



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

**MINUTES OF THE PLANNING COMMISSION MEETING
MAY 24, 2023**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, May 24, 2023, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 PM

ROLL CALL

Present: Vice Chair Jeffrey Barnett, Vice Chair Steve Raspe, Commissioner Susan Burnett, Commissioner Kylie Clark, Commissioner Melanie Hanssen, and Commissioner Emily Thomas
Absent: Commissioner Kathryn Janoff

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS

None.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approval of Minutes – April 26, 2023

MOTION: Motion by Vice Chair Raspe to approve adoption of the Consent Calendar. **Seconded by Commissioner Thomas.**

VOTE: Motion passed unanimously.

PUBLIC HEARINGS

2. Modifications to the Town Height Pole and Netting Policy

Applicant: Town of Los Gatos

Location: Town Wide

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.

Jennifer Armer, Planning Manager, presented the staff report.

Opened Public Comment.

Jessie Bristow, Swenson Builders

- Our proposed project on Shelburne Way and Winchester Boulevard would be 38 feet. We used string flags to accommodate that size, because netting cannot be used for that height, and have received approval for an exception to create a 3D video of the project, which we feel articulates the architecture in the finished project much better. I would agree with the discussion that it could be a constraint for future housing. Our initial install was about \$70,000, and on top of that we pay about \$7,000 monthly to rent the flags. I think there are alternative solutions, such as renderings and videos using today's technology, and encourage a change to the policy, especially with future RHNA housing goals and bonuses that allow the height to be broken.

Lee Fagot

- New construction is impactful townwide, and therefore all members of the Town should be able to see what this new construction would look like. The virtual technology with story poles helps give a better image of the potential impact from different perspectives, particularly with the hillsides. Could have less dense netting that would not be impacted by strong winds, but story poles without netting makes no sense. Also, the suggestion to put flags at the top where the peak of a roof would be would help to give a perspective. The story poles should be marked every 10 feet starting at the new grade. Story poles have been working for a long time, and while there is a cost associated with them the benefit is the larger community gets to see what the impact would be on that site.

Noel Cross

- As stated in the comment letter written by Bess Wiersema, from six or eight local architects, story poles are more hurtful than helpful and don't represent the character of the building. They represent only the worst parts of the structure, the height and bulk, but do not communicate nuance, materials, color, shade, shadow, roofline, proportion, all the things architects care passionately about and work on in our 3D renderings. In over 35 years as an architect, I've learned that the neighbors of our projects are very fearful, mostly about the unknown, and because story poles convey none of the nuance and beauty, it only stokes the fear and makes it worse, and our renderings are way better at communicating what is actually going on. The irony is the color of story pole netting is orange with an LRV of 44, but the Hillside Design Guidelines require new buildings be less than an LRV of 30, so why have something orange and fluorescent when that is not what is going to be up there?

Bess Wiersema

- Maybe there are projects that don't need story poles. If something is highly contested, or a larger project, or is asking for an exception or variance, maybe those are the projects that are story poled, but if neighbors are fine with looking at 3D computer models and renderings, those are more helpful. We suggest having a study session for a group of design professionals, owners, developers, story pole contractors, and Town staff and to come back to the Planning Commission with a collaborative recommendation that has more specifics. There are two issues here: 1) story poles do not accurately represent a project; and 2) the process in which the Town deals with story poles, which is where we'd like to see additional streamlining.

Don Capobres

- At the last hearing there was general consensus that story poles are largely effective in alerting the general public about potential land uses, and I believe that, but there has to be a better way to do this. Some of our biggest concerns during the North Forty story pole program were: 1) they should have been done when there was a chance for the public to make an impact on the land use policy decisions, not when an application that complied to the Specific Plan was submitted; 2) we put up over 600 story poles at the North Forty at a cost of nearly \$1 million, and the general public could not see the interior story poles; and 3) we were required to keep the 600-plus story poles up for over six months as the various Planning Commission and Town Council hearings were extended, and that put a lot of cost into it, as well as danger from weather impacts, and we had to provide free rent to businesses out there. The length of time the story poles were up, was not helpful to anyone; if the main intent was to alert the public, they knew within the first couple of weeks. Technology has made great advances as other speakers have commented. We have an 80-foot building proposed for phase 2 and renting cranes to do story poles for that is cost prohibitive. We advocate for tethered balloons, photo-simulations, computer renderings, QR code-based technology, and physical models made via 3D printing.

