



PLANNING AND TRANSPORTATION COMMISSION AGENDA REPORT

Meeting Date: October 24, 2017

Subject: 400 Main Street, Use Permit Application for an Office Use

Prepared by: Jon Biggs, Community Development Director

Attachment(s):

- A. Area Map
- B. Vicinity Map
- C. 500-foot Notification Map
- D. Application and Information of Proposed Office Use

Initiated by:

Property Owner

Environmental Review:

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

Summary:

Applicant seeks use permit approval to allow occupancy of a vacant lease space by the administrative offices of the Heising-Simons Foundation.

Background

The subject property, 400 Main Street, is a corner site located at the intersection of Main and First Streets and is in the CRS, Commercial Retail Sales, Zone District. Construction of the existing building was completed in 2014, and most of the lease spaces within the building have been occupied by a variety of tenants including a restaurant, retail, and office uses. Since its completion, there has been one lease area that has remained vacant and has not been occupied by a tenant. This lease area has approximately 3,100 square feet and is located on the lower level of the building between the former Pharmaca Store and the open corridor at the mid-point of the building. This space has frontage on First Street. The subject lease area is to the right of the open corridor in the photo below.



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Discussion/Analysis

The CRS zoning regulations allow for a variety of uses, some that are permitted by right and others that require a conditional use permit. The zoning code for conditional uses notes that these uses are allowed with use permit approval except when they displace a retail business located in a ground floor building space that fronts on First Street.

In August of this year, staff brought to the Commission an interpretation that provided the opportunity to consider uses other than retail in the subject space. The Commission concurred with staff's interpretation that because the subject space had been vacant since completion of the building in 2014, a retail business was not being displaced and a use permit for uses other than retail or restaurant could be considered. At the same time, the Commission also approved a conditional use permit allowing a barber shop or hair salon, cocktail lounge or wine bar, fitness studio and left open the consideration of other uses through the use permit process.

The property owner now seeks approval of a use permit to allow the administrative offices of the Heising-Simons Foundation to occupy the site. The foundation is based in Los Altos and works with many partners to advance sustainable solutions in climate and clean energy among many other endeavors. A broader description of the organization and the support it provides is attached with this agenda report.

Staff Recommendation:



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Staff recommends that the Commission grant approval of the use permit subject to the following conditions:

1. The business shall be conducted completely within the enclosed structure, except for parking and loading spaces, outdoor eating areas, and as otherwise allowed upon the issuance of an outdoor display permit. Exterior storage is prohibited.

3. No processes, equipment, or materials shall be employed which are found by the commission to be objectionable because 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, and business owner shall not permit or allow operations which violates the required conditions of this chapter, including the following general criteria:

a. Refuse collection. There shall be 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. The emission of 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.



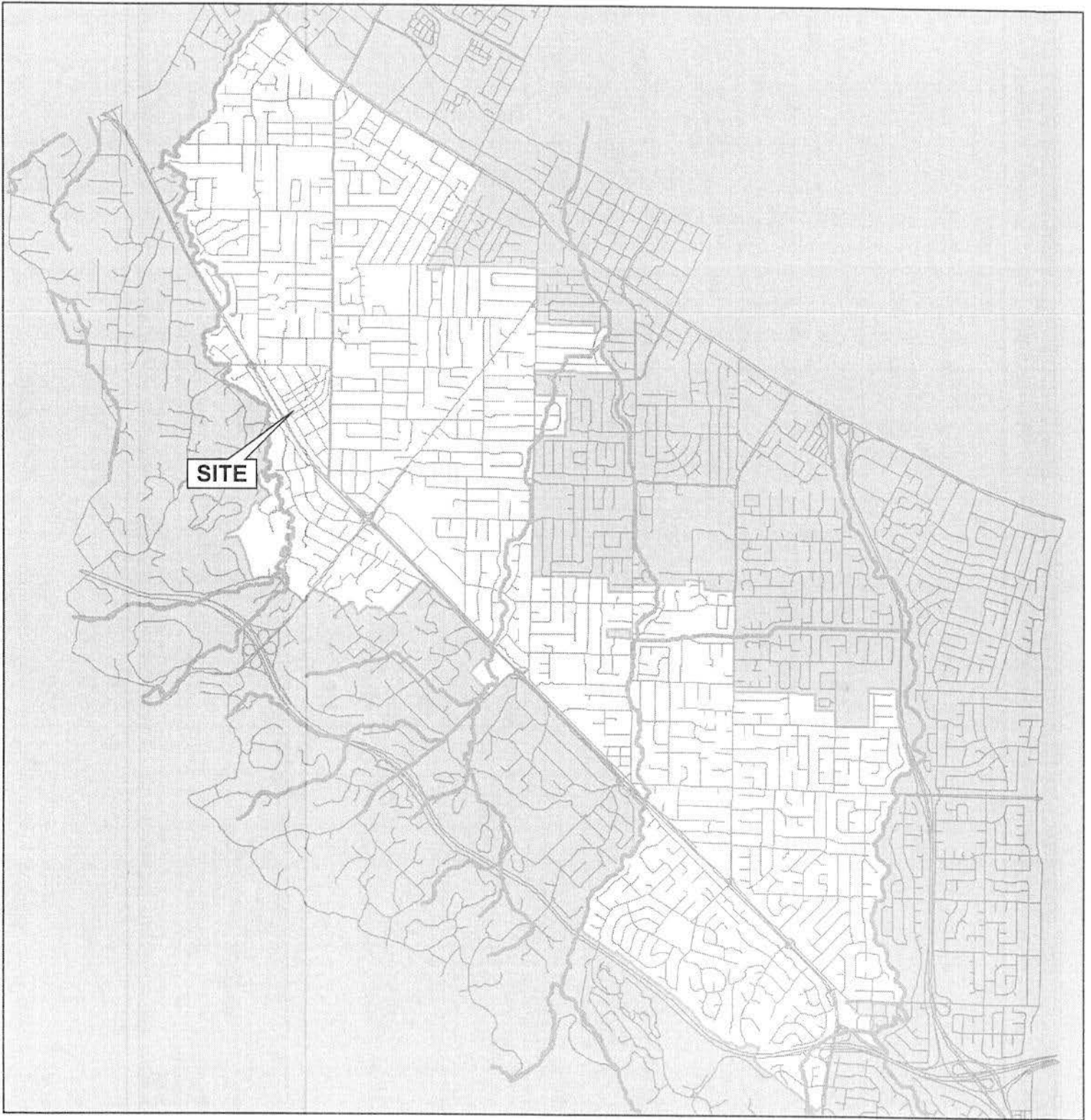
Subject: 400 Main Street, Use Permit Application for an Office Use

