



**TOWN OF LOS GATOS  
PLANNING COMMISSION AGENDA  
MARCH 13, 2024  
110 EAST MAIN STREET  
TOWN COUNCIL CHAMBERS  
7:00 PM**

*Steven Raspe, Chair  
Emily Thomas, Vice Chair  
Susan Burnett, Commissioner  
Melanie Hanssen, Commissioner  
Kathryn Janoff, Commissioner  
Adam Mayer, Commissioner  
Vacant, Commissioner*

**IMPORTANT NOTICE**

This is a hybrid/in-person meeting and will be held in-person at the Town Council Chambers at 110 E. Main Street and virtually through the Zoom webinar application (log-in information provided below). Members of the public may provide public comments for agenda items in-person or virtually through the Zoom webinar by following the instructions listed below. The live stream of the meeting may be viewed on television and/or online at .

**PARTICIPATION**

The public is welcome to provide oral comments in real-time during the meeting in three ways:

- **Zoom webinar (Online):** Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join: <https://losgatosca.gov.zoom.us/j/85000029016?pwd=BuPVC4VpZMmMtrZ4LtzvzeLNduTFOA.44VYRFyFmv7Yti5c>. Passcode: 823209. You can also type in 850 0002 9016 in the “Join a Meeting” page on the Zoom website at and use passcode 823209.

When the Chair announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press \*9 on your telephone keypad to raise your hand.

- **Telephone:** Please dial (877) 336-1839 US Toll-free or (636) 651-0008 US Toll. (Conference code: 686100). If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- **In-Person:** Please complete a “speaker’s card” located on the back of the Chamber benches and return it to the Vice Chair before the meeting or when the Chair announces the item for which you wish to speak.

**NOTES:** (1) Comments will be limited to three (3) minutes or less at the Chair’s discretion.  
(2) If you are unable to participate in real-time, you may email to the subject line “Public Comment Item #\_\_” (insert the item number relevant to your comment) or “Verbal Communications – Non-Agenda Item.” All comments received will become part of the record.  
(3) Deadlines to submit written public comments are:  
11:00 a.m. the Friday before the Planning Commission meeting for inclusion in the agenda packet.  
11:00 a.m. the Tuesday before the Planning Commission meeting for inclusion in an addendum.  
11:00 a.m. on the day of the Planning Commission meeting for inclusion in a desk item.  
(4) Persons wishing to make an audio/visual presentation must submit the presentation electronically to no later than 3:00 p.m. on the day of the Planning Commission meeting.

## MEETING CALL TO ORDER

## ROLL CALL

## PLEDGE OF ALLEGIANCE

**VERBAL COMMUNICATIONS** (Members of the public may address the Commission on any matter that is not listed on the agenda. Unless additional time is authorized by the Commission, remarks shall be limited to three minutes.)

**CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)** *(Before the Planning Commission acts on the consent agenda, any member of the public Commission may request that any item be removed from the consent agenda. At the Chair's discretion, items removed from the consent calendar may be considered either before or after the Public Hearings portion of the agenda.)*

1. Draft Minutes of the February 28, 2024 Planning Commission Meeting

**PUBLIC HEARINGS** *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to the Commission's consent at the meeting.)*

2. Consider on Remand an Appeal of a Denial of 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. **Located at 124 Garden Hill Drive.** APN 424-23-084. Fence Height Exception Application FHE-23-005. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures and Section 15301: Existing Facilities. Property Owner/Appellant: Rushikesh Kulkarni. Project Planner: Ryan Safty.
3. Requesting Approval of a Modification to an Existing Conditional Use Permit for a Convenience Market that Includes the Sale of Beer and Wine at an Automobile Service Station on Property Zoned C-1. **Located at 666 North Santa Cruz Avenue.** APN 529-10-141. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. Conditional Use Permit Application U-22-004. Property Owner/Applicant: Samir Dave, HDLM Associates. Project Planner: Jocelyn Shoopman.

## OTHER BUSINESS

## REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

## SUBCOMMITTEE REPORTS / COMMISSION MATTERS

**ADJOURNMENT** *(Planning Commission policy is to adjourn no later than 11:30 p.m. unless a majority of the Planning Commission votes for an extension of time)*

**ADA NOTICE** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk's Office at (408) 354- 6834. Notification at least two (2) business days prior to the meeting date will enable the Town to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR §35.102-35.104]

*Writings related to an item on the Planning Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public inspection at the reference desk of the Los Gatos Town Library, located at 100 Villa Avenue; the Community Development Department and Clerk Department, both located at 110 E. Main Street; and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission at the meeting are available for review in the Town Council Chambers.*

*Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal*

*Planning Commission meetings are broadcast Live on KCAT, Channel 15 (on Comcast) on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays at 7:00 p.m.  
Live and Archived Planning Commission meetings can be viewed by going to:  
[www.LosGatosCA.gov/TownYouTube](http://www.LosGatosCA.gov/TownYouTube)*

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**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 03/13/2024

ITEM NO: 1

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**DRAFT  
MINUTES OF THE PLANNING COMMISSION MEETING  
FEBRUARY 28, 2024**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, February 28, 2024, at 7:00 p.m.

**MEETING CALLED TO ORDER AT 7:00 PM**

**ROLL CALL**

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

Absent: None.

**PLEDGE OF ALLEGIANCE**

**VERBAL COMMUNICATIONS**

None.

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

**1. Approval of Minutes – February 14, 2024**

Member of the public, Lee Quintana, requested the minutes of February 14, 2024, be pulled from the Consent Calendar.

Opened Public Comment.

Lee Quintana

- For agenda item #2 in the February 14, 2024 meeting minutes, Zone Change for Downing Oak Court, staff's initial recommendation was for a zone change from C-1 to R-D, but the motion that was approved included a recommendation that a zone change be considered to high-density residential and to change the General Plan to high-density residential. I'm confused if I understand the motion correctly and what the next steps are in terms of the Council hearing it.

Closed Public Comment.

Planning Manager Armer stated that staff would add language to the motion to provide clarity to Ms. Quintana's concerns. Recommendation would be changed to include, "as recommended by staff, and recommend a consideration of a future General Plan land use designation and zoning amendment to allow high-density residential."

**MOTION:**                    **Motion** by **Chair Raspe** to approve adoption of the Consent Calendar, subject to amendments to the February 14, 2024, Planning Commission minutes proposed by the Planning Manager. **Seconded** by **Vice Chair Thomas**.

**VOTE:**                    **Motion passed unanimously.**

## **PUBLIC HEARINGS**

### **2. 15365 Santella Court**

Existing Architecture and Site Application S-18-052

APN 527-09-036

Applicant: Hari Sripadanna

Property Owner: Christian and Hellen Olgaard

Project Planner: Erin Walters

Requesting approval of a one-year time extension to an existing Architecture and Site Application (S-18-052) to construct a new single-family residence, site work requiring a Grading Permit, and removal of large protected trees on a vacant property zoned HR-2½:PD. An Environmental Impact Report (EIR) was prepared for the Planned Development and was certified by the Town Council on December 19, 2005. No further environmental analysis is required for the individual lot development.

Erin Walters, Associate Planner, presented the staff report.

Opened Public Comment.

