



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 04/26/2023

ITEM NO: 3

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DATE: April 21, 2023  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Forward a Recommendation to the Town Council on Modifications to the Town Height Pole and Netting Policy for Additions and New Construction. The Proposed Amendments to Town Policy are Not Considered a Project Under the California Environmental Quality Act. **Project Location: Town Wide.** Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council on modifications to the Town Height Pole and Netting Policy for Additions and New Construction.

CEQA:

The proposed Amendments to Town policy are not considered a project under the California Environmental Quality Act.

BACKGROUND:

The Town's Height Pole and Netting Policy for Additions and New Construction ("Story Pole Policy") was adopted by the Planning Commission in July of 1998 requiring two-foot wide orange netting for all new buildings and second story additions. A requirement for posting of a small sign (2 feet by 2 feet) indicating the public hearing date and approving body was added in September 2002. At that time, exception requests were reviewed by the Community Development Director.

A comprehensive review of the policy was conducted in 2012. On August 5, 2013, Town Council approved an updated policy. Minor additions relating to tree protection were made in 2017 to create the current policy (Attachment 1).

PREPARED BY: Jennifer Armer, AICP  
Planning Manager

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Reviewed by: Community Development Director

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BACKGROUND (continued):

As part of recent Town Council considerations of story pole exceptions requests, staff was asked to bring the Story Pole Policy to Planning Commission for consideration of, and a recommendation to Town Council on, possible modifications.

DISCUSSION:

In response to the Town Council request for a review of the Town's Story Pole Policy, staff has reached out to companies that frequently provide story pole installation in Town and researched where and in what manner story poles are required in nearby agencies.

A survey of the cities in Santa Clara County found that story poles are not required in nine of the cities: Campbell, Cupertino, Gilroy, Los Altos, Morgan Hill, Mountain View, San Jose, Santa Clara, and Sunnyvale. Story poles are required by five: Los Altos Hills, Milpitas, Monte Sereno, Palo Alto, and Saratoga.

The City of Los Altos only recently removed their story pole requirement, on February 14, 2023, as part of the implementation of their Housing Element because they found that the story pole requirement added subjectivity, extended the review process of all development, and added additional cost for a project whereas their other requirements for renderings and 3D Modeling could effectively provide the relationship of the proposed building heights.

As a result of this outreach, the following topics are recommended for discussion and direction:

A. Projects Over 35 Feet in Height

For building heights above 35 feet, especially in areas that have exposure to high winds, the requirement for two-foot netting is problematic. At that height the netting catches the wind and requires numerous repairs during the installation period. In addition, it requires much shorter spans between poles, and therefore the cost of installation increases. Flag rope can span nearly 75 feet as opposed to around 30 feet for the two-foot netting.

Pennant flag rope is preferred by installers for these types of projects because it catches very little wind. This has been allowed for some previous projects with a requirement that two rows of flags be installed. While this is feasible, the installers cautioned that when two rows of flagging are requested they become more difficult to install and usually only one line of flagging can be kept tight.

Should modifications be made to allow one or two rows of flagging for buildings over 35 feet in height?

DISCUSSION (continued):

B. Projects Located Close to Property Lines/Guy Wires

When projects have very small side setbacks and the pole height is above 20 feet, it is hard to secure the pole safely without the need to obtain permission from the neighboring property to tie off guy wires. As a general rule of thumb, it is helpful to have a setback length that is at least one quarter of the height of the pole. In some cases, because the guy wires were not feasible, large more expensive equipment (construction cranes or lifts) have been used for limited periods of time.

Should modifications be made to allow exceptions like relocation of poles to be set inward from the property line, or allowing guy wires to be attached to fencing for projects with very small setbacks?

C. Projects with Multiple Buildings

The current policy includes the possibility for exceptions for Planned Development applications. Should this section be expanded to apply to any development application that involved more than four buildings?

D. Interference with Existing Residents and Businesses

When projects are located on properties that still have an active use (residential or commercial), the installation and maintenance of story poles can cause safety concerns to the property users and increased risk of damage to or from cars or people.

Should modifications be made to allow flag rope for some of these conditions which could reduce the potential conflicts between poles and property users.

E. Exception Process

The Town's policy allows the Community Development Director to determine if alternative materials (telephone poles, cranes, etc.) are appropriate for use as story poles. But the current exception process (Exhibit 1, page 4) for alternatives to other aspects of the policy, including the orange woven plastic snow fencing material or placement of poles at all outside building corners and rooflines of all buildings, requires review by Town Council. Of the five other Santa Clara County cities that have a story pole policy, three do not have an exception process stated, and two have an exception process where the authority is placed with the Community Development Director.

Should a modification be made to change the decision maker for exception requests?

DISCUSSION (continued):

F. Cleanup Edits

In addition, staff recommends some edits that would clean up/clarify information in the existing policy, including updating the references to Town Code and the definition of cellar.

PUBLIC COMMENTS:

Public input has been requested through the following media and social media resources:

- A poster at the Planning counter at Town Hall;
- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;
- The Town's Instagram account; and
- The Town's NextDoor page.

CEQA DETERMINATION:

The proposed Amendments to the Town Height Pole and Netting Policy for Additions and New Construction are not considered a project under the California Environmental Quality Act.

CONCLUSION:

A. Summary

The Town of Los Gatos has a Height Pole and Netting Policy for Additions and New Construction, and staff has developed a list of a number of elements that might warrant modification. The discussion topics were developed following research by staff on other story pole policies and with input from local story pole installers.

B. Recommendation

The Story Pole Policy has been forwarded to the Planning Commission for review. Staff recommends that the Planning Commission:

1. Receive and consider public comments;
2. Complete the review of the existing Story Pole Policy;
3. Provide input on any recommended modifications to the Story Pole Policy; and
4. Forward a recommendation to the Town Council to approve modifications to the Story Pole Policy.

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SUBJECT: Story Pole Policy Amendments

DATE: April 21, 2023

CONCLUSION (continued):

C. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council that no changes be made to the Story Pole Policy; or
2. Continue the matter to a date certain with specific direction to staff.

EXHIBITS:

1. Current Story Pole Policy
2. Story Pole Installer Input

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## **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:**

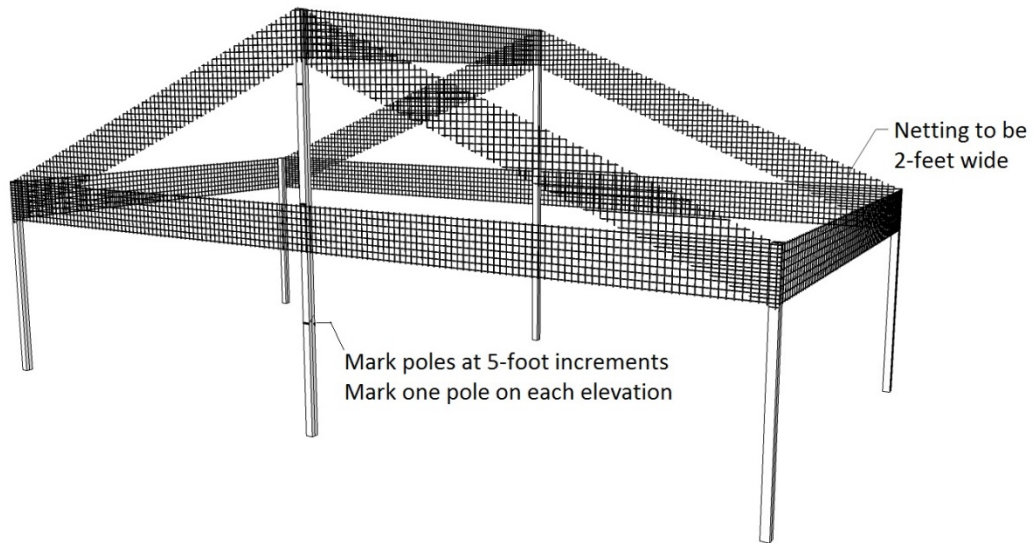
The number of story poles may vary with each specific project. At the discretion of the project planner, story pole locations shall adequately demonstrate the height, mass, and bulk of the project requiring review. At a minimum, story poles shall be placed at all outside building corners of the building 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. Pursuant to Section 29.10.1005 of the Tree Protection Ordinance, the attachment of wires, signs, or ropes to any protected tree is prohibited. 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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**From:** Dallas Rutherford  
**Sent:** Thursday, March 23, 2023 10:08 AM  
**To:** Jennifer Armer  
**Cc:** Ashley Snodgrass; California Story Poles  
**Subject:** Re: Story Poles in Los Gatos

Hi Jennifer,

Thanks for the email.

The Los Gatos story pole policy seems to be pretty clear and works fairly well for majority of residential projects, however, I do have a couple suggestions for taller commercial projects.

The first suggestion would be for heights above somewhere in the 35' tall range, especially in areas that have exposure to high winds. Using 2' mesh is quite problematic. Poles shorter than 30' generally don't catch much wind and won't require numerous repairs during the installation period, however, larger projects indeed catch a serious amount of wind, which requires much shorter spans between poles which raises the price. Most other jurisdictions in the bay area allow pennant flag rope for most projects which catches very little wind and generally won't need repairs, as well as less poles. We have been allowed to put up flagging on some tall areas of projects, such as the North 40 project as well as the senior living development on Woods. However, we were told to put 2 rows of flagging which is very difficult to install and usually only one line of flagging can be kept tight. I'm my opinion, the second row does not make it any more visible and only adds to the cost to the property owner.

Second, when commercial projects have very small side setbacks or zero setbacks and the pole height is above 20' or so it is hard to secure the pole safely without the need to obtain permission from the neighboring property to tie off guy wires to. Allowing poles to be set inward on the property to around 6-8' of the property line would be the suggestion.

Lastly, when we install poles at a functioning business there are frequently issues where our poles both impair the business and are damaged by cars, pedestrians, or vandalism. The business owners frequently want to remain open during the installation period which is problematic both during the installation itself as well as the period they remain up. I'm not sure what a good solution to this would be short of allowing some problematic poles to be eliminated and to allow flag rope instead of 2' mesh as it can span nearly 75' as opposed to around 30' for the 2' mesh. This would also make the installation less intrusive and less expensive to the owner. There is also a problem when a closed business is not allowed to have a temporary fence installed around the perimeter. For example, the closed car dealership at Los Gatos Blvd and Los Gatos Almaden Rd. We have installed poles on the proposed buildings on the lot over the last 6 years or so. Each time we have had issues with both cars pulling into the lot and hitting poles or breaking guy wires, as well as pedestrian traffic. The owner did

EXHIBIT 2

install bollards to prevent vehicular traffic for this round of poles but I believe they were told they cannot install a temporary perimeter fence during the installation. There are some homeless people whom I believe have repeatedly caused damage to the poles / guy wires. When there is no perimeter on a project we specifically accept no liability for property or personal injury and I believe as part of the approval process the city forces a waiver of liability from the applicant but also requires the poles to be installed. It would only seem fair to me to at a minimum allow a perimeter fencing to be installed by the property owner to protect them from liability.

I hope that was useful, I'd be happy to discuss further if you would like. Feel free to email or call anytime.

Many Thanks,  
Dallas Rutherford

Dallas Rutherford  
[www.californiastorypoles.com](http://www.californiastorypoles.com)



April 20, 2023

To Whom It May Concern:

Story poles are only for a silhouette, not secondary design features such as dormers etc.

Tying to trees is beneficial many times for safety and support, and does not damage trees in any way. Los Gatos is the only city or county that restricts tying to trees.

Flag poles for many projects are a safe alternative for the taller structures, near power lines or near setbacks where the lines cannot extend off the property site.

Projects should be evaluated within 30 days of installation.

There is no template that can be used for pricing story pole installation, as the staking needs are unique to each project.

Sincerely,

Steve Babcock

Steve Babcock's Storypoles

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