



**PUBLIC HEARING**

**Agenda Item # 3**

**AGENDA REPORT SUMMARY**

**Meeting Date:** April 14, 2020

**Subject:** Resolution No. 2020-10: Story Pole Policy Exception Request for 4350 El Camino Real Development

**Prepared by:** Sean K. Gallegos, Associate Planner

**Reviewed by:** Jon Biggs, Community Development Director

**Approved by:** Chris Jordan, City Manager

**Attachments:**

1. Approval Resolution No. 2019-10
2. Denial Resolution No. 2019-10
3. Updated Story Pole Policy Exemption Request Letter
4. Updated Story Pole Letter from BFK Engineers
5. Alternative Story Pole Placement Plan
6. City Council Agenda Report, November 12, 2019

**Initiated by:**

Applicant

**Previous Council Consideration:**

September 24, 2019 and November 12, 2019

**Fiscal Impact:**

None

**Environmental Review:**

Exempt pursuant to CEQA Guidelines Sections 15303 and/or 15061(b)(3).

**Policy Question(s) for Council Consideration:**

- Does the request for an exception from the installation of story poles meet the criteria outlined in the City's Story Pole Policy?

**Summary:**

- The Applicant for the development proposal at 4350 El Camino Real has submitted a third request to receive an exception from installing story poles per the City's Story Pole Policy due to 1) public health and safety concerns related to potential damage to personal property, potential for personal injury to an individual attempting to access the site, and 2) a concern

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**Reviewed By:**

City Manager

CJ

City Attorney

JH

Finance Director

SE

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that installation would impair the use of the existing structure and site to the extent that it would not be feasible to operate the existing gas station business.

- The Applicant's original story pole exception request was unanimously continued to a date uncertain by the City Council on September 24, 2019 with direction for the applicant to work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.
- The Applicant's second story pole exception request was unanimously continued to a date uncertain by the City Council on November 12, 2019 with direction that the applicant work with staff and to return to the Council with 1) options for the installation of story poles that identify the corners of the buildings and the bulk and mass of the structure, 2) photorealistic and human eye realistic renderings that give the community an opportunity to view the project from neighboring properties, 3) a 3D animation model, and 4) increased community outreach to give the community an opportunity to view the project impact on the neighboring properties.

**Staff Recommendation:**

Review and Determine Appropriate Action. The agenda packet contains alternative resolutions, either of which could form the basis for a City Council decision depending upon the findings and determinations of the City Council based upon the evidence presented. Specifically, a Resolution that contains draft findings to support the granting of the story pole exception request is included as Attachment 1 and a Resolution that contains draft findings to support the denial of the story pole exception request is included as Attachment 2.



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### **Purpose**

Consider a request from the Applicant of the development proposal at 4350 El Camino Real for an exception from the City's Story Pole Policy due to public health and safety concerns and impairment of the use of the existing gas station on the site.

### **Background**

The Applicant has submitted a design review, conditional use permit and subdivision applications for a five-story multiple-family residential building with 47 units located at 4350 El Camino Real. As discussed below, the Applicant is currently seeking an exception from the City's Story Pole Policy to meet the notification requirements established under the City Council's Open Government Policy as necessary to enable the application to proceed for consideration by the Planning Commission and the City Council.

The applicant submitted the original application, project plans and documentation for the design review, conditional use permit and subdivision applications in December 2018. On July 8, 2019, October 1, 2019, November 4, 2019 and December 30, 2019, the applicant resubmitted their application and project plans. The City responded with incomplete letters dated January 24, 2019,

February 11, 2019, August 6, 2019, August 13, 2019, October 17, 2019 and November 12, 2019. The City received a Story Pole Exception submittal on July 18, 2019, and the City provided an incompleteness email with a copy of the Story Pole Policy on July 18, 2019 and August 8, 2019. In addition, the City notified the applicant by email in April 2018, November 2018, June 2019 and July 2019 of the story pole requirements. The City's Story Pole requirement is set forth in the City's "Submittal Requirements Commercial or Multi-Family Design Review." This standard application form requires a Story Pole Plan as part of the project application materials and it was provided to the applicant as early as April 18, 2018, eight months prior to the first application being submitted.

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 exceptions to the Policy must be reviewed and approved by the Council. The criteria for reviewing and approving an exception 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.



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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 September 24, 2019, the City Council considered an exception request from the City's Story Pole Policy from the Applicant for the proposed development at 4350 El Camino Real. The request sought a partial exemption for the placement of story poles due to safety concerns and impairment of the use of the existing gas station on the site. Following a presentation by the Applicant and Council questions and deliberations, the Council voted unanimously to continue the exemption request to a date uncertain, and directed the applicant to work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.

On November 12, 2019, the City Council considered an exception request from the City's Story Pole Policy from the Applicant for the proposed development at 4350 El Camino Real. The request sought a partial exemption for the placement of story poles due to safety concerns and impairment of the use of the existing gas station on the site. Following a presentation by the Applicant and Council questions and deliberations, the Council voted unanimously to continue the exemption request to a date uncertain, and directed the applicant to work with staff and to return to the Council with (1) options for the installation of story poles that identify the corners of the buildings and the bulk and mass of the structure, 2) photorealistic and human eye realistic renderings, and (3) increased community outreach to give the community an opportunity to view the project impact on the neighboring properties.

#### *Application Process*

Following the City Council's continuance of the Story Pole Exception Request application on November 12, 2019, staff communicated with the applicant and confirmed the direction from the City Council.

On December 18, 2020, staff received a revised story pole submittal from the applicant, which included updated photo renderings to be located on two billboards at the corner of El Camino Real and Los Altos Avenue, and an updated story pole letter.