Hari Sripadanna, Architect/Applicant

- Unfortunately, there were unavoidable circumstances that delayed the project, necessitating our request for an extension of the existing Planning permit approval. Because the permit is expiring it would be hard for us to continue with the project development and submit to the Building Department. We hope to start construction in the fall of this year.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Commissioner Hanssen** to approve a one-year time extension to an existing Architecture and Site Application (S-18-052), subject to updated conditions of approval and plans provided to the Planning Commission. **Seconded by Commissioner Janoff.**

**VOTE:**                    **Motion passed unanimously.**

**3. 501 Monterey Avenue and 306 Andrews Street**

Architecture and Site Application S-23-038

APN 410-15-052

Property Owner/Applicant: Katrina and Carlos Azucena

Project Planner: Sean Mullin

Requesting approval to eliminate a housing unit from the Town's Housing Inventory on property zoned R-1D. Categorically Exempt pursuant to CEQA Guidelines Section 15301: Existing Facilities.

Sean Mullin, Senior Planner, presented the staff report.

Opened Public Comment.

Carlos Azucena, Applicant

- We hope to combine the units, making a three bedroom/two bath from a two bedroom/one bath and a studio. The unit we're looking to combine into the neighboring unit is 350 square feet, and with the really small units we've noticed that tenants tend to be more transient. Our hope is to make a larger unit that could potentially be rented to a family, more in line with the character of the neighborhood, which is primarily single-family homes, many housing families with small children. We understand the issue of losing one unit, but the Town could gain more than what is being lost in the sense that we could get tenants that are more invested in the community. We believe the two units were actually one unit at one time.

Lee Quintana

- This is a R-1D neighborhood that is a mix of single-family homes and duplexes, and we are claiming that those areas with R-1D duplexes for the Housing Element as potential additional housing units, so I'm not sure of the rationale for eliminating even a small unit. The character of the neighborhood doesn't change one way or the other, because the house still reads as a single-family, and there are two duplexes nearby. We own a 250-square foot ADU and have had no problem keeping tenants for a long time. Making a two bedroom unit into a three bedroom works against what the Housing Element is trying to do, which is provide smaller, more affordable units.

Carlos Azucena, Applicant

- The building is three units, so it would still be multi-unit if combining the two units occurs. The unit that would ultimately exist under a combination would still be considered an affordable housing unit. My wife and I have elderly parents and would like the option, at some point in the not too distant future, that if they need some housing we could move them in close to us, but the long-term perspective of the unit would be to attract more families who would be invested in the Town.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Vice Chair Thomas** to deny a request to eliminate a housing unit from the Town's Housing Inventory on property zoned R-1D.  
**Seconded by Commissioner Hanssen.**

**VOTE:**                    **Motion passed unanimously.**

## **OTHER BUSINESS**

### **4. Sign Regulations Amendment**

Town Code Amendment Application A-24-002

Applicant: Town of Los Gatos

Project Location: Town Wide

Forward a recommendation to the Town Council on amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding Sign Regulations. The proposed amendments to the Town Code are not a project subject to CEQA [CEQA Guidelines Section 15061(b)(3)].

Gabrielle Whelan, Town Attorney, presented the staff report.

Opened Public Comment.

Lee Fagot

- The signs that go onto private property, whether political, for sale, etc., need to be temporary, and no signs on medians or sidewalks. The size of political signs should be a smaller scale, with construction signs larger, and it could be per contractors on a construction site as opposed to only one for one of the contractors. It would be reasonable for the architect and trades people to have signs too, but they should be a reasonable size. Political signs have gone overboard on Tait Avenue that has multiple huge signs that are a

complete distraction and should be regulated. The amendments preserve the ambiance of the community while informing people of opportunities in their neighborhood.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Chair Raspe** to forward the redline changes as proposed by staff together with the Planning Commission's recommended provisions regarding signs and allowing proportionally larger construction signs on larger parcels to Town Council on amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding Sign Regulations. **Seconded by Commissioner Hanssen.**

**VOTE:**                    **Motion passed unanimously.**

## **REPORT FROM THE COMMUNITY DEVELOPMENT DEPARTMENT**

Jennifer Armer, Planning Manager

- The Town Council met on February 20, 2024, and discussed the Housing Element, provided direction, and continued the discussion to the meeting of March 5, 2024.
- The Town's recruitment for commissions and committees continues until 4:00 p.m. on March 4, 2024, with interviews tentatively scheduled for March 19, 2024. The recruitment includes the vacant Planning Commission seat as well as a number of other commissions and committees in the Town.

## **SUBCOMMITTEE REPORTS/COMMISSION MATTERS**

### **Historic Preservation Committee**

Commissioner Burnett

- The HPC met on February 28, 2024, and discussed eight items.
  - Two homes were removed from the Town's site inventory.
  - Commissioner Burnett was elected Chair of the HPC, with Lee Quintana as Vice Chair.

### **Housing Element Advisory Board**

Commissioner Hanssen

- The Town Council disbanded the HEAB at its February 6, 2024 meeting. The last HEAB meeting was held on January 18, 2024.

**ADJOURNMENT**

The meeting adjourned at 8:44 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the February 28, 2024 meeting as approved by the Planning Commission.

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/s/ Vicki Blandin



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 3/13/2024

ITEM NO: 2

DATE: March 8, 2024

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider on Remand an Appeal of a Denial of 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. **Located at 124 Garden Hill Drive.** APN 424-23-084. Fence Height Exception Application FHE-23-005. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures and Section 15301: Existing Facilities.  
Property Owner/Appellant: Rushikesh Kulkarni. Project Planner: Ryan Safty.

**RECOMMENDATION:**

Consider on remand an appeal of a denial of a fence height exception request for construction of a six-foot tall fence within the required front yard setback, street side yard setback, and corner sight triangle on property zoned R-1:8, located at 124 Garden Hill Drive.

**PROJECT DATA:**

General Plan Designation: Low Density Residential

Zoning Designation: R-1:8 – Single-Family Residential

Applicable Plans & Standards: General Plan, Residential Design Guidelines

Parcel Size: 8,712 square feet

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:8
South	Residential	Low Density Residential	R-1:8
East	Residential	Low Density Residential	R-1:8
West	Residential	Low Density Residential	R-1:8

**PREPARED BY:** RYAN SAFTY  
Associate Planner

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Reviewed by: Planning Manager and Community Development Director

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CEQA:

The project is 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.

FINDINGS:

- The project is 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; and
- As required by Section 29.40.320 of the Town Code for granting a Fence Height Exception.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located at the southwestern corner of Garden Hill Way and Garden Hill Drive, one block south of Lark Avenue and one block west of Highway 17 (Exhibit 1). The immediate neighborhood consists of single-family residential properties.

Over the past few years, the subject property has been sold and redeveloped. On numerous occasions over the past few years, the owners were notified about the Town's fence height requirements. A summary of this history was provided in the Staff Report to the Planning Commission on November 8, 2023, as well as the Staff Report to the Town Council on January 16, 2024. The full staff report packets and meeting minutes for each hearing can be accessed via the Town's Agenda Center: <https://losgatos-ca.municodemeetings.com/>.

On August 4, 2023, following a code complaint, the Town issued an administrative warning regarding an unpermitted six-foot tall fence at the corner of Garden Hill Drive (November 8, 2023 Planning Commission Staff Report, Exhibit 6). On September 7, 2023, the subject Fence Height Exception application was submitted (November 8, 2023 Planning Commission Staff Report, Exhibits 7 and 8), requesting approval to install a six-foot tall wooden fence on top of a retaining wall along the front and street-side property lines and within the corner sight triangle.

On September 27, 2023, the Community Development Director and Town Engineer determined that the required exception findings could not be made, and denied the request (November 8, 2023 Planning Commission Staff Report, Exhibit 9). On October 5, 2023, the owner appealed this decision to the Planning Commission (November 8, 2023 Planning Commission Staff Report, Exhibit 11) pursuant to Town Code Section 29.20.255.



BACKGROUND (continued):

On November 8, 2023, the Planning Commission considered the request and voted unanimously to deny the appeal and uphold the Community Development Director denial of the fence height exception request (January 16, 2024 Town Council Staff Report, Attachment 3).

On November 17, 2023, the decision of the Planning Commission was appealed to the Town Council by the owner (January 16, 2024 Town Council Staff Report, Attachment 4). On January 16, 2024, the Town Council considered the appeal. The Town Council voted unanimously to remand the item back to the Planning Commission due to new information that the owner provided. The Town Council noted within the motion that the owner was willing to compromise to allow for the corner site area to be visible, and that there was no error or abuse of discretion made by the Planning Commission (Exhibit 4).

On February 8, 2024, after meeting with staff to discuss options, the owner submitted an updated proposal to the Town (Exhibit 5) for the Planning Commission to consider based on discussions that occurred at the January 16, 2024 Town Council meeting.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located at the southwestern corner of Garden Hill Way and Garden Hill Drive, one block south of Lark Avenue and one block west of Highway 17 (Exhibit 1). The immediate neighborhood consists of single-family residential properties.

B. Project Summary and Zoning Compliance

The property owner is appealing the Community Development Director decision to deny a fence height exception request within the required front yard setback, street side yard setback, and corner sight triangle. Based on new information submitted, Town Council remanded the application back to Planning Commission for their consideration. The property owner has revised the exception request (Exhibit 5) from the last time Planning Commission reviewed and denied the appeal on November 8, 2023.

DISCUSSION:

A. Fence Height Exception

Per Town Code Section 29.40.0315, fences and gates are limited to six feet in height with one foot of lattice on top (seven feet total), but are limited to, “three feet in height when located within a required front or side yard abutting a street, driveway view area, traffic view area, or corner sight triangle unless an exception is granted by the Town Engineer and Community Development Director.” The proposed fence is limited to three feet by Code, as it is within the required front yard setback, street side yard setback, and corner sight triangle.

Town Code Section 29.40.0320, provided below, allows an exception to any of the fence regulations if a property owner can demonstrate that one of the following conditions exist.

*Sec. 29.40.0320. - Exceptions.*

*An exception to any of these fence regulations may be granted by the Community Development Director. A fence exception application and fee shall be filed with the Community Development Department and shall provide written justification that demonstrates one (1) of the following conditions exist:*

- (a) Adjacent to commercial property, perimeter fences or walls may be eight (8) feet if requested or agreed upon by a majority of the adjacent residential property owners.*
- (b) On interior lots, side yard and rear yard fences, walls, gates, gateways, entry arbors, or hedges, behind the front yard setback, may be a maximum of eight (8) feet high provided the property owner can provide written justification that either:
  - (1) A special privacy concern exists that cannot be practically addressed by additional landscaping or tree screening; or*
  - (2) A special wildlife/animal problem affects the property that cannot be practically addressed through alternatives. Documented instances of wildlife grazing on gardens or ornamental landscaping may be an example of such a problem.**
- (c) At public utility facilities, critical infrastructure, and emergency access locations, exceptions may be granted where strict enforcement of these regulations will result in a security or safety concern.*
- (d) A special security concern exists that cannot be practically addressed through alternatives.*
- (e) A special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship.*

DISCUSSION (continued):

Additionally, Town Code Section 29.40.0325 allows, “All fences, hedges, gates, and walls existing on the effective date of this ordinance that do not meet the regulations contained herein are nonconforming and are exempt from these regulations. Existing nonconforming fences may be maintained and/or replaced in kind, including historic stone or river rock walls.”

The property owner has submitted a fence height exception request to exceed maximum allowed height of a fence within the front yard setback, street side yard setback, and corner sight triangle. Currently, there is an unpermitted three-foot tall bamboo screen attached to an approved three-foot tall wooden fence along the corner of the property.

As noted in the Background Section above, the owner submitted an updated and revised request prior to the January 16, 2024, Town Council hearing (January 16, 2024 Town Council Staff Report, Attachment 5). Following Town Council discussion and decision to remand the appeal back to Planning Commission, the owner submitted an updated exception request based on the Town Council comments and meetings with staff (Exhibit 5).

The owner’s exception request is now twofold: approve an exception to permit the existing solid six-foot tall wooden fence along the front property line; and approve an exception for a six-foot tall see through iron fence along the corner sight triangle area. Exhibit 6 includes an image of the existing conditions, highlighting the front property line, street side property line, and corner sight triangle.

First, the owner would like an exception to allow the existing six-foot tall wooden fence to remain along the front property line. Per the letter provided to Town Council on January 16, 2024 (January 16, 2024 Town Council Staff Report, Attachment 5), this fence is substantially a replacement fence of what existed previously. The previous fence was also six feet tall and was setback approximately five feet from the property line. The current unpermitted fence is also six feet tall, but has an approximate four-foot, five-inch setback, seven inches closer than the previous fence. As Town Code Section 29.40.0325 allows fences to be replaced in kind, the owner is requesting that this fence be deemed an in kind replacement. If not, the owner would like to pursue an exception pursuant to Town Code Section 29.40.0320 (d – Special Security Concern) or (e – Special Circumstance). Staff has highlighted the area of this request in orange in Exhibit 6.

DISCUSSION (continued):

Second, the owner would like an exception along the corner of the property, which entails an exception to allow a fence taller than three feet within the required front setback, street side setback, and corner sight triangle. The owner has amended the request per conversations with staff and direction from Town Council so that the proposed material along this corner be of open-view with spaced wrought iron fencing so that safety and visibility is maintained along the street corner. Specifically, the entire three-foot solid wooden fence portion would be removed and replaced with a six-foot tall iron fence, built above the stone retaining wall. The iron fence pickets would be one-half inch wide and spaced every four inches, which means the corner area would be 89 percent open view (Attachment 5). Parks and Public Works has confirmed that they can now support this exception to the corner sight area. The owner is requesting an exception pursuant to Town Code Section 29.40.0320 (d – Special Security Concern) or (e – Special Circumstance). Staff has highlighted the area of this request in blue in Exhibit 6.

The specific justification for each exception finding was detailed in the October 5, 2023, Planning Commission report and is provided below:

For condition (d), the provided justification is as follows: “It is also a special security concern given the fact that my client has three young children who have no place to play outside but in that area. We see no alternative ways to address the safety of my client’s children other than to have a tall fence to keep the children in and the coyotes out [...]. The fence at 3 feet high is not workable to avoid the threat from the coyotes.”

For condition (e), the provided justification is as follows: “My client is of East Indian descent. He belongs to a religion which places special importance on the sun and its east west passage through the sky. According to the tenants of his religion, he is to hold prayer sessions on the east side of his yard. He has tried to do so, but prior to erecting the bamboo fence, the neighbors would stop and watch his private prayer sessions with his family. The lack of privacy with a short fence made it very difficult and uncomfortable for my client and his family to practice their faith.”

B. Appeal Analysis

On January 16, 2024, the Town Council voted unanimously to remand the item back to the Planning Commission due to new information that the owner provided. The Town Council noted within the motion that the owner is willing to compromise to allow for the corner site area to be visible, and that there was no error or abuse of discretion made by the Planning Commission (Exhibit 4).

DISCUSSION (continued):

On February 8, 2024, the owner submitted an updated fence proposal which addresses the previous Town Council direction and staff's corner sight concerns. The previous findings and justification have not changed and are outlined in Fence Height Exception Section of the report above, and Parks and Public Works staff has confirmed they can support the corner sight triangle exception in terms of sight line safety.

C. Environmental Review

The project is 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.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 300 feet of the subject property. At the time of preparation of this report, no public comment has been received.

CONCLUSION:

A. Summary

The property owner is appealing the Community Development Director decision to deny a fence height exception request within the required front yard setback, street side yard setback, and corner sight triangle. Based on new information submitted, Town Council remanded the application back to Planning Commission for their consideration. The property owner has revised the exception request from the last time Planning Commission reviewed and denied the appeal on November 8, 2023 (Exhibit 5).

B. Recommendation

Staff recommends that the Planning Commission consider the exception request based on the new information and updated proposal as outlined in the staff report and approve the exception request with the findings in Exhibit 2 and the conditions provided in Exhibit 3.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction;
2. Grant the appeal with additional and/or modified conditions; or
3. Deny the appeal.

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SUBJECT: 124 Garden Hill Drive/FHE-23-005

DATE: March 8, 2024

EXHIBITS:

1. Location Map
2. Required Findings
3. Conditions of Approval
4. January 16, 2024, Town Council Meeting Minutes
5. Updated Fence Height Exception Request, received February 8, 2024
6. Picture of Current Conditions

# 124 Garden Hill Drive

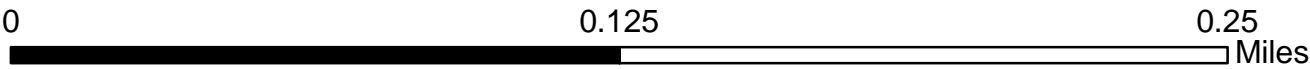
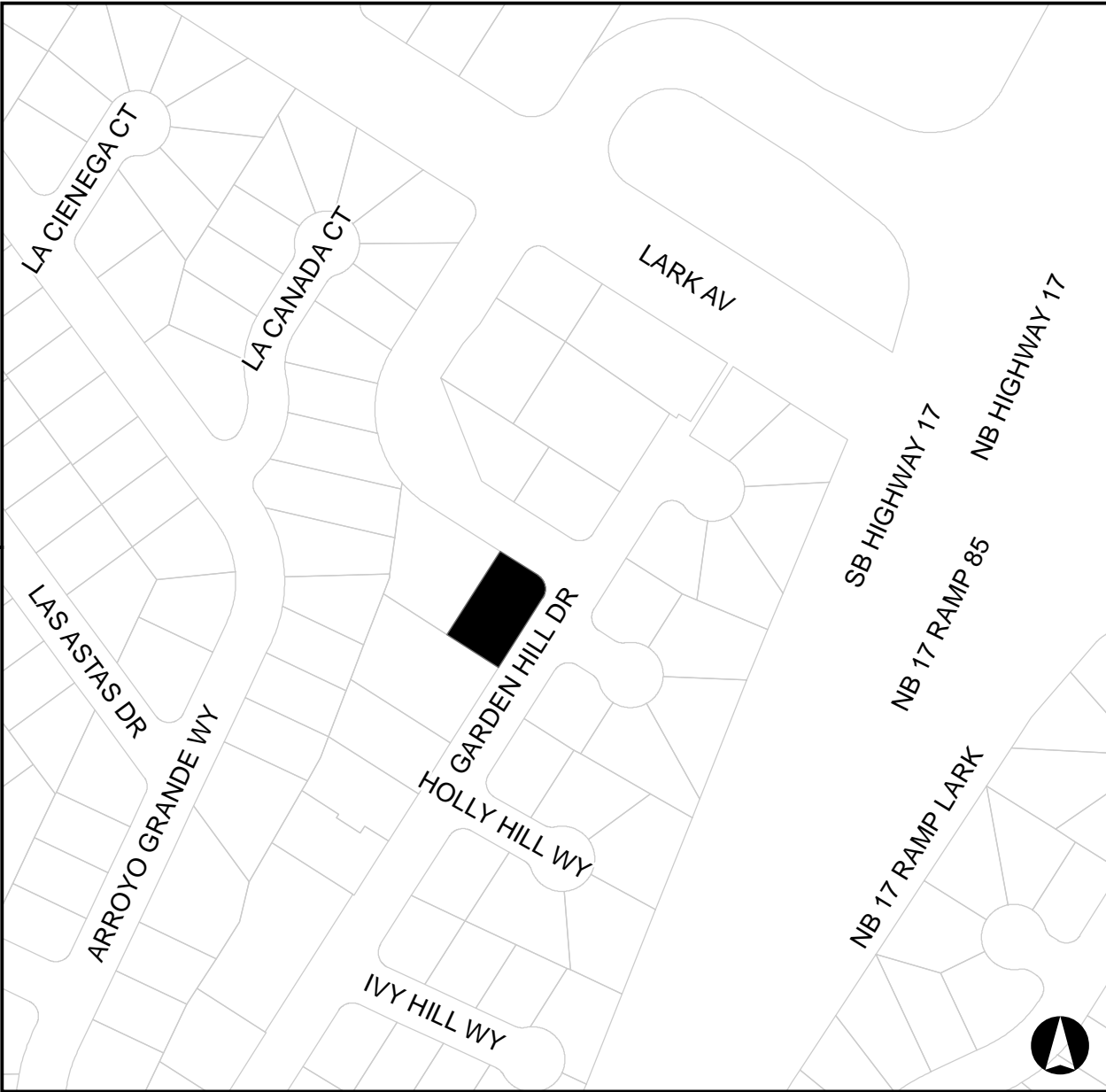


EXHIBIT 1

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**PLANNING COMMISSION – March 13, 2024**  
**REQUIRED FINDINGS FOR:**

**124 Garden Hill Drive**  
**Fence Height Exception Application FHE-23-005**

**Consider on Remand an Appeal of a Denial of 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. APN 424-23-084. Categorically Exempt Pursuant to CEQA Guidelines Section 15305: New Construction or Conversion of Small Structures and Section 15301: Existing Facilities. Property Owner/Appellant: Martin Lettunich. Project Planner: Ryan Safty.**

**Required finding for CEQA:**

- The project is 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.

**Required findings for granting a Fence Height Exception:**

Per Town Code Section 29.40.0320, the applicant has provided written justification that demonstrates one of the following conditions exist:

- A special security concern exists that cannot be practically addressed through alternatives [29.40.0320(d)].
- A special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship [29.40.0320(e)].

EXHIBIT 2

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**PLANNING COMMISSION – March 13, 2024**  
**DRAFT CONDITIONS OF APPROVAL**

**124 Garden Hill Drive**  
**Fence Height Exception Application FHE-23-005**

**Consider on Remand an Appeal of a Denial of 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. APN 424-23-084. Categorically Exempt Pursuant to CEQA Guidelines Section 15305: New Construction or Conversion of Small Structures and Section 15301: Existing Facilities. Property Owner/Appellant: Martin Lettunich. Project Planner: Ryan Safty.**

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

*Planning Division*

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any intensification beyond this authorized use requires a Conditional Use Permit amendment.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested per Section 29.20.335 of the Town Code. Reasonable extensions of time not exceeding one year may be granted upon application, and can be granted if approved by the deciding body prior to the expiration date. Therefore, it is recommended that applications for a time extension be filed with the Community Development Department at least 60 days prior to the expiration date of the approval.
3. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement (“the Project”) from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers, or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods (“Challenge”). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant’s sole cost and expense.

Applicant shall bear any and all losses, damages, injuries, liabilities, costs, and expenses (including, without limitation, staff time and in-house attorney’s fees on a fully-loaded basis, attorney’s fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge (“Costs”), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon

demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all at the applicant's sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation.

DRAFT



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 02/06/2024

ITEM NO: 2

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**DRAFT  
Minutes of the Town Council Meeting  
Tuesday, January 16, 2024**

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Tuesday, January 16, 2024, at 7:00 p.m.

**MEETING CALLED TO ORDER AT 7:02 P.M.**

**ROLL CALL**

Present: Mayor Mary Badame, Vice Mayor Matthew Hudes, Council Member Rob Moore, Council Member Rob Rennie, Council Member Maria Ristow.

Absent: None

**PLEDGE OF ALLEGIANCE**

Council Member Rennie led the Pledge of Allegiance. The audience was invited to participate.

**PRESENTATIONS**

Mayor Badame presented commendations to outgoing commissioners.

**CLOSED SESSION REPORT**

Gabrielle Whelan, Town Attorney, stated the Town Council met in closed session to discuss two items of potential litigation pursuant to Government Code Section 54956.9e(1) and to discuss real property negotiations pursuant to Government Code Section 54956.8 and stated there was no reportable action.

**COUNCIL/TOWN MANAGER REPORTS**

**Council Matters**

- Vice Mayor Hudes stated he participated in the Foundation for Older Adults to Thrive Initiatives and Publicity Committee meeting, and two Foundation for Older Adults to Thrive Executive Committee meetings; met with a resident regarding Senate Bill 9; participated in a Finance Commission meeting; toured the Los Altos Community Center; participated in a Foundation for Older Adults to Thrive meeting; attended a screening of *Eating Our Way to Extinction* put on by Plant Based Advocates; attended a Diversity, Equity, and Inclusion Commission Meeting; met with Tyler Taylor of Successful Aging Solutions & Community Consulting (SASCC); and looked at property located at 124 Garden Hill Road.
- Council Member Rennie stated he met with a Housing Element Advisory Board (HEAB) member; attended a Silicon Valley Clean Energy Authority (SVCEA) Ad Hoc CEO Advisory Committee meeting; met with the auditors for Valley Transportation Authority (VTA) as the Chair of Policy Advisory Committee; had a one-on-one with the outgoing SVCEA CEO;

- attended a Finance Commission meeting; met with staff members of SVCEA; attended a SVCEA Board meeting; met with the Chair of Historic Preservation Committee (HPC).
- Council Member Moore stated he attended the St. Luke's Food Pantry; toured the Los Altos Community Center; attended a screening of *Eating Our Way to Extinction* put on by Plant Based Advocates; hosted his community coffee; met with architects, developers and residents; attended the Heart-to-Heart Conference; attended a West Valley Sanitation District Authority (WVSDA) meeting; stated he will host an informal happy hour.
  - Council Member Ristow stated she met with two members of the HEAB; met with people interested in applying for Town Commissions, architect Jay Plett and his client, and residents to discuss several issues; observed the January Finance Commission meeting; attended the St. Vincent de Paul monthly meeting; stated she is looking forward to upcoming HEAB meeting and representing Los Gatos on the VTA Policy Advisory Committee.
  - Mayor Badame stated she participated in a meeting with Los Gatos Leaders at Hotel Los Gatos; attended a meeting of the Finance Commission as an observer, Town Boards, Commissions and Committees orientations, ribbon cutting of Hotel Los Gatos, and the Leadership Los Gatos Community Connections session.

### Manager Matters

- Announced a mid-cycle Board, Commission, and Committee recruitment will open soon; stated there are two opening for the Finance Commission, one opening for the Diversity, Equity, Inclusion, Commission for a Los Gatos business owner/resident seat, and other opportunities will be available; and stated interviews are tentatively scheduled for March 19, 2024, at 5:00 p.m. and more information can be found on the Town Clerk webpage.

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

1. Approve Town Council Closed Session Minutes of December 19, 2023.
2. Approve Town Council Study Session Minutes of December 19, 2023.
3. Approve Council Meeting Minutes of December 19, 2023.
4. Adopt a Resolution to Extend the Term of the Housing Element Advisory Board.

#### **RESOLUTION 2024-001**

5. Authorize the Town Manager to Execute a Six-Year Agreement for Services with New Image Landscape Co. for Landscape Maintenance Services for a Total Agreement Amount Not to Exceed \$846,932 Plus Allowable Increase Adjustments Made for Consumer Price Index (CPI) Beginning in Year 2 of Contract.
6. Rescind Resolution 2023-063 and Adopt a Revised Resolution Making Determinations and Approving the Reorganization of an Uninhabited Area Designated as Los Gatos Boulevard No. 20, Approximately 0.521 Acres on Property Pre-Zoned R-1:8. APN 523-01-001. Annexation Application AN22-001. Project Location: **15810 Los Gatos Boulevard**. Property Owner/Applicant: Jesus Ching and Kathleen Ban. **RESOLUTION 2024-002**
7. Authorize the Town Manager to Execute the Following Agreements with San José Conservation Corps:
  - a. Episodic Support for Winter Storm Response in an Amount Not to Exceed \$15,000 and

- b. Parks-Related Support Staffing in an Amount Not to Exceed \$87,100.
- 8. Receive the Monthly Financial and Investment Report for November 2023.
- 9. Authorize the Town Manager to Negotiate and Execute a Lease Agreement with Candler for LTFJ S Corp for 41 North Santa Cruz Avenue, in Substantially the Form Presented for a 23-Month Initial Term with One Option to Extend for an Additional 24 Months.
- 10. Authorize the Town Manager to Negotiate and Execute a Fifth Amendment to a Parking Lot Lease with Frontier California Inc. (formerly Verizon), in Substantially the Form Presented, to Extend the Lease for an Additional Five Years in an Amount Not to Exceed \$363,146 Over Those Five Years.

Rob Moore stated he will recuse himself from Item 7 due to San José Conservation Corps being his employer.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

**MOTION: Motion by Council Member Ristow to approve consent items 1-10. Seconded by Vice Mayor Hudes.**

**VOTE: Motion passed unanimously; Council Member Moore recused from Item 7.**

### **VERBAL COMMUNICATIONS**

Chris Wiley

- Requested Council make a symbolic gesture to “bury the hatchet.”

Joseph Enz, Friends of the Los Gatos Creek

- Provided positive comments about the Town’s homeless community.

Marilee Ankaitis

- Commented on concerns with parking in the Olive Zone and on Villa Avenue and the monitoring of the parking permits.

Phillipp Bosshard

- Commented on concerns with parking on Villa Avenue and the Olive Zone.

### **OTHER BUSINESS**

- 11. Review and Discuss the Proposed Revisions to the Draft Revised 2023-2031 Housing Element. Location: Town-Wide. General Plan Amendment Application GP-22-003.

Erin Walters, Associate Planner, presented the staff report.

Mayor Badame opened public comment.

Chris Bajorek

- Commented on concerns with Housing Element Plan process.

Lee Quintana

- Commented on the California Department of Housing and Community Development's (HCD) concerns with accessibility and mobility and made suggestion for possible rezoning.

Susan Burnett

- Commented on concerns with availability of HCD staff and builders' remedy.

Rich

- Commented on concerns with proposed project building heights, traffic, and infrastructure.

Tony Alarcon

- Commented on providing pre-approved Accessory Dwelling Unit plans, allowing boarding houses on religious sites, and providing communal living.

Mayor Badame closed public comment.

**MOTION: Motion by Vice Mayor Hudes** to use the Los Altos program 6G wherever possible, adopt the concepts and the language that are in Los Altos program (in Attachment 5). **Seconded by Mayor Badame.**

**VOTE: Motion fails 2-3. Council Members Ristow, Rennie, and Moore voted no.**

**MOTION: Motion by Council Member Moore** to bundle the steps to increase housing mobility similar to Los Altos in the Town's Housing Element, and modify program J to change the language from "in all neighborhoods" to "in a variety of neighborhoods." **Seconded by Council Member Ristow.**

**VOTE: Motion passed 3-2. Vice Mayor Hudes and Mayor Badame voted no.**

Recess 9:15 p.m.