e. Odors. The use may not 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.

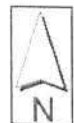
ATTACHMENT A

AREA MAP



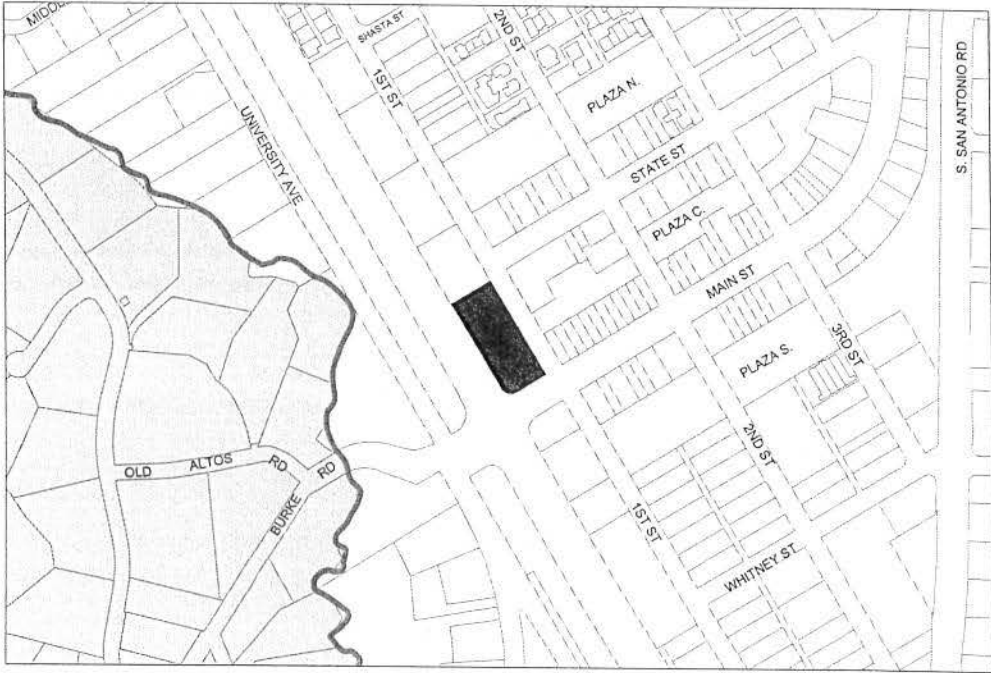
CITY OF LOS ALTOS

APPLICATION: 17-UP-02
APPLICANT: J. Morris
SITE ADDRESS: 400 Main Street

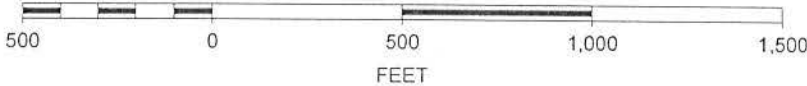


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



CITY OF LOS ALTOS

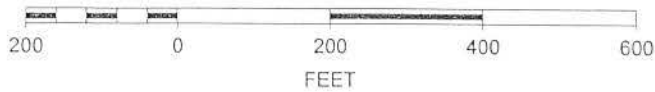
APPLICATION: 17-UP-02
APPLICANT: J. Morris
SITE ADDRESS: 400 Main Street

