



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 04/26/2023

ITEM NO: 3

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

Reviewed by: Community Development Director

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.

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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