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On January 13, 2020, staff provided an incompleteness letter to the applicant outlining the submittal did not comply with the submittal requirements and the City Council's direction from the November 12, 2019 meeting. Staff requested the applicant address the following:

1. The Story Pole plan shall be revised to be consistent with council direction, which required the installation of story poles to show the corners of the buildings and the bulk and mass of the structure to allow the community to view the project;
2. The Story Pole Plan shall be revised to show the story pole materials, installation details and structural requirements, and the applicant shall revise the story pole letter to provide evidence and additional analysis to support the conclusions in the letter;
3. The billboards shall provide photorealistic perspectives of the building form and give the community an opportunity to view the project from neighboring properties;
4. A 3D animation model shall be provided that shows the building massing from both a pedestrian level and from an aerial fly around. The animations should be posted online and a link to the animation shall be provided on each of the billboards placed on the site;
5. The applicant shall complete community outreach independent of the public outreach conducted by the City; and
6. The letter from Coastline Engineering and Development Group shall provide additional factual evidence to support their determination the story poles create an unnecessary life and safety risk.

On January 16, 2020, staff met with the applicant and reviewed the incompleteness letter. Staff requested the applicant address all items in the incompleteness letter. In order to provide increased clarification to the applicant regarding the story poles, staff scheduled a site visit with the applicant on February 18, 2020.

On February 18, 2020, staff met with the applicant at the project site. Staff walked the project site with the applicant and discussed the story pole locations necessary to respond to City Council direction. At the project site, the applicant agreed to consider adding new story poles, the installation of billboards oriented towards all property lines, the posting of a 3D animation model online for the public to view, and the completion of community outreach before the next City Council meeting.



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### **Discussion/Analysis**

As specified in the City's Story Pole Policy, story poles must be installed at least 20 days before the first public hearing before the Planning Commission and shall remain in place until final action has been taken by the City Council. Accordingly, the City Council must render its decision on the exception request before the Planning Commission can consider the project.

On March 9, 2020, the applicant submitted a revised project plan submittal and proposed the following:

1. A story pole placement plan (Attachment 5) showing the installation of two, 57-foot 4-1/4-inch tall story poles representing the eastern wall of the building with netting or string and flags connecting the poles to define the height. The associated guy wires would displace several parking spaces along the eastern property line.
2. The installation of four billboards showing 3D images and building elevations, with one billboard at the corner of the property facing the intersection, one billboard facing Los Altos Avenue, one billboard facing toward the south, and one billboard facing toward the west.
3. A 3D animation model that shows the building massing from an aerial fly around. The animations will be posted online and a link to the animation would be provided on each of the billboards placed on the site.

As outlined in the Applicant's exemption request letter (Attachment 3) and BFK Engineer's letter (Attachment 4), an exception from the Story Pole Policy is requested due to public health and safety concerns related to placing story poles adjacent to drive aisles required for vehicles access and

impairment of the use of the existing gasoline service station, including the convenience market and auto repair shop on the site. The applicant reviewed the story pole locations suggested by Councilmember Enander and explored the placement of story poles for the corner of the building. The applicant emphasizes the site is an active gasoline service station, the surrounding vehicle aisles, driveways and pump islands need to be kept open and accessible in order to serve the building. As a result of this constraint, the Applicant does not believe it is feasible place all of the story poles in a way that meets the Story Pole Policy's requirements.

As further noted in the Applicant's request, the applicant did not complete public outreach prior to the City Council meeting.

The fundamental issue presented for Council's evaluation is whether there is a public health and/or safety concern associated with the obstruction of pathways and driveways of the service station or the potential failure of a story pole or guy wire, which could obstruct a public sidewalk or street, damage overhead utility lines or infrastructure, cause damage to personal property or result in



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personal injury to an individual using an adjacent public sidewalk or street, that justifies granting an exception from installing story poles per the Story Pole Policy. As noted by the Applicant, alternatives methods, including photo renderings on four billboards and the use of a 3D model, can provide the public with information to understand the project's height and massing, relationship to adjacent buildings and profile within the context in-lieu of physical story poles.

Based upon the record before the City, including the evidence provided and considered at the public proceedings on the item, the City Council needs to determine whether there is sufficient evidence to warrant the granting of an exception due to public health and/or safety concern associated with placing story poles adjacent to drive aisles and driveways, and if the placement of story poles would impair the use of the existing service station business to the extent that operating the business would be infeasible.

### **Options**

- 1) Approve the story pole exception request per the Resolution contained in Attachment 1.

**Advantages:** To be determined by the City Council based upon the evidence presented.

**Disadvantages:** To be determined by the City Council based upon the evidence presented.

- 2) Deny the story pole exception request per the Resolution contained in Attachment 2.

**Advantages:** To be determined by the City Council based upon the evidence presented.

**Disadvantages:** To be determined by the City Council based upon the evidence presented

### **Recommendation**

Review request and take appropriate action based upon the Council's review and deliberation of the evidence in the record.

**RESOLUTION NO. 2020-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
GRANTING AN EXCEPTION FROM THE CITY'S STORY POLE POLICY TO  
THE PROPOSED DEVELOPMENT AT 4350 EL CAMINO REAL AND  
MAKING FINDINGS OF CEQA EXEMPTION**

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

**WHEREAS**, the purpose of the Story Pole Policy is to help demonstrate for the public and decision-makers a proposed project's height, massing and profile in the context of the actual environment and provide a "visual notice" of the same; and

**WHEREAS**, the Story Pole Policy establishes specific, minimum objective standards and requirements for installation and duration of such poles' erection; 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**, by letters dated September 4, 2019, October 4, 2019, and February 3, 2020 the applicant for the proposed development at 4350 El Camino Real submitted a request for an exception from the City's Story Pole Policy due to public health and safety concerns and impairment of the existing structures and site related to placement of story poles in close proximity to drive aisles; and

**WHEREAS**, this action is exempt from CEQA each as a separate and independent basis, pursuant to CEQA Guidelines Section 15303 (new construction of small structures) and 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 applicant's request for an exception from the installation of story poles per the City's Story Pole Policy based on the following finding:

1. There is a public health and safety concern or impairment of the existing site or buildings due to the placement of the story poles and guy wires posing a threat of physical harm to users and a safety concern if a story pole or guy wire were to cause damage to personal property or result in personal injury to an individual attempting to access the site; and



