

# Enchanté Hotel





## AGENDA REPORT SUMMARY

**MEETING DATE:** September 14, 2010

**SUBJECT:** New Hotel at One Main Street

**RECOMMENDATIONS:**

1. Adopt a Mitigated Negative Declaration of environmental impact; and
2. Approve Design application 10-D-04 and Use Permit application 10-UP-03 subject to findings and conditions.

<p><b>ESTIMATED FISCAL IMPACT</b></p> <p><b>AMOUNT:</b> Not Applicable</p> <p><b>BUDGETED:</b> Not Applicable</p> <p><b>FUNDING SOURCE:</b> Not Applicable</p>	<p style="text-align: center;"><b>ATTACHMENTS</b></p> <p>Dahl Agenda Report</p> <p>Mitigated Negative Declaration</p> <p>Planning Commission Minutes, August 5, 2010</p> <p>Planning Commission Memorandum, August 5, 2010</p> <p>Traffic Commission Minutes and Agenda Report, August 25, 2010</p> <p>Correspondence</p>	<p style="text-align: center;"><b>PUBLIC HEARING NOTICE</b></p> <p style="text-align: center;">September 8, 2010</p> <hr/> <p style="text-align: center;"><b>PREVIOUS COUNCIL CONSIDERATION</b></p> <p style="text-align: center;">None</p> <hr/> <p style="text-align: center;"><b>CEQA STATUS</b></p> <p style="text-align: center;">Mitigated Negative Declaration</p>
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James Walgren, Assistant City Manager

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Douglas J. Schmitz, City Manager

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Date

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Date



## AGENDA REPORT

**DATE:** September 14, 2010  
**TO:** City Council  
**FROM:** Zachary Dahl, Associate Planner  
**SUBJECT: NEW HOTEL AT ONE MAIN STREET**

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### **RECOMMENDATION**

1. Adopt a Mitigated Negative Declaration of environmental impact; and
2. Approve Design application 10-D-04 and Use Permit application 10-UP-03 subject to findings and conditions.

### **BACKGROUND**

#### **Planning Commission**

The project was considered by the Planning Commission on August 5, 2010. At the meeting, the Planning Commission expressed support for the project, noting that the building design and proposed plaza would create a good entry point to downtown and that a hotel use would fill a community need and improve downtown vitality. The Commission discussed the design of the plaza, voicing support for the applicant's proposed landscaping and materials. The Commission also noted that the project would not create negative parking impacts and that a dedicated loading space along Main Street was appropriate. The Commission voted unanimously to recommend approval to the City Council with the following additional recommendations and conditions:

- Dedicate the new on-street loading space for hotel uses only.
- Allow alternative street trees, such as Crape Myrtle, to be used.
- Remove the condition that requires a delineated pedestrian path of travel through the plaza.
- Allow limestone or similar pavers for the plaza and sidewalks adjacent to the site.
- Allow flexibility in the plaza design, maintain an open design concept and allow for removal of the chimney element.

The staff memorandum and meeting minutes are attached for reference.

#### **Traffic Commission**

As part of a typical project review process, a project's traffic report is reviewed by the Traffic Commission prior to Planning Commission consideration. However, in this case, the July Traffic Commission meeting was canceled due to lack of a quorum and the project was moved to the August 25, 2010 agenda, which was after the scheduled August 5, 2010 Planning Commission meeting. At their August meeting, the Traffic Commission reviewed and accepted the traffic analysis that was prepared by Pang Engineers for the hotel project. The staff agenda report and meeting minutes are attached for reference.

**DISCUSSION**

At the applicant's request, the Planning Commission added a condition to dedicate the new on-street loading space for hotel uses only. While it is appropriate to designate a parking space within the Main Street right-of-way for hotel guest pick-up and drop-off, it is not City practice to restrict a public parking space for exclusive use by a single private business, nor is it appropriate from a precedent setting perspective. Condition No. 4 has been added to provide for a loading and unloading parking space in front of the hotel.

The other recommendations from the Planning Commission regarding the public plaza are incorporated into the site plan and landscape plan. The applicant has also revised the design of the front elevation and the plaza by removing the proposed fireplace and chimney. The revision maintains the design integrity of the structure and meets all required findings.