400 Main St. et 500-foot Notification Map

ATTACHMENT C



SCALE 1 : 3,000



ATTACHMENT D



CITY OF LOS ALTOS GENERAL APPLICATION

Type of Review Requested: *(Check all boxes that apply)*

Permit # _____

<input type="checkbox"/> One-Story Design Review	<input type="checkbox"/> Commercial/Multi-Family	<input type="checkbox"/> Environmental Review
<input type="checkbox"/> Two-Story Design Review	<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Rezoning
<input type="checkbox"/> Variance	<input checked="" type="checkbox"/> Use Permit	<input type="checkbox"/> RI-S Overlay
<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/> Tenant Improvement	<input type="checkbox"/> General Plan/Code Amendment
<input type="checkbox"/> Tentative Map/Division of Land	<input type="checkbox"/> Sidewalk Display Permit	<input type="checkbox"/> Appeal
<input type="checkbox"/> Historical Review	<input type="checkbox"/> Preliminary Project Review	<input type="checkbox"/> Other:

Project Address/Location: 400 Main Street, Los Altos, CA

Project Proposal/Use: Heising-Simons Foundation (office) Current Use of Property: Vacant space (never been occupied)

Assessor Parcel Number(s): _____ Site Area: _____

New Sq. Ft.: _____ Altered/Rebuilt Sq. Ft.: _____ Existing Sq. Ft. to Remain: _____

Total Existing Sq. Ft.: _____ Total Proposed Sq. Ft. (including basement): _____

Is the site fully accessible for City Staff inspection? Yes

Applicant's Name: Jeff Morris

Telephone No.: (650) 854-1123 Email Address: jeff@jamorris.com

Mailing Address: 2500 Sand Hill Road Suite 240

City/State/Zip Code: Menlo Park, CA 94025

Property Owner's Name: 400 Main Morris, LLC

Telephone No.: (650) 854-1123 Email Address: jeff@jamorris.com

Mailing Address: 2500 Sand Hill Road Suite 240

City/State/Zip Code: Menlo Park, CA 94025

Architect/Designer's Name: Hawley Peterson Snyder

Telephone No.: (650) 968-2944 Email Address: _____

Mailing Address: 444 Castro Street Suite 1000

City/State/Zip Code: Mountain View, CA 94041

** If your project includes complete or partial demolition of an existing residence or commercial building, a demolition permit must be issued and finalized prior to obtaining your building permit. Please contact the Building Division for a demolition package. **

(continued on back)

17-UP-02

The Heising-Simons Foundation

The Heising-Simons Foundation is a family foundation based in Los Altos, California. The Foundation works with its many partners to advance sustainable solutions in climate and clean energy, enable groundbreaking research in science, enhance the education of our youngest learners, and support human rights for all people.

Mark Heising and Liz Simons each grew up with a tradition of giving, learning about the importance of the communities that surrounded them, and of the value of philanthropy. They met at the University of California, Berkeley, in 1979. Liz earned her Masters in education from Stanford University, became a Spanish-bilingual teacher, and founded Stretch to Kindergarten, a spring-summer early childhood education program. Mark earned his master's in electrical engineering and computer sciences from the University of California, Berkeley, became a chip design engineer, and went on to hold six U.S. patents. In 2007, they established the Foundation, and were later joined on the board by their daughter, Caitlin Heising, who graduated from Brown University and works with a nonprofit human rights and strategic philanthropy consultancy.

The Foundation's board and staff feel incredibly fortunate to work with, and support, great leaders and organizations in vital endeavors.

The Heising-Simons Foundation had total assets of \$448 million at December 31, 2016.

Net investment income for the Heising-Simons Foundation in 2016 was \$104 million in comparison to \$349 million for the Packard Foundation (in its latest Form 990 for 2015).

In 2016, the Foundation awarded more than \$54.8 million. Since its first grant in 2007, the Foundation has awarded more than \$263 million. The main areas of focus are Education, Science, Climate and Clean Energy, the Local Community and Human Rights.

Local gifts are becoming an increasing part of the gift allocation each year. For example, through the first three quarters of 2017, the Heising-Simons Foundation has given gifts of \$4,700,000 (excluding gifts to Stanford University).

