

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2019

A RESOLUTION UPHOLDING THE ZONING ADMINISTRATOR'S APPROVAL OF
A CONDITIONAL USE PERMIT WHICH CONDITIONALLY PERMITS A LARGE
FAMILY DAY CARE FOR UP TO 14 CHILDREN IN AN EXISTING SINGLE-FAMILY
RESIDENCE AT 1880 MIRAMONTE AVENUE

WHEREAS, Conditional Use Permit PL-2018-179 was approved by the Zoning Administrator in accordance with City Code Sections 36.28.20 (Child Day-Care Facilities) and 36.48, *et seq.* (Conditional Use Permit Approval) on December 12, 2018, which conditionally permits a large family day care for up to 14 children in an existing single-family residence at 1880 Miramonte Avenue (Project); and

WHEREAS, on December 17, 2018, Anne Marie Pelella (Appellant) filed an appeal to the City Council of the Zoning Administrator's decision conditionally approving the Project with the City Clerk; and

WHEREAS, the basis of the Appellant's appeal is that the Project site is not suitable for day-care use and referenced noise, traffic, parking, and safety issues on Miramonte Avenue, as well as the historical use of the Project site related to contamination and hazardous materials release; and

WHEREAS, on February 26, 2019, pursuant to the appeal authority set forth in Section 36.56.50 of the Zoning Ordinance (Appeal of Zoning Administrator Decisions), the City Council held a public hearing on said application and received and considered all evidence presented at said hearing, including the Appellant's statements, the Findings Report from the Zoning Administrator, the Council report on said appeal, and comments of staff and the public;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View, based on substantial evidence considered at the hearing:

1. That the Appellant's appeal is denied.
2. That the Zoning Administrator's approval of the Project was properly made in accordance with City Code Sections 36.28.20 (Child Day-Care Facilities) and 36.48, *et seq.* (Conditional Use Permit Approval).

3. That the Project site is suitable for a large family day care to operate, and the use does not pose significant noise, traffic, parking, and safety issues, and there are no historical issues at the Project site related to contamination or hazardous materials release.

4. That the Zoning Administrator's Findings Report, attached hereto as Exhibit A, is hereby affirmed.

TIME FOR JUDICIAL REVIEW:

The time within which judicial review of this document must be sought is governed by California Code of Procedure Section 1094.6 as established by Resolution No 13850, adopted by the City Council on August 9, 1983.

EH/3/RESO
837-02-26-19r

Exhibit: A. Findings Report