



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 01/24/2024

ITEM NO: 1

**DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
DECEMBER 13, 2023**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, December 13, 2023, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 PM

ROLL CALL

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

Absent: None.

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS

None.

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

1. **Approval of Minutes** – October 25, 2023
2. **Approval of Minutes** – November 8, 2023

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

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

3. **212 Thurston Street**
Architecture and Site Application S-23-009
APN 410-15-039.
Property Owner/Applicant: Meleah Guillard
Project Planner: Maria Chavarin

Open a Public Hearing for a Request for Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence with Reduced Setbacks on Non-Conforming Property Zoned R-1D, and Continue the Matter to January 10, 2024. Categorically Exempt Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15303(a): New Construction or Conversion of Small Structures.

Jennifer Armer, Planning Manager, presented the staff report.

Opened and Closed Public Comment.

MOTION: **Motion by Vice Chair Raspe** to continue the public hearing to a date certain of January 10, 2024. **Seconded by Commissioner Janoff.**

VOTE: **Motion passed unanimously.**

4. Draft 2024 Planning Commission Meeting Calendar

PUBLIC HEARINGS

5. 224 Old Adobe Road

Minor Development in a Historic District Application HS-22-051

APN 407-09-029

Property Owner/Applicant: Vinodha Bala

Project Planner: Savannah Van Akin

Consider an Appeal of a Community Development Director Decision to Deny a Fence Height Exception Request for a Constructed Eight-Foot Fence Located in the Rear Yard on Property Zoned R-1:10. The Project is Categorically Exempt Pursuant to the Adopted Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Section 15303: New Construction or Conversion of Small Structures and Section 15301: Existing Facilities.

Savannah Van Akin, Assistant Planner, presented the staff report.

Opened Public Comment.

Vinodha Bala, Property Owner

- A seasonal creek runs in an alleyway behind Old Adobe Road and terminates at the corner of our property, and the storm drain runs along the rear property line, so the fence is constructed at that low point, lower than the rest of the property and the house. Our rear

neighbor complained to us about privacy concerns during a pool installation in our back yard despite an existing 10 to 11 foot wood lattice fence, an approximate five-foot high chain link fence running behind the lattice along the actual property line, and trees planted. Town staff visited our property to discuss replacing the lattice with a solid wood fence to ameliorate her concerns. The neighbor verbally agreed to the height of the fence, the material, and the location, but she ignored our requests that she split the cost of the fence pursuant to the California Good Neighbor Fence Law. When we notified her that construction would soon begin she requested we construct the new fence on our property line and leave the existing chain link fence on the property line in place, which would shorten our back yard; we again agreed in order to find a peaceful resolution. We are asking for this fence height exception because we have been subjected to un-neighborly harassment and intimidation when we have operated in good faith and made every attempt to resolve her issues, as outlined. Due to the slope of the property a shorter fence would allow the neighbor a clear view into our yard and home, and vice-versa. This rear yard fence poses no risk to traffic like front fences at intersections, and it does not obstruct anyone's view of anything, except our neighbor's view of our yard and home.

Eva Mendoza, Neighbor

- The reasons for my complaints during the pool construction were about noise and the dust. It had nothing to do with the fence or the height of the previous fence. There is a row of trees back there that provides a lot of privacy. The lattice that was there was never a problem, but when the Applicant built that monstrosity of an eight-foot fence, it would create a hazard as far as emergency access to either of our yards or the creek. It is a truly unpleasant environment back there. Had the Applicant asked me with a configuration in mind and details of it, I would have paid for half of it.

Vinodha Bala, Property Owner

- Is there any way for us to take her up on the offer to split the cost of the fence? I don't know if there is an official way to do that, but this is the first engagement we've had about this, and we have text messages to prove there was communication regarding this for months before the construction of the fence.

Closed Public Comment.

Commissioners discussed the matter.

Opened Public Comment.

Commissioners asked questions of the Applicant.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Raspe** to grant an Appeal of a Community Development Director decision to deny a Fence Height Exception Request for 224 Old Adobe Road with modification to allow a six-foot solid fence with up to two feet of lattice based on Town Code 29.40.0320(4), special circumstances, specifically topography of the site. **Seconded by Commissioner Burnett.**

VOTE: **Motion passed unanimously.**

Appeal rights were recited.

3. 300 Marchmont Drive

Conditional Use Permit Application: U-12-002

APNs: 532-10-01 and 532-11-011

Applicant/Property Owner: Mark Silver/Hillbrook School

Project Planner: Jocelyn Shoopman

Annual Review of an Approved Conditional Use Permit for an Existing Private School (Hillbrook School) on Property Zoned HR-1.

Chair Barnett reported that he would recuse himself from participating in the public hearing regarding 300 Marchmont Drive based on the proximity of his residence to the subject site.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Opened Public Comment.

