

RECEIVED

DEC 17 2018

Attachment 2

APPEAL TO CITY COUNCIL ON DECISION OF ZONING ADMINISTRATOR AND/OR COMMUNITY DEVELOPMENT DIRECTOR CITY OF MOUNTAIN VIEW, CALIFORNIA

CITY CLERK

For Official Use Only:

Date of Decision

Date Appeal Filed 12/17/2018

Fee Paid

1. Name of Appellant Anne Marie Pelella
2. Address of Property Involved 1880 Miramonte Ave.
3. Applicant (owner or lessee of property involved) Katrina
4. Agent for Applicant _____
5. Action Originally Requested (in detail) Day Care in family home
6. Decision of Zoning Administrator (include conditions, if any—attach additional sheet if necessary)
Conditional Use Permit granted
7. Statement of Appeal (in detail) Decline approval of CUP
Property not suitable for day care
8. Signature of Appellant [Signature]
Address 1876 Miramonte Ave. MV Phone No. 650-254-1641

The fee for any appeal is to be equal to 50 percent of the original application fee, not to exceed \$1,000 except that it is not to exceed \$500 if the project is in the R1 Zoning District. No waiver of fees is allowed.

The following is a list of appeal deadlines:

				Hearing
1.	Conditional Use Permit	10 calendar days from date of findings	Res. 12212	Required
2.	Variance	10 calendar days from date of findings	Res. 12212	Required
3.	Mobile Home Park Permit	10 calendar days from date of findings	Res. 12212	Required
4.	Enforcement of Interpretation of Ordinance	10 calendar days from date of findings	No fee	Optional*
5.	Planned Unit Development	10 calendar days from date of findings	Res. 12212	Required
6.	Revocation of Permits or Variances	10 calendar days from date of findings	No fee	Required
7.	Review of Performance Standards	10 calendar days from date of findings	No fee	Optional
8.	Development Review Approval	10 calendar days from date of findings	Res. 12212	Optional*
9.	Environmental Impact Report	10 calendar days from date of findings	Res. 12212	Optional*
10.	Parcel Map	15 calendar days from date of findings	Res. 12212	None

*If the original consideration required and/or included a public hearing, a public hearing is required on the appeal.

CITY OF MOUNTAIN VIEW
OFFICE OF THE CITY CLERK
 Miscellaneous Fee
 Collection Schedule

Name: Anne Marie Pelella Date: 12/17/2018

Address: _____

City Of Mountain View
 Date: 12/17/18 CBA /CB17/CD1
 Time: 10:36:38 Receipt No: 492907

*Account No: ANNE MARIE PELELLA
 Beginning Balance 0.00
 MISC ENTRY -100.00
 Ending Balance -100.00
 CASH Amount 100.00
 Payment 100.00
 Change 0.00

ACCOUNT	Description	Amount
020012-42715	Sales of maps, pamphlets, codes, ordinances, charters, publications, Precise Plans, agendas, minutes, Council reports, copies, faxes (DOCFEE)	
020012-42799	Heritage Tree Appeal (TREEAP)	
020012-42715	Sales of City Code and Code Supplements Subscription (CTYSUB)	
710100-22150	Elections - Deposit for Printing of Candidate's Statement (CANDST)	
020038-42715	Elections - Precinct Maps (ELCMAP)	
020103-43643	Sales of City Souvenirs (SOUVEN)	

211215-42799	Zoning Appeal to Council - CDD (ZONEPP)	\$ 100.00
020012-42799	Other Appeal to Council ()	
020012-43623	Building Attendant and Rental Fee (CCATTN)	
710100-22171		
020012-43643		
020012-42799		
SUBTOTAL		\$ 100.00
TAX		
TOTAL		\$ 100.00

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 CITY CLERK

PAID
 Sale of Souvenirs (City Store)
 12/17/2018
 CITY OF MOUNTAIN VIEW
 FINANCE & ADMIN SERVICES DEPT

ZONING APPEAL TO COUNCIL
 211215-42799

Thank You And Have A Nice Day

NOTE: After payment of the above charges at the Finance and Administrative Services Department, please return this form and validated receipt to the City Clerk's Office.

Issued by: _____ Receipt No.: 492907

Horan, Erin

From: Anne Marie Pelella
Sent: Wednesday, December 19, 2018 10:17 AM
To: Horan, Erin
Cc: Chopra, Krishan; Chen, Wayne; Williams, Stephanie; Pancholi, Diana; Edward Tam; Carol Petersen; Rainetam@gmail.com; William Yu
Subject: Re: Appeal for 1880 Miramonte Avenue

Thank you Erin for responding to my appeal. The pertinent facts are:

- 1) Noise issues - residential versus playground noise differences. Refer to Will Yu's notes from the public hearing dated 12/12/2018
- 2) Traffic, parking, and safety issues on Miramonte Ave. directly across the street from St. Francis (about 2 blocks - between the cross walks) from the hours of 8 and 9am. The addition of 14 cars during that time and in that vicinity is a hazard. Refer to Carol Peterson's notes from the public hearing dated 12/12/2018
- 3) History of the 1880 Miramonte Ave. property. Things that were stored there (including dangerous chemicals) which could have leached into the ground and the length of time (30 years or more) that those hazards and carcinogens were there. It may be legal that you can store things in your backyard (which is what the City told us on numerous occasions) but this particular property has a history which needs to be further evaluated. Refer to Ed Tam's and Anne Marie Pelella's notes from the public hearing dated 12/12/2018

Regarding the complaints against the Day Care when infractions occur, is it my understanding that we can take pictures and monitor the noise, then we send you that information? Please advise.

Thank you,
Anne Marie Pelella

On Tue, Dec 18, 2018 at 5:04 PM Horan, Erin <Erin.Horan@mountainview.gov> wrote:

Dear Ms. Pelella,

On December 17, 2018, the City Clerk received your appeal of the Zoning Administrator's Action regarding a Conditional Use Permit for 1880 Miramonte Ave. In reviewing your appeal documentation, Section 7, the Statement of Appeal, we discovered you provided very little information other than a conclusion the subject property is not suitable for a day care. City Code Section 36.56.50, attached, governs appeals of this type and requires appellants to specifically state the pertinent facts of the case and the basis of the appeal. We are therefore providing you with the opportunity to submit factual support and provide the basis for your appeal. Because appeals must be filed within 10 days of the December 12, 2018 Zoning Administrator's decision, and because City Hall will be closed December 24, 2018 - January 1, 2018, this additional information must be received by close of business Friday, December 21, 2018. The Planning Department will then be able to schedule this appeal before the City Council in accordance with the City Code. Please provide the additional information via email to my attention.

In addition, you also submitted questions with the appeal application including: "What evidence does the city need for violations (photographs, excessive noise level documents)" and "How many violations and over what

time before CUP is revoked?" If there is a complaint regarding the operations, the complaint will be directed to the Code Enforcement Division. Each issue will be evaluated on a case by case basis as to any documentation that is needed. In terms of how many violations and over what time before the CUP is revoked, as per Conditions of Approval # 5 regarding Operational Criteria, In the event that problems with the operational criteria of the business arise the Zoning Administrator may hold a public hearing to review the situation and impose new or modified conditions of approval in response to the information received. The situation is evaluated based on case by case basis and severity of the issue.

Sincerely,

Erin Horan

Assistant Planner | City of Mountain View

(650) 903-6306 | erin.horan@mountainview.gov

500 Castro St Mountain View, CA 94041

