

ATTACHMENT A

RESOLUTION NO. PC 2022-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALTOS GRANTING A USE PERMIT FOR THE EXPANSION OF AN EXISTING COMMERCIAL RECREATION USE AT 127 FIRST STREET TO THE TENANT SPACE AT 129 FIRST STREET

WHEREAS, the applicant, Elmer Lin, representing the property owner, 129 First Street LLC, submitted Conditional Use Permit Application CUP22-0002 to request the expansion of an existing commercial recreation use, Hyperspace (The Arcade), to occupy 2,453 square feet of ground floor area in the existing commercial building at 129 First Street; and

WHEREAS, granting the permit would be exempt from environmental review pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines in that the project involves the conversion of an existing small commercial structure from one use to another and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies.

WHEREAS, the proposed location of the commercial recreation use, a conditional use in the Commercial Downtown/Multiple-Family (CD/R3) District, is at the north end of the Downtown Triangle in a setting that includes a mix of commercial, office and multiple-family uses; and

WHEREAS, the Conditional 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 Commission held a duly noticed public hearing to consider the conditional use permit on November 17, 2022 and considered the written record and all public comment.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Los Altos hereby grants and approves Conditional Use Permit Application No. CUP22-0022 for a 2,453 square-foot ground floor commercial recreation use, in accordance with Section 14.80.060 of the Municipal Code, based on the following findings and conditions of approval attached hereto as “Exhibit A” and incorporated by this reference.

EXHIBIT A

FINDINGS

With regard to the Conditional Use Permit to allow an existing commercial recreation use to occupy 2,453 square feet of ground floor area in the existing commercial building at 129 First Street, the Planning Commission 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 existing commercial recreation use in operation expanding from 127 First Street to 129 First Street, and the existing use is being located in an existing commercial building that was designed to 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 the CD/R3 District allows for a range of commercial, multiple-family uses, and commercial recreation uses would be compatible with existing uses on adjacent sites.
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 the commercial recreation use is compatible with the commercial uses that are permitted in the building and on the surrounding properties within the CD/R3 District.
4. The proposed conditional use will comply with the regulations of the CD/R3 District, the district in which the site is located, and the general provisions of Chapter 14.02 because it is a commercial recreation use that is occupying existing space in a commercial building.
5. The proposed conditional use will provide adequate on-site parking to support the facility, including staff, visitors and other ancillary support services because the commercial recreation use is anticipated to create a peak parking demand of less than six parking spaces and will have a total of six dedicated on-site parking spaces available to for employees and patrons.

CONDITIONS

1. The project shall operate consistently with the applicant's project description and shall be constructed according to the project plans dated April 26, 2022.
2. The operation of the video game arcade shall not operate on the mezzanine floor until modification of the conditional use permit and building permits are obtained from the city for the operation of the commercial recreation at the upper level.
3. The arcade shall operate only from 12:00 pm to 8:00 pm Monday through Thursday, 12:00 pm to 10:00 pm on Friday, 10:00 am to 10:00 pm on Saturday, and 10 am to 8 pm on Sunday.
4. The applicant shall install "Quiet Zone" signage in the parking lot space along the rear alley.
5. Employees shall be required to park onsite in the parking lot.
6. Prior to operation of the business, the applicant shall obtain a building permit for the changes necessary for this type of use and occupancy.