2. Installation of story poles per the City's Story Pole Policy would impair the use of the structure on the site to the extent that operation of the existing gasoline service station 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 14<sup>th</sup> day of April, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Janis Pepper, MAYOR

Attest:

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Jon Maginot, CMC, CITY CLERK

**RESOLUTION NO. 2020-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
DENYING AN EXCEPTION FROM THE CITY'S STORY POLE POLICY FOR  
THE PROPOSED DEVELOPMENT AT 4350 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 purpose of the Story Pole Policy is to help demonstrate for the public and decision-makers a proposed project's height, massing and profile in the context of the actual environment and provide a "visual notice" of the same; and

**WHEREAS**, the Story Pole Policy establishes specific, minimum objective standards and requirements for installation and duration of such poles' erection; 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**, by letters dated September 4, 2019, October 4, 2019, and February 3, 2020 the applicant for the proposed development at 4350 El Camino Real submitted a request for an exception from the City's Story Pole Policy due to public health and safety concerns and impairment of the existing structures and site related to placement of story poles limiting access to the site; 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 applicant's request for a partial exception from the City's Story Pole Policy based on the following findings:

1. 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 gasoline service station business on the site to the extent that it would be infeasible to operate and warrant the 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 14<sup>th</sup> day of April, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Janis Pepper, MAYOR

Attest:

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Jon Maginot, CMC, CITY CLERK

February 3, 2020

City Council  
City of Los Altos  
One North San Antonio Road  
Los Altos, CA 94022

**SUBJECT: STORY POLE EXEMPTION FOR 4350 EL CAMINO REAL**

Dear Mayor Pepper, Vice Mayor Fligor and Council Members:

Thank you for the Council's November 12, 2019 review of our story pole exemption and for the suggestions provided to our architect in our unplanned absence. We also appreciated receiving from staff on November 20 a copy of a sketch showing Council Member Enander's suggestions for the story poles. This letter summarizes our response and continued revisions to our story pole proposal. Hopefully, with these last revisions and explanation we are able to receive the Council's support for our story pole exemption.

In response to the concerns we explored three major enhancements to the story pole proposal. First, we commissioned four photorealistic images to help explain the project in-lieu of providing additional story poles. Second, we reviewed the story pole locations generously suggested by Councilmember Enander with our consultant team and found that we cannot accommodate such a plan due to the dangerous and hazardous conditions and due to maintaining necessary business functions. Finally, we met with staff to determine ways we could expand our outreach including identifying additional locations for billboards, add three more perspective views of our proposed building to benefit the adjacent property owners, and provide a 3D computer model of the project for the public. In addition to explaining these additional enhancements in more detail below, this letter also expands our explanation of the on-site constraints.

Photorealistic Images

To help make up for the lack of story poles we commissioned photorealistic images of our project to accurately show the project in relation to the immediate surroundings. We created four photorealistic images, including two for El Camino Real and two for Los Altos Avenue, showing the project and surrounding buildings from each direction

along the street. These images will be included on our notification billboards and provided to staff to include on the City's project website.

### Alternative Story Pole Locations

While we appreciate the Council's suggestion for story pole alternatives, our consultant team determined that we cannot safely provide story poles close to the street or on top of the canopies due to hazards related to the height, proximity, overhang heights and the general construction of the structures. According to our story pole engineer/contractor:

"Due to the current rainy season weather, heights of the story poles and close proximity to of the story poles to the public sidewalk and street, installation of the story poles per the City story pole policy on the subject site poses an unnecessary life and safety risk to the general public."

We are concerned about putting story poles on the canopies and/or the service building due to trucks regularly running into the building and fueling islands. We have had to repair the building and canopy many times in the past due to over-height trucks. Vehicles running into the building, islands and canopies creates a substantial risk to the safe installation any story poles located on such structures. Additionally, our story pole engineer/contractor said that he cannot guarantee over time the water tight story pole construction if located on the roofs. Water leaks are a significant safety problem for us due creating conflicts with the hazardous material cleanup methods, and meeting employee and public safety requirements from the state.

We are also concerned about installing a story pole in the landscape area adjacent the fuel truck loading area. The necessary guy wires for a story pole in this location spanning in three to four directions will interfere with and create a hazard for the large tanker trucks that deliver hazardous fuel every other day. In addition, locating an outlying pole beyond the footprint of our proposed building will exaggerate our project's massing and mislead the public about our project's impacts.

Just like we cannot locate story poles or their guy wires in conflict with our driveways and approaches to the fueling islands, we cannot locate story poles along the southern property line due to substantial interference with our business functions – *a legitimate finding when granting an exception consistent with the City's story pole*

*policy.* This area has the air pump that is required by law for customer use. More problematically, this area has our mandated parking area for disabled persons, which must remain fully accessible. We cannot relocate the existing handicapped parking area due to its carefully determined location by a third-party consultant required by the Oil Company, and as business owners, to address a recent lawsuit regarding the handicapped parking at our property. The existing location was determined as the necessary location to meet the many statutory requirements of the state-mandated parking and loading area; there are no alternative sites for it.

In addition, story poles and their associated guy wires spanning in three or four directions from each pole would interfere with necessary parking and staging area along the southerly property line. This area must remain open for staging vehicles and the frequent tow truck maneuvering and delivery of disabled vehicles supporting our vehicle repair facility. Finally, the southern yard has our storage structure and refuse area both of which must be regularly accessed by our staff and Mission Trail Waste. The story poles along the southern border would significantly interfere with the necessary business functions in this area.

We remain committed to – and our story pole engineer/contractor supports – providing two story poles on the eastern border of the site. While these poles would displace some of our parking we believe that we can provide these two poles safely and maintain nearby necessary business functions such as access to our propane tanks and site circulation. A benefit of showing the eastern end of the building is that it will provide a reference to the project's height and massing to El Camino Real and to the adjacent Peninsula Real building. The relative massing and setback shown on the eastern property line is similar in height and width to what would occur near the southern property line. To minimize the safety risk, however, we plan to limit the duration of the two story poles to approximately 30 days to allow for adequate public notice of the Planning Commission meeting, viewing by the Commissioners and staff to document the installation for the file.