Mark Silver, Applicant

- I'm the Head of School at Hillbrook School and also a resident of Los Gatos. We have created a robust traffic demand management program with the expectation that everyone is walking, biking, shuttling, or carpooling to school, and have had great success with that. We are the one private school in Los Gatos that is part of Safe Routes to School. We are before the Planning Commission tonight because for the first time ever we had some violations. The bulk of the days with violations happened last March and April of 2023, the two rainiest months I can recall in all of my years in Los Gatos, so people used their vehicles and we have a small margin for error. To ensure that does not happen again we have added an additional transportation person to monitor what we are doing and when parents come onto campus. Regarding the school calendar, it would be very helpful to us to have the ability halfway through the year, in January, to make small amendments to the calendar that would not create a huge impact to our neighbors, and we request the Planning Commission consider that.

MINUTES OF PLANNING COMMISSION MEETING OF DECEMBER 13, 2023

Nancy Durham

- My property backs up to Hillbrook's back gate. We have no problems in our neighborhood and Hillbrook is doing a good job.

Chuck Hammers, on behalf of Applicant

- I'm on the Board of Trustees for Hillbrook, and also a neighbor of the school who walks down the streets almost every day. Compared to how it was with the neighbors ten years ago, it is like night and day. I see them walking their children to school and I don't feel the tension there used to be. The cap that we have in school is difficult to manage, because the pucks that are driven over are 30 to 40 feet outside the gate, so neighbors can drive over them; and they only count on the exits of the school, so the number of exits is doubled and that's how you get data. If there are over 440 exiting cars, that is over our limit. But children are unreliable and get sick, forget their lunches, have doctor's appointments, and these are things that can't be planned, and when only the exits are counted it is difficult because you can't turn the spigot off because they are already in the school, so it is remarkable that Hillbrook has gone eight years without going over. I truly am happy to be a neighbor and feel like we did something that truly changed the neighborhood with the CUP and allowed the school to grow.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Hanssen** to accept Hillbrook School's report and find it is in compliance with its Conditional Use Permit with a modification of Conditions of Approval 17(c) and 27 to post a schedule of events on the school's website accessible to the public at the beginning of each semester of the academic calendar year. Additionally, Hillbrook School shall have a representative from Sensys visit the school to complete an audit of the sensors.
Seconded by Commissioner Janoff.

Commissioners discussed the matter.

Opened Public Comment.

Commissioners asked questions of the Applicant.

Closed Public Comment.

VOTE: **Motion passed 5-0, Chair Barnett recused.**

Appeal rights were recited.

Chair Barnett returned to the meeting.

4. 517 San Benito Avenue

APNs: 410-18-018

Architecture and Site Application: S-23-024

Applicant: John Gutknecht

Property Owner: Candace Zaheri

Project Planner: Ryan Safty

Requesting Approval for Reduced Front Yard Setbacks on a Non-Conforming Property Zoned R-1:8. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures.

Jennifer Armer, Planner Manager, presented the staff report.

Opened Public Comment.

John Gutknecht, Applicant/Architect

- This project started as a renovation to make the home more livable. In the process we found dry-rot in the front covered entry and it had to be removed, and we reduced the setback with the new covered entry from what had been there. We were trying to match the architectural styles of the adjacent houses and the setbacks and thought we were doing a service by reducing the covered entry from what had been there previously. When you look at the street as a whole the setback and the new covered entry fit into the neighborhood quite nicely, even though the setback requirements are different across the street. We feel the house would really stick out without the covered entry, because the other houses have porches. With respect to the setbacks, there are two other houses nearby with similar or more non-conforming setbacks than the subject property.

Cecil Caufield

- I live next door to the subject site with my son, and we support our neighbor. We think the house looks great now.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Burnett to approve reduced front yard setbacks on a non-conforming property zoned R-1:8 for 517 San Benito Avenue. Seconded by Commissioner Thomas.**

VOTE: **Motion passed unanimously.**

Appeal rights were recited.

REPORT FROM THE COMMUNITY DEVELOPMENT DEPARTMENT

Jennifer Armer, Planning Manager

- The Story Pole Policy returned to the Town Council on December 5, 2023 for additional discussion and included a number of additional modifications, including allowing video simulations in place of story poles for all multi-family projects.
- The Town received the latest letter from the State regarding the Town's Housing Element on December 1, 2023. The State provided staff with preliminary feedback and clarification on the remaining four outstanding comments, and staff continues to work with its consultant to respond to those comments.
- The Town Council had its mayoral transition on December 12, 2023, with thanks given to outgoing Mayor Maria Ristow and a welcome to new Mayor Mary Badame and Vice Mayor Matthew Hudes.
- Commissioner Thomas has been reappointed to the Planning Commission.
- Adam Mayer, who has served on Housing Element Advisory Board and General Plan Committee, will join the Planning Commission in the new year.
- Thanks are given to Chair Barnett for his four years of service on the Planning Commission, and four years on the GPAC before that, as this is his last Planning Commission meeting.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

None.

ADJOURNMENT

The meeting adjourned at 8:59 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the December 13, 2023 meeting as approved by the Planning Commission.

/s/ Vicki Blandin

***This Page
Intentionally
Left Blank***