



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 11/10/2021

ITEM NO: 1

**DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
OCTOBER 27, 2021**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, October 27, 2021, at 7:00 p.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, all planning commissioners and staff participated from remote locations and all voting was conducted via roll call vote.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Chair Kathryn Janoff, Commissioner Jeffrey Barnett, Commissioner Melanie Hanssen, Commissioner Jeffrey Suzuki, Commissioner Reza Tavana, and Commissioner Emily Thomas
Absent: Vice Chair Kendra Burch

VERBAL COMMUNICATIONS

None.

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

1. Approval of Minutes – October 13, 2021

MOTION: Motion by Commissioner Suzuki to approve adoption of the Consent Calendar. **Seconded** by Commissioner Tavana.

VOTE: Motion passed unanimously. 6-0 with Vice Chair Burch Absent.

PUBLIC HEARINGS

2. 100 Alerche Drive

APN 567-18-069

Property Owner/Applicant/Appellant: Anirudh Chauhan

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 Fence and Driveway Gate Located within the Required Front Yard Setback on Property Zoned HR-1.

Ryan Safty, Associate Planner, presented the staff report.

Opened Public Comment.

Anirudh Chauhan (Owner/Applicant/Appellant):

- All the houses in the neighborhood have a fence except for three because of the high foot traffic and need for security. We need a fence to have security for our family because we have experienced at least five trespassing incidents. We need the fence height exception to protect my vineyard from deer and protect our property and family from trespassers.

Fred Faltersack, 125 Alerche Drive:

- I submitted written comment related to crime in the neighborhood. There are three additional points I would like to make. First, a majority of the neighborhood is not in compliance with the current Town Code and there is continuity with what the applicant is trying to do. Second, there are clear and justified needs for the applicant to have this exemption as the request is consistent with the Alerche Drive community as a whole. Third, crimes such as auto theft and burglaries are on the rise and every person has a right to protect and defend their loved ones and property.

Ron Czerny:

- The community supports this project. The property owner is trying to build the same fence as the neighbors. Alerche has heavy traffic, and the fence would be compatible with the neighborhood.

Stawsh:

- The discussion gives the impression that all the houses in the neighborhood have fences across the front, but that is not the case. The lower two-thirds of Alerche do not have front fencing and create an open vista.

Eugene Korsunsky, 117 Alerche Drive:

- One of the reasons I bought my current home on Alerche was because it was gated and fenced and I felt safe. Alerche gets a ton of foot traffic and not all of it is good foot traffic. The applicant is trying to match what everyone else already has and protect their property.

Anirudh Chauhan (Applicant/Appellant):

- I respect the ordinances and believe they are there for good reasons, and one of their principles is uniformity and conformity to the neighborhood. The proposed fence matches 11 out of 18 fenced houses in the neighborhood and conforms to the Town requirements except for the height. I have written support for the fence from 12 of the 14 houses on Alerche and the fence conforms to their fences.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Hanssen to grant the appeal of the Community Development Director decision to deny the fence height exception request for construction of a six-foot fence and driveway located within the required front yard setback on property zoned HR-1 located at 100 Alerche Drive and approve the fence height exception. **Seconded by Commissioner Barnett.****

VOTE: **Motion passed unanimously.**

3. 56 Kimble Avenue

Variance Application V-20-002

APN 529-33-035

Applicant: Jay Plett

Property Owner: Peter Lisherness and Kim Nguyen

Project Planner: Jocelyn Shoopman

Requesting Approval for a Variance from the Town Code for the Height of an Accessory Structure and Length of Driveway, and an Exception to the Hillside Development Standards and Guidelines for the Setbacks of an Accessory Structure on Property Zoned R-1:10.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Opened Public Comment.

Jay Plett (Applicant):

- We have designed an optimal structure to the existing conditions of the site. This project does not even require a grading permit. The structure has been placed to have minimal disturbance of the site. The design complements the companion house and other structures in the neighborhood of similar style. I believe we have done a good job in the spirit of the Hillside Development Standards and Guidelines, direction provided from the Town, and have shown respect to the environment in which the house and ADU below the garage would be situated.

Jay Plett (Applicant):

- The property owner has consulted with the neighbors and they support the project.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Barnett** to approve a Variance from the Town Code for the height of an accessory structure and length of the driveway and an exception to the Hillside Development Standards and Guidelines for the setbacks of an accessory structure on property zoned R-1:10 located at 56 Kimble Avenue. **Seconded by Commissioner Tavana.**

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

4. Review and Discuss the Commercial Cannabis Presentation Provided by the Town Attorney.

Robert Schultz, Town Attorney, provided a presentation.

Opened Public Comment.

Phil Barry:

- I have worked for the past four years as a chief revenue officer for a significant marijuana company in California. I complimented the staff for putting together a comprehensive and professional proposal.

Closed Public Comment.

Commissioners discussed the matter.

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Joel Paulson, Director of Community Development

- The Draft 2040 General Plan is still out for public review.
- Staff and Consultants also keep Responses to Comments for the Draft Environmental Impact Report (EIR).
- A Housing Element Advisory Board meeting was held on October 21, 2021.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

Housing Element Advisory Board (HEAB)

Commissioner Hanssen

- The HEAB had its first meeting on October 21, 2021 where many members expressed that it is important to get substantially more community involvement than was had with the General Plan.
- New software is available to allow members of the HEAB or members of the public to see where housing might be that will be submitted to the HCD.
- The HEAB appointed Commissioner Hanssen as its chair and Chair Janoff as its vice chair.

Historic Preservation Committee (HPC)

Commissioner Suzuki

- The HPC met on October 27, 2021 and considered three items:
 - o 70 Ellenwood Avenue: Approved request to be removed from the historic resources inventory.
 - o 245 Johnson Avenue: Construction of exterior alterations.
 - o 333 University Avenue: Request for construction of exterior alterations on a second-story addition greater than 100 feet.

ADJOURNMENT

The meeting adjourned at 9:16 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the October 27, 2021 meeting as approved by the Planning Commission.

/s/ Vicki Blandin

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