As the property/business owners the overall potential for story pole failures raises a significant concern for us in terms of general liability as well as the risks to the safety of our customers, employees and to the public. We have seen that least four recent story pole installations in the City have some evidence of failure including at 4846-4856 El Camino Real, at 5150 El Camino Real, along First Street downtown and at Loyola Corners. It is not a matter of if – *it is a matter of when the story poles will fail.*

### Enhanced Public Outreach

In addition to the aforementioned, photorealistic graphics we worked with staff to: (a) identify three more billboard locations for a total of four billboards, (b) provide three more perspective views of our project, and (c) provide our 3D model of the project to the City for public viewing. In addition to the billboard at the corner in the corner landscape island a second billboard will face Los Altos Avenue. A third and fourth billboard will face to the south and to the east toward the adjacent property providing perspectives of the building from those vantage points. Regarding the additional perspective drawings, we worked with our architect to provide three additional realistic perspectives of our project from the south and east for the unique benefit of the adjacent property owners at the Peninsula Real development.

We also note for the Council that we are in discussion with the President of the Peninsula Real Homeowners Association to resolve a reciprocal easement, which naturally leads to expanded and personal outreach for other project issues such as coordinated landscaping and other common concerns. In addition, we have been planning an outreach meeting with the surrounding property owners to ideally occur after the story poles are accomplished but prior to our Planning Commission hearing to give the owners benefit of the best available information. We are planning to have members of our consultant team available at our outreach meeting to help explain the project and address questions.

In summary, our revised story pole proposal includes the following elements:

- Installation of two, 57-foot 4-1/4-inch tall story poles representing the eastern wall of the building with netting or string and flags connecting the poles to define the height. Such installation will remain for at least 30 days to allow for the City and public review, appropriate documentation, and to minimize the safety risk of story pole failure over time;
- Providing four photorealistic 3D images showing the project from opposite vantage points on both frontages;
- Providing three realistic perspective views of the project from the east and south vantage points;

Story Pole Exception

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- Installation of four billboards on-site: one at the corner of the property facing the intersection, one facing Los Altos Avenue, one facing south and one facing east. Each billboard will show photorealistic 3D images and realistic perspectives showing relative views of the proposed building from each location; and
- Providing a 3D computer model of the project to the City for public use.

Thank you for your reconsideration. We look forward to meeting with you to present our revised story pole proposal.

Sincerely,

Angela Galatolo  
Owner/Applicant  
4350 El Camino Real

Attachments:

Story Pole Plan  
Council Member Story Pole Sketch  
Architectural 3D Imagery  
Photorealistic 3D Imagery  
Statement from Story Pole Contractor



March 6, 2020

Norman E. Matteoni  
Peggy M. O'Laughlin  
Bradley M. Matteoni  
Barton G. Hechtman  
Gerry Houlihan

Mayor Jan Pepper and Members of the Los Altos City Council  
Los Altos City Hall  
One North San Antonio Road  
Los Altos, CA 94122

**Re: Story Pole Exception for 4350 El Camino Real**

Dear Mayor Pepper and Members of the City Council:

This office represents El Camino 76, Inc., the owners of 4350 El Camino Real and the applicants for redevelopment of that property. I write today to urge you to approve the applicant's request for an exception to the story pole policy.

The City has adopted a story pole policy (the "Policy"), and there is no debate as to the value of story poles providing a perspective on the scale and to a lesser extent the massing of new development. However, the City's Policy explicitly recognizes that there are circumstances in which the benefits of providing that perspective are outweighed by other factors, and in particular health and safety concerns or disruption of existing onsite activities. The Policy also recognizes that where those circumstances arise, the City can require alternative methods to provide a perspective on the scale and massing of the proposed development.

In this instance, the existing use of the property is an extremely active gas station and mini-mart. I think it is a fair statement that the day and night traffic that occurs at this gas station (a net 1,010 daily trips according to the Hexagon report dated 6/19/18), by vehicles of all sizes weaving and winding to the gas pumps and store, and by large tanker trucks with difficulty in maneuvering, creates an extremely high level of traffic activity compared to other uses such as residential sites, office buildings or retail facilities, where story poles might be required. Indeed, it is much more common to see concrete bollards in strategic locations at gas stations to keep vehicles from running into equipment than on properties with other uses.

A "full" story pole installation would require a story pole at every building corner, to provide the truest perspective on mass and scale. The story pole plan submitted shows the two proposed story poles and all 48 building corners for the proposed building design. Viewing that plan, you do not need to have a graduate degree in safety to understand how installing even half of the 48 vertical 57' tall steel poles throughout such an active area, with the industry standard 6 to 9 guy wires encircling each pole in a diameter equal to the height of the pole, would make it impossible to drive through the gas station without striking one or more of these story pole improvements, causing part if not all of the story pole structure to fall. And because at a gas station people are frequently out of their cars but not inside a building (particularly at this location where there is significant cut-through pedestrian traffic), there is a greatly increased risk of personal injury from falling story poles. The only practical way to avoid the health and safety risks associated with a full set of story poles would be to shutter the gas station while the poles were up.

Safety and on-site impacts are the two alternate findings for the granting of an exception from the story pole requirement. It is clear here that these factors exist, and it is equally clear from the record that the City Council understands that. The Councilmembers' focus through the September 24, 2019 hearing and the November 12, 2019 hearing was on development of additional imagery to substitute for a full set of story poles in support of an exception to the Policy.

As detailed in the applicants' February 3 letter, they are now proposing the following measures to provide a representation of the massing and scale of their proposed development:

- A. Installation of two-story poles and associated nettings/flags representing the eastern wall of the proposed building;
- B. Four 3-dimensional images;
- C. Three perspective views;
- D. Installation of four billboards on site displaying the 3-dimensional images and perspective views; and
- E. A 3-D computer model of the project, to be accessible through the City's website.

Under the circumstances present here, where the story pole Policy requirements cannot be met without the owners choosing between unacceptable safety risks or closing their business, these combined measures are at least equivalent to and perhaps even superior to the actual installation of a full set of story poles in terms of providing the public with an understanding of the massing and scale of the proposed development. This satisfies the intent of the Policy.

