

ORDINANCE NO. _____-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO CHILD CARE CENTERS

WHEREAS, pursuant to study issue CDD 15-11, the City Council has reviewed the provisions in the zoning code related to business-sponsored child care centers, and desires to make certain changes to the code for the purpose of locating child care centers in areas of the City deemed as appropriate for such use.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 19.12.040 AMENDED. SECTION 19.12.040 of Chapter 19.12 (Definitions) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.040. "C"

(1) [Text unchanged]

(2) "Child care center" means a building or portion thereof in which nonresident children under eighteen years of age receive care and supervision for less than a twenty-four-hour period. "Child care center" includes infant centers, preschools, centers for mentally ill children and extended day care of school-age children but does not include "family child care homes."

(a) ~~"BSmall business sponsored" means a child care center for a maximum occupancy of fourteen children, sponsored by the business located on the same site and for the care of children of on-site employees. The location of the center shall be at least one thousand feet from another industrial property, or owners of industrial properties located within one thousand feet of the child care center must record an agreement not to use acutely hazardous materials as listed in the state's CalARP program.~~

~~(b) "Large business sponsored" means a child care center for a maximum occupancy of thirty, sponsored by the business located on the same site and for the care of children of on-site employees. The location of the center shall be at least one thousand feet from another industrial property, or owners of industrial properties located within one thousand feet of the child care center must record an agreement not to use acutely hazardous materials as listed in the state's CalARP program.~~

(3) - (16) [Text unchanged]

SECTION 2. SECTION 19.12.050 AMENDED. SECTION 19.12.050 of Chapter 19.12 (Definitions) of the Sunnyvale Municipal Code is hereby amended and renumbered to read as follows:

19.12.050. “D”

~~(1) “Day care center” means a building or portion thereof in which individuals receive care and supervision for less than a twenty four hour period for compensation or profit. “Day care center” does not include “family child care homes.”~~

~~(21)~~ – ~~(1413)~~ [Renumbered; text unchanged]

SECTION 3. TABLE 19.18.030 AMENDED. TABLE 19.18.030 of Chapter 19.18 (Residential Zoning Districts) of the Sunnyvale Municipal Code is hereby amended to read as follows:

TABLE 19.18.030

Permitted, Conditionally Permitted and Prohibited Uses in Residential Zoning Districts

In the table, the letters and symbols are defined as follows:

P = Permitted use

MPP = Miscellaneous Plan Permit required

UP = Use Permit required

SDP = Special Development Permit required

N = Not permitted, prohibited

RESIDENTIAL ZONING DISTRICTS	R-0/R-1	R-1.5	R-1.7/PD	R-2	R-3	R-4	R-5	R-MH
<i>1. – 3. [Text unchanged.]</i>								
<i>4. Commercial Uses</i>								
A. Child care/ <u>adult</u> day care center/nursery schools	UP	UP	SDP	UP	UP	UP	UP	P ²
<i>B. – D. [Text unchanged.]</i>								
<i>5. – 7. [Text unchanged.]</i>								

1 – 6

[Text unchanged.]

SECTION 4. TABLE 19.20.030 AMENDED. TABLE 19.20.030 of Chapter 19.20 (Commercial Zoning District) of the Sunnyvale Municipal Code is hereby amended to read as follows:

TABLE 19.20.030
Permitted, Conditionally Permitted and Prohibited Uses in Commercial Zoning Districts

In the table, the letters and symbols are defined as follows:

P = Permitted use
UP = Use permit required
MPP = Miscellaneous plan permit
N = Not permitted, prohibited

COMMERCIAL ZONING DISTRICTS	C-1	C-2	C-3	C-4
<i>1. – 2. [Text unchanged.]</i>				
<i>3. Personal Service</i>				
A. Child care centers with occupancy of 30 or fewer persons <u>children</u>	MPP	MPP <u>UP</u>	UP <u>MPP</u>	UP <u>MPP</u>
B. Child care centers with occupancy of 31 or more persons <u>children</u>	UP	UP	UP	UP
C. – D. [Text unchanged.]				
<i>4. – 10. [Text unchanged.]</i>				

¹⁻⁹ [Text unchanged.]

