



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

---

File #: 18-0359, Version: 1

---

### REPORT TO PLANNING COMMISSION

#### SUBJECT

##### **Proposed Project:**

**Special Development Permit:** to allow for a Large Family Child Care home (LFCCH) in a townhome community that is not located within 300 feet of another LFCCH.

**Location:** 1694 Belleville Way (APN: 320-01-055)

**File #:** 2017-7388

**Zoning:** Low Medium Residential (R-2) with Planned Development Combining District (PD)

**Applicant / Owner:** Deepa's Daycare (applicant) / Deepa Darshaukumar (owner)

**Environmental Review:** A statutory exemption relieves this project from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15274 (Large Family Day Care Homes).

**Project Planner:** Cindy Hom, (408) 730-7411, [chom@sunnyvale.ca.gov](mailto:chom@sunnyvale.ca.gov)

#### REPORT IN BRIEF

##### **General Plan:**

**Existing Site Conditions:** Townhome residence

##### **Surrounding Land Uses**

**North:** Single family residential homes

**South:** Homestead Road and residential homes

**East:** State Route 85 and Cupertino Middle School

**West:** Belleville Way and Brookside Oak Apartments

**Issues:** Compatibility of use with neighborhood, traffic, parking and noise

**Staff Recommendation:** Approve with the recommended Conditions of Approval in Attachment 4.

#### BACKGROUND

##### **Description of Proposed Project**

The application is for a Special Development Permit to operate a proposed large family child care home (LFCC) in one townhouse unit within a 12-unit townhome development. A large family child care home is defined as a facility that provides care and supervision for 9 to 14 children, including children under the age of 10 years who reside at the home, as defined by Health & Safety Code <http://qcode.us/codes/othercode.php?state=ca&code=heaampsaf> Section 1596.78(b). The application is submitted pursuant to Sunnyvale Municipal Code Section 19.58.060 which requires a Special Development Permit to allow a large family child care home in a multi-family dwelling with Planning Commission approval.

See Attachment 1 for a map of the vicinity and mailing area for notices and Attachment 2 for the Project Data Table.

##### **Previous Actions on the Site**

There is no previous related Planning application for this site.

## **ENVIRONMENTAL REVIEW**

This project is statutorily exempt from CEQA review under Section 15274 of the CEQA Guidelines, which applies to the establishment and operation of large family day care homes as defined in Health & Safety Code Section 1596.78.

## **DISCUSSION**

### **Special Development Permit**

The applicant currently operates a small family child care use at the project site and would like to convert to a large family child care home and increase the capacity from 8 to 14 children. The applicant is registered as an Early Head start provider with 4C's Non-Profit Organization that provides assistance with single mothers and low income families. The proposed large family day care home would maintain its existing hours of operation which are Monday through Friday between the hours of 8:00 am to 6:00 pm. Staff recommends as a condition of approval that requires the applicant to incorporate standard policies and procedures from the City's Good Neighbor Tips for Child Care Providers Operating in Residential Neighborhood to ensure neighborhood compatibility and minimize potential impacts found in Attachment 7.

### **Site Layout**

The proposed facility is located within a townhome development located at the northeast corner of the intersection at Homestead Road and Belleville Way. The main vehicle access is provided by a two-way driveway located on Belleville Way. The townhome development consists of 12 residential units and provides 12 unassigned guest parking spaces. Each unit provides a two-car garage and private rear yards.

The proposed facility is located on the southwest end of the development near the main entry driveway and is adjacent to a guest parking area as depicted in the project plan found in Attachment 5.

### **Parking**

Per SMC Table [19.46.060 <http://qcode.us/codes/sunnyvale/view.php?cite=19.46.060&confidence=5>](http://qcode.us/codes/sunnyvale/view.php?cite=19.46.060&confidence=5), the townhome development requires a parking ratio of 2 assigned spaces per unit and .4 unassigned space per unit which requires a total of 24 assigned parking spaces and 5 unassigned parking spaces for a total of 29 parking spaces. The townhome development currently provides a total of 36 parking spaces. Private 2-car garages provide 24 covered parking spaces and there are 12 uncovered guest spaces that are placed throughout the development. Staff does not anticipate a parking impact due to the excess parking that is provided. Enforcement of the standard procedures for pick-up and drop-off operations should be sufficient to help minimize impacts.

