

- 3      [15-0391](#)      Introduce an Ordinance to Amend various sections of the Sunnyvale Municipal Code Title 19 (Zoning) Related to Child Care Facilities (CDD 15-11); Approve Guidelines for Commercial Child Care; and Finding of CEQA Exemption Pursuant to CEQA Guideline 15061(b) (3). (Planning File: 2015-7149) (Continued from July 13, 2015)

Andrew Miner, Principal Planner, presented the staff report.

Comm. Simons discussed with Mr. Miner the requirements for child care facilities in residential areas, and Mr. Miner said this Ordinance is related to commercial child care facilities.

Vice Chair Harrison confirmed with Mr. Miner that the term "slots" in the report indicates a child who can be serviced in a care facility, and that there are 271 facilities that can together accommodate 8,204 slots. Trudi Ryan, Planning Officer, added that the slots equal the number of children the facilities are licensed to care for, but that not all businesses take in that many children. Vice Chair Harrison and Mr. Miner discussed how child care facilities will be considered for commercially zoned properties on El Camino Real with the upcoming update of the Precise Plan for El Camino Real, and as part of the proposed neighborhood villages discussed in the update of the Land Use and Transportation Element (LUTE). Vice Chair Harrison confirmed with staff that there are currently no business sponsored child care centers and discussed the types of businesses that have interest in having larger centers in closer proximity to or on their sites.

Comm. Rheume and Mr. Miner discussed the reasoning behind not allowing commercial child care centers in industrial areas while proposing the allowance of business sponsored child care centers in industrial areas. Comm. Rheume confirmed with Mr. Miner that the permit process to open a business sponsored facility has a higher level of scrutiny and would require approval by the Planning Commission.

Comm. Olevson commented on the Ordinance simplifying the process for people doing business in Sunnyvale by allowing them to explore options for child care at or near their businesses.

Chair Melton noted the addition of the term "adult day care center" to the draft Ordinance, and discussed with Mr. Miner how commercial child care centers reach a maximum number of children per site. Ms. Ryan added that there may be other reasons staff feels a site is inappropriate for a child care center and that applying for a permit for a commercial child care center does not guarantee approval.

Chair Melton opened the public hearing, and upon seeing no speakers for this item, closed the public hearing.

Vice Chair Harrison moved to recommend to City Council Alternatives:

- 1) Find that the project is exempt from CEQA under Guideline 15061(b)(3);
- 2) Introduce an ordinance (Attachment 3) to amend Chapters 19.12, 19.18, 19.20, 19.22, 19.24, 19.29 and 19.98 of Title 19 of the Sunnyvale Municipal Code to: consolidate business-sponsored child care facilities into one category and remove the upper limit on the number of children allowed at these child care facilities; require a Use Permit (UP) for business-sponsored child care facilities in industrial zoning districts and a Special Development Permit (SDP) in the Moffett Park Specific Plan area; and require a Miscellaneous Plan Permit (MPP) for commercial child care facilities with 30 children or fewer in commercial, office and public facilities zoning districts (excludes residential districts); and,
- 3) Approve the Guidelines for Commercial Child Care Centers (Attachment 2).

Comm. Simons seconded.

Vice Chair Harrison said staff has looked into all of the various possibilities and explained the existing limits. She stated that this meets the City's guidelines with regard to the intent to provide child care in safe situations and she can make the findings.

Comm. Simons said he likes Comm. Olevson's interpretation that this is a very limited modification to our present child care Ordinance, that this is an area for potential growth for more child care and he will be supporting the motion.

Comm. Olevson said he will be supporting the motion, that the staff report has done a good job of identifying the need for child care in these areas and the motion to approve these changes addresses that need.

Comm. Rheume said he will be supporting the motion and thanked staff for putting together a good report. He said Comm. Olevson put it clearly to him that these changes are about making things simpler by allowing businesses to do what they need to run their business and that they are responsible for any liabilities if there are any such cases. He said this is a pretty straight forward and easy motion to support.

Chair Melton said he will be supporting the motion, that daycare and child care are important topics to Sunnyvale and an important policy we have. He said he

understands that Mr. Miner parachuted in on this project, which had been hanging around for a while, and that he has done a great job. He wished staff good luck as they bring this Ordinance to City Council for consideration.

MOTION: Vice Chair Harrison moved to recommend to City Council Alternatives:

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- 3) Approve the Guidelines for Commercial Child Care Centers (Attachment 2).

Comm. Simons seconded. The motion carried by the following vote:

**Yes:** 5 - Chair Melton  
Vice Chair Harrison  
Commissioner Olevson  
Commissioner Rheaume  
Commissioner Simons

**No:** 0

**Absent:** 1 - Commissioner Klein

#### **STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

None.

#### **NON-AGENDA ITEMS AND COMMENTS**

##### **-Commissioner Comments**

None.

##### **-Staff Comments**

Ms. Ryan reminded the Planning Commission of an upcoming workshop for Boards and Commissions regarding the Civic Center Modernization Project, and noted that City Council has not yet appointed a new Planning Commissioner. She also discussed Planning-related City Council items.