



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/01/2022

ITEM NO: 9

DATE: October 27, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider a Request for 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 on Property Zoned O. Located at 15860-15894 Winchester Boulevard and 17484 Shelburne Way. APN 529-11-013, -038, -039, and -040. Applicant/Property Owner: Green Valley Corp. d.b.a. Swenson. Project Planner: Jennifer Armer.

RECOMMENDATION:

Consider a request for 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 on property zoned O located at 15860-15894 Winchester Boulevard and 17484 Shelburne Way.

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 existing Story Pole Policy was approved by the Town Council on August 5, 2013 (Attachment 1). The existing 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.

PREPARED BY: Jennifer Armer, AICP
Planning Manager

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Community Development Director

BACKGROUND (continued):

The Policy requires story pole locations 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.

The Policy requires that at least two (2) foot wide orange woven plastic snow fencing (netting) be erected to represent the rooflines of the proposed structure. Netting must be supported by height poles that are strong enough to accurately maintain the outlines and height of the structure(s).

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 pole exceptions.

DISCUSSION:

The subject site is the combination of four parcels forming an approximately 1.31-acre site at the intersection of Winchester Boulevard and Shelburne Way. The site is currently developed with three single-family residences; a single-family residential structure which is currently occupied by a commercial construction business; and multiple detached accessory structures for a total of nine structures on the site. The existing zoning is Office (O), and the General Plan land use designation is Office Professional.

An application has been filed by Jessie Bristow of Swenson Builders requesting approval for demolition of four residential buildings and associated detached structures, construction of an assisted living and memory care facility, variance from the maximum height and lot coverage for the zone, and removal of large protected trees. This application includes Architecture and Site Application S-21-008, Conditional Use Permit U-21-101, and Variance Application V-21-003. Full project plans are available online on the Town's Pending Planning Projects page (<https://www.losgatosca.gov/2393/W>).

Staff review of the application, including preparation of an Initial Study and Mitigated Negative Declaration, have been completed and the project applicant has installed the story poles. As soon as staff found that the story poles were installed without the standard orange netting the applicant was advised that an exception reviewed by Town Council would be required.

The applicant has submitted a request for an exception from the Story Pole Policy requirements to avoid unsafe conditions created by heavy netting on tall story poles by utilizing rope flags connecting the story poles, in lieu of netting, as described in Attachment 2 and shown in Attachment 3. The story poles with the rope flags have already been installed on the site; however, the Town Council has the discretion to determine the appropriate flagging.

PUBLIC COMMENTS:

Pursuant to the Policy, notice of the Town Council hearing was sent to property owners and tenants within 300 feet of the subject property. Notice was also published in the Los Gatos Weekly, posted under “What’s New” on the Town’s website, and posted on the Town’s social media platforms. Public comments received by 11:00 a.m., October 27, 2022, are included in Attachment 4.

CONCLUSION:

Staff recommends approval of the proposed exception to allow the installed story poles with rope flags in lieu of netting to avoid unsafe conditions created by heavy netting on tall story poles.

If the Town Council determines that the story pole exception request is appropriate, staff recommends that the Town Council limit the approval to the proposed story pole exception request and plan in Attachments 2 and 3. A request to modify the proposed story pole plan would be required to return to the Town Council for consideration of a new story pole exception.

ALTERNATIVES:

1. Continue the request to a date certain with specific direction; or
2. Approve the request with modified requirements; or
3. Deny the request.

COORDINATION:

The Community Development Department coordinated with the Town Manager’s Office in the review of the requested story pole exception.

ENVIRONMENTAL REVIEW:

Action on the requested story pole 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.

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SUBJECT: 15860 Winchester/Story Pole Exception Request

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Attachments:

1. Story Pole Policy
2. Exception Request from the Applicant
3. Proposed Story Pole Plan