The Heising-Simons Foundation
2015 and 2016 Grants and Contributions

Some examples of grants and contributions to the local community in 2015 and 2016 include:

<u>Los Altos</u>	<u>2015</u>	<u>2016</u>
Foothill College Foundation	\$1,060,000	\$915,000
Los Altos Community Foundation	\$40,000	\$40,000
Science Is Elementary	\$10,000	
Sempervirens Fund	\$10,000	\$10,000
Science is Elementary	\$10,000	\$10,000
 <u>Los Altos Hills</u>		
Trust for Hidden Villa	\$5,000	\$5,000
 <u>East Palo Alto</u>		
Community Legal Services	\$67,500	\$202,500
Eastside College Prep		\$15,000
EPA Kids Foundation	\$10,000	\$10,000
South Community Health Center	\$25,000	
 <u>Menlo Park</u>		
Boys and Girls Club	\$25,000	\$25,000
Geohazards International	\$60,000	\$25,000
Job Train		\$10,000
 <u>Mountain View</u>		
Bring Me a Book Foundation	\$60,000	
Job Train		
Silicon Valley Community Foundation	\$554,685	\$205,000
 <u>Palo Alto</u>		
Anita Borg Institute for Women	\$10,000	\$10,000
Children's Health Council	\$10,000	\$20,000
Environmental Volunteers	\$10,000	\$10,000
Learning Policy Institute		\$600,201
Lucille Packard Foundation: Children's Health	\$15,000	\$15,000
Palo Alto Partners in Education	\$10,000	
Palo Alto Unified School District	\$20,000	

	<u>2015</u>	<u>2016</u>
Peninsula Open Space Trust	\$10,000	\$10,000
Stanford (education, math, science programs)	\$2,858,993	\$6,400,000
Stanford (Climate change)		\$526,212
Stanford (astronomy)		\$107,624
Theatre Works	\$10,000	\$10,000
The School Fund		\$15,000
The Teaching Doctors at Stanford		\$157,180
<u>Redwood City</u>		
Californians Dedicated to Education	\$10,000	\$25,000
Marine Science Institute	\$10,000	\$10,000
Redwood City Elementary Schools	\$200,000	\$199,500
<u>San Francisco</u>		
Accountability Council		\$60,000
Advanced Energy Economy Institute		\$480,000
American Civil Liberties		\$75,000
CA Child Care	\$250,000	\$425,000
California Academy of Science		\$50,000
Child Law Center		\$75,000
Climate Policy Initiative	\$75,000	\$220,000
Common Sense Media		\$300,000
Community Initiatives	\$442,000	\$1,358,500
Consulting group – biological diversity		\$5,000
Corporation of Fine Arts Museum		\$10,000
Environmental Defense Fund		\$2,500,000
Intersection for the Arts		\$15,000
KQED	\$15,000	\$35,000
Lawyers Committee – Civil Rights		\$25,000
Natural Resources Defense Council	\$500,000	\$500,000
Northern California Grantmakers	\$10,000	\$16,750
Peer Health Exchange		\$20,000
Public Policy Institute		\$15,000
Refugee Transitions		\$10,000
San Francisco Ballet	\$10,000	\$10,000
San Francisco Jazz	\$10,000	\$10,000
San Francisco Museum of Modern Art	\$10,000	\$10,000
San Francisco Opera	\$10,000	\$10,000
San Francisco Symphony	\$50,000	\$50,000

	<u>2015</u>	<u>2016</u>
Save the Redwoods League	\$10,000	\$10,000
SF SB Legacy	\$75,000	\$75,000
Spark	\$10,000	\$15,000
The Exploratorium	\$10,000	\$10,000
Tides Center	\$324,500	\$382,500
Tides Foundation	\$500,000	\$50,000
Trust for Public Land	\$10,000	\$10,000
Wested	\$125,000	\$25,000
<u>San Jose</u>		
Catholic Charties	\$25,000	\$25,000
Estrella Family Services	\$100,000	
Oak Grove School District	\$200,000	\$200,000
Opportunity Fund Northern California	\$125,000	\$50,000
Planned Parenthood Mar Monte	\$2,000	\$2,000
San Jose Children's Discovery Museum	\$10,000	\$10,000
San Jose Children's Musical Theatre	\$10,000	\$10,000
San Jose Grail Family Services	\$300,000	\$200,000
San Jose Jazz	\$10,000	\$10,000
Second Harvest Food Bank		\$25,000
Silicon Valley DeBug		\$75,000
Sornos Mayfair		\$150,000
Tech Museum of Innovation	\$10,000	\$10,000
<u>Santa Clara</u>		
County of Santa Clara	\$15,000	
Second Harvest Food Bank	\$25,000	
Santa Clara County of Education	\$88,965	\$88,965
YMCA of Silicon Valley	\$260,619	\$204,555
<u>San Mateo</u>		
San Mateo Office of Education	\$608,956	\$384,300
Legal Aid Society for San Mateo County		\$52,000