

RESOLUTION NO. 2017-46

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
GRANTING AN APPEAL AND APPROVING A USE PERMIT FOR AN
ADMINISTRATIVE OFFICE ON THE FIRST FLOOR OF THE COMMERCIAL
BUILDING AT 400 MAIN STREET**

WHEREAS, the property owner submitted Use Permit Application No. 17-UP-02 for an administrative office use at 400 Main Street; and

WHEREAS, the lease space has remained vacant since the building was completed and finals on the building permit were granted and the Planning Commission has agreed with the interpretation that these circumstances are unique and a use permit could be considered for other business establishments in the subject lease space because a retail establishment is not being displaced; and

WHEREAS, this project is exempt from environmental review pursuant to Section 15303. (c) of the State Guidelines implementing the California Environmental Quality Act of 1970 (CEQA), as amended; and

WHEREAS, the Use Permit application was processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

WHEREAS, the Planning and Transportation Commission held a duly noticed public hearing to consider the conditional use permit on October 19, 2017 and the lack of votes in the affirmative on motions to deny or approve the conditional use permit application resulted in a technical denial of the use permit application; and

WHEREAS, the applicant has appealed the technical denial of the use permit application to the City Council; 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.

WHEREAS, the City Council considered the appeal at a duly noticed public hearing on November 28th, 2017 and considered the written record and all public comment.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby grants the appeal and approves Use Permit Application No. 17-UP-02, subject to the Conditions of Approval listed in Attachment 'A', for an administrative office based on the following findings of approval:

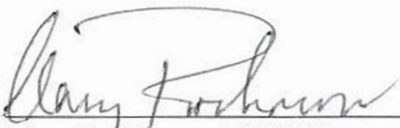
1. That the proposed location of the conditional use is desirable for the prosperity and welfare of the downtown in that it activates a vacant lease space and the tenants of the lease space can include those that avail themselves of commercial services in the downtown.
2. That the proposed location of 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 in

a building that was planned and considered in line with guidelines and policies for community growth, as an administrative office it is expected to have a harmonious and convenient relationship to other land uses in the area, the building was reviewed and conditionally approved to provide for safe interaction with the existing circulation system, it is an appropriate business activity in that it does not include elements of its operation that generate excessive noise, fumes, odors, or have other activities that would be detrimental to surrounding businesses or residents and given these it is not expected to have a negative impact on property values within the City and because it is within an existing building it is not anticipated to detract from the city's natural beauty or negatively impact the City's distinctive physical character.


3. That the proposed location the administrative office, 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 in that this office use is not one that has been identified as having operational features that will have negative impacts on the area.
4. That the proposed administrative office use will comply with the regulations prescribed for the district in which the site is located and the general provisions of Chapter 14.02 of the Los Altos Municipal Code.
5. That the proposed administrative office use is in scale with the existing development of the downtown and it enhances the unique village character of the CRS District by occupying a tenant space that has been vacant to date and it is expected that those working in or visiting the administrative office will avail themselves of the commercial services in the downtown which helps support the downtown economy; and
6. That the proposed administrative office use will not cause degradation in the level of service of the streets and intersections within the CRS District, because the activity of this office use is not anticipated to be at levels that would cause such degradation.

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 November 2017 by the following vote:

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


Mary Prochnow, MAYOR

Attest:


Jon Maginot, CMC, CITY CLERK

ATTACHMENT 'A' TO RESOLUTION No. 2017-46

for

Conditions of Approval for Use Permit Application No. 17-UP-02, 400 Main Street

1. All businesses, services, and processes shall be conducted within a completely enclosed structure, except for parking and loading spaces, outdoor eating areas operated incidental to permitted eating and drinking services, and as otherwise allowed upon the issuance of an outdoor display permit. Exterior storage is prohibited.

3. No use shall be permitted and no process, equipment, or materials shall be employed which are found by the commission to be objectionable by reason of odor, dust, noise, vibration, illumination, glare, unsightliness or electrical disturbances which are manifested beyond the premises in which the permitted use is located.

4. The property owner, business owner and/or tenant shall not permit or allow operation of a business which violates the required conditions of this chapter, including the following general criteria:

a. Refuse collection. Each use and development, including applications for tenant improvements, shall provide suitable space for solid waste separation, collection, and storage and shall verify the existing sites on the property are located to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way. Refuse collection areas are encouraged to be shared, centralized, facilities whenever possible.

b. Lighting. Lighting within the site that unnecessarily illuminates any other lot and/or substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if: (i) it clearly exceeds the minimum illumination necessary to provide for security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities, or (ii) if the illumination could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

c. Air pollution. Any use that emits any "air contaminant" as defined by the Bay Area air quality management district shall comply with applicable state standards concerning air pollution.

d. Maintenance of common areas, improvements, and facilities. Maintenance of all common areas, improvements, facilities, and public sidewalks adjacent to the subject property is required. In the case of public sidewalks, maintenance shall be limited to keeping the sidewalk clean and free of debris, markings, and food and drink stains by means of sweeping, cleaning with water and/or steam cleaning.

e. Odors. No use may generate any odor that may be found reasonably objectionable as determined by an appropriate agency such as the Santa Clara County health department and the Bay Area air quality management district beyond the boundary occupied by the enterprise generating the odor.

f. Noise. No person shall operate, or cause to be operated, any source of sound at the subject space or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any other property either incorporated or unincorporated, to exceed standards as set forth in [Chapter 6.16](#) of the Los Altos Municipal Code.