Cc: Abigail Ahrens, Owner  
Jonathan Mansour, Architect

Attachments

1. Mitigated Negative Declaration
2. Planning Commission Minutes, August 5, 2010
3. Planning Commission Memorandum, August 5, 2010
4. Traffic Commission Minutes and Agenda Report, August 25, 2010
5. Correspondence

## FINDINGS

### 10-D-04 and 10-UP-03—One Main Street

1. With regard to the Environmental Review, the Planning Commission finds that the Mitigated Negative Declaration is in accordance with the California Environmental Quality Act Guidelines, as amended January 1, 2010, and that the project with the incorporated mitigation measures does not create any significant environmental effects.
2. With regard to Design Review application 10-D-04, the Planning Commission finds in accordance with Chapter 14.78 of the Municipal Code that:
  - A. The proposal meets the goals, policies and objectives of the General Plan and any specific plan, design guidelines and ordinance design criteria adopted for the specific district or area;
  - B. The proposal has architectural integrity and has an appropriate relationship with other structures in the immediate area in terms of height, bulk and design;
  - C. Building mass is articulated to relate to the human scale, both horizontally and vertically. Building elevations have variation and depth and avoid large blank wall surfaces. Residential or mixed-use residential projects incorporate elements that signal habitation, such as identifiable entrances, stairs, porches, bays and balconies;
  - D. Exterior materials and finishes convey quality, integrity, permanence and durability, and materials are used effectively to define building elements such as base, body, parapets, bays, arcades and structural elements;
  - E. Landscaping is generous and inviting and landscape and hardscape features are designed to complement the building and parking areas and to be integrated with the building architecture and the surrounding streetscape. Landscaping includes substantial street tree canopy, either in the public right-of-way or within the project frontage;
  - F. Signage is designed to complement the building architecture in terms of style, materials, colors and proportions;
  - G. Mechanical equipment is screened from public view and the screening is designed to be consistent with the building architecture in form, material and detailing; and
  - H. Service, trash and utility areas are screened from public view, or are enclosed in structures that are consistent with the building architecture in materials and detailing.
3. With regard to Use Permit application 10-UP-03, the Planning Commission finds in accordance with Chapter 14.80 of the Municipal Code that:

- A. The proposed location of the conditional use is desirable or essential to the public health, safety, comfort, convenience, prosperity, or welfare;
  - B. 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;
  - C. 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; and
  - D. The proposed conditional use will comply with the CRS/OAD District regulations and the general provisions of Chapter 14.02.
4. With regard to Exceptions for Public Benefit in the CRS/OAD District, the Planning Commission finds in accordance with Chapter 14.54 of the Municipal Code that:
- A. The granting of the exceptions will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the area;
  - B. The benefit to the City derived from granting the exceptions is an appropriate mitigation when considered against the cost to the developer;
  - C. The project and mitigation will result in a public benefit to the Downtown; and
  - D. The resultant project and mitigation are consistent with the General Plan and promote or accomplish objectives of the Downtown Design Plan.

## **CONDITIONS**

10-D-04 and 10-UP-03—One Main Street

### **GENERAL**

1. Project approval is based upon the plans received on July 28, 2010 except as modified by these conditions.
2. As a condition of the use permit, the building cannot be converted to a permitted use in the CRS/OAD District without a new use permit being approved. Any amendments to the use permit shall include a review to ensure that the new use meets the City's parking requirements.
3. As a condition of the use permit, the applicant shall obtain an outdoor display permit for the tables, chairs, a cart and other movable objects proposed for the public plaza. A minimum five-foot wide path of travel through the public plaza shall be maintained at all times.
4. As a condition of the use permit, a parking space in the Main Street public right-of-way shall be striped for either passenger loading or general loading and unloading. The City reserves the right to review the designation of all public parking spaces in the future and, if necessary, re-designate depending on use and traffic circulation demands.
5. The applicant agrees to 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 the City's action with respect to the applicant's project.

### **PRIOR TO ISSUANCE OF BUILDING PERMIT**

6. The applicant shall obtain an encroachment permit and/or a permit to open streets prior to any work done within the public right-of-way and it shall be done in accordance with plans approved by the City Engineer.
7. The applicant shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.
8. The sewer lateral connection shall be approved by the City Engineer.
9. All project improvements shall comply with Americans with Disabilities Act (ADA).
10. The project shall comply with the City of Los Altos Municipal Regional Stormwater (MRP) NPDES Permit No. CA S612008, Order R2-2009-0074 dated October 14, 2009. The project plans shall include the "Blueprint for a Clean Bay" plan sheet in all plan submittals.

11. The applicant shall pay all applicable fees, including but not limited to sanitary sewer and traffic impact fees as required by the City of Los Altos Municipal Code.
12. The applicant shall submit a cost estimate for review for the improvements in the public right-of-way. The applicant shall submit a cash deposit that is equivalent to the cost of these public improvements.
13. The plans shall include two external bike racks to accommodate a total of four bikes outside, as approved by City staff.
14. Detailed plans for any construction activities affecting the public right-of-way, including but not limited to excavations, pedestrian protection, material storage, earth retention, and construction vehicle parking, shall be provided to the City Engineer for review and approval. The applicant shall also submit on-site and off-site grading and drainage plans that include drain swales, drain inlets, rough pad elevations, building envelopes, and grading elevations for approval by City staff.
15. The applicant shall submit on-site grading and drainage plans (showing drainage swales, drain inlets, rough pad elevations, building envelopes and elevations at property lines) for approval by the City Engineer.
16. A truck routing and staging plan for the project shall be submitted for review and approval by the City Engineer. Applicant shall pay the applicable fees before the transportation permit can be issued by the Traffic Engineer.
17. The applicant shall contact Mission Trail Waste Company and submit a solid waste disposal plan indicating the type and size of container proposed and the frequency of pick-up service subject to the approval of the Engineering Division. The applicant shall submit evidence that Mission Trail Waste Company has reviewed and approved the size and location of the proposed new enclosure for recyclables.
18. The applicant shall submit plans that show all windows and glass doors facing San Antonio Road are Sound Transmission Class (STC) rated to meet the City's General Plan requirement for the maximum allowable interior noise level in a lodging or hotel use.
19. The final sidewalk and plaza design shall be as follows:
  - a. If the City does not have a new design/configuration for the intersection at Main-West Edith-San Antonio, then the applicant shall provide a final public plaza design that includes the public right-of-way adjacent to the subject property as identified by the Community Development Director.
  - b. If the City does have a new design/configuration for the intersection at Main-West Edith-San Antonio, then the applicant shall cooperate with the City to modify the design and configuration of the public plaza, at no additional cost to the applicant, to incorporate the new intersection design.

20. The applicant shall record a pedestrian use easement for the public plaza and sidewalks in a form approved by the City Engineer and City Attorney. The pedestrian use easement shall address issues related to indemnity and liability. The plat and legal description of the pedestrian use easement shall be submitted for review by the City Land Surveyor. Applicant shall provide a sufficient fee retainer to cover the cost of the review of the pedestrian use easement.
21. The applicant shall execute and record a maintenance agreement with the City. The owner shall be responsible for maintenance of the public and private areas that are used for the public plaza and landscaping on and adjacent to the subject property. The applicant shall also be responsible for the maintenance of the public sidewalks on and adjacent to the subject property if non-City standard materials (i.e., custom pavers) are used. The form and content of the maintenance agreement shall be reviewed and approved by the Community Development Director and the City Attorney.

### **PRIOR TO FINAL INSPECTION**

22. The applicant shall remove and replace all sidewalks, curbs and gutters adjacent to the site as directed by the City Engineer.
23. A one-year, ten percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way.
24. All on- and off-site landscaping and irrigation shall be installed. All street trees shall be at least 24-inch box size.
25. The applicant shall label all new or existing public and private catch basin inlets which are on or directly adjacent to the site with the "NO DUMPING - FLOWS TO ADOBE CREEK" logo as required by the City.
26. The sidewalk and public plaza plan shall be constructed.
27. The applicant shall provide an acoustical analysis that evaluates the interior noise levels in each of the rooms facing San Antonio Road and all rooftop mechanical equipment to ensure that the project is in compliance with the City's General Plan and the Noise Control Regulations.



## MEMORANDUM

**DATE:** August 5, 2010  
**TO:** Planning Commission  
**FROM:** Zachary Dahl, Associate Planner  
**SUBJECT:** 10-D-04 AND 10-UP-03—ONE MAIN STREET

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### RECOMMENDATION

Motions to recommend:

1. Adoption of a Mitigated Negative Declaration of environmental impact to the City Council; and
2. Approval of Design application 10-D-04 and Use Permit application 10-UP-03 to the City Council subject to findings and conditions.

### PROJECT DESCRIPTION

This is a commercial Design Review and Use Permit application for a hotel. The project includes a new three-story structure with 18 rooms, a manager's living unit and a public plaza on the corner of Main Street and San Antonio Road. The following table summarizes the project's technical details:

<b>GENERAL PLAN DESIGNATION:</b>	Downtown Commercial
<b>ZONING:</b>	CRS/OAD, Commercial Retail Sales/Office
<b>PARCEL SIZE:</b>	6,068 square feet
<b>MATERIALS:</b>	Simulated slate tile roof, stucco siding, aluminum clad wood windows, wood shutters, pre-cast stone details and window sills, and wrought iron railings and details

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>FLOOR AREA:</b>			
First story	N-A	4,355 square feet	
Second story	N-A	4,409 square feet	
Third Story	N-A	3,323 square feet	
Total	N-A	12,087 square feet	N-A
<b>SETBACKS:</b>			
Front (Main Street)	N-A	0 feet	0 feet
Side (San Antonio)	N-A	2 feet	0 feet
Side (parking plaza)	N-A	0 feet	2 feet
<b>HEIGHT:</b>	N-A	27 feet, 9 inches	30 feet
<b>PARKING:</b>	N-A	0 spaces	10 spaces

## **BACKGROUND**

### **Architecture and Site Review Committee Recommendation**

The project was heard before the Architecture and Site Review Committee on June 30, 2010. At the meeting, the Committee expressed general support for the proposed hotel use, the design concept and the public plaza, and recommended approval of the project subject to positive design findings with the following direction being addressed prior to Planning Commission consideration:

- Revise the site plan to identify the requested on-street parking stalls along Main Street,
- Revise the site plan to provide a larger public plaza area, and
- Revise the public plaza design to delineate the pedestrian paths of travel.

The staff memorandum and meeting minutes are attached for reference.

## **DISCUSSION**

### **Design Changes**

The plans have been revised to show the existing and proposed on-street parking along the site's Main Street frontage. The two existing parking spaces are to remain and a third new passenger loading space is proposed. The passenger loading space is important for the project since there is limited parking on this section of Main Street and hotel patrons need to be able to load and unload bags near the front entrance. The proposed location of the passenger loading space has been reviewed by the City's Traffic Engineer and is acceptable.

The footprint of the hotel was reduced to provide an additional three feet of depth to the public plaza. As a result, the total size of the building has been reduced by approximately 400 square feet. With this additional area for the public plaza, staff finds that the applicant has met the Committee's direction. With regard to delineating the pedestrian paths of travel through the public plaza to meet accessibility requirements, staff has added Condition No. 18 to achieve this direction.

### **Design Review Summary**

The project has architectural integrity and an appropriate relationship with other structures in the immediate area in terms of height, bulk and design. The mass and scale of the building, while larger and taller than the adjacent commercial building at 75 Main Street, is compatible with the office building across the street at 4 Main Street. The similar size and scale of these two buildings, including the eave heights and the roof forms, frame the entrance to Main Street and enhance the northern gateway to Downtown. The structure is also designed at an intensity that is desirable for new development in the CRS/OAD District; at 200 percent of the lot size, it is comparable to a two-story development that uses the entire site. The hotel is appropriately designed to face Main Street and provides an elevation that reflects the commercial nature of the area and features a

mixture of pedestrian scale elements, such as awnings, larger windows, an inviting front entrance and ample landscaping along the sidewalk.

The landscaping improvements include eight new Crape Myrtle street trees – four along San Antonio Road and four along Main Street – and new sidewalk and landscaping improvements along both the San Antonio Road and Main Street frontages. In order to be consistent with the existing street tree pattern, staff has added a condition that requires the four Chinese Pistache along Main Street and two Chinese Pistache and a grouping of three Crape Myrtles along San Antonio Road. Overall, the proposed landscaping plan is generous and inviting, is designed to complement the building and is well integrated with the surrounding streetscape.

All mechanical equipment is located on the roof and will be architecturally screened from public view by the sloping roof. The trash enclosure is located within the building and is completely screened from public view. The applicant has met with Mission Trail Waste Systems to ensure the location and design meets refuse collection standards. The trash enclosure location, which is adjacent to the parking plaza, allows the refuse containers to be moved to the public sidewalk for trash pickup.

### **The Public Plaza**

As part of the hotel design, the applicant is offering a public plaza to the City. A public plaza on the subject property is a desired goal in the Downtown Design Plan (referred to as the “Shell Station Site” in the DDP) and will improve pedestrian amenities along this section of Main Street. As outlined in the DDP (pages 34-35), the plaza should be designed to support a sense of entry and act as a landmark for motorists along San Antonio Road.

Approximately 850 square feet of the applicant’s property would be used in conjunction with the adjacent public right-of-way to create a 1,600± square-foot public plaza. The plaza would include enhanced landscaping, seat walls, a fountain and movable tables and chairs. A conceptual design of the public plaza is included on Sheet SK3-9. As outlined in Condition No. 27, an outdoor display permit will be required prior to movable objects, such as tables and chairs, being added to the public plaza. By providing a public plaza, the project helps achieve a goal of the Downtown Design Plan, the project is eligible for development incentives.

As part of the continued efforts to develop the Community Center Master Plan, staff has been working to improve the design/configuration of the intersection at Main, West Edith and San Antonio. Staff anticipates that the City Council will be considering initial design concepts for the intersection at a study session before their August 24, 2010 meeting. Depending on the ultimate design for the intersection that is chosen, additional area may be available to expand the size of the public plaza. However, the schedule for a new intersection design is dependent on the timeline for Community Center Master Plan and the project’s public plaza design will very likely be constructed separately. Therefore, staff recommends that the Planning Commission approve the public plaza concept, with a delineated pedestrian path of travel through the plaza. Condition Nos. 18-20 and 25 address these issues.

## Development Incentives

The project has three exceptions to the CRS/OAD District requirements. The exceptions are related to the first-story interior ceiling height, the public parking plaza setback and the required on-site parking. The project has proposed an interior ceiling height of 10 feet where a minimum interior ceiling height of 12 feet is required in order to accommodate retail uses. The minimum ceiling height requirement is in place to ensure that all new commercial development in the downtown triangle, even if it is not initially proposed as retail, has the ability to accommodate retail space in the future. However, the proposed project is designed specifically for a hotel use and, without significant renovation in the future, does not have the ability to be converted to another use. Additionally, the site is located on the edge of downtown and not a great location for retail uses. Therefore, since the site is not in a prime retail location and a 10-foot interior ceiling height is appropriate for a hotel use, the exception request does not create any negative impacts. A use permit condition (discussed below) addresses the potential conversion of the building.

There are not any setback requirements for on this site except for a two-foot setback for the property line that abuts a public parking plaza. Due to the unique configuration of this site, half of the south (side) property line is adjacent to the building at 75 Main Street and the other half is adjacent to the public parking plaza. Thus only half of this property line requires a two-foot setback. This location is also unique in that there is a public landscape area adjacent to this property line that the project will be improving with a new tree and other lower landscaping. Since there is an existing landscape buffer within the public parking plaza adjacent to this property line and the setback would create an odd articulation in the south elevation, staff supports allowing an exception to this setback requirement.

With regard to parking requirements, the site is located within the public parking district. As such, no on-site parking is required for the first 100 percent of the site's floor area ratio. Since the floor area for the project is approximately 200 percent of the lot size, the Code requires that half of the proposed hotel parking be provided on-site. For hotel uses, the Code requires one parking space for every three employees, plus one additional space for each sleeping room or suite. For a hotel with 19 rooms (18 rooms plus the manager's unit) and two to three employees on-site at any one time, a total of 20 parking spaces would be required. Therefore 10 spaces, half of the total required, would need to be provided on-site.

While the project's floor area is 200 percent of the site area, the hotel use will generate substantially less parking demand than an equivalently sized retail and/or office building. Based on the City's parking requirements, a commercial building (office and/or retail) of up to 6,067 square feet (100 percent of the lot size) would require between 20 and 30 parking spaces, respectively, without needing to provide any on-site parking. By use, the hotel will require only 20 parking spaces. Therefore, even though the project is larger in terms of overall square footage, the hotel use requires parking that is equal to a 6,000 square foot office building, and requires 10 fewer spaces than a 6,000 square foot retail building.

Since the three exceptions are appropriate for a hotel use, improve the building design and do not negatively impact the public parking plaza, staff supports granting the exceptions as a development incentive in exchange for providing the public plaza.

### **Use Permit**

The City has identified the development of a hotel to downtown as an important objective, both in terms of downtown vitality and strengthening the tax base. As outlined in the cover letter, (Attachment D) the hotel will substantially bolster the revenue generated by the City's Transient Occupancy Tax (11 percent of the room rate). The hotel would add to the diversity of businesses, provide a regional attraction for Los Altos, bring additional visitors downtown and attract users to the public plaza by making it a destination. The hotel will also provide an attractive building at one of the entry points to downtown. As such, the project meets all applicable goals and objectives in the General Plan. The project also implements a desired goal of the Downtown Design Plan and meets the intent of the Downtown Design Guidelines.

As discussed in the memorandum to the Architectural and Site Review Committee, the project is consistent with the goals and objectives of the Zoning Ordinance and the CRS/OAD District. The proposed location of the hotel, which is in the downtown setting, will not be detrimental to the health, safety or welfare of persons who live or work in the vicinity; and the project, as conditioned, will not be injurious to property or improvements in the vicinity.

Since the project is specifically designed for a hotel use, staff has added a condition (No. 2) that requires an amendment to the use permit prior to converting the building to a use that is not related to the hotel. The amendment process would be used to review parking demand, building design and other issues if a different commercial use was proposed for the site. Overall, the proposed hotel use meets all required findings necessary to grant a conditional use permit.

### **Traffic Commission**

As part of a typical project approval process, staff schedules the project's traffic report for Traffic Commission review prior to Planning Commission consideration. The project was on the July agenda for the Traffic Commission, but due to lack of a quorum, the meeting was canceled and the project was moved to the August 25, 2010 agenda. However, as outlined in the traffic analysis (Attachment 3 in the Initial Study) and summarized in the Initial Study, the project will not impact the level of service at any of the nearby intersections or creating any other significant traffic or circulation related impacts.

### **Environmental Review**

A project of this size that is located within an urban context is generally considered an infill project and normally exempt from detailed environmental review. However, as outlined in the General Plan's Natural Environment and Hazards Element, the site is located adjacent to San Antonio Road, which is a thoroughfare, and can be subjected to noise levels of up to 70 dBA. Since exterior noise levels that exceed 60 dBA (the maximum normally acceptable noise level identified in the General

Plan for a hotel land use) have the potential to create a significant impact on the on the project, an initial study of environmental impacts was prepared for the project. As outlined in the initial study, with the appropriate mitigation measures (Condition Nos. 17 and 26), the potential noise impact is reduced to a less than significant level. The Initial Study and Mitigated Negative Declaration are included as Attachment C.

### **CORRESPONDENCE**

Included in Attachment E are three public comment letters that speak in support of the hotel project and one letter that raises a concern about the fountain being within the visibility triangle of vehicles making a right turn. Since this is a unique site that is bounded by two streets with non-standard turning movements, staff will review the location and height of the fountain as part of the final intersection and plaza design.

Cc: Abigail Ahrens, Owner  
Jonathan Mansour, Architect

### **Attachments**

- A. Architecture and Site Review Committee Minutes, June 30, 2010
- B. Architecture and Site Review Committee Memorandum, June 30, 2010
- C. Environmental Initial Study and Mitigated Negative Declaration
- D. Applicant Cover Letter
- E. Correspondence