Reconvene 9:25 p.m.

Council continued discussion on the proposed revisions to the Draft Revised 2023-2031 Housing Element.

**MOTION: Motion by Vice Mayor Hudes** to address comment 1b in the Desk Item by following the example of Los Altos Hills, specifically with table 49 and table 50. **Seconded by Council Member Moore.**

**VOTE: Motion passed unanimously.**



**PUBLIC HEARINGS**

12. Conduct a Public Hearing for the Town's Transportation Impact Fee Program to:
  - a. Adopt a Resolution to Adopt the Transportation Impact Nexus Study Dated November 2023 (including the Project List – Appendix 1 Which Serves as the Town's Transportation Capital Improvement Plan); **RESOLUTION 2024-003**
  - b. Adopt a Resolution to Update a Transportation Impact Fee to Replace the Town's Existing Traffic Impact Mitigation Fee; **RESOLUTION 2024-004**
  - c. Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Town Code Section 15, Article VII 'Traffic Impact Mitigation Fees'"; and
  - d. Adopt a Resolution to Modify Town Council Policy 1-08: "Transportation Impact Policy." **RESOLUTION 2024-005**

Nicolle Burnham, Parks and Public Works Director, presented the staff report.

Mayor Badame opened public comment.

Colin Corbett

- Inquired about the types of infrastructure in place.

Mayor Badame closed public comment.

**MOTION:** Motion by **Council Member Ristow** to adopt a resolution to adopt the Transportation Impact Nexus Study dated November 2023 (including the Project List – Appendix 1 Which Serves as the Town's Transportation Capital Improvement Plan) (attachment 1); adopt a resolution to update a Transportation Impact Fee to replace the Town's Existing Traffic Impact Mitigation Fee (attachment 2); Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Town Code Section 15, Article VII 'Traffic Impact Mitigation Fees'" (attachment 3); and adopt a resolution to modify Town Council Policy 1-08: "Transportation Impact Policy." **Seconded by Council Member Moore.**

**VOTE:** Motion passed 4-1. Mayor Badame voting no.

**MOTION:** Motion by **Council Member Rennie** to take the remaining agenda items in the following order: 13, 17, 14, 15, 16. **Seconded by Council Member Moore.**

**VOTE:** Motion passed unanimously.

13. Weed Abatement Public Hearing to Consider Objections to the Proposed Abatement of Hazardous Vegetation (Weeds) for Properties Listed on the 2024 Weed Abatement Program Commencement Report and Order the Abatement.

Meredith Johnston, Administrative Technician for the Parks and Public Works Department, presented the staff report.

Mayor Badame opened public comment.

Colin Corbett

- Objected to the fees due to purchasing the house after the inspection was complete and conforming with the abatement after purchase.

Mayor Badame closed public comment.

**MOTION: Motion by Council Member Moore** to remove 15970 Quail Hill Road from the abatement list and move forward with the rest of the listed properties. **Seconded by Council Member Rennie.**

**VOTE: Motion passed unanimously.**

17. Consider an Appeal of a Planning Commission Decision to Deny a Fence Height Exception Request **at 124 Garden Hill Drive** for the 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. APN 424-23-084. Fence Height Exception Application FHE-23-005. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures and Section 15301: Existing Facilities. Property Owner: Rushikesh Kulkarni. Applicant/Appellant: Martin Lettunich. Project Planner: Ryan Safty.

Jennifer Armer, Planning Manager, presented the staff report.

Mayor Badame opened public comment.

Rushikesh Kulkarni, applicant, gave opening comments in support of the appeal.

Rushikesh Kulkarni, applicant, gave closing comments.

Mayor Badame closed public comment.

**MOTION: Motion by Council Member Ristow** to remand the item back to the Planning Commission, with the findings that the applicant is willing to compromise that would allow for the corner site line to be visible and direct the Planning Commission to determine what should happen with the lower part of the fence and how to accommodate safety concerns. **AMENDMENT:** Add there was no error or abuse of discretion by the Planning Commission, the direction was based on new information that the applicant provided a potential compromise, continue this item to a date

certain of February 6, 2024, and direct staff to prepare a resolution to remand the item back to the Planning Commission with findings as previously discussed.

**Seconded by Vice Mayor Hudes.**

**VOTE: Motion passed unanimously.**

#### **OTHER BUSINESS**

14. Consider the Following Actions:

- a. Receive the Information Provided in the Police Services Report: July – December 2023,
- b. Authorize the Town Manager to Execute an Agreement with Meliora Public Safety Consulting to Conduct an Organizational Assessment and Develop a Data Analysis Toolkit in an Amount Not to Exceed \$80,000, and
- c. Approve an Expenditure Budget Adjustment in the Amount of \$80,000 from the Available General Fund Capital/Special Projects Reserve.

Jamie Field, Police Chief, presented the staff report.

Mayor Badame opened public comment.

**MOTION: Motion by Council Member Hudes to continue the meeting to 12:15 a.m. Seconded by Council Member Ristow.**

**VOTE: Motion passed unanimously.**

Lee Fagot

- Commended the Los Gatos-Mote Sereno Police Department and commented on concerns with noise levels, electric bicycle safety, and the Governor recommendation on traffic speed enforcement.

Michael Silva

- Commented on safety concerns at the Blossom Hill Road and North Santa Cruz Avenue intersection.

Mayor Badame closed public comment.

**MOTION: Motion by Council Member Rennie to receive the information provided in the Police Services Report: July – December 2023, authorize the Town Manager to execute an agreement with Meliora Public Safety Consulting to conduct an organizational assessment and develop a Data Analysis Toolkit in an amount not to exceed \$80,000, and approve an Expenditure Budget Adjustment in the amount of \$80,000 from the available General Fund Capital/Special Projects Reserve. Seconded by Council Member Ristow.**

**VOTE: Motion passed unanimously.**

15. Consider Whether the Town Should Retain a Separate Building Board of Appeals and Provide Direction to Staff.

Gabrielle Whelan, Town Attorney, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

**MOTION: Motion by Council Member Ristow** to designate the Town Council to assume the duties of the Building Board of Appeal and disband the existing board. **Seconded by Council Member Moore.**

**VOTE: Motion passed unanimously.**

**MOTION: Motion by Council Member Hudes** to extend the meeting until 12:30 p.m. **Seconded by Council Member Moore.**

**VOTE: Motion passed unanimously.**

16. Provide Direction Regarding Potential Amendments to the Historic Preservation Committee Ordinance and Enabling Resolution.

Gabrielle Whelan, Town Attorney, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

**MOTION: Motion by Vice Mayor Hudes** to adopt option two in the staff report, without the recusal requirement. [Retain Town Code Section 29.80.255(a) which provides that Planning Commissioners serve on the Historic Preservation Committee, revise Town Code Section 29.80.227 to provide that the Historic Preservation Committee is advisory in nature]. **Seconded by Mayor Badame.**

