

From: [Andrew Miner](#)
To: [Bonnie Filipovic](#)
Cc: [Cindy Hom](#); [Noren Caliva-Lepe](#); [Rebecca Moon](#)
Subject: FW: Proposed child care center at 755 S Bernardo Ave, Sunnyvale
Date: Thursday, December 05, 2019 9:21:08 AM

From: Windgasse, Gabriele@CDPH [mailto:Gabriele.Windgasse@cdph.ca.gov]
Sent: Thursday, December 5, 2019 7:27 AM
To: Andrew Miner <AMiner@sunnyvale.ca.gov>; Villasenor, Nancy@CDPH <Nancy.Villasenor@cdph.ca.gov>
Cc: Allen Yu <[REDACTED]>; Noren Caliva-Lepe <Ncaliva-lepe@sunnyvale.ca.gov>; Sarah Tran <STran@sunnyvale.ca.gov>; Cindy Hom <CHom@sunnyvale.ca.gov>; [REDACTED]
Subject: Re: Proposed child care center at 755 S Bernardo Ave, Sunnyvale

ATTN: Email is from an external source; Stop, Look, and Think before opening attachments or links.

Dear Mr Miner, thank you for pointing out the details of the guidance. As this is Guidance from your City it is up to you how to apply it. Our role is to implement the CSPECE guidance in CA, provide Technical Assistance to our stakeholders, and make recommendations to protect public health.

Sincerely
Gabriele Windgasse

Gabriele Windgasse

From: Andrew Miner <AMiner@sunnyvale.ca.gov>
Sent: Wednesday, December 4, 2019 3:40:38 PM
To: Windgasse, Gabriele@CDPH <Gabriele.Windgasse@cdph.ca.gov>; Villasenor, Nancy@CDPH <Nancy.Villasenor@cdph.ca.gov>
Cc: Allen Yu <[REDACTED]>; Noren Caliva-Lepe <Ncaliva-lepe@sunnyvale.ca.gov>; Sarah Tran <STran@sunnyvale.ca.gov>; Cindy Hom <CHom@sunnyvale.ca.gov>; [REDACTED]
[REDACTED]>
Subject: RE: Proposed child care center at 755 S Bernardo Ave, Sunnyvale

Thank you for your response, however, I'm still uncertain of your role, especially in relation to a city process.

You don't use any State policies in your guidance, but you do state that the Sunnyvale Guidelines for Commercial Child Care Centers includes a policy that: "Child care centers should be located more than 500 feet from any automobile service stations." That is incorrect. The section you quote is from the portion of the guidelines relating to Industrial Areas:

Child care centers are allowed in industrial areas only as business-sponsored facilities (where the facility is for the exclusive use of on-site employees.)

3. Child care centers should be located more than 500 feet from any automobile service stations.

There is no policy regarding distance from these uses in commercial areas. The City has no policies prohibiting these uses in commercial areas, in fact, the Neighborhood Commercial zoning district is considered the best option for these uses because it provides a service to the nearby residents.

I appreciate and value your involvement in maintaining safe child care facilities, but I don't see how the referenced site is inconsistent with State or local policies.

From: Windgasse, Gabriele@CDPH [<mailto:Gabriele.Windgasse@cdph.ca.gov>]
Sent: Wednesday, December 4, 2019 3:11 PM
To: Andrew Miner <AMiner@sunnyvale.ca.gov>; Villasenor, Nancy@CDPH <Nancy.Villasenor@cdph.ca.gov>
Cc: Allen Yu <[REDACTED]>; Noren Caliva-Lepe <Ncaliva-lepe@sunnyvale.ca.gov>; Sarah Tran <STran@sunnyvale.ca.gov>; Cindy Hom <CHom@sunnyvale.ca.gov>; [REDACTED]
Subject: RE: Proposed child care center at 755 S Bernardo Ave, Sunnyvale

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Dear Mr. Miner, our department (CDPH) does not issue child care licenses, the California Department of Social Services (DSS) does. Our role is to educate all stakeholders (including agencies, providers and applicants) on these environmental health concerns, as there are no specific state rules or regulation that require the consideration of these issues at child care facilities. It is the lack of these regulations for child care facilities at the federal and state level that prompted ATSDR to write this guidance.

