

RESOLUTION NO. 2018-33

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
GRANTING A USE PERMIT FOR A PRESCHOOL USE TO OPERATE AT THE
FOOTHILL COVENANT CHURCH AT 1555 OAK AVENUE AND MAKING
FINDINGS OF EXEMPTION FROM CALIFORNIA ENVIRONMENTAL
QUALITY ACT (“CEQA”) REVIEW**

WHEREAS, the City of Los Altos received a conditional Use Permit Application (18-UP-05) from Peter Ko with Ko Architects, to allow Children’s Corner Preschool to operate at the Foothill Covenant Church at 1555 Oak Avenue; and

WHEREAS, the use permit is exempt from environmental review pursuant to Section 15301 of the State Guidelines implementing the California Environmental Quality Act of 1970 (CEQA), Cal. Pub. Res. Code Section 21000, *et seq.*, as amended, because it allows for the occupancy of an existing church facility and involves negligible or no expansion of use beyond that currently existing use; none of the exceptions to the use of a categorical exemption under CEQA Guidelines Section 15301 apply; and

WHEREAS, the use permit has been processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code, including without limitation Section 14.80, *et seq.*; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the use permit on July 19, 2018, at which all public comment was considered and voted to recommended approval to the City Council; and

WHEREAS, the City Council held a duly noticed public meeting on the use permit on August 28, 2018 at which all public comment was duly considered; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon the City Council’s decision was made are located in the Office of City Clerk.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves Use Permit 18-UP-05 subject to the findings and conditions attached hereto as “Exhibit A” and incorporated by this reference.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 28th day of August, 2018 by the following vote:

AYES:	BRUINS, LEE ENG, MORDO, PROCHNOW
NOES:	PEPPER
ABSENT:	NONE
ABSTAIN:	NONE

Jean L Mordo

Jean Mordo, MAYOR

Attest:



Jon Maginot, CMC, CITY CLERK

EXHIBIT A

FINDINGS

With regard to Use Permit 18-UP-05 for a preschool use, Children's Corner Preschool, to operate at the Foothill Covenant Church at 1555 Oak Avenue, based upon substantial evidence in the record before the City, the City Council finds in accordance with Section 14.80.060 of the Los Altos Municipal Code that:

1. The proposed location of the conditional use is desirable or essential to the public health, safety, comfort, convenience, prosperity or welfare because it is an educational use being located in an existing religious institution building that was designed to provide for this type of use;
2. The proposed location of the conditional use is in accordance with the objectives of the zoning plan as stated in Chapter 14.02 of this title because it is an appropriate location for a needed community facility, a preschool use, and it is an appropriate business activity to be located in an existing church facility;
3. The proposed location of the conditional use, under the circumstances of the particular case, will not be detrimental to the health, safety, comfort, convenience, prosperity or welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity because a preschool use already exists on the site, the use will occupy existing classrooms and playground facilities, and the preschool schedule will ensure that a minimal amount of additional traffic will be added to the neighborhood street network during the morning (AM) peak hour when the adjacent schools start; and
4. The proposed conditional use will comply with the regulations prescribed in Chapter 14.70, community facilities in an R1-10 District, and the general provisions of Chapter 14.02 because it is a preschool use that is occupying existing space in a church facility, it will maintain the existing character and appearance of the Foothill Covenant Church, it has adequate onsite parking to meet the needs of the new preschool use as well as the existing uses, it meets all other regulations prescribed for public and community facilities.

CONDITIONS

1. **Approved Plans**

The use permit approval is based upon the plans and materials received on June 26, 2018, except as modified by these conditions.

2. **Hours of Operation**

The preschool is permitted to operate between the hours of 8:00 a.m. and 5:30 p.m., Monday through Friday.

3. **Occupancy**

The preschool is permitted to have up to 60 students and 14 staff on the site at any given time.

4. **Pick-Up and Drop-Off Times**

The preschool shall coordinate its pick-up and drop-off times to minimize conflict with the start and end times at Oak Avenue Elementary School and Mountain View High School.

5. **Indemnification**

The applicant agrees to indemnify, defend, protect and hold City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of City in connection with City's defense of its actions in any proceeding brought in any State or Federal Court, challenging any of the City's action with respect to this use permit.