**VOTE: Motion passed 4-1. Council Member Ristow voted no.**

PAGE 9 OF 9

SUBJECT: Draft Minutes of the Town Council Meeting of January 16, 2024

DATE: January 16, 2024

**ADJOURNMENT**

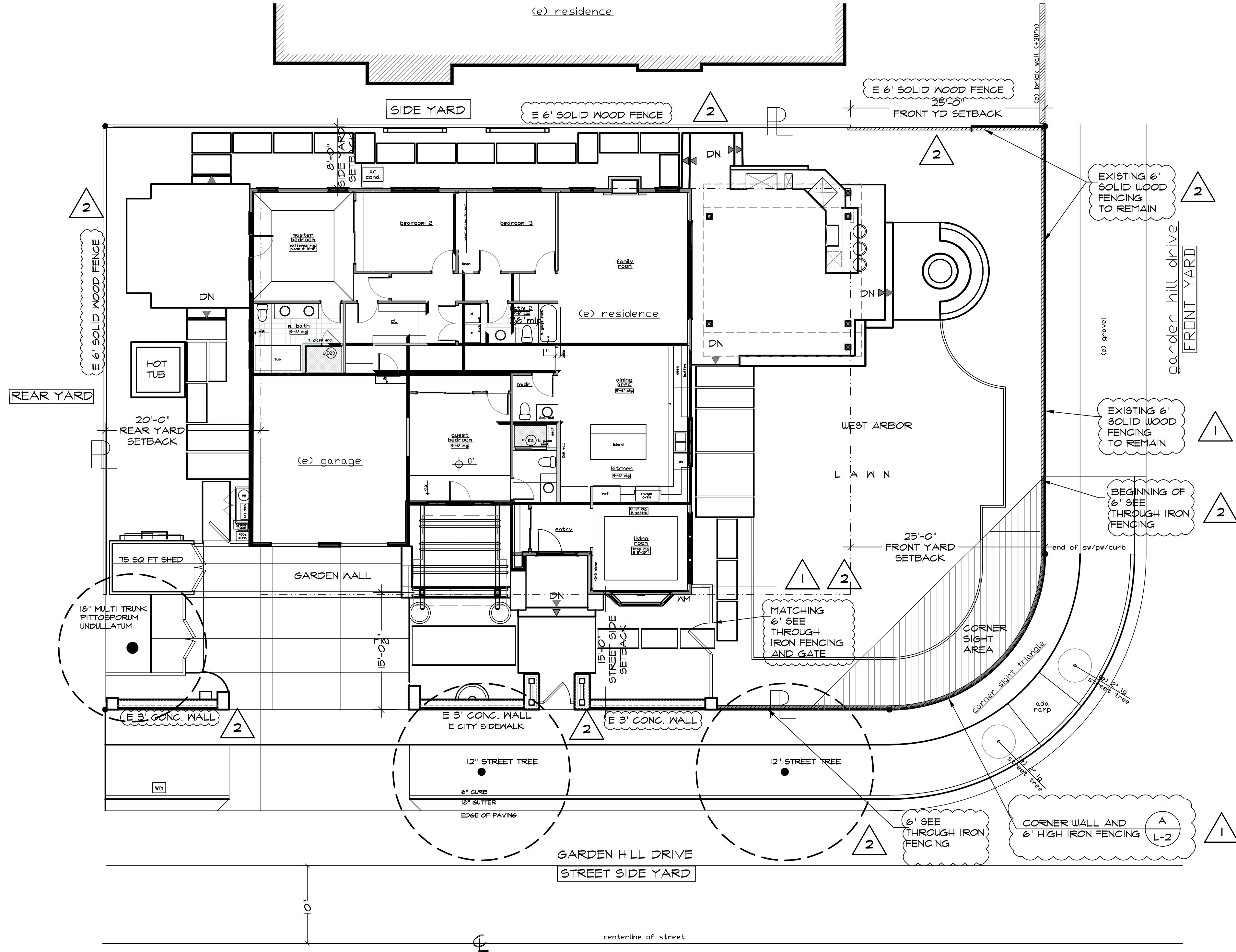
The meeting adjourned at 12:26 a.m.

Respectfully Submitted:

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Jenna De Long, Deputy Town Clerk

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## SCOPE OF WORK

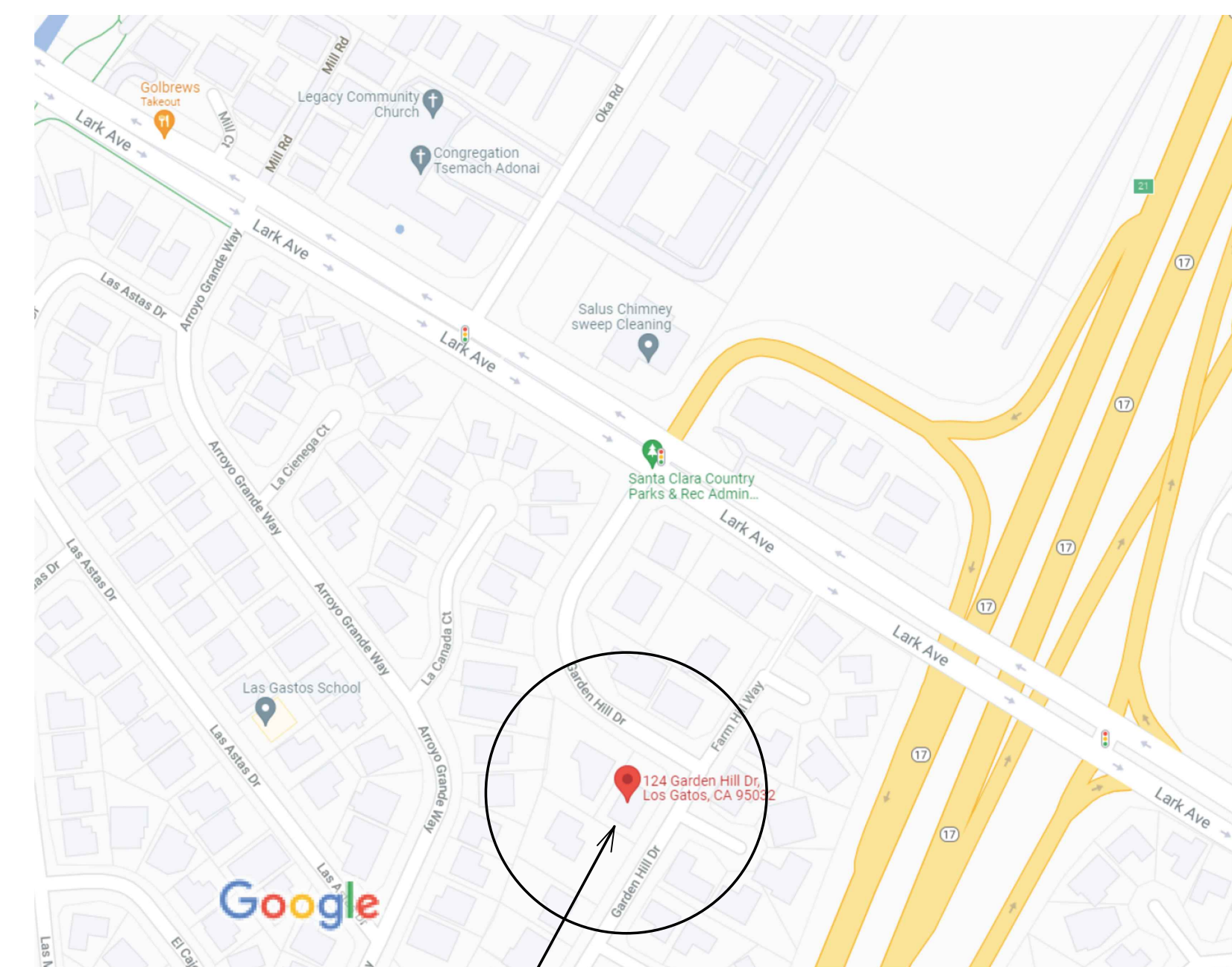
A. NEW 6' HIGH SEE THROUGH IRON FENCE

## SHEET INDEX

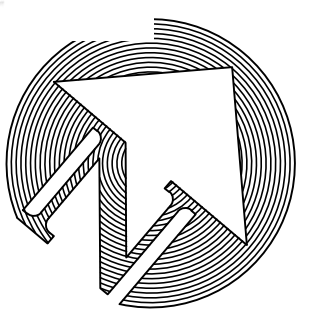
L-1 SITE PLAN  
L-2 NEW FENCE DETAILS      DETAIL A

