



DISCUSSION CALENDAR

Agenda Item # 8

AGENDA REPORT SUMMARY

Meeting Date: January 8, 2019

Subject: Story Pole Policy Exemption Request: 389 First Street Development

Prepared by: Zachary Dahl, Planning Services Manager

Reviewed by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachments:

1. Resolution No. 2019-03
2. Story Pole Policy Exemption Request Letter
3. City of Los Altos Story Pole Policy

Initiated by:

Applicant

Previous Council Consideration:

None

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the request for an exemption from certain story pole requirements meet the criteria outlined in the City's Story Pole Policy?

Summary:

- The applicant for the development proposal at 389 First Street is requesting an exception from the City's Story Pole Policy due to safety concerns related to placing a story pole on a zero lot-line, impairment of the use of the existing structures on the site and use of some alternative materials and methods for story pole installation
- The request is proposing to install story poles for the proposed development, but would not be able to meet all requirements in the City's Story Pole Policy

Staff Recommendation:

Per the findings specified in Resolution No. 2019-03, staff recommends approval of this request



Subject: Story Pole Policy Exemption Request: 389 First Street Development

Purpose

Consider a request from the applicant of the development proposal at 389 First Street for an exemption from the City's Story Pole Policy due to safety concerns and impairment of the use of existing structures on the site and allow for the use of some alternative materials and methods. The applicant's request with support information is included as Attachment 2.

Background

The City Council adopted an Open Government Policy on March 24, 2015 that included a requirement that all commercial, multiple-family and mixed-use development projects subject to Planning Commission and City Council review must have story poles erected as part of the application process. On August 22, 2017, the City Council amended the Story Pole Policy to require that any exemptions to the Policy must be reviewed and approved by the Council. The criteria for reviewing and approving an exemption is as follows:

1. The City Council may grant exceptions to the Story Pole Policy due to: a) a public health and/or safety concern; or b) that such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible. Some form of poles and netting and/or on-site physical representation of the project may be required, even if an exception is granted.
2. The Story Pole Plan may be limited in scope at the discretion of the City Council. In such cases such as where there are multiple detached structures proposed and where identifying the locations of key structures would suffice, the story poles may be limited to the outline(s) of key structures and/or showing a structure(s) greatest height and mass.
3. In granting an exception, the City Council may require additional digital imagery simulations, computer modeling, built to-scale models or other visual techniques in-Lieu of the story pole requirements.

On May 22, 2018, the Council further amended the Story Pole Policy to include public facility projects as being subject to the Policy's requirement, to only require the installation of story poles for multi-story buildings and to require story poles to be removed within 60 days of a final determination on a project. A copy of the current Story Pole Policy is included as Attachment 3.

Earlier this year, the Council considered two story poles exemption requests for the multiple-family project at 4856 El Camino Real. On May 8, 2018, the Council approved an exemption request that allowed for a reduced number of poles and the use of pennant flags on a rope in place of two-foot wide woven plastic netting. On July 10, 2018, the Council denied the applicant's request for a full exemption from installation of story poles due to safety concerns and impairment of the use of the existing site.



Subject: Story Pole Policy Exemption Request: 389 First Street Development

Discussion/Analysis

The applicant has submitted a development application for a new three-story mixed-use building with 2,800 square feet of office and 10 multiple-family residential units at 389 First Street. The application has been deemed complete, has been reviewed by the Complete Streets Commission and is ready for review by the Planning Commission. However, as specified in the City's Story Pole Policy, story poles must be installed at least 20 days before the Planning Commission's public hearing date for the project to be considered.

During initial discussions with the applicant regarding the City's Story Pole Policy, it was conveyed to staff that installation of story poles that were fully compliant with the Policy would be challenging due to the use of the existing commercial buildings being occupied by tenants and properly securing poles that needed to be located directly adjacent to a property line or a public sidewalk and street. The applicant provided staff with a couple of different story pole plans, but due to various levels of deviation from the adopted policy, staff was unable to approve any of their story poles plans. After the last proposal, staff advised the applicant that they should submit an exemption request for Council review since it did not appear likely that they could provide a plan that was fully consistent with the adopted policy.

Based on the information contained in Attachment 2, the applicant is committed to installing story poles for the proposed project but is seeking exemptions from certain requirements due to safety concerns, impairment of the use of existing buildings on the site and structural concerns related to the use of plastic mesh netting. The proposed plan would use pennant flags in place of plastic mesh to outline the top of the proposed development, modify placement of the poles to accommodate guy wires, allow access to the office building and omit some poles that cannot be safely placed on the site.

Options

- 1) Approve the story pole exemption request with the modified story pole plan per Resolution No. 2019-03

Advantages: Allows for the installation of story poles that will illustrate the proposed development's height and massing

Disadvantages: None identified



Subject: Story Pole Policy Exemption Request: 389 First Street Development

2) Deny the story pole exemption request

Advantages: None identified

Disadvantages: Delays the Planning Commission review of the proposed development and could result in the installation of story poles that create a public health and/or safety concern

Recommendation

Staff believes the applicant's request complies with the criteria for an exemption and recommends approval of the modified story pole plan (Option 1).

RESOLUTION NO. 2019-03

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
TO GRANT AN EXEMPTION FROM THE CITY'S STORY POLE POLICY TO
THE PROPOSED DEVELOPMENT AT 389 FIRST STREET AND MAKING
FINDINGS OF CEQA EXEMPTION**

WHEREAS, the City Council adopted an Open Government Policy that included a requirement for all commercial, multiple-family and mixed-use development projects subject to Planning Commission and City Council review to erect story poles as part of the public review process; and

WHEREAS, the City Council may grant exceptions to the Story Pole Policy due to a public health or safety concern, or if such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible; and

WHEREAS, the applicant for the proposed development at 389 First Street has submitted a request for an exemption from the City's Story Pole Policy due to safety concerns and impairment of the use of existing structures on the site and to allow for the use of some alternative materials and methods; and

WHEREAS, this action is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), in that there is no possibility that the action will have a significant effect on the environment.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves the application's request for an exemption from some of the City's Story Pole Policy per the modified story pole plan contained in Exhibit A and based on the following findings:

1. There is a public health and safety concern due to the placement of the story poles and guy wires in close proximity to public sidewalks and streets where they may pose a threat of physical harm to adjacent users; and
2. Installation of story poles per the City's Story Pole Policy would impair the use of existing office building on the site to the extent it would not be able to be occupied by the existing business tenants and use of the building would be infeasible.

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 8th day of January, 2019 by the following vote:

AYES:

NOES:

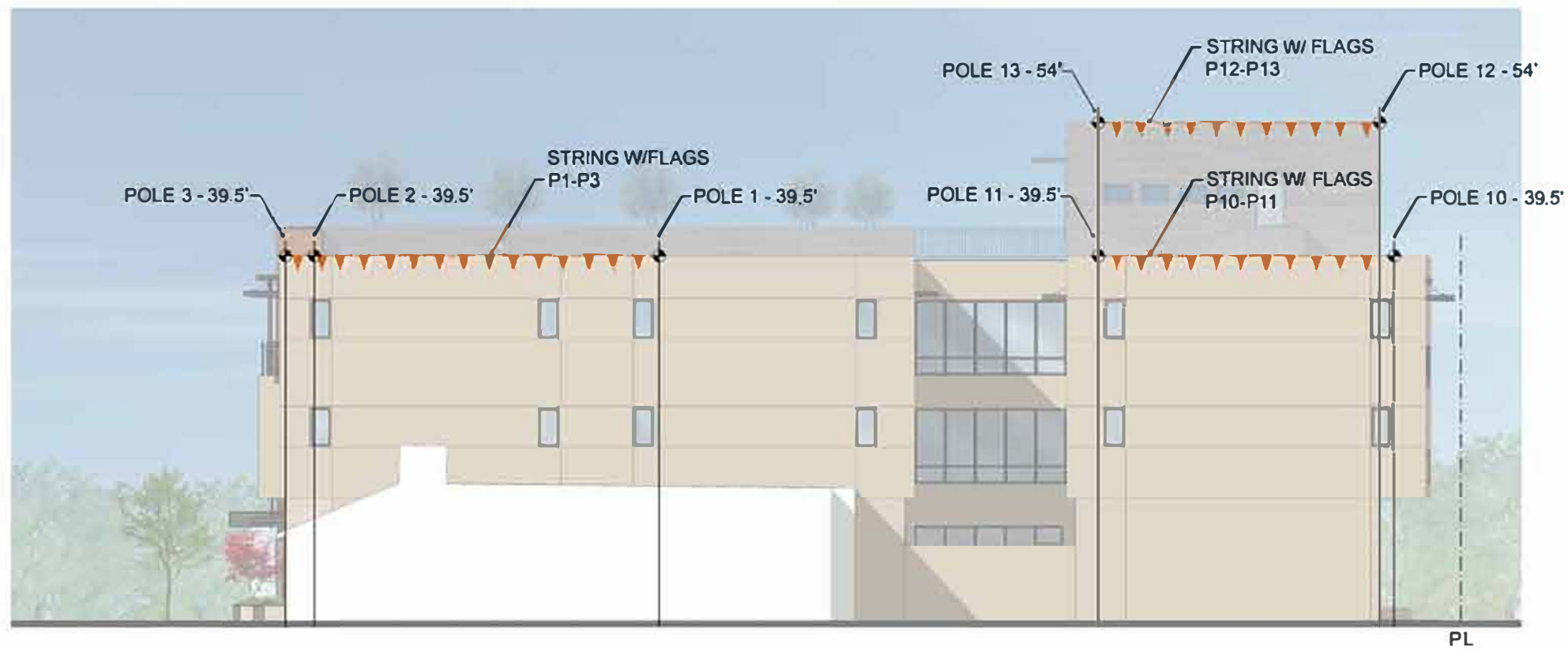
ABSENT:

ABSTAIN:

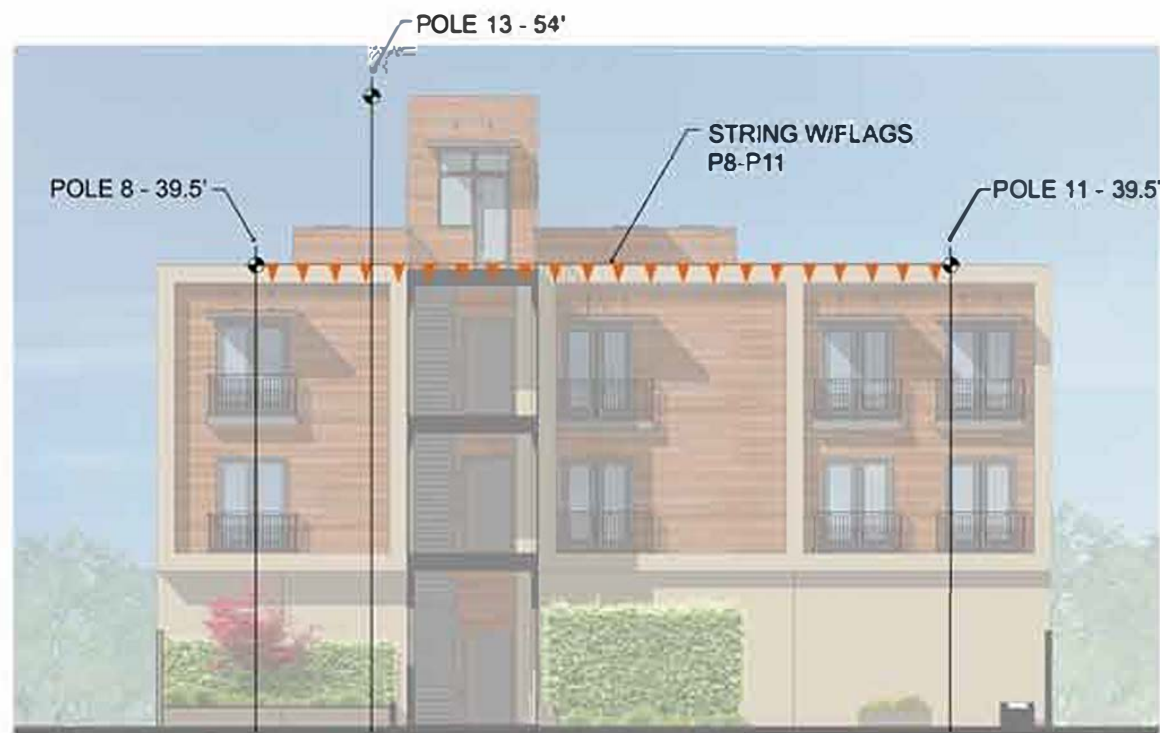
Lynette Lee Eng, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK



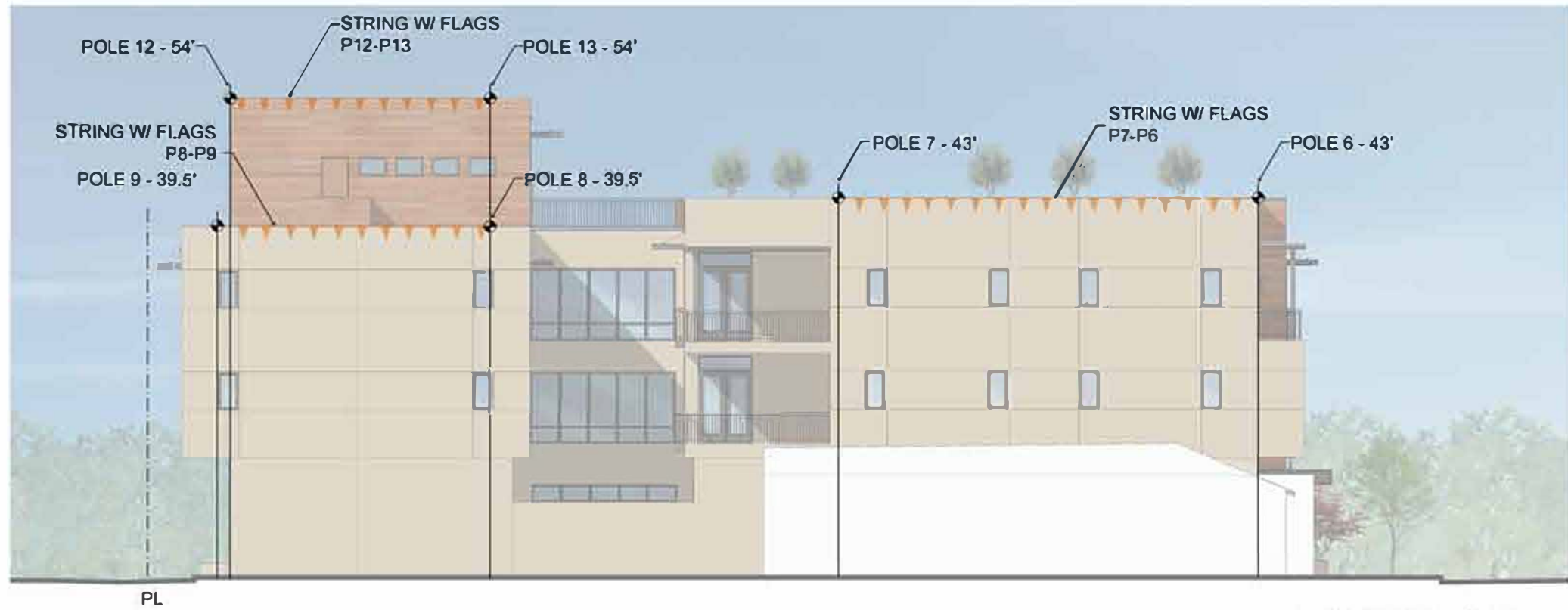
RIGHT ELEVATION



COURTYARD ELEVATION 'A'



FRONT ELEVATION



LEFT ELEVATION



COURTYARD ELEVATION 'B'



REAR ELEVATION

December 12, 2018

Zachary Dahl, AICP
Planning Services Manager
Community Development Department
City of Los Altos

Story Pole Exception Request – 389 First Street, Los Altos

Dear Zach,

As you are aware, the proposed project that is the subject of this letter is a Mixed-Use project comprised of two (2) office spaces and ten (10) residential units on site located at 389 First Street, with one of the residential units qualifying as “affordable”. The site has a General Plan designation of Commercial Downtown / Multiple Family District and a Zoning designation of CD / R-3 Commercial Downtown Multiple Family District. We received an email on October 17th 2018 notifying us that the project was Deemed Complete.

We point out that we are one of the first downtown projects to go through the City’s review process since the City’s story pole process was enacted. Our efforts in coming up with a Story Pole Plan have revealed several practical issues with the story pole policy in a downtown setting:

- 1.) The zero or reduced property line setbacks required in the downtown area.
- 2.) The effect of the City’s story pole policy on businesses operating on the properties that are in the process of being redeveloped
- 3.) Public health and safety concerns of using netting versus using pennants that are common in other jurisdictions.

Attached is a Story Pole Plan that shows what story poles are possible with the support guy wires and with allowing limited access to the operating businesses. The story poles along First Street, which represent approximately the front half of the proposed building, can be constructed in full compliance with the City’s story pole policy. The story poles along the alley will have to be inset from the rear and side property lines a distance of 8’ in order to accommodate the required guy wire supports. In addition, we are representing one edge of the elevator tower and it is pushed slightly to the Northwest in order to maintain the access to the parking lot. We believe that this Story Pole Plan is in substantial compliance with the City’s story pole policy. Further, we believe that the Story Pole Plan serves the stated purpose of the City’s story pole policy; namely, **“to help show the development’s height, massing and profile in the context of the actual environment and to help provide a visual notice of a project.”**

Hopefully, you will agree that the attached Story Pole Plan serves the above-stated purpose of the story pole policy, including, providing sufficient information to the decision makers, and is in substantial compliance with the City’s story pole policy.

We will meet all of the items listed as a “Procedure” in the story pole policy. Specifically, item 1 of the “Procedure” section in the City’s story pole policy provides that a “Story Pole Plan shall be approved by the Community Development Director prior to the placement of the poles on the site.” Since the attached Story Pole Plan is in substantial compliance with the “Plan Requirements” discussed below, we respectfully request that the City Council direct the Community Development Director to approve the attached Story Pole Plan.

With respect to the “Plan Requirements” section in the City’s story pole policy, we believe that the attached Story Pole Plan is in “substantial compliance” with all of the “Plan Requirements”; namely,

1. The Story Pole Plan must be at an appropriate scale and include: a) a site plan showing the location of any existing structure, the outline of any proposed structures and the location of the story poles; b) elevation views of the story poles; and c) any materials, means of installation and structural requirements.
2. The story poles shall be of sufficient number and location to adequately demonstrate the height, mass, and bulk of the project. At a minimum, story poles shall be placed at all outside building corners of the building wall (excluding eaves) and along the main rooflines (ridges, hips and valleys) of the proposed structure(s) or addition. Architectural elements such as towers, spires, elevator and mechanical penthouses, cupolas, mechanical equipment screening and similar elements that are visible from the streetscape must be represented by the story poles.

With respect to the “Materials and Methods” section in the story pole policy, we believe that the following exception is the only exception that we need and that such exception is justified by public health and safety. The “Materials and Methods” section of the story pole policy require that “[a]t least two-foot wide brightly colored woven plastic fencing (or netting) must be used to represent the rooflines of the proposed structure(s) or addition...”. As noted in the attached letter from the story pole consultant, the use of 2’-wide netting is a threat to public health and safety. However, the use of brightly colored pennants does not create a similar public health and safety issue.

The story pole policy provides that the City Council may grant exceptions to the Story Pole Policy due to: a) a public health and/or safety concern, or b) that such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible.

We believe that implementation of the attached Story Pole Plan, and the substitution of brightly colored pennants, will fulfill the stated purpose of the City’s story pole policy; namely, “to help show the development’s height, massing and profile in the context of the actual environment and to help provide a visual notice of a project.

Thank you in advance for your continued professional assistance. Please let me know once you have reviewed the attached, or if you need more information, or if you need the information in a different format.

Warm Regards.

1st Place Village, LLC

Steve Johnson

Wednesday, December 5, 2018

COASTLINE

**ENGINEERING & DEVELOPMENT GROUP
CA CONTRACTORS LICENSE #993041
COASTLINESTORYPOLES@GMAIL.COM
1484 POLLARD ROAD - SUITE 121
LOS GATOS CA 95032
P: 408-899-8519**

To Whom It May Concern:

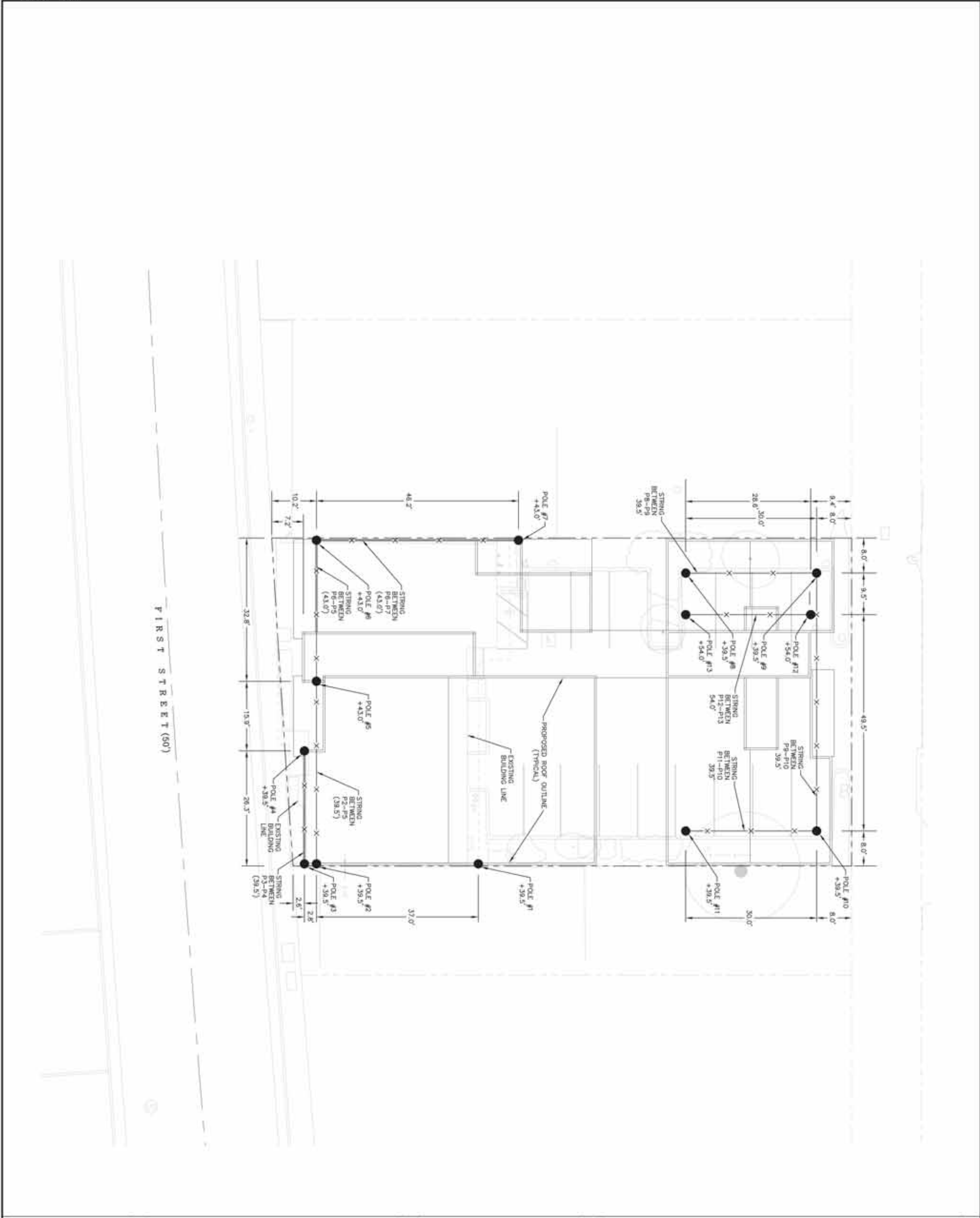
Coastline Engineering and Development Group has been retained to install the story poles at 425 First Street and 389 First St. Due to the current rainy season weather, heights of the story poles and close proximity of the story poles to the public sidewalk and street, installation of the 2' wide mesh on the subject sites poses an unnecessary life and safety risk to the general public.

It is Coastline Engineering and Development Groups recommendation to allow for a modification of the story pole policy to allow for the use of orange pennant flagging as an acceptable substitution material.

Thank you for your consideration in this matter. Please contact this office if you have any other questions.

Regards,

***Dustin Rutherford
Owner - Coastline Engineering and Development Group.***



LEGEND

- PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- X- STREET CENTER LINE
- X- EXISTING SANITARY SEWER LINE
- X- EXISTING WATER LINE
- X- EXISTING ELECTRICAL LINE
- X- EXISTING OVERHEAD LINE
- X- WATER METER
- X- EXISTING TREE
- X- FIRE HYDRANT
- X- GAS METER
- X- UTILITY VALVE
- X- CLEANOUT
- X- JOINT POLE
- X- ELECTRICAL BOX
- X- STORY POLE LOCATION
- X- POLE NUMBER AND HEIGHT OF POLE
- X- STRING WITH FLAGS

GENERAL NOTES

ABBREVIATIONS

BILD BUILDING

**389 FIRST STREET
 STORY POLE EXHIBIT**

LOS ALTOS SAN MATEO COUNTY CALIFORNIA

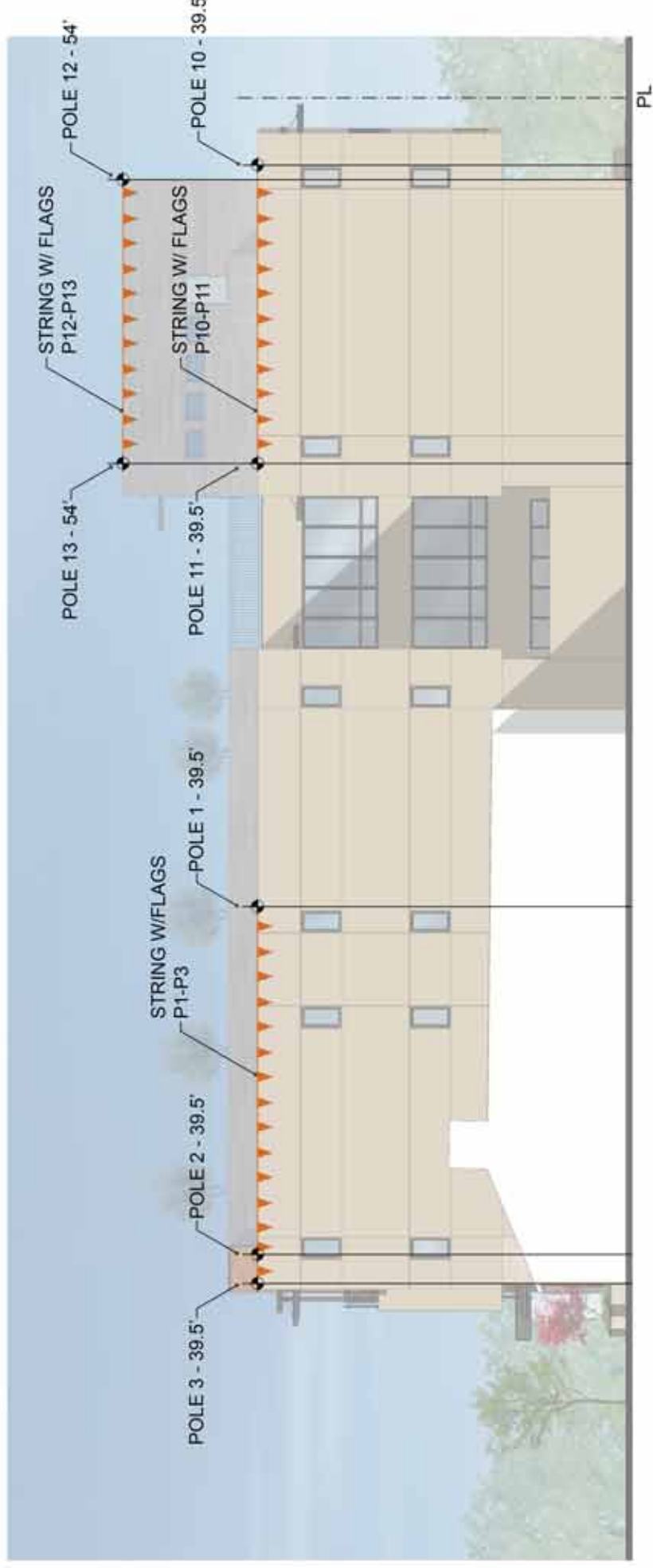


1650 TECHNOLOGY DRIVE
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 408-467-9100
 408-467-9199 (FAX)

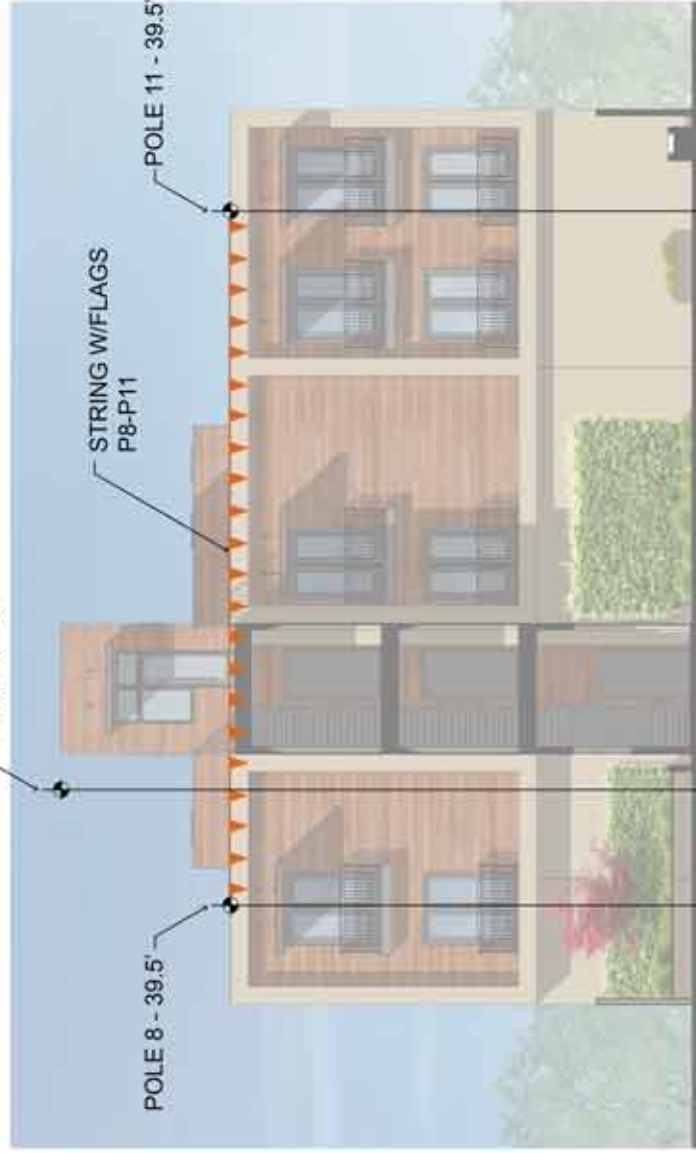


DATE: 12/11/2018
 SCALE: AS SHOWN
 DESIGNER: JB
 DRAWN: JB
 APPROVED: K
 JOB NO: 20178180

| No. | Revisions |
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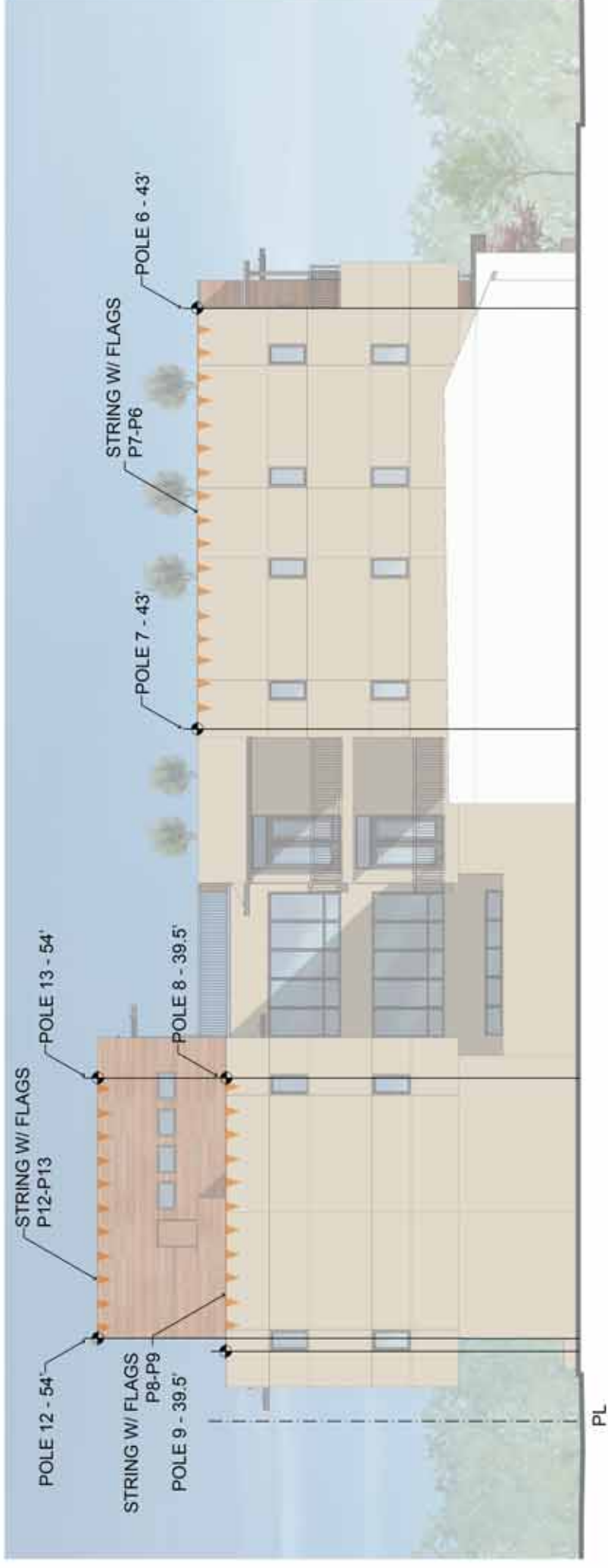
RIGHT ELEVATION



COURTYARD ELEVATION 'A'



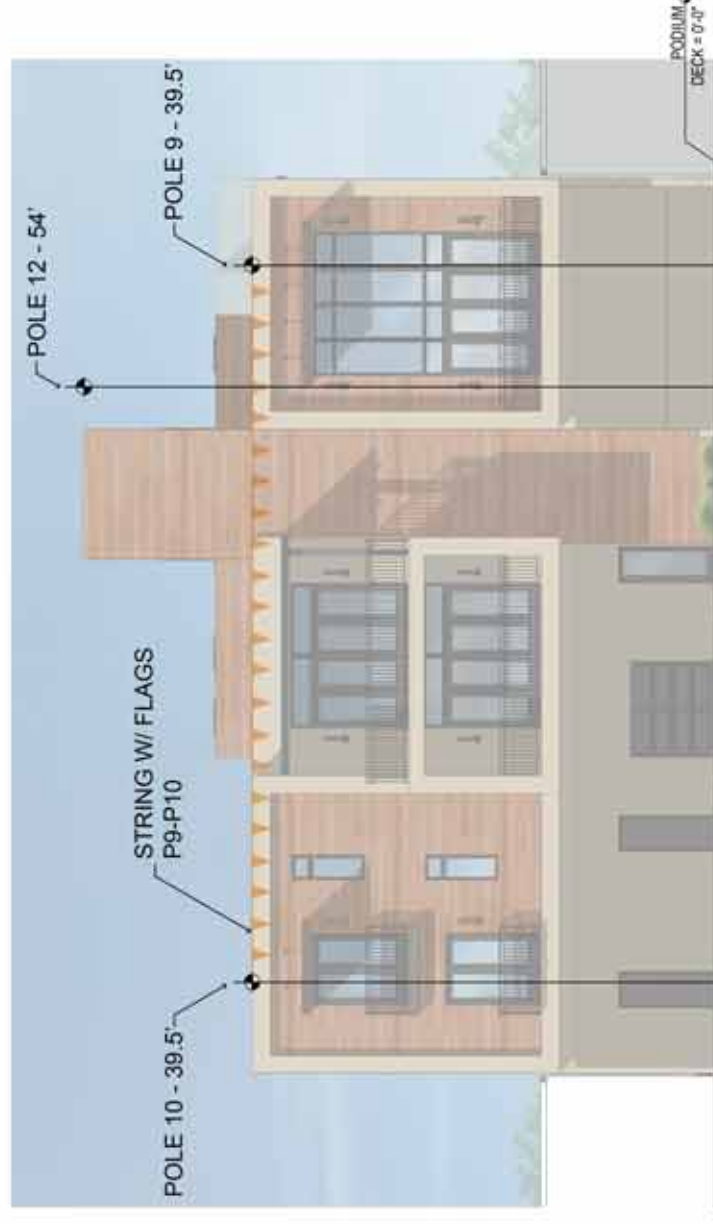
FRONT ELEVATION



LEFT ELEVATION



COURTYARD ELEVATION 'B'



REAR ELEVATION



CITY OF LOS ALTOS STORY POLES POLICY

Purpose

In accordance with City Council's Open Government Policy, adopted on March 24, 2015, and amended on August 22, 2017 and May 22, 2018, all multi-story commercial, multiple-family, mixed-use and public facility development projects subject to Planning Commission and City Council review must have story poles erected as part of the application process. The purpose of this policy is to help show the development's height, massing and profile in the context of the actual environment and to help provide a visual notice of a project.

Procedure

1. For projects that require story poles, the applicant's architect or engineer must prepare a Story Pole Plan to indicate the locations where the poles will be installed.
2. A Story Pole Plan shall be approved by the Community Development Director prior to the placement of the poles on the site. Once approved, the applicant shall inform the Community Development Director when the placement of the story poles is complete and submit photographs showing the installation in context.
3. The story poles shall be installed at least twenty (20) days before the first public hearing on the project and shall be kept in place until the project has been acted upon and the appeal period has ended. If the project is appealed, the story poles shall remain until final action is taken. If final consideration of the project is substantially delayed, or the project is substantially modified, the Community Development Director may require the removal or the modification of the story poles. Once a final determination has been taken on a project, the story poles must be removed within sixty (60) days of the date of the action.
4. Failure to install story poles in compliance with these standards and/or timelines will result in the continuance of the public hearing on the project until compliance with the standards and/or timelines is achieved.

Plan Requirements

1. The Story Pole Plan must be at an appropriate scale and include: a) a site plan showing the location of any existing structure, the outline of any proposed structures and the location of the story poles; b) elevation views of the story poles; and c) any materials, means of installation and structural requirements.
2. The story poles shall be of sufficient number and location to adequately demonstrate the height, mass, and bulk of the project. At a minimum, story poles shall be placed at all

outside building corners of the building wall (excluding eaves) and along the main rooflines (ridges, hips and valleys) of the proposed structure(s) or addition. Architectural elements such as towers, spires, elevator and mechanical penthouses, cupolas, mechanical equipment screening and similar elements that are visible from the streetscape must be represented by the story poles.

3. A licensed surveyor or civil engineer shall submit written verification that the location and height the poles and netting accurately represents the height, profile and location of the proposed structure(s) or addition.
4. A waiver or amendment to these requirements may only be granted by the City Council.

Materials and Methods

1. Story poles shall be constructed of lumber, metal poles, or other sturdy building material. Such materials shall be designed to withstand the wind and weather. At least two-foot wide brightly colored woven plastic fencing (or netting) must be used to represent the rooflines of the proposed structure(s) or addition. One of the story poles on each elevation must be clearly marked and labeled in five-foot increments measured from the proposed finished grade and consistent with the approved Story Pole Plan.
2. All story poles shall be placed, braced and supported to ensure the health, safety and general welfare of the public. Applicants shall sign an agreement that holds the City harmless for any liability associated with the construction of, or damage caused by the story poles. If at any time, the City determines the story poles to be unsafe, they shall be repaired and reset immediately by the applicant or, at the City's discretion, removed. Depending on the scope of the poles, building permits and inspections may be required at the discretion of the Community Development Director.

Exceptions

1. The City Council may grant exceptions to the Story Pole Policy due to: a) a public health and/or safety concern, or b) that such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible. Some form of poles and netting and/or on-site physical representation of the project may be required, even if an exception is granted.
2. The Story Pole Plan may be limited in scope at the discretion of the City Council. In such cases such as where there are multiple detached structures proposed and where identifying the locations of key structures would suffice, the story poles may be limited to the outline(s) of key structures and/or showing a structure(s) greatest height and mass.
3. In granting an exception, the City Council may require additional digital imagery simulations, computer modeling, built to-scale models or other visual techniques in-lieu of the story pole requirements.