



CONSENT CALENDAR

Agenda Item # 2

AGENDA REPORT SUMMARY

Meeting Date: February 12, 2019

Subject: Denial Findings – Story Pole Policy Exemption Request for 425 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

Initiated by:

Applicant

Previous Council Consideration:

January 8, 2019

Fiscal Impact:

None

Environmental Review:

Not applicable

Staff Recommendation:

Adopt Resolution No. 2019-03, which contains Story Pole Policy exemption request denial findings to support the City Council's January 8, 2019 action

City Manager

Reviewed By:

City Attorney

Finance Director



Subject: Denial Findings – Story Pole Policy Exemption Request for 425 First Street Development

Purpose

Adopt the Story Pole Policy exemption request denial findings for the 425 First Street development in support of the City Council’s action taken on January 8, 2019.

Background

On January 8, 2019, the City Council held a duly noticed public meeting to consider the applicant’s request for an exemption from the City’s Story Pole Policy with respect to the proposed development at 425 First Street. The request sought a partial exemption for the placement of story poles due to safety concerns and impairment of the use of the existing office building on the site, and a request to use alternative materials (pennant flags in place of plastic mesh netting). Following a presentation by the applicant and Council clarifying questions, the Council spent time evaluating, reviewing and deliberating the information presented and the merits of the request. After a lengthy review and discussion regarding all the information presented and the record as a whole, the City Council concluded that the applicant had failed to provide sufficient evidence to warrant granting an exemption, because the applicant had not adequately demonstrated that: (1) placement of the poles would cause a public health or safety concern; or (2) installation of story poles in compliance with the Policy would result in the existing office building being unusable. Upon reaching that conclusion, the Council voted unanimously to deny the exemption request and directed staff to return with a resolution that incorporated findings to reflect the Council’s action.

Discussion/Analysis

Following the action, the Council requested that the resolution be updated with denial findings and brought back for formal adoption. Resolution No. 2019-03 has been updated to support the Council’s action and is ready for adoption.

RESOLUTION NO. 2019-03

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
TO DENY AN EXEMPTION FROM THE CITY'S STORY POLE POLICY FOR
THE PROPOSED DEVELOPMENT AT 425 FIRST STREET**

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 425 First Street 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 presented evidence intended to support the granting of such exemption; and

WHEREAS, at a duly noticed public meeting, the City Council thoroughly and extensively evaluated and considered all information and evidence presented by the applicant, as documented in the record, including, without limitation, in the staff report presented to City Council, and based upon such review, found the applicant had failed to present sufficient evidence to warrant the granting of an exception as outlined in the Story Pole Policy; and

WHEREAS, this action is exempt from CEQA pursuant to CEQA Guidelines Article 18, Section 15270, in that CEQA does not apply to projects a public agency disapproves.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby denies the applicant's request for an exemption from some of the City's Story Pole Policy based on the following findings:

1. Sufficient evidence was not provided to demonstrate a public health and safety concern if the story poles and guy wires are set in compliance with the City's Story Pole Policy; and
2. Sufficient evidence was not provided to demonstrate that 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 that it would not be able to be occupied by 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 12th day of February 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lynette Lee Eng, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK