



MEETING DATE: 12/01/15

ITEM NO: 8

## COUNCIL AGENDA REPORT

DATE: NOVEMBER 17, 2015

TO: MAYOR AND TOWN COUNCIL

FROM: LAUREL PREVETTI, TOWN MANAGER *Laurel Prevetti*

SUBJECT: PROPERTY LOCATION: 16212 LOS GATOS BOULEVARD  
CONSIDER A REQUEST FOR APPROVAL OF AN EXCEPTION TO THE  
STORY POLE POLICY TO ALLOW AN ALTERNATIVE TO STANDARD  
STORY POLE INSTALLATION TO ILLUSTRATE AND PROVIDE NOTICE  
OF THE PROPOSED PROJECT. APNS: 523-06-010 AND 011.

### RECOMMENDATION:

Consider a request for approval of an exception to the Story Pole Policy to allow an alternative to standard story pole installation to illustrate and provide notice of the proposed project.

### BACKGROUND:

Historically, story poles have been used for two purposes. The primary purpose is to help illustrate proposed building locations and heights for pending development applications. Additionally, the story poles help alert the community of development applications that are scheduled for consideration at a public hearing.

The Town Council reviewed the Town's Height Pole and Netting Policy ("Story Pole Policy") at the June 4, 2012, Council meeting. The amended Story Pole Policy was approved by the Town Council on August 5, 2013 (Attachment 1).

The approved Policy specifies the conditions and process for a possible story pole exception. Specifically, the Policy identifies that the applicant must clearly demonstrate to the Town that the installation of story poles would: (a) cause a threat to public health and safety or (b) impair the use of existing structures or the site to the extent it would not be able to be occupied and the business or residential use would be infeasible. The Policy requires the Town Manager to determine if at least one of two criteria is met before the Council can consider requests for exceptions to the story pole installation requirements. The Council is the deciding body for story

PREPARED BY: JOEL PAULSON  
Planning Manager

A handwritten signature in blue ink that appears to read "Joel Paulson".

Reviewed by: *AC* Assistant Town Manager *DW* Town Attorney *n/a* Finance

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MAYOR AND TOWN COUNCIL

SUBJECT: 16212 LOS GATOS BOULEVARD – STORY POLE EXCEPTION

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pole exceptions. The public hearing for the request is noticed to the properties within 300 feet of the proposed development site and information is required to be posted under “What’s New” on the Town’s website.

DISCUSSION:

The subject site is located at the northeast corner of Los Gatos Boulevard and Shannon Road and is currently occupied by Artisan Wine Depot, which was approved with a Conditional Use Permit in 2013. Additionally the excess parking onsite is leased as overflow parking to Yoga Source, a tenant that occupies the building at 16185 Los Gatos Boulevard.

A Planned Development (PD) application has been filed by Scott Plautz to rezone the property from Commercial Highway (CH) to CH:PD with the intention of demolishing the commercial building and constructing 11 single-family homes. The General Plan land use designation is Mixed Use Commercial.

Mr. Plautz has submitted a request for an exception from the Story Pole Policy requirements based on public safety and the use of the site by existing tenants (see Attachment 2). Attachment 3 contains the proposed site plan for the 11 homes. In the Town Manager’s review of the request, only one of the criteria for an exception was met in that the installation of story poles would impair the use of the existing building and the parking lot by the lessees given the extent of the development proposal.

Attachment 2 also contains an explanation of the applicant’s proposed alternative to installing story poles, including:

- Story pole installation for a unit at the corner of Los Gatos Boulevard and Shannon Road and a unit at the northern Los Gatos Boulevard frontage,
- Digital imagery simulations
- Computer modeling,
- On site signage with photo simulation and site plan, and
- Additional methods as requested by the Town Council that do not interfere with the use of the property by the current tenants.

An example of an additional method includes a scale model that could be available for viewing at Town Hall or other appropriate location.

Per the Policy, the proposed exception was posted on the Town’s website under “What’s New” and public hearing notices were sent to properties within 300 feet of the subject site.

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MAYOR AND TOWN COUNCIL

SUBJECT: 16212 LOS GATOS BOULEVARD – STORY POLE EXCEPTION

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**CONCLUSION AND NEXT STEPS:**

Staff recommends approval of the proposed exception with the request that the Town Council provide clear direction to the applicant regarding specific locations for the story poles, simulations, and any additional alternative methods determined to be appropriate.

If the Council is inclined to grant the story pole exception, staff recommends that the exception be limited to the Planned Development process. A new story pole exception may be requested for the Architecture and Site application if the PD is approved. Additionally, the Town Council could limit any approval to this specific site layout and require any modification to return for a new story pole exception.

**ENVIRONMENTAL ANALYSIS:**

Action on the requested exception does not constitute a “project” as defined by section 15378 of the CEQA Guidelines because it is not an action which has a potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment.

**Attachments:**

1. Story Pole Policy
2. Exception request from the applicant
3. Proposed site plan
4. Public Comments received up to 11:00 a.m. Tuesday, November 24, 2015

**Distribution:**

Scott Plautz, 17066 Melody Lane, Los Gatos CA 95033

## **Height Pole and Netting Policy For Additions and New Construction**

### **I. Purpose:**

It is a policy of the Town of Los Gatos Town Council to have story poles and project identification signs installed on the sites of an active development application. The placement of story poles is extremely helpful and important during the course of Town's review of applications for new development. Proper and accurate placement of story poles demonstrates the planned rooflines and heights and provides some indication of the potential massing of the proposed structure. Story poles enhance understanding of the project for Town residents, staff, advisory bodies, and decision making bodies. Story poles also provide a visual notice to the community of a forthcoming land use public hearing.

Project identification signs present both written and graphical information that will further communicate the proposed project to the community as well as provide the public hearing dates for the development application.

This policy is for the benefit of the Town and community and is not intended to create a requirement under the California Environmental Quality Act (CEQA).

### **II. Height Poles and Netting:**

Height story poles and netting shall be used for the following types of Community Development Department, Planning Division, land use applications:

- New residential (excluding single-story accessory structures) and non-residential buildings.
- Residential second story additions.
- Nonresidential additions exceeding 100 square feet.

The terms height poles and story poles are used interchangeably.

#### **A. Procedure:**

When it is determined that story poles are required, the applicant's engineer, architect or building designer may be required to prepare a "Story Pole Plan" to indicate the locations where the poles will be installed. The Story Pole Plan shall be approved by the project planner prior to the placement of the poles on the site. Once approved, the applicant shall inform the project planner when the placement of the story poles is complete and submit photographs showing installation. The story poles shall be installed consistent with the following requirements:

Residential: The height poles and netting shall be installed prior to the neighborhood notification process and shall remain in place until the project has been acted upon and the appeal period has ended. If the project is appealed, the height poles and netting shall remain until final action is taken. If final consideration of the project is substantially delayed or the project is substantially modified, staff may direct removal or modification of the story poles.

Projects that Require Planning Commission or Town Council Action: The height poles and netting shall be installed prior to the public noticing of the matter 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 height poles and netting shall remain until final action is taken. If final consideration of the project is substantially delayed or the project is substantially modified, staff may direct removal or modification of the story poles.

**B. Timing**

Public notices will not be mailed and/or application(s) shall not be advertised until a Story Pole Plan has been approved by the project planner, the height poles and netting have been installed, and photographs have been submitted to the project planner, as required in Section II.A.

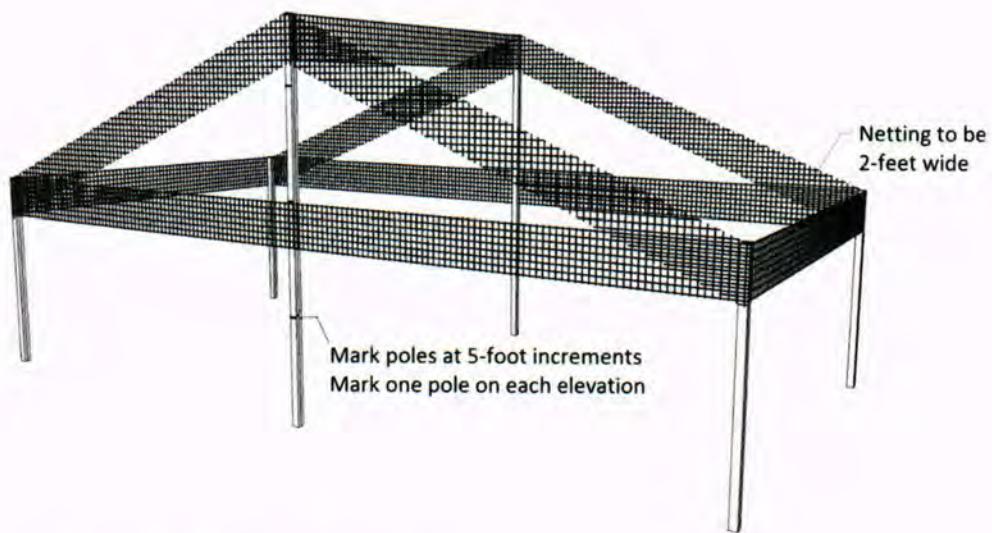
**C. Location and Number:**

The number of story poles may vary with each specific project. At the discretion of the project planner, story pole locations shall adequately demonstrate the height, mass, and bulk of the project requiring review. At a minimum, story poles shall be placed at all outside building corners of the building wall (excluding eaves) and along the rooflines of the proposed structure(s) or addition. Architectural elements such as towers, spires, elevator and mechanical penthouses, cupolas, mechanical equipment screening and similar elements not used for human activity or storage which are visible from the streetscape shall be represented by the story poles. Trees may not be "flagged" or used as a substitute for the erection of story poles. After the placement of the story poles on-site, the applicant shall provide the project planner with photographs of the story poles taken from a variety of vantage points. The vantage point from where the photograph was taken shall be indicated on each photograph.

A licensed surveyor or civil engineer shall submit written verification that the height and position of the poles and netting accurately represents the height and location of the proposed structure(s) or addition.

#### **D. Materials:**

The material of the story poles shall be indicated on the Story Pole Plan. Story poles shall be constructed of 2"x4" lumber, metal poles, or other sturdy building material acceptable to the project planner. Telephone poles; mechanical equipment, such as cranes; or other materials may be acceptable for higher structures if the Community Development Director determines that the material will adequately portray the height, bulk, and mass of the proposed structure(s) or addition and withstand the wind and weather. At least two foot (2') wide orange woven plastic snow fencing (netting) must be erected to represent the rooflines of the proposed structure(s) or addition. Netting must be supported by height poles that are strong enough to accurately maintain the outlines and height of the structure(s). One of the height poles on each elevation must be clearly marked and labeled in five foot (5') increments measured from existing or finished grade, whichever creates a higher profile, and consistent with the approved Story Pole Plan on file at the Community Development Department.



#### **E. Story Pole Plan and Public Safety:**

All story poles shall be placed, braced and supported to ensure the health, safety and general welfare of the public. The Story Pole Plan shall include the methods used to secure the poles. Applicants shall sign an agreement that holds the Town harmless for any liability associated with the construction of, or damage caused by the story poles. If at any time, the Town determines the story poles to be unsafe, they shall be repaired and reset immediately by the project applicant or, at the Town's discretion, removed. Depending on the scope of the poles, the applicant may be requested to verify with the Building Division of the Community Development Department that no permits and/or inspections are required for the poles.

**F. Exceptions:**

In the event there are justifiable reasons why story poles cannot be accommodated for all structures proposed to be constructed on the project site, the applicant shall submit a letter to the Community Development Director no later than 45 days prior to the required installation date, clearly articulating the reasons why an exception to the Story Pole requirement is warranted. Requests for an exception and alternative plan will only be considered if the applicant can clearly demonstrate to the Town, and the Town agrees, that the installation of the story poles would: (1) cause a threat to public health and safety or (2) would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the business or residential use would be infeasible. Some form of poles and netting and/or on-site physical representation of the project will be required, even if an exception is granted.

Planned Development applications with multiple detached commercial structures and/or residential units may request to erect story poles on the locations where the key structures will be placed. The deciding body will take into account the density of the development when considering an exception request. The story poles shall be installed on all corner structures and the structures with the greatest height and mass. An exception to providing story poles for all structures in a Planned Development application with multiple commercial structures and/or residential units shall follow the same procedures as outlined below.

The Town Manager will review all justifiable requests for an exception to the Story Pole requirement within 14 days of receipt of the request and shall place the matter on the next available Town Council agenda for consideration by the Council. Written notice of the exception request shall be mailed to property owners and residents of properties within 300 feet of the project site. All requested and approved exceptions shall be posted on the Town's Web site under "What's New," in agenda posting locations at Town Hall and the Library, and in the online development activity report when established.

If an exception is approved, the applicant will be required to demonstrate the proposed structure height and mass using alternative means as outlined in Section II.H.

**G. Alternatives:** If an exception is granted to the Story Pole requirements, the applicant shall provide digital imagery simulations, computer modeling, built to-scale models or other visual techniques in-lieu of the Story Pole requirements. Simulations may either be prepared by the applicant for technical review by the Town's consultant or the applicant may elect to have the Town's consultant prepare the materials. In either case, the applicant shall be responsible for all technical review(s), materials and cost of the Town's evaluation and/or preparation process. To ensure accuracy, visual simulations shall comply with the following standards:

- Establishing accuracy of the visual simulation: The applicant shall demonstrate that the dimension and scale of the visual simulation and project setting are equivalent. This is accomplished by examining screen views of the model in plan and elevation views for accurate scaling. The visual simulation must also include reference objects corresponding to known objects in the simulated scene, such as buildings, curbs, utility poles, trees, or any other reference points visible in the simulated scene, whose location is known from surveys or, at a minimum aerial imagery. There shall be a minimum of two reference objects outside of the project in different parts of the photo frame.
- Establishing the equivalence of the virtual and actual camera focal setting: The camera lens focal setting or angle of view for each simulation base photo shall be stated. The camera model shall be provided since the angle of the focal view varies with different cameras. The preparer of the photo simulations shall provide the manufacturer specifications indicating the 35 mm film SLF lens correspondence, or other means to calculate the angle of view.
- Depict the accurate location of the photo and establish the correspondence of the virtual camera with the visual simulation: The photo location shall be indicated accurately on a map or aerial photo, and the correspondence within the visual simulation should be demonstrated. Simulated views should not employ cropping, or if they must, the original, uncropped rendered image shall be provided. Once the images are cropped, it is impossible to validate their accuracy.
- Other Information: The Town's consultant may require other information to assess the accuracy of the visual simulation.

#### **H. Removal:**

Once a final action has been taken and the appeal period is over, the height poles and netting shall be removed at the applicant's expense within 30 days. If not removed, the height poles and netting will be considered rubbish and will be in violation of Section 11.10.020 of the Town Code and the matter will be forwarded to Code Compliance for enforcement action.

### **III. Project Identification Signs:**

All development applications that must comply with the story pole and netting requirements shall also provide project identification signs on the development site consistent with the following requirements.

#### **A. Timing:**

Public notices will not be mailed and/or application(s) shall not be advertised until project identification sign(s) have been installed. The location of the project identification sign(s) shall be shown on the Story Pole Plan. The applicant shall

submit a signed declaration confirming that the project identification sign(s) were installed. The applicant shall also submit a photo showing the on-site sign(s) installed on the subject property prior to the distribution of the public notices.

**B. Size:**

- New Residential Structures: One, 2'x2' sign placed on the street frontage. The top of the sign shall be five feet (5') from existing grade and visible from the main street frontage. The sign shall indicate the scheduled public hearing date and the availability of plans for review at the Community Development Department.
- Commercial/Industrial Remodels or New Construction: One 4'x8' sign on each of the property frontages that are visible to surrounding public right of ways, including pedestrian trails such as the Los Gatos Creek Trail. The top of the signs shall be six feet (6') from existing grade. The Community Development Director may require additional signs for development sites that have large frontages.
- Downtown (C-2 Zone) Remodels or New Commercial Development: One 2' by 3' vertical sign constructed of metal frame with water resistant plastic or laminated face. In cases where it is infeasible to install a free-standing sign, the posting of a durable, all weather sign on or inside the window of a building is permitted, provided the sign is visible from public locations outside the building. Requests for an exception to the free-standing sign requirements shall be made to the Community Development Department in writing no less than 30 days prior to the public hearing for the project.

**C. Number and Placement of Signs:**

With one exception, on-site signs shall be placed on each street frontage of the site. The exception is for permits related to an individual new single family dwelling. In this case, only one sign on the street frontage is required. The signs shall be oriented towards the street, within one foot (1') of the front property line or two feet (2') of the back of the sidewalk.

**D. Materials:**

Signs shall be constructed of durable materials, such as foam core or plywood, and shall be laminated during the rainy season (October through April). The sign colors shall be a white background with black printing, and color graphics (excluding single family, which may have black and white graphics). As noted under Section III.B., signs in the Downtown C-2 Zone shall be constructed of higher grade materials, including a metal frame and a plastic or laminated poster board face.

**E. Sign Content:**

Up to 75% of the overall sign area must be used to provide a general description of the project; including number of residential units or commercial buildings and square footage; a color perspective drawing, three-dimensional image or photographic simulation and the name and contact information of the project applicant. Single family remodel projects are not required to provide a rendering on the sign. The public notice portion of the sign message must constitute 25 percent of the overall sign area and notify the community of the public hearing date and time and contain the following message "For more information about this project, please contact the Town of Los Gatos Planning Division at 110 E. Main Street, Los Gatos, (408) 354-6872. The project address and application number shall be included on the notice.

**F. Duration of Sign Posting:**

Project identification signs shall be placed on site consistent with the timing of installation of the story poles (See Section II.B.) and shall be removed within 30 days of the final actions (See Section II.H.).

**G. Maintenance:**

The applicant is responsible for replacement of any missing, damaged or vandalized signs within five days of request by the Town. The Town may cease processing of the application if the signs are not replaced and/or maintained.

**IV. Definitions:**

Height: As defined by the Zoning Ordinance, height is determined by the plumb vertical distance from the natural or finished grade, whichever is lower and creates a lower profile, to the uppermost point of the roof edge, wall, parapet, mansard, or other point directly above that grade. For portions of a structure located directly above a cellar (refer to Section 29.10.020 of the Zoning Ordinance for definition of cellar), the height measurement for that portion of the structure shall be measured as the plumb vertical distance from the existing natural grade to the uppermost point of the structure directly over that point in the existing natural grade.

Roofline or edge: The contour or shape of a roof.

*This policy was adopted by Town Council on August 5, 2013 (Resolution 2013-032)*

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**16212 Los Gatos Blvd: Story Pole Exception Request**

**September 9, 2015**

**To:** Town of Los Gatos Community Development Director, Town Manager and Town Council

**Project Address:** 16212 Los Gatos Blvd @ Shannon Rd

**Property Owner:** 16212 Los Gatos Blvd, LLC, A Community Planned Development Project managed by STEM Development

**Project Name:** **IL VICINATO** ; Italian to English Translation, “**The Friendly Neighborhood**”

Dear Town of Los Gatos,

We appreciate the Planning Department’s time, effort and guidance in review of our project on the above referenced site in preparation for Planning Commission and Town Council.

The intent of this letter is to request a Story Pole Exception on this project in order to allow the existing tenants to continue doing business and utilizing the parking lot under their existing CUP while we complete the active development application process for new development.

We are a local, custom real estate development group headquartered out of Los Gatos and primarily focus on infill commercial and residential development projects in the Bay Area. In order to produce the best possible development for our community, we closely analyze land use, sustainable development concepts, traffic impact and economic variables, as well as many other measurable concepts during the development process.

First, we would like to provide a brief site history since we purchased the above mentioned property. Shortly after purchasing the property we experienced vandalism, loitering and also discovered homeless people sleeping on the site. After several community complaints, we decided it was in the best interest of the neighbors and the town to have the building occupied during the development application process. While engaging with many potential tenants from auto dealerships to coffee shops, we were unable to come to terms on a fair market value lease. We eventually decided to lower the lease rate to attract a tenant that would be a good temporary fit for the town while we went through the development process, as opposed to leaving it vacant and becoming a potential public nuisance again. We were able to attract a good local tenant who was interested in opening a retail location in Los Gatos as they expand their business. That tenant is Artisan Wine Depot; they are currently operating under a CUP which they received from the town in 2013. The tenant is currently paying approximately 25% of the lease rate the historic auto dealer was paying; Artisan Wine Depot is not a fiscally viable option for the long term. Yoga Source is also leasing approximately half of the parking lot to reduce traffic and parking issues in the local neighborhood.

We are requesting a Story Pole Exception because we believe we have justifiable reasons why story poles cannot be accommodated for all structures proposed on the project site while the current tenants operate under their CUP.

We have a Planned Development application with multiple detached residential units, per the town’s “Height Pole and Netting Policy For Additions and New Construction” dated August 5, 2013, we would like to request to erect story poles where the key structures will be located.

**ATTACHMENT 2**

1. Key structures are the corner building of Los Gatos Boulevard and Shannon Road (Structure B) and the opposing end of the buildings on Los Gatos Boulevard at the North lot line (Structure A1). (See attached site plan with buildings identified as B and A1)
2. These are the two most predominant elevations and provide a good visual representation of the key structures.
3. These structures will provide the greatest visual notice to the community of forthcoming public hearing.

The tenant and I met with our project planner on site to review options, in order for the tenant to continue operating under their CUP while story poles are present we needed to provide ingress and egress while focusing on public health and safety, as well as attempting to provide access to the existing structure to continue operating their business.

Yoga Source is also utilizing the parking lot; additional story poles would infringe on the parking and potentially cause a threat to public safety.

Along with the proposed Story Pole Exception, we would be willing to provide the alternatives of digital imagery simulations or computer modeling per the exception requirements.

We hope to receive your support for this Story Pole Exception Request as well as support on this project from the Planning Commission and Town Council.

We look forward to discussing the project in detail and believe that upon further review it will be obvious that the proposed project is the best use for the site, for the town and the neighbors due to the unique challenges of this site. We hope the community recognizes the substantial effort and attention to detail our team has leveraged in determining the best land use for this site. We received positive feedback from the large majority of neighbors and community members after they reviewed the residential plans and all the information provided. Through our extensive process, our team believes we have arrived at the best solution with a unique, high-end product to compliment the Town of Los Gatos while working to conform to the General Plan, Los Gatos Boulevard Plan, Zoning and land use issues to enhance the use of this site.

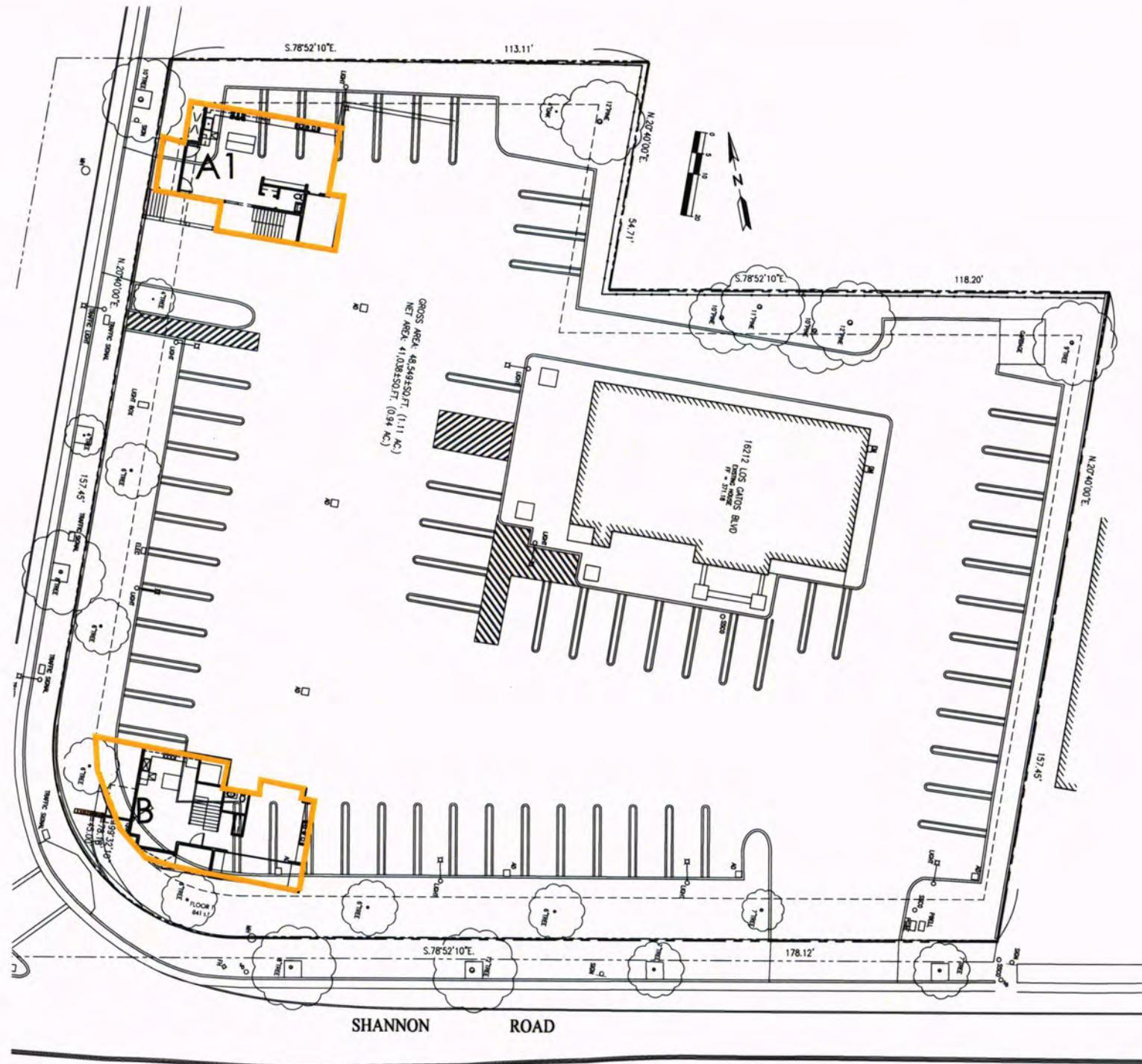
Thanks again for your consideration; we look forward to your support.

Sincerely,

Scott Plautz

16212 Los Gatos Blvd, LLC, Partner

A Community Planned Development Project by STEM Development



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**TENTATIVE MAP  
16212 LOS GATOS BOULEVARD  
TOWN OF LOS GATOS, SANTA CLARA COUNTY, CALIFORNIA  
TRACT  
FOR 12 LOTS**

**LEGEND**

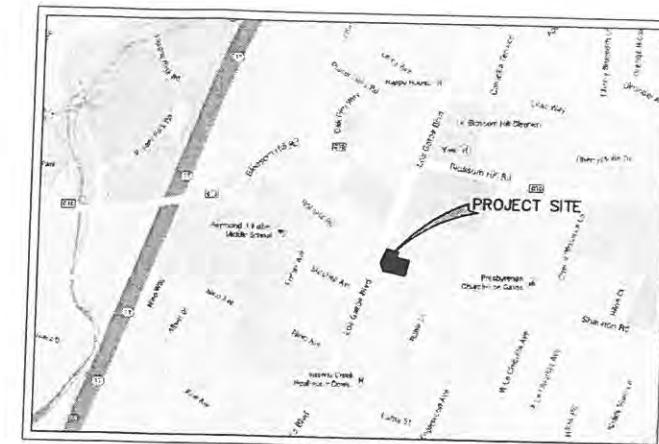
- PROPERTY LINE
- LOT LINE
- ADJACENT LOT LINE
- MONUMENT LINE
- EASEMENT LINE
- SETBACK LINE
- SAWCUT LINE
- LIMIT OF WORK
- VERTICAL CURB AND GUTTER
- VERTICAL CURB
- RETAINING WALL
- BIORETENTION BASIN
- ASPHALT CONCRETE (AC)
- DECORATIVE VEHICULAR CONCRETE
- PERVIOUS PARKING PAVERS
- CONCRETE SIDEWALK
- CONCRETE DRIVEWAY
- PUBLIC CONCRETE
- PUBLIC AC - DEEP LIFT

**BASIS OF BEARING**

THE BEARING, N20°40'00"E, OF THE CENTER LINE OF LOS GATOS BLVD (FORMERLY LOS GATOS AND SAN JOSE ROAD), AS SHOWN ON THAT CERTAIN MAP FILED IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY, STATE OF CALIFORNIA, IN BOOK C OF MAPS AT PAGE 41, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.

**SHEET INDEX**

- TM-1 TITLE SHEET
- TM-2 EXISTING CONDITIONS & TREE REMOVAL
- TM-3 SITE PLAN/MAP SHEET
- TM-4 PRELIMINARY GRADING AND DRAINAGE PLAN
- TM-5 PRELIMINARY UTILITY PLAN
- TM-6 PRELIMINARY INTERIM EROSION CONTROL PLAN
- TM-7 EROSION CONTROL DETAILS
- TM-8 POLLUTION PREVENTION - IT'S PART OF THE PLAN
- TM-9 PRELIMINARY STORMWATER MANAGEMENT PLAN



**VICINITY MAP**  
N.T.S.

**PROJECT DATA**

**OWNER AND SUBDIVIDER:**  
16212 LOS GATOS BOULEVARD, LLC  
CONTACT: SCOTT PLAUTZ  
(408) 655-2326

**ENGINEER:**  
BKF ENGINEERS  
1650 TECHNOLOGY DRIVE, SUITE 650  
SAN JOSE, CA 95110  
CONTACT: ISAAC KONTOROVSKY  
(408) 467-9190

**APN:** 523-06-010,011

**AREA:** 0.96± ACRES

**EXISTING ZONE:** CH - RESTRICTED COMMERCIAL HIGHWAY

**PROPOSED ZONING:** RESIDENTIAL PLANNED DEVELOPMENT

**EXISTING USE:** COMMERCIAL

**PROPOSED USE:** 11 RESIDENTIAL UNITS (11 SINGLE FAMILY HOMES) AND 1 NON-DEVELOPABLE COMMON LOT

**WATER SUPPLY:** SAN JOSE WATER COMPANY

**SEWAGE DISPOSAL:** WEST VALLEY SANITATION DISTRICT

**STORM DRAIN:** TOWN OF LOS GATOS

**GAS & ELECTRIC:** PACIFIC GAS & ELECTRIC

**TELEPHONE:** SBC TELEPHONE COMPANY

**CABLE:** COMCAST

**FIRE PROTECTION:** SANTA CLARA COUNTY FIRE DEPARTMENT

**FLOOD ZONE:** THIS PROPERTY IS LOCATED WITHIN ZONE D AS SHOWN IN FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 06085C0377H, DATED MAY 18, 2009.

**GENERAL NOTES**

1. TENTATIVE MAP: THIS TENTATIVE MAP IS BEING FILED IN ACCORDANCE WITH CHAPTER 3, ARTICLE 2, SECTION 66452 AND CHAPTER 4.5 OF THE SUBDIVISION ACT MAP.
2. AREA: THE BOUNDARIES OF THIS SUBDIVISION CONTAIN 0.96 ACRES AND ARE PROPOSED FOR SUBDIVISION INTO 11 STANDARD RESIDENTIAL LOTS AND 1 NON-DEVELOPABLE COMMON LOT.
3. BUILDING TYPE: THE BUILDING FOOTPRINTS SHOWN ARE FOR CONCEPTUAL PURPOSES ONLY. THE BUILDING TYPE, LOCATION AND STYLES WILL BE PERMITTED AS CONSTRUCTED IN CONFORMANCE WITH PROJECT PD REQUIREMENTS PRIOR TO THE APPLICATION FOR BUILDING PERMITS.
4. UTILITIES: A PUBLIC UTILITY EASEMENT IN THE FAVOR OF PG&E WILL BE CREATED TO FACILITATE MAINTENANCE OF ELECTRIC AND GAS METERS. SANITARY AND WATER SERVICE LATERALS BETWEEN THE BUILDINGS AND THE CLEANOUTS AND/OR WATER METERS WILL BE PRIVATELY OWNED AND MAINTAINED. THE STORM DRAINAGE SYSTEM WILL ALSO BE PRIVATELY OWNED AND MAINTAINED OR AS DESIGNATED.
5. ALL ACCESS ROADS AND DRIVES TO BE PRIVATE.
6. ALL EXISTING STRUCTURES TO BE REMOVED.

**ENGINEER'S STATEMENT**

THIS TENTATIVE MAP HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH STANDARD ENGINEERING PRACTICE.

NORMAN I. KONTOROVSKY, P.E. DATE  
BKF ENGINEERS  
R.C.E. NO. 78090



**TENTATIVE MAP  
16212 LOS GATOS BOULEVARD  
TITLE SHEET  
SANTA CLARA COUNTY**

TOWN OF LOS GATOS

TOWN OF LOS GATOS

Revisions

Date	No.	Scale	Design: FCG	Drawn: FCG	Approved: IK	Job No. 2016085-15
2014-06-05						

TM-1  
1 OF 9

ATTACHMENT 3

16185 Los Gatos Blvd  
Los Gatos, CA 95030

November 21, 2015

Town of Los Gatos  
Council and Planning Department  
110 E. Main St.  
Los Gatos, CA 95030

To Whom It May Concern:

I am writing to formally voice my support for the approval of the story pole exemption for the property located at 16212 Los Gatos Blvd. Los Gatos, CA 95032

My business, YogaSource Los Gatos is situated directly across the Blvd. from this property and we are currently engaged in a sublet agreement to utilize a significant portion of the parking area from the leaseholder, Artisan Wine Depot.

As a matter of record I feel it is important to inform the town council that because of the volume, and complexity of installing story poles throughout the entire property the owner of the property has informed us that if he does not receive the requested exemption he will immediately evict Artisan Wine and Yogasource Los Gatos from the property (effective Jan 1<sup>st</sup> 2016). Furthermore he has stated that he will install a temporary construction fence surrounding the property, a fact that raises serious community safety and traffic impact concerns

I support the story pole exemption for the following reasons:

**Full story pole installation is unnecessary & Redundant**

The purpose of the story pole process is to provide interested Los Gatos community members the opportunity to visualize the development. As the planned development on this site closely matches the existing Laurel Mews development across the Blvd. a minimal story pole layout in the corners of the property provides sufficient detail, along with the literal detail of the Laurel Mews property for the community to make an assessment.

No amount of story pole can compare to providing the level of detail of simply viewing the existing development. Even if the proposed development is found to

**ATTACHMENT 4**

vary in color, architecture, design, these subtle differences can not be shown, and are not intended to be shown, using story poles.

#### Parking

Street parking in the area is already under pressure; at various times of the day most surface parking is fully utilized. The ability for YogaSource customers to park in the sub-let defined spaces on the 16212 LG Blvd property significantly reduces the load on the local parking and traffic environment.

YogaSource currently permits the temporary, daily use of the sub-let area of the car park by Fisher Middle school parents as a safe and secure meeting point at which to pick up their school aged children.

If the exemption is not approved and this valuable community service and business parking facility is removed there will be a negative impact to the local community and will directly harm the businesses in the area

#### Community Safety

Empty buildings and fenced off properties are a haven for illegal and unsafe behavior. Without the security of a tenant occupying the property and our regular maintenance, the property will fall at best to ill repair, at worst to vandalism and criminal use. One has only to look to other empty car dealership buildings on the same LG Blvd, only a few blocks away as evidence of this very real problem

No one in the community wants a derelict site where broken glass, trash and used drug paraphernalia exists only yards away from a local middle school and church.

Not approving the requested exemption will directly lead to additional burden on our Police force and make our community unsafe.

#### Long term negative impact vs benefit to the community

The planning and approval for rezoning and large-scale development is a complex and lengthy process. If the use of the property is removed from the local community it will have immediate negative affect. If the exemption is approved and we, along with Artisan Wine Depot are permitted to continue to lease the property we will have months or even years of productive and safe use. Once development begins the site will remain occupied and safe.

The story pole exemption is not a sign in any way of an approval of the project and the community via the Town of Los Gatos governance will have ample opportunity to judge the impact of the proposed zoning change and development on all its merits

#### Summary

In summary, requiring the developer to fully story pole the entire site is unnecessary due to the abundant, representative visual information provided across the Blvd which, alone with select story poling on the corners of the site will provide

the community everything it needs to make as assessment of the visual impact of the proposed development. Requiring story poles throughout the entire property will lead to the immediate eviction of Artisan Wine Depot and YogaSource client parking and without doubt lead to the immediate safety and security decline of a sensitive, middle school proximate, community of Los Gatos

Making the right decision on this issue and granting the exemption will allow the community to continue to benefit from this site, it will keep traffic and parking in the community manageable and ensure the healthy and community beneficial use of the property during what will likely be a lengthy approval and development phase of the project.

Yours sincerely

A handwritten signature in black ink, appearing to read "SM".

Steve McGrath  
Owner  
Yogasource Los Gatos

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