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A P P E A R A N C E S:

Los Gatos Planning Commissioners:  
Jeffrey Barnett, Chair  
Steve Raspe, Vice Chair  
Susan Burnett  
Melanie Hanssen  
Kathryn Janoff  
Emily Thomas

Town Manager: Laurel Prevetti

Community Development Director: Joel Paulson

Town Attorney: Gabrielle Whelan

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P R O C E E D I N G S :

CHAIR BARNETT: We'll move onto Agenda Item 3, which is also a request for a recommendation to the Town Council, this time on Modification to the Town Height Pole and Netting Policy for Additions and New Construction, and the proposed amendments to the Town policy are not considered a project under CEQA.

I'll ask if Staff has a presentation on this matter?

JENNIFER ARMER: Good evening, Chair, Vice Chair, Commissioners. The item in front of you is consideration of changes to the Town's Height Pole and Netting Policy, often referred to as the Story Pole Policy.

This discussion was requested by Town Council as part of recent discussion of requests for exceptions to the current Story Pole Policy, as well as being included as an implementation program in the current Draft Housing Element.

This was expected to be a work plan for discussion by Council Policy Committee, but they directed Staff to move forward and bring the discussion to Planning

1 Commission for consideration and recommendation to Town  
2 Council on what changes might be warranted based on  
3 previous discussion with Town Council, as well as outreach  
4 to story pole installers, architects, and developers in  
5 town.

6           The written Staff Report includes several topics  
7 for discussion, including projects over 35' in height, guy  
8 wires particularly when the story poles are close to  
9 property lines, projects with multiple buildings,  
10 interference with existing residences and businesses, and  
11 the exception process. These items are intended to initiate  
12 tonight's discussion, but we also invite questions and  
13 recommendations for other modifications.  
14

15           This concludes Staff's presentation, but I'd be  
16 happy to answer any questions.

17           CHAIR BARNETT: Thank you for that report.  
18 Questions from the Commissioners for Staff? Commissioner  
19 Hanssen.

20           COMMISSIONER HANSSEN: We received a comment  
21 letter in the addendum and one of the items mentioned was  
22 about having to submit a story pole plan preceding  
23 implementing the story poles, and it's mentioned in the  
24 Staff Report that there are certain jurisdictions in Santa  
25

1 Clara County that do not have story pole requirements and  
2 other ones do. Do most people that have story pole policies  
3 require a story pole plan, or do they leave it the experts  
4 to implement it?

5 JENNIFER ARMER: Thank you for that question. I  
6 don't have that level of detail on the other policies that  
7 other municipalities have. It does seem to vary  
8 significantly from one community to another as to how they  
9 implement this requirement. In some cases there is a  
10 written policy that is available online, in other cases it  
11 is just a Staff policy that is required as part of  
12 processing these projects, and the types of projects that  
13 they apply to also varies from one community to another, so  
14 we saw a wide variety of that.

16 COMMISSIONER HANSSEN: Thank you for that. It was  
17 probably more (inaudible) than I would have expected that  
18 you would have, but I wanted to add onto that question and  
19 ask when we do these view corridor things outside people do  
20 the view corridors, and when we do CEQA we get an outside  
21 company to do the CEQA, so why do we require a story pole  
22 plan? It wasn't on the list of discussion topics, but when  
23 I saw the letter it made me think what would happen if we  
24 didn't do that.

1 JENNIFER ARMER: Thank you for that question. I  
2 would say that taking a look at the introduction to the  
3 current Story Pole Policy is very helpful in understanding  
4 the purpose behind having a policy like this. It emphasizes  
5 two primary purposes. One is to show the size and massing  
6 of the proposed buildings or renovation, and the second is  
7 to call attention to the proposed project for public  
8 involvement, and so based on that language I would say that  
9 those are the goals.  
10

11 There are other ways to address those particular  
12 issues: signage and then simulations or other types of  
13 flagging, for example, some of the examples that were  
14 provided in the Staff Report. Did that answer your  
15 question?

16 COMMISSIONER HANSSEN: No, what I was asking was  
17 it's not about whether they do story poles or not, it was  
18 specifically about having to submit a written story pole  
19 plan prior to putting up the story poles. Why do we do  
20 that, and what would happen if we didn't require that step  
21 in the process?

22 JENNIFER ARMER: Based on my experience in  
23 looking at story pole plans it's often helpful for Staff to  
24 ensure that there are poles representing the massing of the  
25

1 building in compliance with the Story Pole Policy, but in  
2 general a lot of the times the certification that we  
3 receive states that the story poles are consistent with the  
4 proposed plans, so I think there is room for that type of  
5 modification if the Planning Commission is supportive of  
6 that. Then I want to check in with our Community  
7 Development Director to see if he has any further thoughts  
8 on that.

9  
10 JOEL PAULSON: I will say just for discussion,  
11 the potential implication is we don't have a plan, they put  
12 up poles, we go out and look at them and say, "That doesn't  
13 work. Modify them." We still don't have a plan, they modify  
14 them, and it still doesn't meet what we want. So the plan  
15 really is, "Here's the plan. Put them up," and there we go.  
16 So that's the other side of it for the potential  
17 implications.

18 COMMISSIONER HANSEN: That's good for now.

19 CHAIR BARNETT: Commissioner Burnett.

20 COMMISSIONER BURNETT: Thank you, Chair. I feel  
21 that our Story Pole Policy has served us very well since  
22 1998. I think it's very important for citizens to have  
23 story poles.  
24  
25

1 I have one question for Staff. A 35' tall  
2 building, for example, how high is 35'? Because we keep  
3 talking about 35' and the wind and how that affects at 35',  
4 so how tall is 35' if we're looking? Can you give me an  
5 example?

6 JENNIFER ARMER: What I would say is that in many  
7 areas in town, residential or commercial, the maximum  
8 height currently is 30-35', and so that gives you a sense.  
9 In downtown the maximum height is 45'. We do have  
10 properties that exceed those height limits in some cases,  
11 but if you think of the housing that you see around town,  
12 if it's a two-story house it's often between 28-35',  
13 sometimes a bit smaller.

14 COMMISSIONER BURNETT: Thank you.

15 CHAIR BARNETT: Other questions of Staff? I have  
16 a question. I should know the answer to this, but are story  
17 poles required if there are added roof elements to a  
18 single- or second-story house that do not affect the  
19 massing?  
20

21 JENNIFER ARMER: If there are roof elements that  
22 don't affect the massing, based on that description I would  
23 say that no, story poles would not be required. We do  
24 occasionally have additions to an existing two-story home  
25

1 where the addition would change substantially the massing  
2 of that second story. It may only be requiring a Minor  
3 Residential Development Application and so wouldn't be  
4 going to a public hearing, but that we would request the  
5 story poles be installed. Also, if it's a brand new second  
6 story on an existing single-story house, we do require them  
7 for those.

8 CHAIR BARNETT: Understood. Thank you. Other  
9 questions? Vice Chair Raspe.

10 VICE CHAIR RASPE: Thank you, Chair. I had a  
11 question for Staff. Just anecdotally, I'm having problems  
12 with the orange netting versus any other type of material  
13 that we can use for story poling, for instance, the pendant  
14 flagging or any others. I know we went through a period of  
15 very high wind and weather in the past several months. I'm  
16 curious, just again in your experience, have those  
17 particular materials proved more problematic than others,  
18 for instance?

19 JENNIFER ARMER: Thank you for that question.  
20 Yes, as you will see in the comments from the story pole  
21 installers there is concern when you go over 30-35',  
22 especially if it's in an area where it will be catching the  
23 wind, that that can cause hazards for those taller poles  
24  
25



1 when you use the netting. There didn't seem to be a concern  
2 with using the flagging instead.

3           This was the source of the recent story pole  
4 exception requests, because there were taller buildings  
5 involved in the Wood Road project and then in the  
6 Winchester Boulevard project that will be coming forward to  
7 you in the coming months. There were concerns, and so a  
8 request for an exception to the Story Pole Policy did go to  
9 Town Council, and that is where we got this discussion of  
10 should we include a specific exception that if it's over a  
11 certain height they'd be allowed to do some alternative  
12 method?  
13

14           VICE CHAIR RASPE: Thanks very much.

15           CHAIR BARNETT: Other questions? We have a card  
16 from Ms. Wiersema. If you could come forward, please? I'll  
17 open the public hearing.

18           BESS WIERSEMA: Hi, Bess Wiersema, Studio3, but  
19 I'm not here for just me. I'm here representing Gary  
20 Kolhsaat, Tony Jeans, Tom Sloan, Jennifer Kretschmer, Louis  
21 Leu, Noel Cross, and Jay Plett.

22           After Jennifer sent the notification out about  
23 the story pole potential revisions, or discussion or  
24 whatever we're calling this, we did all get together,  
25

1 because I think one thing that I can say we all have in  
2 common is we strongly disagree that story poles are  
3 helpful.

4           We actually believe they are more hurtful and  
5 that they are an outdated method for displaying and  
6 explaining a project. We live in a time where people can do  
7 3-D models and can pin them to a height requirement or to a  
8 pole, and then turn those in and they're going to actually  
9 show the finished product of what a project looks like.  
10 They're not going to be ugly, orange, flapping poles that  
11 deer run into, bicyclists run into, kids run around, get  
12 torn down, etc.

14           I think all of us would agree that if someone  
15 built a house that looked like something that was story  
16 poled none of us would like that house, and yet that's  
17 exactly what story poles convey. They do not convey  
18 anything that exists in the character of how we are  
19 supposed to design homes as architects.

20           Massing can be better seen in 3-D models, and  
21 visualization and should be allowed to be an exception  
22 unless a project is highly contested or needs to go to  
23 Planning Commission. I think these are all things that you  
24 guys would find to be actually more useful in terms of  
25

1 creating neighborly conversation between houses and their  
2 built environment, changes in their built environment, and  
3 also are more realistic.

4 I want to remind you that story poles that sit in  
5 hillsides do not show things like retaining walls, terraced  
6 hillsides, the other grading that occurs on the site that  
7 creates a finished product in the end, and so often the  
8 interpretation of what we consider massing is really  
9 irrelevant to actually what it is in the long run.

10 We do have a concern about the way story pole  
11 plans are reviewed in town. No other jurisdiction locally  
12 that we do have story poles go up in has a review process  
13 that's as significant as the one here in Los Gatos. The one  
14 in Los Gatos is time consuming, requires more rounds of  
15 revisions, and in an effort to try to streamline the  
16 process we just respectfully ask that you trust the  
17 professionals that are putting them up and putting a  
18 certified letter together for you. We don't need to build a  
19 whole house out of pick-up sticks and netting.  
20

21 Lastly, I do want to correct something. We do get  
22 required to put story poles up on existing second homes,  
23 even for things like dormers, because while there is the  
24 option that we can maybe ask for an exception, often the  
25

1 exception is not granted. I have several projects of my own  
2 that I could speak to, and I know that the architects all  
3 have others too, and that was one of the reasons we wrote  
4 some of those bullet points in there saying if we're adding  
5 dormers to an existing second story house, yes, dormers can  
6 change some of the massing, but they're really not changing  
7 the big over all footprint and mass of the home, so we  
8 often even on a Minor Residential application are required  
9 to do story poles. These just add more time and more  
10 expense.  
11

12 A basic story pole package, including plans, for  
13 a regular new home in Los Gatos costs about \$20,000. I'm  
14 sure we'd all rather spend \$20,000 on beautiful  
15 architectural details, especially if the house is not  
16 contested by neighbors and meets the design guidelines.

17 CHAIR BARNETT: Thank you. I'll ask if there are  
18 questions for you from the Commissioners? I'm not seeing  
19 any, so thank you for that. Ms. Somers.

20 CATHERINE SOMERS: Catherine Somers again with  
21 the Los Gatos Chamber of Commerce.

22 This is really kind of a big topic, but I would  
23 start with saying that houses at the end of the day are not  
24 orange and they're not see-through, and I think that Bess  
25

1 was correct in stating that story poles are something that  
2 we used to rely on, but now there are so many other tools,  
3 but with that said I do actually still believe that we need  
4 to come up with other ways of engaging the public perhaps  
5 so that they can go and utilize those other tools that are  
6 available.

7  
8           However, going back to the story poles, I do  
9 think that they are truly causing impediments, and I'm  
10 really here representing a lot of my members again at the  
11 Chamber of Commerce who are architects and builders and who  
12 have been really frustrated with this process as of late,  
13 and I'm hoping that you'll consider tonight coming up with  
14 other options so that they can work through these building  
15 processes more quickly and efficiently, because it really  
16 is causing some strain and concern, not only on the part of  
17 the architects and the builders, but also on the homeowners  
18 themselves.

19           It's also causing constraints on the Building  
20 Department themselves because we're spending a lot of time  
21 on some of these residential homes that really are pretty  
22 easy maybe, and then we have a lot of commercial projects  
23 also, so I think we need to alleviate some of that street  
24

25

1 from our Building Department if that's at all possible.

2 That's one other point.

3           Then the last one, I've watched the Planning  
4 Commission deliberate over some of the story poles and what  
5 it looks like to you, the orange story poles that are see-  
6 through, and I think the architects in particular are  
7 professionals and they've gone to school for this for years  
8 and years, and sometimes when they're talking about 2'  
9 versus 3' or an indent here or an indent there, I think we  
10 really have to learn to accept and acknowledge that they  
11 know what they're talking about, and so I think if they're  
12 saying right now that the story poles are obsolete and  
13 there are other ways of sharing with the public what their  
14 designs will look like, then they should be able to do it  
15 that way. There will still be opportunities for you to say  
16 nope, that doesn't fit the character, or no, that's too  
17 high, but I just think that the story poles aren't really  
18 telling that story anymore. Thank you.

20           CHAIR BARNETT: Thank you, Ms. Somers. Are there  
21 questions from Commissioners for you? No. Thank you very  
22 much.

23           JOEL PAULSON: Chair, we do have a speaker that  
24 is on Zoom.

25

1 CHAIR BARNETT: Thank you very much for bringing  
2 that to my attention.

3 JOEL PAULSON: I'm going to allow Don Capobres to  
4 speak. Go ahead. You have three minutes.

5 DON CAPOBRES: Good evening, Chair Barnett,  
6 Commission, and Staff. I really wish I were there in  
7 person. My name is Don Capobres with Harmonie Park  
8 Development. I've worked on the North Forty project for  
9 over 15 years.

10  
11 In the context in which we were required to  
12 implement it, the Town's story pole policy is an anti-  
13 housing development tool.

14 In his February 10<sup>th</sup> letter on the Town's Draft  
15 Housing Element, which was sent to HCD, our attorney Eric  
16 Phillips stated, "Requiring story poles creates unnecessary  
17 tension within the community and can create false  
18 expectations about the Town's ability to deny or modify  
19 design elements such as height or massing that are  
20 consistent with the Town's development standards. For  
21 example, during phase one of the North Forty development,  
22 acres and acres of unsightly story poles stirred up angst  
23 among community members to temporarily derail the approval  
24 process.  
25

1           However, given that the phase one development and  
2 many other housing developments are protected by State laws  
3 that prevent the Town from denying or reducing the density  
4 of housing development projects, including the Housing  
5 Accountability Act, the State Density Bonus Law, story  
6 poles do nothing more than create unnecessary opposition to  
7 projects that are legally entitled to move forward. Said  
8 simply, the Town's outdated story pole policy is impeding  
9 housing production. We will continue to voice this  
10 sentiment to HCD and other decision makers as long as  
11 policies such as this remain in the books.

13           The Town must allow simpler, less burdensome, and  
14 more effective ways of providing notice and information  
15 such as large informational signs posted onsite, and using  
16 3-D renderings, fly-through videos, and other technological  
17 methods that convey similar information without  
18 unreasonably burdening development projects. This is  
19 especially true as to meet the Town's housing needs it will  
20 have to allow for taller buildings with heights that make  
21 the Town's current story pole policy technically infeasible  
22 to implement.

24           Further, unless members of the public are invited  
25 to walk the interior of a private property, and also we did



1 invite some officials onsite in phase one, there is no  
2 requirement to do so. Story poles can only be seen from  
3 public right-of-ways, making understanding the context of a  
4 larger proposal increasingly challenging.”

5 I do have specific data regarding costs and  
6 logistics on the story pole exercise for phase one on the  
7 North Forty and I’m happy to share if you have any  
8 questions. Thank you.

9  
10 CHAIR BARNETT: Thank you, Mr. Capobres, and I’ll  
11 ask if any Commissioners have questions for you? I’m not  
12 seeing any. Thank you very much. We have no further  
13 speakers on Zoom.

14 If there is no further discussion by the  
15 Commissioners, I’ll call for a motion.

16 JENNIFER ARMER: Through the Chair, once you have  
17 closed the public hearing, then we would go back to  
18 discussion with the Commissioners.

19 CHAIR BARNETT: Thank you, I omitted that. So we  
20 will close the public portion of the public hearing and now  
21 ask Commissioners if they have further questions for Staff,  
22 wish to comment on the request, or propose a motion?  
23 Commissioner Hanssen.

1                   COMMISSIONER HANSSEN: This is sort of a question  
2 for Staff. As I read the Staff Report it looked to me like  
3 this was a substitute for a Policy Committee meeting in the  
4 form of a Planning Commission. What I thought we were  
5 supposed to be doing is taking the topic, for example,  
6 projects over 35' feet in height. There's a question at the  
7 end, "Should modifications be made to allow one or two rows  
8 of flagging for buildings over 35' in height?" What I  
9 thought we were going to do is similar to what we did with  
10 the last item where we would discuss each one of these  
11 items, and I think what we're trying to do is make a  
12 recommendation to Council on ideas, concepts, for the Story  
13 Pole Policy to go back to Council or the Policy Committee,  
14 or I'm not sure, so my question is am I on the right track  
15 and what is Staff hoping for out of this?  
16

17                   JENNIFER ARMER: Thank you for that question.  
18 Yes, we did structure this Staff Report similarly to the  
19 last item with sub-topics of interest. This is not quite as  
20 fully developed in terms of direction or recommendation  
21 from the Staff since there are a number of topics that  
22 could have a number of different solutions, and so looking  
23 for some initial direction from Planning Commission for  
24 Staff to develop some additional details, or if the  
25

1 Planning Commission finds that they have specific  
2 recommendations that they feel comfortable making at this  
3 time to Town Council, we can do that as well, so on each of  
4 these items I think it will depend on whether the Planning  
5 Commission feels they have sufficient information to make  
6 suggested changes which we could then take forward to Town  
7 Council, or whether there is additional information or  
8 input that you are looking for.

9  
10 COMMISSIONER HANSSEN: A follow up question.  
11 Nowhere in the Staff Report is a discussion topic saying  
12 should we or should we not have a Story Pole Policy. Do you  
13 want us to have that discussion as well?

14 JENNIFER ARMER: As I stated in my presentation,  
15 we would welcome any discussions about the Story Pole  
16 Policy, which we have heard interest in maintaining, but  
17 maybe that is the recommendation of the property line about  
18 whether we should have one at all or whether it should be  
19 modified, and if modified, then in what ways?

20 CHAIR BARNETT: Commissioner Burnett.

21 COMMISSIONER BURNETT: Not a question for Staff,  
22 but I can make my own comments.

23 CHAIR BARNETT: Please, go ahead with your  
24 comments.  
25

1                   COMMISSIONER BURNETT: I think instead of talking  
2 for architects and builders I'm talking for the citizens of  
3 Los Gatos.

4                   I feel, and I think story poles have served us  
5 actually very well since 1998. We've had this policy moving  
6 forward, and as I say, I think it's an important policy and  
7 I think story poles are important, and I think people in  
8 general are made aware of a project and that could affect  
9 the project, it could affect their view, it could affect  
10 the light, it could affect the streetscape. When you see  
11 story poles you get a good feeling of what's going to be  
12 there, and I think that's important. When you're driving by  
13 you see that's going to be coming up.

14                   They say videos and photos and whatever, but  
15 people aren't going to be looking at videos; they're not  
16 going to take the time to do that. You want to see what's  
17 going to be built. You want to get a feeling for it. You  
18 want to see if mountains are going to be hidden. There are  
19 so many different concerns.

20                   Then comments like other towns are no longer  
21 using story poles. Well, if you look at the towns that  
22 they've suggested, these are big towns. We're Los Gatos.  
23 We're a small town and we're impacted more, so I think it's  
24  
25

1 more important to know what's happening in the Town, and I  
2 think they're especially important in the hillsides. That  
3 was interesting. I really want to see what's happening in  
4 my hillside; I want to see those story poles.

5 I would make suggestions that maybe we could  
6 streamline the permit process to make it easier and maybe  
7 try to cut costs for the builders; I'm sympathetic to that,  
8 so maybe that could be one area. We would look at the  
9 buildings that are very high, over 35', and maybe think of  
10 different colored flags. I know there was an issue with two  
11 sets of flags, and maybe it's because they're the same  
12 color, maybe that was why they couldn't be seen.

14 Then there was the idea of putting your poles if  
15 the property line is... What did I say? Put the poles inward  
16 on the property, because I know there was an issue about  
17 where you put the poles; I know that was an issue.

18 But in general I think the citizens of Los Gatos  
19 like story poles, and personally I think we should keep  
20 them in, maybe with some suggestions for small changes and  
21 adjustments. Thank you.

22 CHAIR BARNETT: Thank you for those comments.  
23 Commissioner Thomas.

24  
25

1           COMMISSIONER THOMAS: I guess I have a question  
2 for you, Chair. Are we going to go through each of these  
3 projects, or do you want us to first give our generic  
4 overview, or should we go through each of the items as  
5 recommended for the discussion and direction by Staff on  
6 page 62.

7           CHAIR BARNETT: We're going through A, B, C, D,  
8 E, and F.

9           COMMISSIONER THOMAS: Are we going through by  
10 order, or no?

11           CHAIR BARNETT: Why don't we proceed in that way,  
12 as suggested by Commissioner Hanssen? Let's go with A on  
13 projects exceeding 35'.

14           COMMISSIONER THOMAS: Yes, and so can I ask a  
15 question about that?

16           CHAIR BARNETT: Please.

17           COMMISSIONER THOMAS: I don't know if you can  
18 answer this, but my question is what are the options and  
19 the cost difference for things that are different for  
20 projects over 35' in height?

21           JENNIFER ARMER: Thank you for that question. I  
22 don't have information specifically about the cost. I think  
23 it varies significantly on the different types and  
24  
25

1 complexity of projects. The height of the poles is one of a  
2 number of factors that affects the cost. Also the time that  
3 they are up and whether they need repair, for example, and  
4 so that's one of the concerns when they do become taller.  
5 The main recommendation for an alternative for those taller  
6 poles was the use of flagging instead of the netting, and  
7 then is there another height beyond which it's just not  
8 reasonable to use poles at all, but that alternative  
9 methods might be considered, or the complexity?  
10

11           As we're going through these different topics I  
12 think that's very useful, but I would also say that we want  
13 to make sure at the end of the discussion to consider  
14 whether there are other topics that have been brought up by  
15 the commenters, for example, the idea of additions to  
16 single-family homes or new single-family homes. Should  
17 those be excluded completely or under certain categories?  
18 So there definitely are additional topics in addition to  
19 what was listed in the Staff Report.

20           COMMISSIONER THOMAS: Can I follow up?

21           CHAIR BARNETT: Please.

22           COMMISSIONER THOMAS: I do think that the  
23 requirement of the 2' netting is problematic and we all  
24 know why, and so I do think that flagging is a good  
25

1 alternative, but I also feel like we should explore as a  
2 town other alternatives, just story poles for some  
3 situations and mainly to also compare the cost, if it could  
4 streamline anything for Town Staff, but also the cost to  
5 developers and everything. Twenty thousand dollars maybe  
6 isn't a lot to a large developer building a lot of housing,  
7 but we don't want this to be an impediment to meeting our  
8 RHNA requirements.

9  
10 CHAIR BARNETT: Thank you. Any other comments on  
11 A? Commissioner Janoff.

12 COMMISSIONER JANOFF: This may not be a popular  
13 approach, however, I'm in favor of all the changes Staff  
14 has recommended, A-F, but I think it misses larger points  
15 that the architects have raised, as well as others in the  
16 community.

17 I do think story poles serve a purpose, but I  
18 think it is a strange purpose. For me, they generally  
19 represent height and that's about it. As the testimony has  
20 come forward tonight, if the height is within our Zoning  
21 Code, then why would we have the flags or netting or  
22 whatever it might be, because that's not a contestable  
23 thing.



1           We ask for netting or we ask for story poles  
2 specifically when you're asking for an exception, so it's  
3 higher than. This was the case on Ms. Wiersema's project,  
4 and so we thought it was very important that the neighbors  
5 see this is where it's going to be and we think 3' makes a  
6 difference, so when there is an exception being asked for I  
7 think it makes sense.

8           I guess I didn't realize that story poles are  
9 required for not just projects that go the Planning  
10 Commission, but for projects decided by Staff.

11           I think it's really important that we do use the  
12 tools of the 21<sup>st</sup> century or whatever. There are so many  
13 great modeling tools, and I would say even that model that  
14 we had of the North Forty that sat out in the lobby of the  
15 Civic Center for a long time was an interesting tool.  
16 Miniaturized wasn't helpful in terms of seeing its overall  
17 impact, but we have such great tools with rendering  
18 software and the capabilities of our experts that those  
19 should be considered as a requirement perhaps over story  
20 poles. I have an issue with the plans being required when  
21 we've got the story poles when they are required, being  
22 certified, and installed by experts.  
23  
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1           In short, we got a lot of really good information  
2 in the amendments and the comments and I think that input  
3 isn't reflected in the six topics that we are being asked  
4 to talk about. It just seems like there are some bigger,  
5 broader issues.

6           I don't want to monopolize forever, but the issue  
7 of story poles came up most recently when we were talking  
8 about the Housing Element and the negative impact or the  
9 governmental barrier it has on developing housing. It may  
10 be different, \$20,000 when you're developing a single-  
11 family residence is one thing, but your story poles are  
12 going to be really complicated if you've got a more  
13 complex, larger structure, so that's going to be a  
14 significantly greater cost, and if that's a negative impact  
15 on the Town's ability to see housing getting developed, I  
16 think we really have to think about that too.

18           So for me, what Staff is recommending is okay,  
19 but it doesn't cover the larger conversation. I feel like  
20 we need a second recommendation from Staff having gone  
21 through what we're hearing from the experts.

22           CHAIR BARNETT: I noted that the alternatives  
23 presented on page 65 included a possible motion to continue  
24 the matter to a certain date. Commissioner Hanssen.  
25

1                   COMMISSIONER HANSSEN: I was going to go exactly  
2 there. After listening to the discussion and considering  
3 the input from the architects I think it would be worthy to  
4 continue this to have a more discussion, because I think  
5 the fundamental issue has to start with whether or not we  
6 have story poles and under what circumstances, and then  
7 these things that are listed in the Staff Report are kind  
8 of details and specific cases of story poles, and I think  
9 there's a bigger discussion.  
10

11                   I did want to also add that, as Commissioner  
12 Janoff noted, this did come up in the Housing Element  
13 discussion, but I will say that when we discussed it  
14 briefly at the Housing Element meeting back about a month  
15 ago Council Member Hudes spoke very passionately about the  
16 importance of story poles and how he would never let them  
17 go away on his watch, that they are the thing that our  
18 residents have to hold onto with all this new building, and  
19 he's only one person that's speaking. It is a very  
20 controversial topic and I think it's worthy of having the  
21 whole picture to discuss, and maybe we don't have that  
22 right now.  
23

24                   CHAIR BARNETT: Let me start with Commissioner  
25 Thomas, and then I'll go the Commissioner Janoff.

1                   COMMISSIONER THOMAS: I agree that I think some  
2 points were brought up and I feel like I would like to be  
3 able to do some more looking around at what other districts  
4 have done for options and in changing requirements and  
5 everything like that, so I do think that it would be  
6 helpful to do that, but I think that it would also be  
7 helpful to Staff to tell them exactly what we want more  
8 information on for further discussion, so that would be my  
9 recommendation.  
10

11                   One of the things would be like specifically  
12 looking at some certain projects and language from some of  
13 these other locations where story poles are and are not  
14 required, and specifically I'm very interested in Los Altos  
15 versus Los Altos Hills, because I think that Los Altos  
16 Hills is in the hills and Los Altos is not, and one removed  
17 and the hillside area didn't, and we have both those  
18 spaces, so what might that look like on a policy level for  
19 maintaining some of that in areas that are in our  
20 hillsides? We have different requirements for stuff.

21                   CHAIR BARNETT: So we don't have a motion to  
22 continue yet, but maybe one is developing. Ms. Armer.

23                   JENNIFER ARMER: Thank you. I would definitely  
24 ask that we get specific direction as to what additional  
25

1 information the Planning Commission needs to further this  
2 conversation. As previously stated, we invite you to talk  
3 about topics that weren't listed in the Planning Commission  
4 report. In the written Staff Report we included some  
5 topics, but not even specific recommendations, just ideas  
6 that we had heard, and we received additional ideas in the  
7 public comment, and those are worth discussing as well, so  
8 that should not stop the Commission from discussing those  
9 questions in whatever order or fashion works for you.

10  
11           If there are specific questions about other  
12 agencies, story pole policies that I could answer now, I do  
13 have a number of those here in front of me in terms of, for  
14 example, the City of Los Altos did just remove their  
15 policy, they don't require it. The town of Los Altos Hills,  
16 however, does have a policy and they require it for new  
17 buildings, second story additions, additions exceeding 900  
18 square feet that increase the roof height, etc. I could go  
19 through the full list.

20           But if there are particular questions, I may be  
21 able to answer some of that, or if there are particular  
22 topics that you can include in discussion tonight and then  
23 really narrow in on what additional information Staff can  
24 provide for further discussion.

1 CHAIR BARNETT: Vice Chair Raspe.

2 VICE CHAIR RASPE: Thank you, Chair. I think it  
3 makes perfect sense to continue this discussion with  
4 specific direction to Staff, and I actually wanted to join  
5 almost 100% with all the comments that Commissioner Janoff  
6 said.

7 I came from Los Angeles before I lived here, and  
8 one of the things you first notice as you come into town  
9 are story poles; we don't have those in Los Angeles. I  
10 think they serve a purpose. I think they help you, and as  
11 Commissioner Burnett noticed, you visualize site lines that  
12 you don't get from renderings.

13 That being said, it's also my view that you don't  
14 need them for every project, and we can certainly, I think,  
15 start moving towards a more 21<sup>st</sup>/22<sup>nd</sup> century use of  
16 technology. The renderings, I think, are going to be great.  
17 The problem with that is not every one of our citizens is  
18 ready to use all those tools, and so I don't think we can  
19 today jump to just renderings as opposed to story poles,  
20 but I think as a town we should start moving there.

21 What I would like to see as part of our further  
22 discussion is perhaps a discussion of what technology is  
23 available and who is using it.  
24  
25

1 I would also like a discussion, as Commissioner  
2 Janoff indicated, on should we be using this only when  
3 variances are sought and perhaps not use them if no  
4 variances are sought and everything is built pursuant to  
5 code? What's the use essentially of the story poles?

6 Then maybe perhaps thirdly, a discussion of  
7 commercial versus residential uses of story poles and  
8 should there be a distinction in those applications? One  
9 certainly applies more directly to business, but I guess  
10 they both do since they both impact architects and  
11 builders.

12  
13 Off the top of my head, those are the areas I  
14 think I would like to see a little bit further information  
15 from Staff, so thank you.

16 CHAIR BARNETT: Any other specific  
17 recommendations to Staff? We'll start with Commissioner  
18 Burnett.

19 COMMISSIONER BURNETT: Thank you, Chair. I would  
20 say that we could have exceptions to story poles, that some  
21 large projects, maybe like the North Forty where it's very  
22 specific plans, you have the density, the intensity, the  
23 height, the massing is pretty well talked about,  
24 documented, and so it's not a huge surprise, I think, to  
25

1 the Town or the Town's people driving by that area that  
2 this is coming about, this is going to be part of Los  
3 Gatos. There could be a model down at the Council chamber  
4 like they'd had previously; of course it didn't turn out  
5 looking like that, but it would still be available. So I  
6 could see there would be structures that wouldn't need  
7 story poles.

8  
9           Where I think story poles are so important are  
10 neighborhoods and the downtown area where there's a lot of  
11 vitality and a lot of community activities going on, so I  
12 could see where we could have exceptions to story poles,  
13 which would help with the building costs for the large  
14 projects like the North Forty; I would think that that  
15 could work.

16           So there are options. I think we could meet in  
17 the middle and get all our needs met. Thank you.

18           CHAIR BARNETT: Thank you. Other comments or  
19 suggestions? Commissioner Janoff.

20           COMMISSIONER JANOFF: Council Member Hudes makes  
21 an interesting point, and he is one voice, one vote.  
22 However, without alternatives that's probably where most  
23 people would land, so I'd be interested in understanding  
24 why the other municipalities in the County have eliminated  
25



1 their requirement for story poles. Was that a recent thing?  
2 Are they tied to the Housing Element and the whole barriers  
3 thing? In particular, Los Altos on February 14<sup>th</sup>, I'm  
4 assuming that was related to the..

5 COMMISSIONER HANSSEN: Yes.

6 COMMISSIONER JANOFF: So they probably got a  
7 comment back from HCD and said there's a barrier to remove.

8 I also think that the letter alone from the group  
9 of architects has a number of points that could be  
10 discussed, particularly the last seven or so. No single-  
11 story home. No single-story addition. No story poles  
12 required if there are added roof elements that don't change  
13 the overall height. Simplified to show the main ridges.

14 Part of the problem that I have with story poles  
15 sometimes is that you're seeing so many poles representing  
16 different peaks of different elements, and some of the  
17 homes that are architected are so interesting in their  
18 rooflines you get a lot of mixed up sightlines, so you  
19 really do see. So I think there's a list here that's a good  
20 list to start from in terms of grouping what would be  
21 excluded and what might not be excluded for purposes of  
22 discussion going forward.  
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1 CHAIR BARNETT: Thank you. Other specific  
2 recommendations for Staff investigation? Commissioner  
3 Thomas.

4 COMMISSIONER THOMAS: I have a list of questions  
5 and comments. Basically the first one is just what are the  
6 main alternative options to story poles, especially for  
7 single-family homes? Like some of these suggestions that  
8 were listed: additions, remodels, and just new development.

9  
10 Then how can we best ensure that the story poles  
11 don't impede our Housing Element plans for moving forward?  
12 Because we know that that's a concern and it's going to be  
13 hard for us to get that stuff done, so we don't want to  
14 just add extra trouble for ourselves.

15 Is it legal or are we allowed to only require  
16 story poles when variances are requested? Can we align some  
17 of the story pole requirements or alternatives to story  
18 poles requirements with... If we were going to make  
19 distinctions between things, would it be about density with  
20 regard to housing? Would it be with number of units, or lot  
21 size, or FAR? What is the defining thing that would  
22 triggers story poles going up because this is considered a  
23 big project? We see projects that are asking for variances,  
24 or it's the biggest house in the neighborhood, or it's a  
25

1 new this in the neighborhood, etc., so what would trigger  
2 the story poles maybe needing to be put up for some  
3 specific projects? What are the parameters and how might we  
4 best go about that in a way that is streamlined and easy  
5 for everyone to understand?

6           Then how can we still make sure, because I think  
7 that this is really the concern that everyone is talking  
8 about and Council Member Hudes' main concern, that  
9 neighbors know that construction is going to happen, that  
10 things are going to be torn down, that new stuff is going  
11 to be built or added on? What alternatives are there to  
12 these big, ugly things that do often scare people and that  
13 don't also follow up by looking at the plans in as much  
14 detail as we maybe do? How can we really make sure that  
15 people are still aware that projects are happening? I think  
16 that is a lot of peoples' main concern, because it is true.  
17 I walk around in my neighborhood on a walk with my dog or  
18 my friend and I see orange poles, and that triggers an oh,  
19 this is happening and I'm aware of what's going on in town,  
20 so I do think that that is a concern. How do we flag  
21 something so that neighbors and people walking by know in a  
22 way that is no quite a egregious as a story pole but is  
23  
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1 better than just a small sign in front of someone's house,  
2 so where does that happen?

3 My last question is the legality of looking at  
4 the distinction between hillside areas and not. Is that  
5 something that would be easy for us to distinguish between,  
6 or would Staff or the Town Attorney recommend that it needs  
7 to be a more blanket policy with regard to all housing and  
8 a different policy for commercial, etc.?

9  
10 CHAIR BARNETT: Commissioner Hanssen.

11 COMMISSIONER HANSSEN: I would like to echo what  
12 was said earlier. I would like to understand a little bit  
13 more about actually the jurisdictions that are still  
14 keeping their story pole policies. In looking at the list,  
15 the Towns are all place where there are a lot of views.

16 I will also add that as difficult and expensive  
17 it was for the North Forty, the North Forty Specific Plan,  
18 we had our own Specific Plan committee with I believe 11  
19 people on it who met for years and years. The plans were  
20 under development for years and years. The time it really  
21 got the Town's attention was when the story poles went up.  
22 This is what always happens, and so I think we would have  
23 to think really long and hard about removing the  
24 requirement for story poles period. That would be a very,  
25

1 very difficult discussion for our town, but there is  
2 probably a lot of intermediate discussions about maybe if  
3 you're just adding a second story addition maybe that's not  
4 necessary, especially when you consider the cost relative  
5 to the cost of the development, things like that.

6 CHAIR BARNETT: Commissioner Janoff.

7 COMMISSIONER JANOFF: I think Commissioner Thomas  
8 raises an interesting point about what could we install to  
9 raise the flag?  
10

11 The other thing I'd like to comment on is the  
12 orange netting in a hillside setting, like we had on this  
13 recent project, was alarming. I don't know if it's possible  
14 to have beige netting instead of orange netting, but it is  
15 true that it sends a message of alarm, and that starts a  
16 negative conversation before it starts a positive one, I  
17 think, so I think that point is well taken.

18 Yet I do agree that the conversation gets going  
19 when the netting goes up, and we hear many, many times  
20 people will say, "I had no idea until I saw the orange  
21 poles next door," so it really does serve as notice, even  
22 the requirement to notice your neighbors is there, and even  
23 though the better notification of your neighbors include  
24 renderings so you can see what it's actually going to look  
25

1 like in your neighborhood, not everybody looks at those. So  
2 what are people doing to make sure? What are communities  
3 doing to make sure neighbors are alerted, the community is  
4 alerted?

5 CHAIR BARNETT: I'm going to jump in with a  
6 couple of my own. The issue was raised about whether the  
7 flagpole requirements are in violation of the Housing  
8 Accountability law or perhaps other statutes promoting  
9 housing. I think it would be good for the Town Attorney to  
10 respond to us on that issue.  
11

12 Then concerning Mr. Rutherford's email of March  
13 23<sup>rd</sup>, he brought up the issue of flag ropes as a more  
14 feasible alternative, particularly in higher heights, and I  
15 think that feedback on that would be helpful.

16 He also made a point about fencing not being  
17 allowed, which he thought was a safety issue. I thought he  
18 said a fence had been applied for but not granted. I think  
19 that was on the car dealership in particular. Thank you.

20 Commissioner Burnett and then Commissioner  
21 Thomas.

22 COMMISSIONER BURNETT: Thank you, Chair.  
23 Question: What is the average length of time the story  
24 poles are up? Is there any number?  
25

1           JENNIFER ARMER: It varies greatly. Thank you for  
2 that question. It can be that it's put up and we send out  
3 the notice and within a month a decision has been made and  
4 the appeal period has been completed. For example, if it  
5 was a new second story addition that stayed as a Minor  
6 Residential Development Application.

7           But for many it is for several months, because  
8 the story poles need to go up, and then we need to notice  
9 for public hearing, get notice in the newspaper, and then  
10 following the public hearing, even if there is only one,  
11 there then is the additional ten-day appeal period.

12           Then we have some that are up for a very long  
13 time as it goes through various Commission meetings or than  
14 appeals.

15           COMMISSIONER BURNETT: Thank you for that. I have  
16 a follow up question.

17           CHAIR BARNETT: Go ahead, please.

18           COMMISSIONER BURNETT: Not a question, but a  
19 comment. Another reason why I think story poles are  
20 important, there was a large home that was built in my  
21 neighborhood and we didn't realize the mass of it until the  
22 story poles went up, and that alerted the neighbors and we  
23 were able to meet with the contractor, the designer, the  
24  
25

1 builder, and the massing was reduced. So that's a key part  
2 of why story poles are important, especially in a  
3 neighborhood. You get the feeling of what it's going to be  
4 and it's the massing and the height, and we were able to  
5 speak with the owner and builder and be able to make  
6 adjustments, which was a much better project for our  
7 neighborhood.

8 CHAIR BARNETT: Thank you. Commissioner Thomas,  
9 we want to get back to you.

10 COMMISSIONER THOMAS: Thank you. I completely  
11 understand and agree. Like I said, the story poles tell us  
12 when a project is happening, but like with the North Forty,  
13 by the time the story poles go up it's too late really for  
14 the public and neighbors to be heavily involved in the  
15 process of deciding what this project is going to end up  
16 being and looking like, and so for us I feel like story  
17 poles go up, people come to Planning Commission meetings,  
18 neighbors are upset because they didn't understand, and  
19 we're sitting here telling people that have gone through  
20 all of the processes they're supposed to, done everything  
21 they're supposed to do, like you have to go back a couple  
22 of steps to appease your neighbors, and that process is not  
23 productive, so I think that we should really try to be  
24  
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1 innovative and creative in the way that we let the public  
2 know, and maybe we need to start getting some ideas of  
3 alternatives to story poles out sooner in the process,  
4 specifically I think with residential projects, because I  
5 know that that's what we deal with a lot, but with  
6 residential projects or the big, giant, huge projects, like  
7 get public comment in sooner so that it can actually be  
8 taken into account, because that's where it becomes so much  
9 tension.  
10

11           When the North Forty thing happened people were  
12 so, so upset, and we don't want to be a reactionary town  
13 that is making policies after the fact to fix things, so  
14 getting more people involved beforehand, informing people  
15 earlier on in the process is the thing that is going to  
16 make it more productive for everyone involved, and I don't  
17 know the answer to how we do that, but I think that looking  
18 at how maybe other places have tried to do that is  
19 something that would be really helpful.

20           JOEL PAULSON: Through the Chair, prior to the  
21 Vice Chair speaking, just for a little background. If  
22 someone comes up to the counter and say, "I'm thinking of  
23 doing a project," make sure you talk to your neighbors.  
24 They don't talk to their neighbors. They submit their  
25

1 application. We give them the comments. Make sure you talk  
2 to your neighbors. Staff does that, but many people choose  
3 not to take that option and we can't force them or require  
4 them to do that, but I want to make sure that you have that  
5 context.

6           COMMISSIONER THOMAS: Thank you, and I think that  
7 people do just hope that it squeaks by and they get it  
8 through and people just won't notice the giant story poles  
9 or whatever, or it's too late in the process, but I do  
10 think that with individuals it's hard, but maybe with some  
11 of the bigger projects there is something that we can do  
12 earlier on to get more people involved. Thank you.

14           CHAIR BARNETT: Vice Chair Raspe, you had a  
15 comment?

16           VICE CHAIR RASPE: I think you raise great  
17 points. I just wanted to raise a kind of counter point. I  
18 think it was the Wood Road project where we had story poles  
19 up, and I guess it was very early on in the process, and  
20 the neighbors had really... So I would agree with you, story  
21 poles I think are most useful if we can do it right at the  
22 outset and it's an accurate reflection on what the project  
23 is going to be, and I think in that particular instance  
24 it's not just the immediate neighbors, because those were  
25

1 in sight lines, so the entire town had a great idea of what  
2 was proposed up on that hill.

3 CHAIR BARNETT: Do we have any other comments? Go  
4 ahead, Commissioner Thomas.

5 COMMISSIONER THOMAS: Thank you, Chair and Vice  
6 Chair. I totally agree that that was really helpful, and it  
7 was early on in the project. I have no idea if this is even  
8 normal or possible, but is it possible for us to explore  
9 options where if someone wants to develop something and  
10 they want to build something around the height requirement,  
11 then putting things up earlier in the process, because we  
12 all know it doesn't reflect the mass or what the finished  
13 product is going to look like, so is that something? I see  
14 Ms. Armer maybe with an idea.

15 JENNIFER ARMER: Thank you for that question. The  
16 one caution that I would give is that it's not unusual that  
17 through the Staff review process, and particularly review  
18 by the Town's consulting architect, that there do end up  
19 being changes to the proposed massing of the building, and  
20 so those kinds of changes then, if it was for example, a  
21 project that was coming to Planning Commission for review,  
22 would then necessitate changes to the story poles,  
23  
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1 additional ones being installed, and so could in the end  
2 compound the expense and requirement for those projects.

3 CHAIR BARNETT: Thank you for that. I think we're  
4 ready for a motion to continue if there are no more  
5 specific recommendations for Staff. Not seeing any, so I'll  
6 entertain a motion to continue, and I'll be asking Staff if  
7 there's a projected date for that?

8 JENNIFER ARMER: Thank you for that question. We  
9 would recommend that it be continued to May 24<sup>th</sup>, and if we  
10 need more time to prepare the information you've requested,  
11 then we could always continue it at that time.

12 CHAIR BARNETT: Thank you. Vice Chair Raspe, were  
13 you raising your hand?

14 VICE CHAIR RASPE: I probably was, so I will go  
15 ahead. I will make a motion to continue the matter before  
16 the Planning Commission, specifically the discussion of  
17 recommendation to Town Council on Modifications to Town  
18 Height Pole and Netting Policy for Additions and New  
19 Construction to a date certain of May 24, 2023 so that  
20 Staff can gather information requested by Planning  
21 Commission and commentators this evening.

22 CHAIR BARNETT: Thank you. Is there a second?  
23 Commissioner Burnett.

24  
25

1 COMMISSIONER BURNETT: I second.

2 CHAIR BARNETT: Is there discussion on the  
3 motion? Commissioner Thomas.

4 COMMISSIONER THOMAS: I just have a question  
5 about the pathway that this takes after we will make our  
6 recommendation on the 24<sup>th</sup>, and then it goes to Town  
7 Council, and then what happens?

8 JENNIFER ARMER: As with other recommendations  
9 that you have made, for example the objective standards,  
10 this is something that once the Planning Commission feels  
11 they have something that they can recommend, it would go to  
12 Town Council and then Town Council would consider the  
13 modifications to the policy.  
14

15 COMMISSIONER THOMAS: Thank you.

16 CHAIR BARNETT: Any further discussion? If not,  
17 I'll call the question. Commissioner Hanssen.

18 COMMISSIONER HANSSEN: Yes.

19 CHAIR BARNETT: Commissioner Thomas.

20 COMMISSIONER THOMAS: Yes.

21 CHAIR BARNETT: Vice Chair Raspe.

22 VICE CHAIR RASPE: Yes.

23 CHAIR BARNETT: Commissioner Burnett.

24 COMMISSIONER BURNETT: Yes.  
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CHAIR BARNETT: And Commissioner Janoff.

COMMISSIONER JANOFF: Yes.

(END)