### **Pick-up/Drop-off Plan**

Generally, the scheduled times for drop-off and pick-up are 8:00 am to 9:00 am in the morning and from 5:00 pm to 5:45 pm during the evening. However, there may be times a child is dropped off and picked up during the afternoon hours due to parents' scheduling or miscellaneous appointments in which the child is brought in later or taken out earlier in the day.

Parents will be required to park in one of the eight guest parking space adjacent to the subject townhome. The townhome does not have an individual 10 foot by 20-foot driveway like a traditional single-family home. The townhome development shares a common driveway that connects to each

private garage. The potential for cars to park curbside during drop-off and pick-up hours and obstructing the driveway would not be anticipated because the curbs adjacent to the driveway are already striped red to indicate “no parking” for the fire access lane. To avoid any potential parking or queuing issues, staff recommends the Permittee to establish enforceable policies for parents to follow regarding drop-off and pick-up operations, identify appropriate pick-up and drop-off locations, and set schedules that stagger the drop off and pick up times.

### **Floor Plan**

Based on the proposed floor plan, the facility would occupy the majority of the first floor of the townhome which includes the living room, dining room, and one bathroom. The outdoor play area required by the State is achieved by using the 480-square foot private rear yard, which is fenced from Homestead Road and neighboring properties on both sides.

### **Noise**

The outdoor play area would generate some noise impacts. However, the noise would be limited to certain hours of the day. Based on the applicant’s schedule of activities, there are two 30-minute outdoor play times that are scheduled at 10:30 am and 4:00 pm. Outdoor play activities will be supervised by the child care operator or their attendant. The proposed times are consistent with the City’s Good Neighbor Tips for Child Care Providers Operating in Residential Neighborhoods in that they are after 9:00 am and before 5:00 pm to minimize disturbance with neighbors. Furthermore, the City’s Neighborhood Preservation Division (NPD) has not received any complaints related to noise associated with the current small family child care operation at the subject property.

### **Privacy**

Outdoor activities would be continuously supervised by staff to ensure that children respect surrounding residents. The outdoor play area is fully enclosed by a 6-foot wooden fence along the side yards and approximately 8-foot masonry wall along the rear property line. The current fencing around the outdoor play area is consistent with the City’s Good Neighbor Tips for Child Care Providers in that the 6 and 8-foot tall fence and existing landscaping provide an effective sound barrier.

### **FISCAL IMPACT**

No fiscal impacts other than normal fees and taxes are expected.

### **PUBLIC CONTACT**

As of the date of staff report preparation, staff has received no comments from the neighbors.

### **Notice of Public Hearing :**

- Posted on the site
- 213 notices mailed to property owners and residents within 300 feet of the project site
- Posted on the City's official notice bulletin board

### **Staff Report/Agenda :**

- Posted on the City of Sunnyvale's Web site
- Provided at the Reference Section of the City of Sunnyvale's Public Library

Staff received three comment letter from the public. A copy of the letters have been included as part

of Attachment 8.

### **Community Outreach Meeting**

A community outreach meeting was conducted by the applicant on April 12, 2018 at the project site. Notices for the outreach meeting were sent out to neighbors within 300 feet of the property. There were nine people that attended the meeting. The general concerns related the pick-up/drop off operations, parking and noise.

### **ALTERNATIVES**

1. Make the required findings in Attachment 3 and Approve the Special Development Permit with the Conditions of Approval in Attachment 4.
2. Make the required findings in Attachment 3 and Approve the Special Development Permit with modified conditions.
3. Deny the Use Permit.

### **STAFF RECOMMENDATION**

Alternative 1: Approve the Special Development Permit in accordance with the Findings found in Attachment 3 and Conditions of Approval in Attachment 4.

Prepared by: Cindy Hom, Associate Planner

Reviewed by: Gerri Caruso, Principal Planner

Andrew Miner, Assistant Director of Community Development

### **ATTACHMENTS**

1. Vicinity and Noticing Map
2. Project Data Table
3. Recommended Findings
4. Recommended Conditions of Approval
5. Project Plans
6. Project Description Letter
7. Good Neighbor Tips for Child Care Providers Operating in Residential Neighborhoods.
8. Public Comment Letters