



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 06/28/2023

ITEM NO: 1

**DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
JUNE 14, 2023**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, June 14, 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 Kylie Clark, Commissioner Melanie Hanssen, Commissioner Kathryn Janoff, and Commissioner Emily Thomas

Absent: None.

Commissioner Clark indicated she was traveling and would attend the meeting via Zoom, and there were no adults in the room with her.

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS

None.

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

1. Approval of Minutes – May 24, 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. 380 Blackwell Drive

Fence Height Exception Application FHE-23-002

APN 424-12-027

Applicant: Ramin Zohoor

Appellant: Larry Cesnik

Property Owner: Larry Cesnik and Martha Johnson

Project Planner: Sean Mullin

Consider an Appeal of a Community Development Director Decision to deny a Fence Height Exception Request for construction of an automated vehicular gate exceeding the maximum height and with reduced setbacks on property zoned R-1:8. Categorically exempt pursuant to CEQA Guidelines Section 15303(e): New Construction or Conversion of Small Structures.

Sean Mullin, Senior Planner, presented the staff report.

Opened Public Comment.

Larry Cesnik

- I am the resident at 380 Blackwell Drive. My major theme is safety, not only for our son, but also for the citizens of Los Gatos. We have a young adult son, Martin, who lives in the ADU on the property that directly faces the driveway, the street, and the electric tower area across the street. Our son is autistic and has very low safety awareness and needs to be watched when he is outside. He is also very physical and moves quickly and can swiftly reach the sidewalk, street, and the electric tower area, so that is why we built the gate, because we need it to prevent any unexpected bolting. The gate also keeps the citizens of Los Gatos safe, because if he were to get out to the street or sidewalk motorists, pedestrians, cyclists, and pets could be at risk of collision. When closed the gate would block entry to the sidewalk and street. Martin's primary care physician has written a letter stating Martin does have this condition, that he can impulsively bolt from a safe area, and that she supports installing a gate across the driveway to ensure Martin's safety. Martin is a client of the San Andreas Regional Center and has an individualized program plan where safety comes up frequently as an issue. We are setting safety goals for him to try to achieve, but it is a life-long process for him to get there.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Janoff** to grant the appeal of a community Development Decision to deny a Fence Height Exception for construction of an automated vehicular gate exceeding the maximum height and with reduced setbacks on property zoned R-1: 8, with a request that the gate be moved back four feet, 10 inches to five feet. **Seconded by Commissioner Hanssen.**

Town Attorney Whelan requested the motion be amended to state that the gate shall be moved back five feet as a condition of approval rather than a request.

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

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

Commissioner Thomas requested the motion be amended to State that the fence height shall exceed the three-foot maximum.

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

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

Commissioners discussed the matter.

Town Attorney Whelan requested the motion be amended to state that approval of the appeal is conditioned on moving the fence back five feet, and a variance from the 25-foot requirement is approved.

Planning Manager Armer requested the motion be amended to state that a fence height exception for the fence within the front setback to be greater than the three-foot limitation is granted, and that includes additional connecting fencing because of the relocation of the fence with the gate.

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

The seconder of the motion accepted the amendments to the motion.

VOTE: **Motion passed 6-1 with Commissioner Thomas dissenting.**

OTHER BUSINESS

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Jennifer Armer, Planning Manager

- The next Housing Element Advisory Board meeting is scheduled for June 15, 2023, at 7:00 p.m. in the Council chambers to discuss the State's comment letter on the most recent draft of the Town's Housing Element.
- The next Planning Commission meeting is scheduled for June 28, 2023.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

Conceptual Development Advisory Committee

Commissioner Hanssen

- CDAC met on June 14, 2023 to discuss developing 143-151 East Main Street to convert an existing building to a mixed-use development with below-grade parking, three stories of residential, and retail on the ground floor.

ADJOURNMENT

The meeting adjourned at 8:04 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the June 14, 2023 meeting as approved by the Planning Commission.

/s/ Vicki Blandin