SECTION 5. TABLE 19.22.030 AMENDED. TABLE 19.22.030 of Chapter 19.22 (Industrial Zoning Districts) of the Sunnyvale Municipal Code is hereby amended and renumbered to read, as follows:

TABLE 19.22.030
Permitted, Conditional Permitted and Prohibited Uses in Industrial Zoning Districts

In the table, the letters and symbols are defined as follows:

P = Permitted use
MPP = Miscellaneous plan permit required
UP = Use permit required
N = Not permitted, prohibited
FAR = Floor area ratio restrictions
> = Greater than
N/A = FAR does not apply

Use Regulations by Zoning District USE	M-S Zoning Districts FAR ³	M-S Zoning Districts	M-S/POA Zoning Districts	M-3 Zoning Districts FAR ³	M-3 Zoning Districts
1. – 2. [Text unchanged.]					
3. <i>Commercial</i>					
A. – E. [Text unchanged.]					
F. Childcare centers, small-business- sponsored (maximum 14 children)	N/A	<u>MPPUP</u>	<u>MPPUP</u>	N/A	<u>MPPUP</u>
G. Childcare centers, large-business sponsored (maximum 30 children)	N/A	UP	UP	N/A	UP
H-G– M-L. [Text unchanged; renumbered.]					
4. – 6. [Text unchanged.]					

¹⁻⁴ [Text unchanged.]

SECTION 6. TABLE 19.24.030 AMENDED. TABLE 19.24.030 of Chapter 19.24 (Office and Public Facilities Zoning Districts) of the Sunnyvale Municipal Code is hereby amended to read as follows:

TABLE 19.24.030
Permitted, Conditionally Permitted and
Prohibited Uses in Office and Public Facilities Zoning Districts

In the table, the letters and symbols are defined as follows:

P = Permitted use

UP = Use permitted required

MPP = Miscellaneous plan permit required

N = Not permitted, prohibited

OFFICE AND PUBLIC FACILITIES ZONING DISTRICTS	O	P-F
1. – 2. [Text unchanged.]		
3. <i>Personal Service</i>		
A. Child care centers with occupancy of 30 or fewer persons children	<u>MPPUP</u>	MPP
B. Child care centers with occupancy of 31 or more persons children	UP	UP
4. – 6. [Text unchanged.]		

¹⁻² [Text unchanged.]

SECTION 7. TABLE 19.28.080 AMENDED. TABLE 19.28.080 of Chapter 19.28 (Downtown Specific Plan District) of the Sunnyvale Municipal Code is hereby amended to read as follows:

In the table, the letters and symbols are defined as follows:

P = Permitted use

SDP = Special development permit required

MPP = Miscellaneous plan permit required

UP = Use permit required

N = Not permitted, prohibited

DSP RESIDENTIAL BLOCKS	4, 5, 14, 15, 16, 23	6, 10a	8, 9, 10, 11, 12, 17	8a	8b, 9a
1. – 2. [Text unchanged.]					
3. Commercial Uses					
A. Child care/ <u>adult</u> day care center/nursery schools	SDP	SDP	SDP	SDP	SDP
B. – C. [Text unchanged.]					
4. – 6. [Text unchanged.]					

¹⁻³

[Text unchanged.]

SECTION 8. TABLE 19.29.050 AMENDED. TABLE 19.29.030 of Chapter 19.29 (Moffett Park Specific Plan District) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Table 19.29.050
Permitted, Conditionally Permitted and Prohibited Uses
in MPSP Subdistricts

In the table, the letters and symbols are defined as follows:

P = Permitted use. A Moffett Park Design Review Permit is required pursuant to Section 19.29.050(c). Development exceeding the standard FAR limit must be reviewed through a major permit.

SDP = Special development permit. A Moffett Park Special Development Permit is required.

MPP = Miscellaneous Plan Permit. A Miscellaneous Plan Permit is required.

N = Not permitted. Prohibited.

Use			Specific Plan Subdistrict		
			MP-TOD	MP-I	MP-C
1. – 7.		[Text unchanged.]			
8.		<i>Other</i>			
	A. – B.	[Text unchanged.]			
	C.	Childcare centers, small -business-sponsored (maximum 14 children)	<u>MPPSDP</u>	<u>MPPSDP</u>	N
-	D.	Childcare centers, large business-sponsored (maximum 30 children)	SDP	SDP	N
	DE. – <u>DU.</u>	[Text unchanged; renumbered.]			

SECTION 9. SECTION 19.98.020 AMENDED. SECTION 19.98.020 of Chapter 19.98 (General Procedures) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.98.020. Applications.

(a) – (e) [Text unchanged.]

(f) For any business-sponsored child care center in any industrial zoning district, and for any use in a POA combining district serving sensitive populations as defined in Section 19.12.200, the following additional application requirements and procedures shall be met:

(1) If the use is proposed within a multi-tenant building, the applicant shall obtain an agreement providing for the limitation of hazardous material users on the same site, which agreement shall be recorded between the property owner, applicant, and city.

(2) The applicant shall acknowledge in writing that it is locating in an industrial area that may result in higher levels of noise, traffic, and exposure to hazardous materials than would normally be encountered in non-industrial areas.

(3) The applicant shall adopt and submit for the approval of city a safety plan designed to protect sensitive populations in the event of a nearby release of hazardous materials.

(g) – (i) [Text unchanged.]

SECTION 10. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 11. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 12. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2015, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney