



CONSENT CALENDAR

Agenda Item # 11

AGENDA REPORT SUMMARY

Meeting Date: July 9, 2019

Subject: Resolution No. 2019-29: Story Pole Policy Exception Request: 5150 El Camino Real

Prepared by: Zachary Dahl, Planning Services Manager

Approved by: Chris Jordan, City Manager

Attachments:

1. Resolution No. 2019-29

Initiated by:

Applicant

Previous Council Consideration:

June 25, 2019

Fiscal Impact:

None

Environmental Review:

Not applicable; Action is exempt pursuant to CEQA Guidelines Section 15270 (projects which are disapproved)

Staff Recommendation:

Adopt Resolution No. 2019-29, which contains Story Pole Policy exception request denial findings to support the City Council's June 25, 2019 action



Subject: Resolution No. 2019-29: Story Pole Policy Exception Request: 5150 El Camino Real

Purpose

Adopt the Story Pole Policy exception request denial findings for the 5150 El Camino Real development in support of the City Council's action taken on June 25, 2019.

Background

On June 25, 2019, the City Council held a duly noticed public meeting to consider applicant's request for a partial exception from the City's Story Pole Policy with respect to the proposed development at 5150 El Camino Real. The request sought a partial exception for the placement of story poles due to safety concerns and impairment of the use of the existing office building on the site. 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 of the information presented, and the record as a whole, the City Council concluded that applicant had failed to provide sufficient evidence to warrant granting an exemption, in that the applicant had not adequately demonstrated (1) placement of the poles would cause a public health or safety concern, or (2) that 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 reflected the Council's decision based upon findings that the record contained insufficient evidence to support the requested exemption.

Discussion/Analysis

Following the action, the Council requested that the resolution be updated with denial findings and brought back for formal adoption. Resolution No. 2019-29 has been updated to support the Council's action and is ready for adoption.

RESOLUTION NO. 2019-29

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
TO DENY AN EXCEPTION FROM THE CITY'S STORY POLE POLICY FOR
THE PROPOSED DEVELOPMENT AT 5150 EL CAMINO REAL**

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 5150 El Camino Real submitted a request for a partial exception from the City's Story Pole Policy due to safety concerns and impairment of the use of existing structures on the site, and presented evidence intended to support the granting of such exception; 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 not subject to environmental review 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, based upon the entire record before the Council, hereby denies the application's request for a partial exception from the City's Story Pole Policy based on the following findings:

- There is insufficient evidence in the record to demonstrate that compliance with the Story Pole Policy's requirements for placement of story poles and guy wires would cause a public health or safety concern that warrants granting of an exception; and
2. There is insufficient evidence in the record to demonstrate that installation of story poles in accordance with the City's Story Pole Policy would impair the use of existing office building on the site, would prevent occupancy by business tenants, or render use of the building would be infeasible in a manner that warrants granting of the exception.

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 9th day of July, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lynette Lee Eng, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK