



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/01/2023

ITEM NO: 15

DATE: July 27, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider Adoption of a Resolution Modifying the Height Pole and Netting Policy for Additions and New Construction. The Proposed Modifications to Town Policy are Not Considered a Project Under the California Environmental Quality Act. Project Location: Town Wide. Applicant: Town of Los Gatos.

RECOMMENDATION:

Consider adoption of a resolution modifying the Height Pole and Netting Policy for Additions and New Construction.

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. This policy requires 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 3, Exhibit 1).

As part of recent Town Council considerations of story pole exception 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.

PREPARED BY: Jennifer Armer, AICP
Planning Manager

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

BACKGROUND (continued):

On April 26, 2023, Planning Commission considered potential modifications to the Story Pole Policy (Attachments 3 and 4). The discussion was continued to May 24, 2023, with a request for additional information (Attachment 5).

On May 24, 2023, Planning Commission considered the additional information (Attachments 5, 6, and 7), and forwarded a recommendation to Town Council to modify the existing Story Pole Policy (Attachment 8), as described below.

DISCUSSION:

On May 24, 2023, Planning Commission provided a series of recommendations to Town Council to modify the Story Pole Policy. The recommendations are described below under the following topics: Types of Development Projects; Physical Requirements; Allowances from the Requirements; Public Notice; Exception Process; and Story Pole Plan Requirement. The overall intent of the Planning Commission recommendations was to keep the story pole requirement because of the recognized benefit that it provides within the Town's development review process, and reduce the burden of the story pole process and installation, particularly for certain types of projects. A draft revised Story Pole Policy with changes red-lined (Attachment 1) reflects the Planning Commission recommendations. The discussion below also includes additional changes identified by staff that the Town Council could choose to add, modify, or incorporate.

A. Types of Development Projects

The current Story Pole Policy applies to the following types of applications:

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

The Planning Commission recommendation is to require story poles to be installed for the following project types:

1. Residential projects, if the project includes:
 - A new two-story house or second story addition where both of the adjacent neighbors on the same side of the street are single-story homes; or
 - A request for a variance or exception to physical characteristics of the building(s).

DISCUSSION (continued):

2. Properties on the Historic Resource Inventory, if the project includes:
 - New buildings (excluding single-story accessory structures);
 - Residential second story additions; or
 - Non-residential additions exceeding 100 square feet.
3. Properties in the Hillside Area as defined in the Hillside Development Standards & Guidelines, if the project includes:
 - New buildings; or
 - New second story additions.
4. Non-residential projects, if the project includes:
 - A request for a variance or exception to physical characteristics of the building(s).
 - Non-residential additions exceeding 100 square feet; or
 - New buildings over 50,000 square feet.

In addition to these recommendations, staff recommends consideration of the following:

1. To avoid an unintentional requirement for story poles where not currently required, staff recommends the policy clearly state that they only be required for primary structures.
2. For non-residential projects, staff notes that there is an inconsistency that new structures under 50,000 square feet would not require story poles, but an addition as small as 101 square feet to an existing structure would require story poles. Staff recommends that the 100 square foot addition trigger be revised to apply to additions greater than 50 percent of the existing floor area.
3. A statement specifying how these requirements apply to mixed-use projects. For example, the “residential projects” criteria above could be reworded to applied to single-family, duplex, and triplex projects, and the “non-residential projects” could apply to all others (multi-family, commercial, and mixed-use).

The Planning Commission recommendation provides for the following exemptions:

1. Projects containing a high level of affordable housing.
2. Homes not visible from viewing platforms or the public right-of-way.

The Planning Commission was not specific on the percentage of affordable housing that would need to be included to trigger the recommended exemption. This exemption could be provided to projects proposing 100 percent affordable housing or exceeding the Town’s below market price (BMP) program requirements (Town Code Section 29.10.3025).

DISCUSSION (continued):

For example, if the exception were allowed for projects that were double the standard BMP requirements, then it would apply for projects that:

- Contain five (5) or more but less than twenty (20) market rate units and provide 20 percent BMP units;
- Contain from twenty (20) to one hundred (100) market rate units and provide double the number of BMP units calculated through the following formula: 0.225 multiplied by the total number of market rate units minus 2.5; or
- Contain more than one hundred (100) market rate units and provide 40 percent BMP units.

For the second recommended exemption, staff notes that story poles are already used to determine visibility of a proposed residential project from viewing platforms. Staff recommends that the reference to visibility from public right-of-way be modified to be “public right-of-way adjacent to the subject property.”

B. Physical Requirements

The current Story Pole Policy requires that roof lines be represented by at least two-foot wide orange woven plastic snow fencing. Planning Commission recommends that flag rope be allowed instead of netting when buildings are over 35-feet tall.

C. Allowances from the Requirements

The Planning Commission recommends the following reductions in the standard story pole requirements:

1. Reduce the number of poles required for multi-building developments to only include the tallest structure and those along the perimeters of the site.
2. Limit the length of installation to no more than 30 days after the first public hearing.
3. Allow relocation of story poles when close to property lines, and allow guy wires to attach to existing site features like fences, but not trees.

The Planning Commission did not give specific guidance on the implementation of item 3 above. If Council agrees with this recommendation, staff recommends not allowing guy wires in the public right-of-way or on adjacent private property.

DISCUSSION (continued):

D. Public Notice

The Planning Commission recommends the following requirements to ensure that public notice is provided on all projects:

1. Require on-site signage for all publicly noticed projects.
2. Require QR codes and email contact information on signage.
3. Recommend signage earlier in the process.
4. Provide signage standards to ensure visually striking signs.

The Town Council may want to define visually striking signage, the timing of signage installation, and any other parameters. In addition, staff recommends that Town Council consider whether the Story Pole Policy should also include allowance for visual simulations in certain circumstances.

E. Exception Process

The Planning Commission recommendation is that exceptions to the story pole policy be reviewed by the Community Development Director, in place of the existing process which requires Town Council review. Staff recommends that Town Council consider whether to include any specific guidance on when exceptions should be considered/allowed and based on what criteria.

F. Story Pole Plan Requirement

The Planning Commission recommendation is that story pole plans be optional.

PUBLIC OUTREACH:

Staff conducted outreach through the following media and social media resources, as well as direct email communication to the Chamber of Commerce, architects, developers, and story pole installers, as summarized below:

- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;
- The Town's Instagram account;
- The Town's NextDoor page; and
- Direct email communication to the Chamber of Commerce, architects, developers, and story pole installers.

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SUBJECT: Story Pole Policy Modifications

DATE: July 27, 2023

ENVIRONMENTAL ASSESSMENT:

In accordance with CEQA Guidelines Section 15378, the proposed ordinance amendments are not a “project” subject to CEQA because the proposed amendments will not impact the physical environment.

CONCLUSION:

Staff recommends that the Town Council adopt a resolution to adopt the revised Story Pole Policy document based on the Planning Commission’s recommendations (Attachment 2 with Exhibit 1), with findings that the project is not subject to the California Environmental Quality Act [Section 15061(b)(3)] and is consistent with the General Plan; and includes any specific changes agreed upon by the majority of the Town Council.

ALTERNATIVES:

Alternatively, the Town Council may:

1. Continue this item to a date certain with specific direction to staff;
2. Refer this item back to the Planning Commission with specific direction; or
3. Take no action, leaving the policy unchanged.

ATTACHMENTS:

1. Draft Revised Story Pole Policy with Changes Red-Lined
2. Draft Resolution with Exhibit 1
3. April 26, 2023 Planning Commission Staff Report with Exhibits 1-2
4. April 26, 2023 Planning Commission Addendum Report with Exhibit 3
5. April 26, 2023 Planning Commission Verbatim Minutes
6. May 24, 2023 Planning Commission Staff Report with Exhibit 4
7. May 24, 2023 Planning Commission Addendum Report with Exhibit 5
8. May 24, 2023 Planning Commission Desk Item Report with Exhibits 6
9. May 24, 2023 Planning Commission Verbatim Minutes