant.

Comm. Travis said he would be supporting the motion and that he agrees with Comm. Klein. He said he was concerned about two LFDCs so close together, but that the applicant has taken to heart the neighborhood and the day cares are considerate of each other. He said finding good day care can be difficult, and that this seems to be a great place to send children. He said giving flexibility to the applicant to add more children along with the day cares being watchful of the parking issues that allowing this LFDC will be a great addition to the community.

Comm. McKenna said she would be supporting the motion. She said that large does not mean a bigger place, it just allows some flexibility. She said the neighbor which currently has the LFDC said she has the flexibility. Comm. McKenna said that she has never heard an applicant called an angel. She said to

see this kind of support from the community and the need for childcare in the community that she cannot see this being anything but a win-win situation.

Comm. Sulser said he would be supporting the motion. He said he heard no concerns from listening to the testimony regarding negative impacts on the neighborhood.

Vice Chair Chang said he would be supporting the motion. He said finding a good day care can be difficult.

ACTION: Comm. Klein made a motion on 2008-0953 to approve the Use Permit with the attached conditions. Comm. Travis seconded. Motion carried, 6-0, with Chair Rowe absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than December 23, 2008.