For these reasons, along with those stated by the applicants before and at the upcoming hearing, we ask the City Council to grant the requested exception to the story pole Policy. We look forward to the April 14 hearing on this matter, to answering any questions you may have regarding the story poles and perhaps to getting a couple questions of our own answered: Why is it taking so long to determine that the project application is complete; and why is it taking so long to move forward with the CEQA process?

Very truly yours,



BARTON G. HECHTMAN

BGH:cab

cc: Angie Galatolo  
City Clerk

## TECHNICAL MEMORANDUM

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**Date:** March 20, 2020

**BKF Job Number:** 20180481

**Deliver To:** City of Los Altos

**From:** Isaac Kontorovsky, PE

**Subject:** 4350 El Camino Real – Engineer’s Letter of Public Safety and On-site Conflicts

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To Whom It May Concern,

The proposed project at 4350 El Camino Real consists of a new five-story 47-unit multiple-family building with two levels of underground parking. The project site is currently developed as a gas station (76) and located on the southeast corner of El Camino Real and Los Altos Avenue.

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.

Per the above mentioned story pole policy, the standard story pole installation at 4350 El Camino Real would entail approximately 20-60' tall steel poles. Each pole requires a concrete base as well as guy wires in 3 to 4 directions depending on their location. These guy wires would radiate out from the story pole at approximately 20'-30' from the base. Additionally, the distance between each story pole cannot be more than 35'.

The story poles would be installed during the remaining time of operation for the existing gas station. Due to the required spacing and guy wire locations the poles completely cut off access to the existing property if placed along the northeastern and northwestern frontage of the lot. Additionally, poles and their required guy wires would cutoff access to the ADA stalls and air station if placed along the southwestern side of the lot.

Per the traffic study, dated June 21 by Hexagon transportation Consultants and submitted to the city, a daily trip count of 921 was calculated. In our professional opinion, this large volume of in and out traffic poses a significant risk if poles and guy wires begin to block access. A situation would be created where automobiles must maneuver around pump stations, guy wires, poles and other cars for ingress and egress.

The story pole installer has also raised concerns over the poles, specifically in regards to their height and the potential hazard given the proximity to the public right of way. We agree that the issue is cause for concern if the project at 425 First Street is used as a case study. On this project a story pole failed under minimal wind loading. It should be noted that these poles were half the height the proposed

story poles on 4350 El Camino.

Furthermore, although complete underground service locating has not been completed we have concerns over any concrete base that would need to be placed given the hazardous and potentially dangerous nature of any utility conflicts with the required concrete bases.

Per the Los Altos Story pole policy, both criteria for an exemption have been met. To aid the citizens of Los Altos in understanding the development size and shape, the owner has proposed a thorough and detailed plan including:

- Installation of two, 57-foot 4-1/4-inch tall story poles representing the eastern wall of the building with netting or string and flags connecting the poles to define the height. Such installation will remain for at least 30 days to allow for the City and public review, appropriate documentation, and to minimize the safety risk of story pole failure over time;
- Providing four photorealistic 3D images showing the project from opposite vantage points on both frontages;
- Providing three realistic perspective views of the project from the east and south vantage points;
- Installation of four billboards on-site: one at the corner of the property facing the intersection, one facing Los Altos Avenue, one facing south and one facing east. Each billboard will show photorealistic 3D images and realistic perspectives showing relative views of the proposed building from each location; and
- Providing a 3D computer model of the project to the City for public use.

Given the exemption criteria of "a public health and/or safety concern, or if such an installation would impair the use of existing structure(s) or the site to the extent it could not be occupied and the existing business and/or residential use would be infeasible" our recommendation is in line with the plan put forward by the owner listed above.

If there are any further questions please feel free to contact me.

