



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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File #: 18-0346, Version: 1

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### REPORT TO PLANNING COMMISSION

#### SUBJECT

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

**USE PERMIT:** to allow a large family child care home within 300 feet of another large family child care home.

**Location:** 1692 S. Mary Avenue (APNs: 323-20-007)

**File #:** 2018-7157

**Zoning:** R-1 (Low Density Residential)

**Applicant / Owner:** Isela Marysol Flores Garcia (applicant) / Oliver F Schwindt and Isela F Garcia (owner)

**Environmental Review:** Statutory Exemption pursuant to CEQA Guidelines Section 15274 (large family day care homes)

**Project Planner:** Kelly Cha, (408) 730-7408, [kcha@sunnyvale.ca.gov](mailto:kcha@sunnyvale.ca.gov)

#### REPORT IN BRIEF

**General Plan:** Residential Low Density

**Existing Site Conditions:** Single-Family Residence

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

**North:** Single-Family Residence

**South:** School (Homestead High School in Cupertino)

**East:** Single-Family Residence

**West:** Single-Family Residence

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

**Staff Recommendation:** Approve the Use Permit in accordance with the Findings in Attachment 3 and recommended Conditions of Approval in Attachment 4.

#### BACKGROUND

**Description of Proposed Project:** The proposed project is an application for a Use Permit to operate a large family child care home (LFCC) within 300 feet of an existing permitted LFCC home, which requires a public hearing by the Planning Commission pursuant to Sunnyvale Municipal Code (SMC) Section 19.58.020. An existing permitted LFCC home at 859 Homestead Road operates approximately 217 feet of the project site (Attachment 5).

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 was one planning permit on record for the project site for a 3-foot fence in August 1992. Between 1992 and 2015, there were numerous complaints made to the City's Neighborhood Preservation Division regarding the project site, including overgrown vegetation and vision triangle. All cases were closed prior to the applicant purchased the property. No

complaints have been received since the applicant occupied the property in 2016.

### **ENVIRONMENTAL REVIEW**

A Statutory Exemption relieves this project from California Environmental Quality Act (CEQA) provisions pursuant to CEQA Guidelines Section 15274 (large family care homes).

### **DISCUSSION**

**Use Permit:** The applicant currently operates a small family child care home at the project site. A small family child care home is exempt from permitting requirements if it is in a residential zoning district.

The applicant proposes to expand the existing small family child care home into a LFCC home, increasing its maximum capacity from 6 children to 14 children. As proposed, the hours of operation would be from 7:30 a.m. to 5:30 p.m., Monday through Friday. In addition to the applicant, two employees will also be on site, one being the applicant's adult daughter who lives at the property. One employee will report to the project site for work.

**Site Layout:** As indicated in the submitted site/floor plan (see Attachment 6), the living room, day care room, kitchen, dining area, and one bathroom would be accessible for the LFCC business. The rear yard and a portion of the reducible front yard, which includes a shaded area, would function as outdoor recreation space. No modifications to the existing single-family home are proposed.

The pool area in the rear yard would not be accessible for children. As shown on the site plan, a 5 feet tall metal fence and a locked gate would prevent children's access to the pool area.

**Parking/Circulation:** The existing single-family home conforms to the parking requirements, providing two covered and two uncovered parking spaces (Attachment 6). The driveway would be made available for drop-off and pick-up of children. Street parking is limited because the project site is located at the corner of a busy intersection. No street parking is available in front of the project site, between the driveway and the corner. The closest available street parking is approximately two houses north of the project site on Mary Avenue. No street parking is available on Homestead Road.

The project site is located directly across from Homestead High School, which starts at 7:50 a.m. during the week except for Mondays. The drop-off time at the proposed LFCC home will be between 7:30 a.m. and 8:45 a.m. but drop-off will be staggered that no parking demand or traffic congestions in the surrounding neighborhood is anticipated. The applicant currently has the similar drop-off times with the existing small family child care home and has not had any issues. Also, some LFCC parents currently live within a walking distance and would not require parking. The applicant will continue to encourage walking or riding a bike for drop-off for those who live within the neighborhood.

**Noise:** Children's outdoor recreation and activities would take place in the rear yard and reducible front yard of the project site, with the potential for generation of noise that could be heard from adjacent properties.

According to the schedule of daily activities submitted by the applicant, children would play outside for approximately one hour each at 10:00 a.m. and at 3:45 p.m. Outdoor activities would be continuously supervised by staff, who would ensure that children respect surrounding residents and refrain from generating excessive noise. The site plan provided by the applicant indicate that fences

are located along the reducible front and rear yards measure approximately six feet above ground level, preventing children from peering into adjacent properties. Sound produced by children at a large family child care home is not subject to operational noise limitation pursuant to Sunnyvale Municipal Code.

The City's Neighborhood Preservation Division (NPD) has not received any complaints related to noise associated with either the current small family child care home operation at the project site or the LFCC home at 859 Homestead Road, located within 300 feet of the project site.

### **FISCAL IMPACT**

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

### **PUBLIC CONTACT**

At the time the staff report was prepared, staff has received no comments from the neighbors.

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

- Posted on the project site
- Published in the *Sun* Newspaper
- 102 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 website
- Provided at the Reference Section of the City of Sunnyvale's Public Library

### **Community Outreach Meeting:**

A community outreach meeting was conducted by the applicant on May 10, 2018 at the project site. Notices for the outreach meeting were sent out to neighbors within 300 feet of the project site. No persons attended the meeting.

### **ALTERNATIVES**

1. Approve the Use Permit with Conditions of Approval in Attachment 4.
2. Approve the Use Permit with modified Conditions of Approval.
3. Deny the Use Permit.

### **RECOMMENDATION**

Alternative 1: Approve the Use Permit in accordance with the Findings in Attachment 3 and recommended Conditions of Approval in Attachment 4.

Staff concludes that there would be no significant impacts from locating the project at the proposed location within 300 feet of another similar use. Staff was able to make the required Findings and demonstrate compliance with General Plan Goals, as demonstrated in Attachment 3. Recommended Conditions of Approval can be found in Attachment 4.

Prepared by: Kelly Cha, Associate Planner

Reviewed by: Gerri Caruso, Principal Planner

Approved by: Andrew Miner, Assistant Director of Community Development

**ALTERNATIVES**

1. Vicinity and Noticing Map
2. Project Data Table
3. Recommended Findings
4. Recommended Conditions of Approval
5. Map of Nearby Large Family Child Care Facilities
6. Site and Floor Plan
7. Letter from the Applicant