We have worked closely with DSS and CDE to develop the voluntary checklist and other tools, but we cannot enforce their use. Ultimately it is DSS who will determine if a license is issued.

I hope this information is helpful.

Sincerely
Gabriele Windgasse

From: Andrew Miner <AMiner@sunnyvale.ca.gov>
Sent: Wednesday, December 4, 2019 2:59 PM
To: Windgasse, Gabriele@CDPH <Gabriele.Windgasse@cdph.ca.gov>; Villasenor, Nancy@CDPH <Nancy.Villasenor@cdph.ca.gov>
Cc: Allen Yu <[REDACTED]>; Noren Caliva-Lepe <Ncaliva-lepe@sunnyvale.ca.gov>; Sarah Tran <STran@sunnyvale.ca.gov>; Cindy Hom <CHom@sunnyvale.ca.gov>; [REDACTED]
Subject: RE: Proposed child care center at 755 S Bernardo Ave, Sunnyvale

EXTERNAL SENDER:AMiner@sunnyvale.ca.gov. Only open links and attachments from known senders. Do not provide your username or password. To report suspicious emails, click "Report Phish" button.

Mr. Windgasse and Ms. Villasenor-

A child care facility such as the proposed must receive license from the State of California. I am not sure of your role in that process, but would you recommend the appropriate State agency to issue such a license for this use at this location? Is it your agency that issues these licenses? If not, does the licensing agency seek your opinion or approval for the request?

I am trying to understand how your advice to the City of Sunnyvale is reflected in action necessary by the State. I am sure the Planning Commission will ask City staff that question.

Thank you.

Andrew Miner, AICP
Assistant Director, Community Development
aminer@sunnyvale.ca.gov
408 730-7707

From: Cindy Hom
Sent: Wednesday, December 4, 2019 2:35 PM

To: Windgasse, Gabriele@CDPH <Gabriele.Windgasse@cdph.ca.gov>

Cc: Allen Yu <[REDACTED]>; Villasenor, Nancy@CDPH <Nancy.Villasenor@cdph.ca.gov>; Noren Caliva-Lepe <Ncaliva-lepe@sunnyvale.ca.gov>; Andrew Miner <AMiner@sunnyvale.ca.gov>; Sarah Tran <STran@sunnyvale.ca.gov>

Subject: RE: Proposed child care center at 755 S Bernardo Ave, Sunnyvale

Hi Dr. Windgasse,

I am in receipt of your email. A copy of comments will be provided to the Planning Commission for review and consideration. Thank you for participating in the planning process.

Regards,
Cindy

From: Windgasse, Gabriele@CDPH [<mailto:Gabriele.Windgasse@cdph.ca.gov>]

Sent: Wednesday, December 04, 2019 1:38 PM

To: Cindy Hom <CHom@sunnyvale.ca.gov>

Cc: Allen Yu <[REDACTED]>; Villasenor, Nancy@CDPH <Nancy.Villasenor@cdph.ca.gov>

Subject: Proposed child care center at 755 S Bernardo Ave, Sunnyvale

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To: Cindy Hom, Associate Planner, City of Sunnyvale

Dear Cindy,

Thank you for providing information regarding the proposed child care center at 755 S. Bernardo Ave, in Sunnyvale and for discussing the site with us. As you know, we were contacted by Mr. Allen Yu (copied on this email), who shared his concerns regarding the proposed child care facility.