Closed Public Comment.

Item A – Story Pole Requirement

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Thomas** to recommend to Town Council retaining the requirement for installation of story poles for development projects with further details coming in other sections. **Seconded by Commissioner Burnett.**

Commissioners discussed the matter.

VOTE: **Motion passed unanimously.**

Item B – Types of Development Projects

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Thomas** to recommend to Town Council the following types of projects be required to install story poles: 1) Residential: if a project is the first two-story home in the immediate neighborhood or requests a variance or exception to physical characteristics of the structure; 2) Historic Districts: all new residential and non-residential buildings, all residential second story additions, and non-residential additions exceeding 100 square feet; 3) Hillsides: new buildings or second story additions; 4) Generic commercial outside of the Historic Districts: additions over 100 square feet only or new projects asking for variances or exceptions to physical characteristics of the structure; and 5) Affordable Housing: projects that include a certain amount of affordable housing, to be determined by Town Council, shall be exempt.

Vice Chair Raspe requested the motion be amended to include story pole requirements in the Commercial Zones: 1) where there is a variance sought with respect to massing, location, or the physical structure; and 2) all structures over 50,000 square feet.

The maker of the motion accepted the amendment to the motion.

Seconded by Commissioner Hanssen.

Commissioner Hanssen requested the motion be amended for residential to include two-story homes that have single-story homes on both sides.

The maker of the motion accepted the amendment to the motion.

The maker of the motion amended the motion to modify the language regarding homes in Historic Districts to: “Homes within the Historic Inventory that are new residential and non-residential buildings or residential second-story additions.”

The seconder accepted the amendment.

The maker of the motion amended the motion to modify the language to exclude the story pole requirement for projects where there is no visibility from the public right-of-way.

The seconder accepted the amendment.

VOTE: **Motion passed unanimously.**

Item C – Modify Physical Requirements

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Thomas** to recommend to Town Council that alternatives to netting, such as flag rope, could be allowed above 35 feet.

Commissioners discussed the matter.

Seconded by Commissioner Hanssen.

VOTE: **Motion passed unanimously.**

Item D – Provide Alternatives

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Clark** to recommend to Town Council that: 1) A reduced number of story poles be allowed for multi-building projects so only the outer buildings and the tallest building need to be story poled; 2) There be a QR code and email address included on the signage; 3) the story poles only be required to be in place until 30 days after the initial public hearing; 4) Signage shall be required for projects covered by the current Story Pole Policy story poles; 5) Consider having signage up earlier than the story poles; and 6) Standardize signage to ensure it is noticeable. **Seconded by Commissioner Thomas.**

Commissioners discussed the matter.

VOTE: **Motion passed unanimously.**

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Hanssen** to recommend to Town Council allowing the relocation of story poles located close to property lines without getting an exception, and allow attaching guy wires to other structures onsite, with the exception of trees. **Seconded by Commissioner Clark.**

Commissioners discussed the matter.

VOTE: **Motion passed unanimously.**

Item E – Modify Exception Process

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Raspe** to recommend to Town Council the Community Development Director be the decision maker for all story pole and signage exception requests. **Seconded by Commissioner Hanssen.**

Commissioners discussed the matter.

VOTE: **Motion passed unanimously.**

Item F – Story Pole Plan Requirement

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Clark** to recommend to Town Council making a story pole plan optional rather than required. **Seconded by Commissioner Thomas.**

Commissioners discussed the matter.

VOTE: **Motion passed unanimously.**

Item G – Housing Element

Commissioners discussed the matter.

OTHER BUSINESS

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

None.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

General Plan Committee

Commissioner Hanssen

- The Housing Element Advisory Board has not met since March, but the General Plan Committee met on May 10, 2023, to discuss considering a General Plan amendment for a property on Los Gatos Boulevard, and recommended approval.
- The General Plan Committee elected a new Chair, Ryan Rosenberg, and a new Vice Chair Emily Thomas.

Historic Preservation Committee

Commissioner Burnett

- The HPC met on May 24, 2023, and discussed two items:
 - o Homeowner and architect seeking advice and recommendations on a second story addition to maintain the look and feel of the historic home.
 - o Demolition of an older ADU. The HPC recommended the demolition and building the new ADU similar to the historic primary home.

Commission Matters

None.

ADJOURNMENT

The meeting adjourned at 10:17 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the April 24, 2023 meeting as approved by the Planning Commission.

/s/ Vicki Blandin