



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 04/04/2023

ITEM NO: 7

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**DATE:** March 30, 2023  
**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

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

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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.

On October 6, 2022, the Town received a story pole exception request for a project proposed at 15860-15894 Winchester Boulevard and 17484 Shelburne Way and the Town Manager determined that it could be scheduled for consideration by Town Council.

On November 1, 2022, the Town Council considered and approved the exception request with the condition that in place of the standard netting the applicant would install two rows of flags.

Following approval, the applicant has attempted to install the additional flags, but has been unable to do so because of the weather and has submitted a revised request, described below.

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, lot merger of the existing parcels, 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, Subdivision Application M-22-008, and Variance Application V-21-003. Full project plans

DISCUSSION (continued):

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 (Attachment 3). Because the story poles were installed with a single row of orange flags instead of the standard orange netting, the applicant was advised that an exception request reviewed by Town Council, would be required.

The applicant submitted an initial 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, which was approved by Town Council on November 1, 2022, with a condition that a second row of flags be added.

The applicant has attempted to have the additional row of flags installed and has been unable to do so because of the weather and associated safety concerns (as described in Attachment 2). Therefore, the applicant has submitted a revised request for an exception from the Story Pole Policy requirements to avoid unsafe conditions created by recent and continued storm activity. The applicant proposes to provide a virtual 3D model video and additional project signage, in lieu of additional flags, as described in Attachment 2.

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 on Friday, March 31, 2023, posted under "What's New" on the Town's website, and posted on the Town's social media platforms.

CONCLUSION:

Staff recommends that the Town Council consider the proposed exception to allow the installed story poles with single row of rope flags (Attachment 3), a virtual 3D model video, and additional project signage (Attachment 2), in lieu of a second row of flags.

If the Town Council determines that the revised 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.

CONCLUSION (continued):

Staff intends to bring a draft updated Story Pole Policy to the Planning Commission for its recommendation regarding appropriate story pole configurations for taller buildings. After the Planning Commission concludes its deliberations, the Town Council will consider the draft Policy update and the Commission's recommendations.

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.

Attachments:

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