My section, the Site Assessment Section of the California Department of Public Health (CDPH), is working with a federal public health agency (the Agency for Toxic Substances and Disease Control, ATSDR) that has developed a guidance for the safe siting of child care facilities to protect children and staff from exposure to harmful chemicals: "Choose Safe Places for Early Care and Education"

(https://www.atsdr.cdc.gov/safeplacesforECE/cspece_guidance/index.html). Under a cooperative agreement between CDPH and ATSDR, my section is implementing this guidance in California on a voluntary basis. We have developed a number of tools for city and county planners, applicants for child care licenses, and providers which are available on our website

(<https://www.cdph.ca.gov/Programs/CCDPPH/DEODC/EHIB/SAS/Pages/CSP.aspx>). We developed these tools in collaboration with the California Department of Social Services (licensing agency) and the California Department of Education. We understand that the need for child care facilities in a community must be balanced with the suitability of the available sites, and that it is difficult to find an "ideal" location in a developed, urban area. However, the health and safety aspects of each site must be carefully considered. Regarding the proposed child care center at 755 S. Bernardo Avenue, I would like to provide the following information for the administrative record and the planning commission's consideration:

- A large gas station and automotive shop is located across the street (at 750 S Bernardo Ave), approximately 100 ft from the proposed facility. The "Guidelines for Commercial Child Care Centers in Sunnyvale" state that "Child care centers should be located more than 500 feet from any automobile service stations".
- In 2005, the Santa Clara Valley Water District/County of Santa Clara closed an investigation of a leaking Underground Storage Tank at this gas station (closure report: https://geotracker.waterboards.ca.gov/regulators/deliverable_documents/9557081460/CLOS_L_2005-12-21.pdf). Note that contamination west of the site (at the proposed child care facility) was not

investigated. The report states that *“Residual contamination in soil remains at the site that could pose an unacceptable risk under certain site development activities ... The county and the appropriate planning and building department shall be notified prior to any changes in land use, ...”*. This information is 15 years old and pertains to the conditions at the gas station. However, the conditions at the proposed child care location are unknown.

- Please consider using our “Voluntary Environmental Checklist for Early Care and Education Facilities” (attached as pdf) during the decision-making process.
- The California Department of Education (CDE) is currently developing criteria for infrastructure grants under Senate Bill 75. These infrastructure grants can be used to retrofit existing licensed child care facilities, and also to address health and safety concerns at child care facilities (including testing and mitigation of hazardous substances). Per information from CDE, licensed child care centers will be prioritized for these grants during the first funding cycle, starting on April 2020.

If there is interest, we would like to offer technical assistance to the City of Sunnyvale, the applicant, and the community, to ensure the health and safety of children and staff.

Please let me know if you have any questions.

Sincerely,

Gabriele Windgasse

Gabriele Windgasse MS, DrPH
Chief, [Site Assessment Section](#)
[Center for Healthy Communities](#)
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Voluntary Environmental Checklist for Early Care and Education Facilities

Children are more vulnerable to harmful chemicals than adults and some exposures can have lifelong effects. Completing this checklist will help you identify potential sources of harmful chemicals at or near your facility.

When was the building constructed?

- ☐ After 1978 – Good! This was the year when lead and asbestos were banned in building materials.
- ☐ Before 1978 – Caution! There may be lead-based paint or asbestos in building materials.
- ✓ Have a certified lead professional test your facility. Find one at [USEPA's locator of certified inspection, risk assessment, and abatement firms](https://cfpub.epa.gov/flpp/pub/index.cfm?do=main.firmSearchAbatement) (<https://cfpub.epa.gov/flpp/pub/index.cfm?do=main.firmSearchAbatement>)
- ✓ Have your facility inspected by an accredited asbestos professional. Find one at [Cal/OSHA's Asbestos Registrants' Database](https://www.dir.ca.gov/Databases/doshacru/acruList.asp) (<https://www.dir.ca.gov/Databases/doshacru/acruList.asp>)
- ✓ Learn what you can do to prevent childhood lead poisoning at your child care. Read [these tips from the California Childhood Lead Poisoning Prevention Branch](http://cdph.ca.gov/lead) (<http://cdph.ca.gov/lead>)

Has the property ever been used by a business that used harmful chemicals? Check all that apply:

- | | | |
|--|--|---|
| <input type="checkbox"/> Dry cleaner | <input type="checkbox"/> Hair or nail salon | <input type="checkbox"/> Wood treatment |
| <input type="checkbox"/> Auto repair/paint | <input type="checkbox"/> Copy or print shop | <input type="checkbox"/> Agriculture |
| <input type="checkbox"/> Gas station | <input type="checkbox"/> Factory | <input type="checkbox"/> Landfill/dump |
| <input type="checkbox"/> Funeral home | <input type="checkbox"/> Shooting range | <input type="checkbox"/> Superfund Site |
| <input type="checkbox"/> Underground tanks | <input type="checkbox"/> Recycling/junk yard | <input type="checkbox"/> Brownfield |

- ☐ No – Good!
- ☐ Not sure – Caution! The former property owner, your city, county, or fire marshal can help you get historical records.
- ☐ Yes – Caution! Get more details from historical records (see above) and consider hiring an environmental consultant to help you find out if there may be harmful chemicals on your site.

Where does the drinking water come from?

- ☐ Public drinking water supply – Good! Your water has been tested. Get a copy of the consumer confidence report from your water supplier to find out about your water quality.
- ☐ Private well – Caution! Private wells can be contaminated from outside sources. Learn how to test and address water quality issues in private wells at the [California Water Boards' information for private well owners](https://www.waterboards.ca.gov/gama/well_owners.html) (https://www.waterboards.ca.gov/gama/well_owners.html)

Are there nearby businesses that currently use harmful chemicals? Chemicals can move onto the property in air, water, or soil. Check all that apply:

- | | | |
|--|--|---|
| <input type="checkbox"/> Dry cleaner | <input type="checkbox"/> Hair or nail salon | <input type="checkbox"/> Wood treatment |
| <input type="checkbox"/> Auto repair/paint | <input type="checkbox"/> Copy or print shop | <input type="checkbox"/> Agriculture |
| <input type="checkbox"/> Gas station | <input type="checkbox"/> Factory | <input type="checkbox"/> Landfill/dump |
| <input type="checkbox"/> Funeral home | <input type="checkbox"/> Shooting range | <input type="checkbox"/> Superfund Site |
| <input type="checkbox"/> Underground tanks | <input type="checkbox"/> Recycling/junk yard | <input type="checkbox"/> Brownfield |

- ☐ No – Good!
- ☐ Not sure – Caution! Walk around your facility to see what businesses are nearby.
- ☐ Yes – Caution! Find out if your facility shares an AC system, storage areas, outside space, attic or basement with the business. If so, contact your county’s environmental health department or contact us.

Has the facility ever been tested for radon? Radon is a naturally occurring gas and the second-leading cause of lung-cancer in the U.S.

- ☐ Yes, with results below 4.0 pCi/L – Good! You should test every two to five years as Radon levels can change over time.
- ☐ No or not sure – Caution! Contact the California Department of Public Health Indoor Radon Program at **1-800-745-7236** to get a **FREE RADON TEST KIT** for child care facilities.
- ☐ Yes and high levels of radon were found – Caution! Get help with follow-up tests and, if needed, information on mitigation systems. Call the California Department of Public Health Indoor Radon Program at 1-800-745-7236 for guidance and a list of qualified radon professionals.

Is the facility in an area of naturally occurring asbestos?

- ☐ No – Good!
- ☐ No or not sure – Caution! To find out if naturally occurring asbestos has been found nearby go to this [map of areas in California where naturally occurring asbestos has been found](https://www.cdph.ca.gov/noa-map) (<https://www.cdph.ca.gov/noa-map>)
- ☐ Yes – Caution! To find out more, contact the California Air Resources Board at (800) 242- 4450. You can also contact your local air resources board. Find your nearest office at [California's 35 local Air Pollution Control Districts](https://www.arb.ca.gov/capcoa/roster.html) (<https://www.arb.ca.gov/capcoa/roster.html>)

The Site Assessment Section of the California Department of Public Health developed this checklist in collaboration with the California Department of Social Services and the Early Learning and Care Division of the California Department of Education. If you have questions or concerns after filling out the form and contacting the suggested resources, please contact us at:

Phone: (510) 620-3620 ♦ Email: csp@cdph.ca.gov ♦ Website: <https://cdph.ca.gov/csp>