## FINDINGS

### 10-D-04 and 10-UP-03—One Main Street

1. With regard to the Environmental Review, the Planning Commission finds that the Mitigated Negative Declaration is in accordance with the California Environmental Quality Act Guidelines, as amended January 1, 2010, and that the project with the incorporated mitigation measures does not create any significant environmental effects.
2. With regard to Design Review application 10-D-04, the Planning Commission finds in accordance with Chapter 14.78 of the Municipal Code that:
  - A. The proposal meets the goals, policies and objectives of the General Plan and any specific plan, design guidelines and ordinance design criteria adopted for the specific district or area;
  - B. The proposal has architectural integrity and has an appropriate relationship with other structures in the immediate area in terms of height, bulk and design;
  - C. Building mass is articulated to relate to the human scale, both horizontally and vertically. Building elevations have variation and depth and avoid large blank wall surfaces. Residential or mixed-use residential projects incorporate elements that signal habitation, such as identifiable entrances, stairs, porches, bays and balconies;
  - D. Exterior materials and finishes convey quality, integrity, permanence and durability, and materials are used effectively to define building elements such as base, body, parapets, bays, arcades and structural elements;
  - E. Landscaping is generous and inviting and landscape and hardscape features are designed to complement the building and parking areas and to be integrated with the building architecture and the surrounding streetscape. Landscaping includes substantial street tree canopy, either in the public right-of-way or within the project frontage;
  - F. Signage is designed to complement the building architecture in terms of style, materials, colors and proportions;
  - G. Mechanical equipment is screened from public view and the screening is designed to be consistent with the building architecture in form, material and detailing; and
  - H. Service, trash and utility areas are screened from public view, or are enclosed in structures that are consistent with the building architecture in materials and detailing.

3. With regard to Use Permit application 10-UP-03, the Planning Commission finds in accordance with Chapter 14.80 of the Municipal Code that:
  - A. The proposed location of the conditional use is desirable or essential to the public health, safety, comfort, convenience, prosperity, or welfare;
  - B. 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;
  - C. 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; and
  - D. The proposed conditional use will comply with the CRS/OAD District regulations and the general provisions of Chapter 14.02.
  
4. With regard to Exceptions for Public Benefit in the CRS/OAD District, the Planning Commission finds in accordance with Chapter 14.54 the Municipal Code that:
  - A. The granting of the exceptions will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the area;
  - B. The benefit to the city derived from granting the exceptions is an appropriate mitigation when considered against the cost to the developer;
  - C. The project and mitigation will result in a public benefit to the downtown; and
  - D. The resultant project and mitigation are consistent with the General Plan and promote or accomplish objectives of the Downtown Design Plan.

## **CONDITIONS**

10-D-04 and 10-UP-03—One Main Street

### **GENERAL**

1. Project approval is based upon the plans received on July 28, 2010 except as modified by these conditions.
2. As a condition of the use permit, the building cannot be converted to a permitted use without a new use permit being approved. Any amendments to the use permit shall include a review to ensure that the new use meets the City's parking requirements.
3. The applicant shall revise the landscape plant to include four Chinese Pistache street trees along Main Street and two Chinese Pistache and a grouping of three Crape Myrtle street trees along San Antonio Road.
4. The applicant agrees to 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 the City's action with respect to the applicant's project.

### **PRIOR TO ISSUANCE OF BUILDING PERMIT**

5. The applicant shall obtain an encroachment permit and/or a permit to open streets prior to any work done within the public right-of-way and it shall be done in accordance with plans approved by the City Engineer.
6. The applicant shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.
7. The sewer lateral connection shall be approved by the City Engineer.
8. All project improvements shall comply with Americans with Disabilities Act (ADA).
9. The project shall comply with the City of Los Altos Municipal Regional Stormwater (MRP) NPDES Permit No. CA S612008, Order R2-2009-0074 dated October 14, 2009. The project plans shall include the "Blueprint for a Clean Bay" plan sheet in all plan submittals.
10. The applicant shall pay all applicable fees, including but not limited to sanitary sewer and traffic impact fees as required by the City of Los Altos Municipal Code.

11. The applicant shall submit a cost estimate for review for the improvements in the public right-of-way. The applicant shall submit a cash deposit that is equivalent to the cost of these public improvements.
12. The plans shall include two external bike racks to accommodate a total of four bikes outside, as approved by City staff.
13. Detailed plans for any construction activities affecting the public right-of-way, including but not limited to excavations, pedestrian protection, material storage, earth retention, and construction vehicle parking, shall be provided to the City Engineer for review and approval. The applicant shall also submit on-site and off-site grading and drainage plans that include drain swales, drain inlets, rough pad elevations, building envelopes, and grading elevations for approval by City staff.
14. The applicant shall submit on-site grading and drainage plans (showing drainage swales, drain inlets, rough pad elevations, building envelopes and elevations at property lines) for approval by the City Engineer.
15. A truck routing and staging plan for the project shall be submitted for review and approval by the City Engineer. Applicant shall pay the applicable fees before the transportation permit can be issued by the Traffic Engineer.
16. The applicant shall contact Mission Trails Company and submit a solid waste disposal plan indicating the type and size of container proposed and the frequency of pick-up service subject to the approval of the Engineering Division. The applicant shall submit evidence that Mission Trails Company has reviewed and approved the size and location of the proposed new enclosure for recyclables.
17. The applicant shall submit plans that show all windows and glass doors facing San Antonio Road are Sound Transmission Class (STC) rated to meet the City's General Plan requirement for the maximum allowable interior noise level in a lodging or hotel use.
18. The final sidewalk and plaza design shall be as follows:
  - a. If the City does not have a new design/configuration for the intersection at Main-West Edith-San Antonio, then the applicant shall provide a final public plaza design that includes the public right-of-way adjacent to the subject property as identified by the Community Development Director and includes a delineated path of travel that meets ADA requirements.
  - b. If the City does have a new design/configuration for the intersection at Main-West Edith-San Antonio, then the applicant shall cooperate with the City to modify the design and configuration of the public plaza to incorporate the new intersection design.
19. The applicant shall record a pedestrian use easement for the public plaza and sidewalks in a form approved by the City Engineer and City Attorney. The plat and legal description of the pedestrian

use easement shall be submitted for review by the City Land Surveyor. Applicant shall provide a sufficient fee retainer to cover the cost of the review of the pedestrian use easement.

20. The applicant shall execute and record a use agreement with the City. The applicant shall be responsible for maintenance of the public and private areas that are used for the public plaza, landscaping and sidewalks, on and adjacent to the subject property. The form and content of the use agreement shall be reviewed and approved by the Community Development Director and the City Attorney.

#### **PRIOR TO FINAL INSPECTION**

21. The applicant shall remove and replace all sidewalk, curb and gutter adjacent to the site as directed by the City Engineer.
22. A one-year, ten percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way.
23. All on- and off-site landscaping and irrigation shall be installed. All street trees shall be at least 24-inch box size.
24. The applicant shall label all new or existing public and private catch basin inlets which are on or directly adjacent to the site with the "NO DUMPING - FLOWS TO ADOBE CREEK" logo as required by the City.
25. The sidewalk and public plaza plan shall be constructed.
26. The applicant shall provide an acoustical analysis that evaluates the interior noise levels in each of the rooms facing San Antonio Road and all rooftop mechanical equipment to ensure that the project is in compliance with the City's General Plan and the Noise Control Regulations.
27. The applicant shall obtain an outdoor display permit for the tables, chairs and other movable objects proposed for the public plaza.

20. The applicant shall record a pedestrian use easement for the public plaza and sidewalks in a form approved by the City Engineer and City Attorney. The pedestrian use easement shall address issues related to indemnity and liability. The plat and legal description of the pedestrian use easement shall be submitted for review by the City Land Surveyor. Applicant shall provide a sufficient fee retainer to cover the cost of the review of the pedestrian use easement.
21. The applicant shall execute and record a maintenance agreement with the City. The owner shall be responsible for maintenance of the public and private areas that are used for the public plaza and landscaping on and adjacent to the subject property. The applicant shall also be responsible for the maintenance of the public sidewalks on and adjacent to the subject property if non-City standard materials (i.e., custom pavers) are used. The form and content of the maintenance agreement shall be reviewed and approved by the Community Development Director and the City Attorney.

### **PRIOR TO FINAL INSPECTION**

22. The applicant shall remove and replace all sidewalks, curbs and gutters adjacent to the site as directed by the City Engineer.
23. A one-year, ten percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way.
24. All on- and off-site landscaping and irrigation shall be installed. All street trees shall be at least 24-inch box size.
25. The applicant shall label all new or existing public and private catch basin inlets which are on or directly adjacent to the site with the "NO DUMPING - FLOWS TO ADOBE CREEK" logo as required by the City.
26. The sidewalk and public plaza plan shall be constructed.
27. The applicant shall provide an acoustical analysis that evaluates the interior noise levels in each of the rooms facing San Antonio Road and all rooftop mechanical equipment to ensure that the project is in compliance with the City's General Plan and the Noise Control Regulations.