



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 12/13/2023

ITEM NO: 2

**DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
NOVEMBER 8, 2023**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, November 8, 2023, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 PM

ROLL CALL

Present: Chair Jeffrey Barnett, Commissioner Melanie Hanssen, Commissioner Kathryn Janoff, and Commissioner Emily Thomas.

Absent: Vice Chair Steve Raspe, Commissioner Susan Burnett.

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS

None.

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

None.

PUBLIC HEARINGS

1. 501 Roxbury Lane

Fence Height Exception Application FHE-23-004.

APN 407-31-026

Property Owner/Applicant/Appellant: Jared Susoev

Project Planner: Maria Chavarin

Consider an Appeal of a Community Development Director Decision to Deny a Fence Height Exception Request to Relocate an Existing Six-Foot Tall Fence Within the Required Street Side Yard Setback on Property Zoned R-1:8. Categorically Exempt Pursuant to the Adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures, and Section 15301: Existing Facilities.

Maria Chavarin, Assistant Planner, presented the staff report.

Opened Public Comment.

Jared Susoev, Applicant/Appellant

- There is a current six-foot fence at the property, but a remodel forces us to move the fence, and I understand any addition or fence movement is to be three-feet tall. It is my back yard that is exposed to the foot traffic, animals, and cars going up and down More Avenue. Existing neighborhood homes on More Avenue have six-foot tall fences abutted to their property lines, so my fence will maintain a consistent feel with the neighborhood. My neighbors are all in favor of me moving the fence and no one has concerns. We are at the intersection of More Avenue and Roxbury Lane where there is a traffic problem with teenagers driving through there recklessly. This fence adds protection from kids spinning donuts in this intersection, which has been happening since long before I bought the property. Safety for my family and pets is my number one concern.

Jesse Tannenbaum

- I'm the immediate next-door neighbor to the north of the subject site and we share a property line. A short three-foot fence is not in step with the neighborhood where many side and back yards face the roadway and have six-foot fences. There is also a safety factor with respect to the family's two grade school children who play in the fenced-in yard area. I fully support the approval of a six-foot fence on the adjacent property with no objection at all.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Janoff** to grant an appeal of a Community Development Director decision to deny a fence height exception request and approve the fence height exception for 501 Roxbury Lane due to special circumstance. **Seconded by Commissioner Thomas.**

The maker of the motion clarified that the motion would include the requirement that the proposed six-foot fence be located starting from the end of the existing fence facing Roxbury Lane, and then extend along More Avenue toward the rear of the lot and not be located closer than four feet from the property line/sidewalk.

VOTE: **Motion passed 3-1, with Commissioner Hanssen dissenting.**

2. 124 Garden Hill Drive

Fence Height Exception Application FHE-23-005

APN 424-23-084

Property Owner: Rushikesh Kulkarni

Applicant/Appellant: Martin Lettunich

Project Planner: Ryan Safty

Consider an Appeal of a Community Development Director Decision to Deny a Fence Height Exception Request for Construction of a Six-Foot Tall Fence Located Within the Required Front Yard Setback, Street Side Yard Setback, and Corner Sight Triangle on Property Zoned R-1:8. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures, and Section 15301: Existing Facilities.

Ryan Safty, Associate Planner, presented the staff report.

Opened Public Comment.

Martin Lettunich, Applicant/Appellant

- In the photograph shown on screen the portion of the fence outlined in red along the side yard was approved and permitted, so I don't know why all of a sudden that is not permitted. It used to go all the way around, and then we removed the section just above the three-foot line. The problem we have is there is absolutely no problem with viewing any traffic or pedestrians at the site; there is plenty of room on the sidewalk. The main issue here is there isn't an intersecting street. Our lot abuts only one street, Garden Hill Drive, and under most codes that is considered an interior lot, not a corner lot, so the rules the Town is applying to the street and our property are not appropriate to begin with. As shown in the video, there is absolutely no vision problems from the vehicle. The concern regarding the coyote is because the owner has small children that play in the yard. The required setback would take almost a third of the owner's yard away. The neighbors are supportive of the fence height, and they have the support of the definition under what the streets are and whether or not there needs to be a traffic triangle there.

Michael

- I live on Garden Hill Drive and drive past this corner every day. I very much support the height of this fence; in fact, when I first saw the shorter fence, I thought that it was a mar in the vision of the neighborhood and it was strange to look into my neighbor's back yard. I have no concerns about visibility as I'm coming around Garden Hill Drive in either direction, and I'm aware of the coyotes and other wild animals and agree there is a safety risk for his family.

Himanshu

- I live on Farm Hill Way, the adjoining street. I also cross this street daily and I have had not one visibility problem on this corner, so I don't think that's a concern. I agree with the concern regarding the coyotes and safety and do feel that a higher fence would be beneficial.

Niket

- We live just across the street on Green Hill Way. I have no concerns with the height of the fence being increased. In fact, our kids play in Rushikesh's back yard and we get worried with the shorter fence for our kids as well.

Nguyen Luu

- I live on Green Hill Way. I also drive through this road every day on my way to Highway 17. When I first saw the fence one side was high and one was low, and it looked strange. The safety concern is my car was broken into on my cul-de-sac, and two of my neighbors have had people come into their yards and break into their cars at night, so the reality is Los Gatos is not a safe town and it is important to feel safe living here.

Martin Lettunich, Applicant/Appellant

- One thing I want to point out is when you look at an intersecting street the corner lots are usually on each side of that street and it forms the area that the triangle applies to; there is no such thing on this street. There is no shoulder or curb on our side for a triangle to fit on, and on the other side it's the two lots that are on either side of Farm Hill Way that would be considered corner lots. Our lot is not a corner lot.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Thomas** to deny an appeal of a Community Development Director to deny a fence height exception request for 124 Garden Hill Road. **Seconded by Commissioner Hanssen.**

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

REPORT FROM THE COMMUNITY DEVELOPMENT DEPARTMENT

Jennifer Armer, Planning Manager

- The Town Council met November 7, 2023:

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- Continued discussion on and creation of the Housing Element Overlay Zone with a vote to apply it to all but one of the sites in the Sites Inventory.
- The discussion on applying the Housing Element Overlay Zone to the site at 101 South Santa Cruz Avenue, also referenced as the post office site, was postponed to a future meeting when further information is available.
- Adopted the Accessory Dwelling Unit Ordinance updates, choosing to retain the parking requirements rather than the Planning Commission recommendation to remove them, but otherwise upheld the Planning Commission's recommendations as well as some additional staff-recommended design standards.
- Discussion of the Story Pole Policy was initiated on August 1, 2023 and scheduled to continue to the Town Council on December 5, 2023.
- Planning Commission recruitments remain open until November 10, 2023, due at 4:00 p.m. Applications are available online through the Clerk Department. Interviews are scheduled for December 6, 2023.
- A special Planning Commission meeting is scheduled for November 15, 2023, to consider the updated draft of the Housing Element.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

None.

ADJOURNMENT

The meeting adjourned at 8:29 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the November 8, 2023 meeting as approved by the Planning Commission.

/s/ Vicki Blandin

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