Thank You,



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**Isaac Kontorovsky, PE**

Vice President  
BKF Engineers

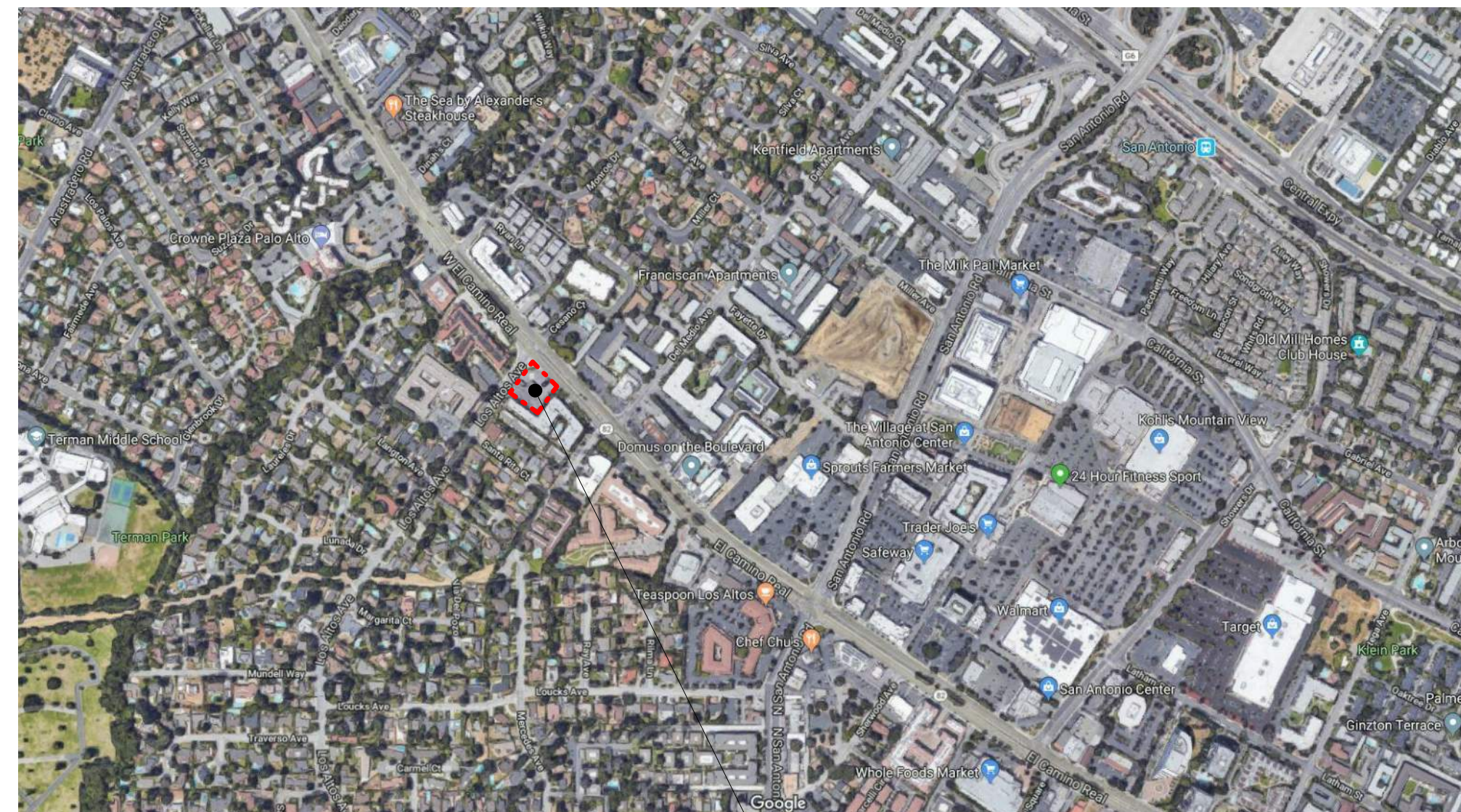
# 4350 EL CAMINO REAL

## LOS ALTOS, CALIFORNIA

### STORY POLE EXCEPTION APPLICATION

#### DRAWING INDEX:

- A0.0a COVER SHEET - STORY POLE
- STORY POLE DIAGRAM
- STORY POLE ELEVATIONS
- STORY POLE ELEVATIONS
  
- A1.0 SITE PLAN
  
- A3.0a PERSPECTIVE VIEW 1 @ EL CAMINO REAL + LOS ALTOS AVE.
- A3.0b PERSPECTIVE VIEW 2 FROM EAST ON EL CAMINO REAL
- A3.0c PERSPECTIVE VIEW 3 FROM SOUTH ON LOS ALTOS AVE.
  
- A3.0d COURTYARD RENDERED VIEW FROM EAST
- A3.0e COURTYARD RENDERED VIEW FROM SOUTH
- A3.0f RENDERED VIEW FROM WEST



PROJECT SITE



- GRAPHIC LEGEND:**
- ◆ PROPOSED STORY POLE LOCATION
  - ▬ PROPOSED BILLBOARD
  - ← VIEWABLE SIDE OF PROPOSED BILLBOARD
  - ▨ PROPOSED BUILDING FOOTPRINT
  - ← VEHICULAR SITE ACCESS
  - PROPOSED CORNER OF BUILDING



STORY POLE LOS ALTOS AVE ELEVATION

APPROX. BILLBOARD LOCATION



STORY POLE EL CAMINO REAL ELEVATION

APPROX. BILLBOARD LOCATION





STORY POLE EAST ELEVATION

APPROX. BILLBOARD LOCATION



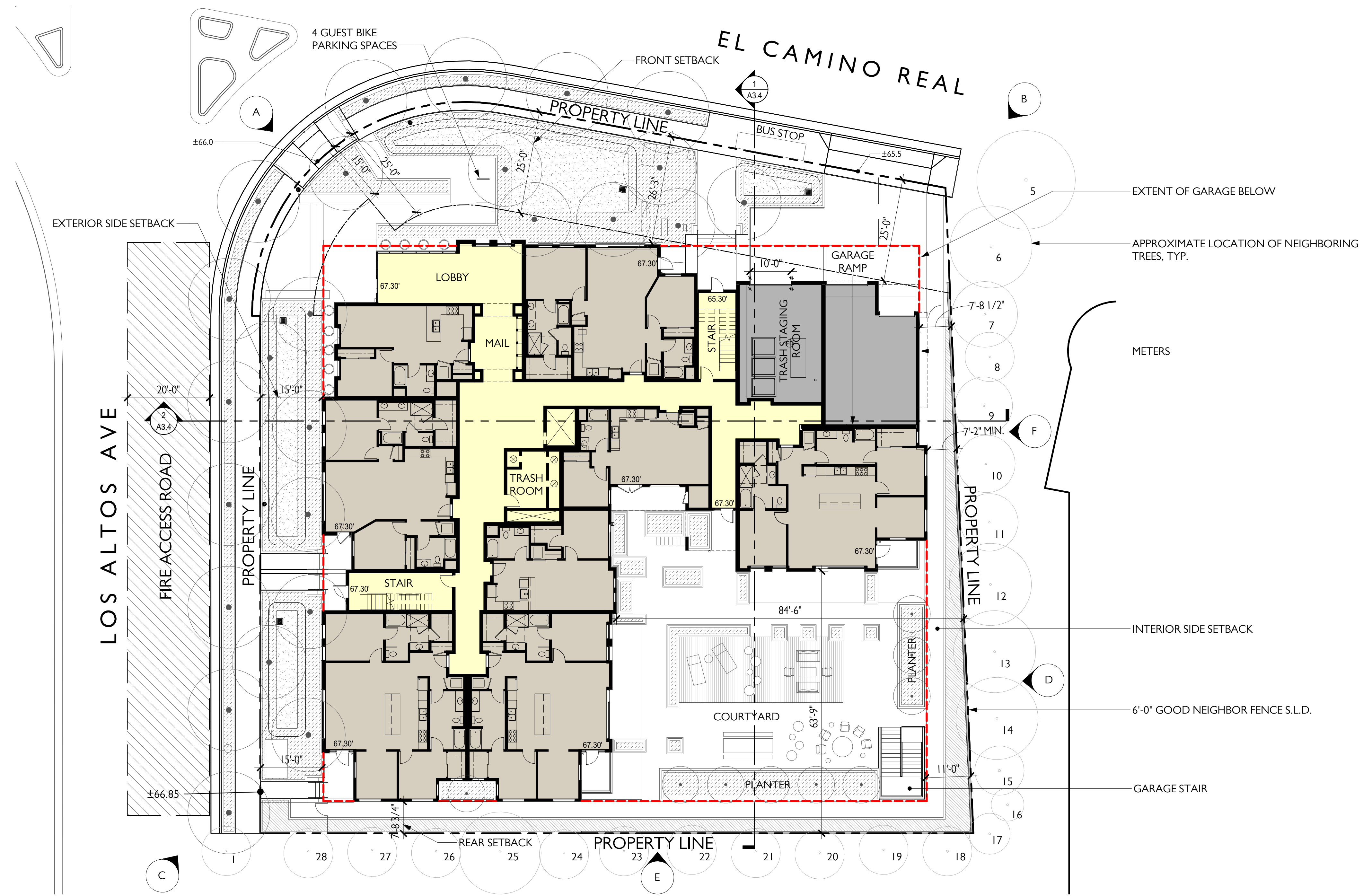
STORY POLE SOUTH ELEVATION

APPROX. BILLBOARD LOCATION

4350 EL CAMINO REAL

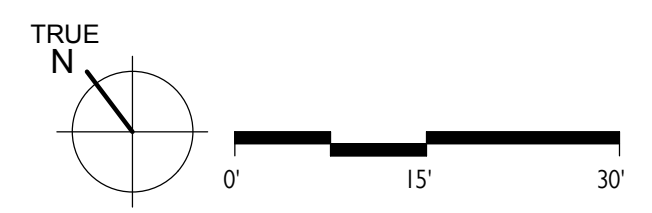
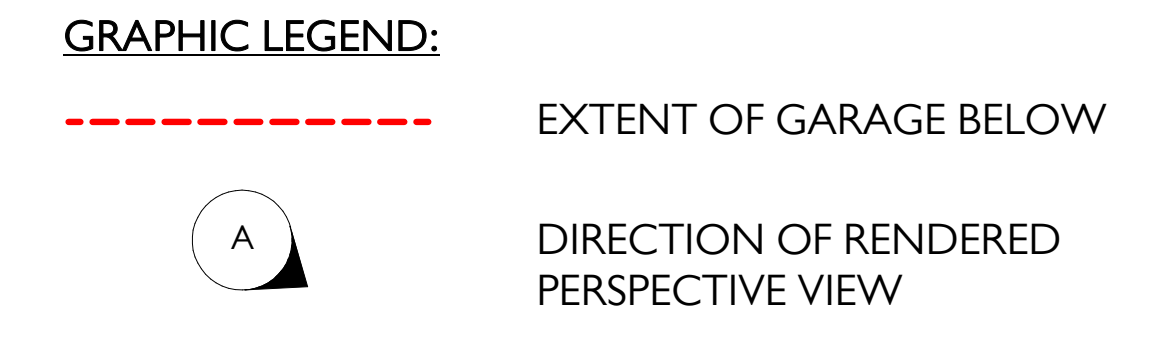
STORY POLE ELEVATIONS

STORY POLE ELEVATIONS  
3/06/2020



**TREE IDENTIFICATION**

| NO. | RADIUS | SPECIES  |
|-----|--------|--|
| 1   | 6'-0"  | MAYTEN ( <i>MAYTENUS BOARIA</i> )                |
| 5   | 12'-0" | LONDON-PLANE ( <i>PLATANUS ACERIFOLIA</i> )      |
| 6   | 10'-0" | CRAPE MYRTLE ( <i>LARGERSTOEMIA INDICA</i> )     |
| 7   | 8'-0"  | CRAPE MYRTLE ( <i>LARGERSTOEMIA INDICA</i> )     |
| 8   | 6'-0"  | CRAPE MYRTLE ( <i>LARGERSTOEMIA INDICA</i> )     |
| 9   | 7'-0"  | CRAPE MYRTLE ( <i>LARGERSTOEMIA INDICA</i> )     |
| 10  | 7'-0"  | CRAPE MYRTLE ( <i>LARGERSTOEMIA INDICA</i> )     |
| 11  | 7'-0"  | CRAPE MYRTLE ( <i>LARGERSTOEMIA INDICA</i> )     |
| 12  | 10'-0" | BRISBANE BOX ( <i>LOPHOSTEMON CONFERTUS</i> )    |
| 13  | 10'-0" | BRISBANE BOX ( <i>LOPHOSTEMON CONFERTUS</i> )    |
| 14  | 10'-0" | BRISBANE BOX ( <i>LOPHOSTEMON CONFERTUS</i> )    |
| 15  | 6'-0"  | PINE, CANARY ISLAND ( <i>PINUS CANARIENSIS</i> ) |
| 16  | 4'-0"  | BRISBANE BOX ( <i>LOPHOSTEMON CONFERTUS</i> )    |
| 17  | 5'-0"  | CRAPE MYRTLE ( <i>LARGERSTOEMIA INDICA</i> )     |
| 18  | 6'-0"  | PINE, CANARY ISLAND ( <i>PINUS CANARIENSIS</i> ) |
| 19  | 6'-0"  | CRAPE MYRTLE ( <i>LARGERSTOEMIA INDICA</i> )     |
| 20  | 6'-0"  | CRAPE MYRTLE ( <i>LARGERSTOEMIA INDICA</i> )     |
| 21  | 6'-0"  | CRAPE MYRTLE ( <i>LARGERSTOEMIA INDICA</i> )     |
| 22  | 6'-0"  | CRAPE MYRTLE ( <i>LARGERSTOEMIA INDICA</i> )     |
| 23  | 6'-0"  | CRAPE MYRTLE ( <i>LARGERSTOEMIA INDICA</i> )     |
| 24  | 6'-0"  | CRAPE MYRTLE ( <i>LARGERSTOEMIA INDICA</i> )     |
| 25  | 10'-0" | PINE, CANARY ISLAND ( <i>PINUS CANARIENSIS</i> ) |
| 26  | 6'-0"  | CRAPE MYRTLE ( <i>LARGERSTOEMIA INDICA</i> )     |
| 27  | 6'-0"  | CRAPE MYRTLE ( <i>LARGERSTOEMIA INDICA</i> )     |
| 28  | 6'-0"  | CRAPE MYRTLE ( <i>LARGERSTOEMIA INDICA</i> )     |



















**ITEMS FOR  
DISCUSSION/ACTION**

**Agenda Item # 5**

**AGENDA REPORT SUMMARY**

**Meeting Date:** November 12, 2019

**Subject:** Story Pole Policy Exception Request for 4350 El Camino Real Development

**Prepared by:** Sean K. Gallegos, Associate Planner

**Reviewed by:** Jon Biggs, Community Development Director

**Approved by:** Chris Jordan, City Manager

**Attachments:**

1. Approval Resolution No. 2019-41
2. Denial Resolution No. 2019-41
3. Updated Story Pole Policy Exemption Request Letter, October 4, 2019
4. Story Pole Policy Exemption Request Letter, September 4, 2019
5. Alternative Story Pole Placement Plan

**Initiated by:**

Applicant

**Previous Council Consideration:**

September 24, 2019

**Fiscal Impact:**

None

**Environmental Review:**

Exempt pursuant to CEQA Guidelines Sections 15303 and/or 15061(b)(3).

**Policy Question(s) for Council Consideration:**

- Does the request for an exception from the installation of story poles meet the criteria outlined in the City's Story Pole Policy?

**Summary:**

- The Applicant for the development proposal at 4350 El Camino Real has submitted a second request to receive an exception from installing story poles per the City's Story Pole Policy due to 1) public health and safety concerns related to potential damage to personal property, potential for personal injury to an individual attempting to access the site, and 2) a concern that installation would impair the use of the existing structure and site to the extent that it would not be feasible to operate the existing gas station business.
- The Applicant's original story pole exception request was unanimously continued to a date uncertain by the City Council on September 24, 2019 with direction for the applicant to

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City Manager

**Reviewed By:**

City Attorney

Finance Director

**ATTACHMENT 6**

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**Subject:** Story Pole Policy Exception Request for 4350 El Camino Real Development

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work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.

**Staff Recommendation:**

Review and Determine Appropriate Action. The agenda packet contains alternative resolutions, either of which could form the basis for a City Council decision depending upon the findings and determinations of the City Council based upon the evidence presented. Specifically, a Resolution that contains draft findings to support the granting of the story pole exception request is included as Attachment 1 and a Resolution that contains draft findings to support the denial of the story pole exception request is included as Attachment 2.

**Purpose**

Consider a request from the Applicant of the development proposal at 4350 El Camino Real for an exception from the City’s Story Pole Policy due to public health and safety concerns and impairment of the use of existing gas station on the site.

**Background**

The Applicant has submitted a design review, conditional use permit and subdivision application for a five-story multiple-family residential building with 47 units located at 4350 El Camino Real. As discussed below, the Applicant is currently seeking an exception from the City’s Story Pole Policy to meet the notification requirements established under the City Council’s Open Government Policy as necessary to enable the application to proceed for consideration by the Planning Commission and the City Council.

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 exceptions to the Policy must be reviewed and approved by the Council. The criteria for reviewing and approving an exception 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.



**Subject:** Story Pole Policy Exception Request for 4350 El Camino Real Development

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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 September 24, 2019, the City Council considered an exception request from the City's Story Pole Policy from the Applicant for the proposed development at 4350 El Camino Real. The request sought a partial exemption for the placement of story poles due to safety concerns and impairment of the use of the existing service station on the site. Following a presentation by the Applicant and Council questions and deliberations, the Council voted unanimously to continue the exemption request to a date uncertain, and directed the applicant to work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.

The applicant is proposing the following:

- An alternative story pole placement plan (Attachment 5) showing the installation of two, 57-foot 4-1/4-inch tall story poles representing the eastern wall of the building with netting or string and flags connecting the poles to define the height. The associated guy wires would displace several parking spaces along the eastern property line.
- The installation of two billboards at the corner of the property facing the intersection showing 3D images and building elevations.

### **Discussion/Analysis**

As specified in the City's Story Pole Policy, story poles must be installed at least 20 days before the first public hearing before the Planning Commission and shall remain in place until final action has been taken by the City Council. Accordingly, the City Council must render its decision on the exception request before the Planning Commission can consider the project.

As outlined in the Applicant's original request (Attachment 4), an exception from the Story Pole Policy is requested due to public health and safety concerns related to placing story poles adjacent to drive aisles required for vehicles access and impairment of the use of the existing gasoline service station, including the convenience market and auto repair shop on the site. The applicant emphasizes the site is an active gasoline service station, the surrounding vehicle aisles, driveways and pump islands need to be kept open and accessible in order to serve the building. As a result of this



**Subject:** Story Pole Policy Exception Request for 4350 El Camino Real Development

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constraint, the Applicant does not believe it is feasible to place all of the story poles in a way that meets the Story Pole Policy's requirements.

Based upon the record before the City, including the evidence provided and considered at the public proceedings on the item, the City Council needs to determine whether there is sufficient evidence to warrant the granting of an exception due to public health and/or safety concern associated with placing story poles adjacent to drive aisles and driveways, and if the placement of story poles would impair the use of the existing service station business to the extent that operating the business would be infeasible.

### **Options**

- 1) Approve the story pole exception request per the Resolution contained in Attachment 1.

**Advantages:** To be determined by the City Council based upon the evidence presented.

**Disadvantages:** To be determined by the City Council based upon the evidence presented.

- 2) Deny the story pole exception request per the Resolution contained in Attachment 2.

**Advantages:** To be determined by the City Council based upon the evidence presented.

**Disadvantages:** To be determined by the City Council based upon the evidence presented

### **Recommendation**

Review request and take appropriate action based upon the Council's review and deliberation of the evidence in the record.