## VICINITY MAP

A.P.N.# 42423084



SITE



NORTH

Todd Kalbfeld  
Landscape  
Design  
Landscape Design &  
Construction Management  
2545 TULIP ROAD, SAN JOSE, CA  
95128  
(408) 605-9973

REVISIONS  
1/26/2024 BY TK  
2/8/2024 BY TK

TODD KALBFELD  
PROFESSIONAL  
LANDSCAPE DESIGNER

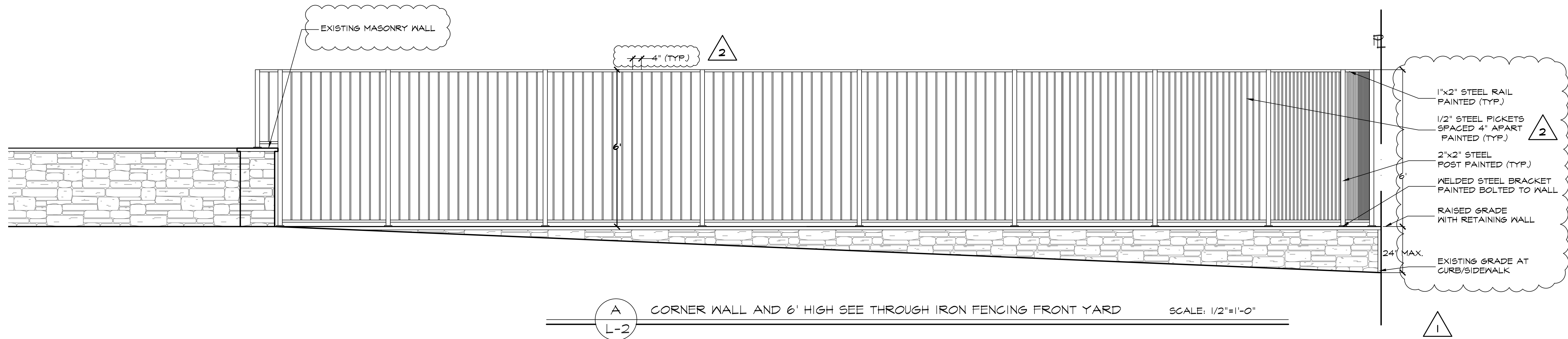
SINGLE FAMILY RESIDENCE  
124 GARDEN HILL DRIVE, LOS GATOS, CA

SITE PLAN

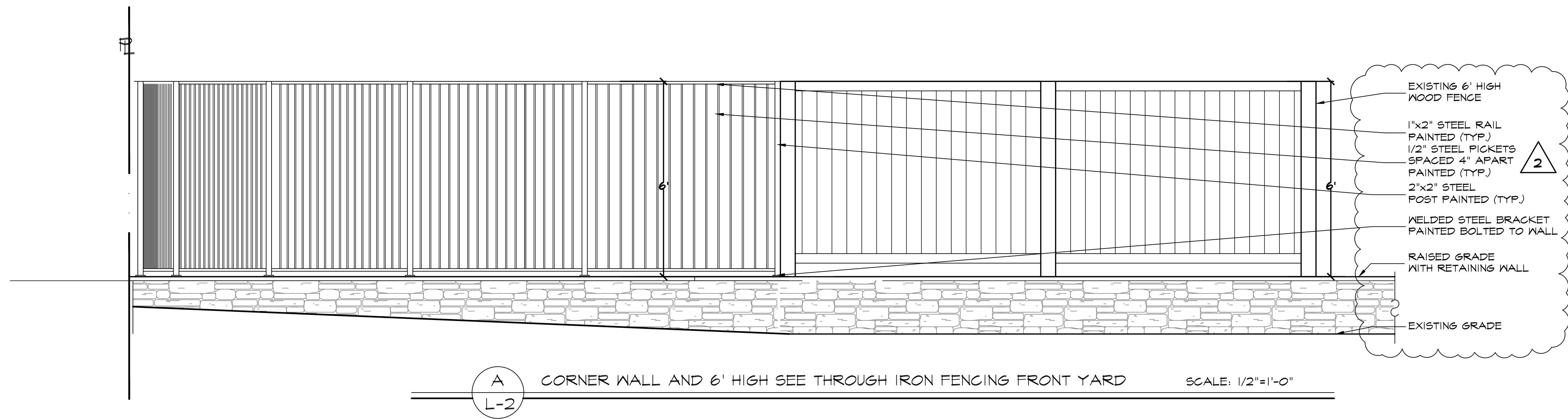
DATE AUG / 2021  
SCALE 1/8"=1'-0"  
DRAWN TK  
JOB GARDEN HILL  
SHEET L-1  
OF SHEETS

EXHIBIT 5





A  
L-2 CORNER WALL AND 6' HIGH SEE THROUGH IRON FENCING FRONT YARD SCALE: 1/2"=1'-0"



A  
L-2 CORNER WALL AND 6' HIGH SEE THROUGH IRON FENCING FRONT YARD SCALE: 1/2"=1'-0"





**Corner Sight Triangle**

**Street Side Property Line**

**Front Property Line**

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**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 03/13/2024

ITEM NO: 3

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DATE: March 8, 2024  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Requesting Approval of a Modification to an Existing Conditional Use Permit for a Convenience Market that Includes the Sale of Beer and Wine at an Automobile Service Station on Property Zoned C-1. **Located at 666 North Santa Cruz Avenue.** APN 529-10-141. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. Conditional Use Permit Application U-22-004. Property Owner/Applicant: Samir Dave, HDLM Associates. Project Planner: Jocelyn Shoopman.

RECOMMENDATION:

Approval.

PROJECT DATA:

General Plan Designation: Neighborhood Commercial  
Zoning Designation: C-1  
Applicable Plans & Standards: General Plan; Commercial Design Guidelines  
Parcel Size: 0.504 acres (21,980 square feet)  
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Office, Single-Family Residential, and Multi-Family Residential	Office Professional and Medium Density Residential	O and R-M:5-12
East	Commercial	Service Commercial	LM
South	Commercial	Neighborhood Commercial	C-1
West	Commercial and Residential	Neighborhood Commercial	C-1 and R-M:5-12

PREPARED BY: Jocelyn Shoopman  
Associate Planner

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Reviewed by: Planning Manager and Community Development Director

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CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit.
- As required for compliance with the Commercial Design Guidelines.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located at the intersection of Blossom Hill Road and North Santa Cruz Avenue (Exhibit 1). The project site is 0.504 acres (21,980 square feet) and is currently occupied by a Mobil gas station, convenience market, and three automotive service bays. For the remainder of the staff report, the Mobil automobile service station will be referred to as a service station, consistent with Town Code terminology for the use. The site has three points of access with ingress and egress on Blossom Hill Road, North Santa Cruz Avenue, and Industrial Way (Exhibit 1).

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located at the intersection of Blossom Hill Road and North Santa Cruz Avenue (Exhibit 1). The surrounding area contains a mix of uses with office, single-family residential, and multi-family residential to the north, commercial uses to the east, as well as residential and commercial uses to the west and south.



PROJECT DESCRIPTION (continued):

B. Project Summary

The applicant is requesting approval of a modification to the existing Conditional Use Permit (CUP) for a convenience market that includes the sale of beer and wine at a service station (Exhibit 6). No modification to the existing fuel dispensers is proposed.

C. Zoning Compliance

The sale of beer and wine at a service station requires approval of a CUP in the C-1 zone. The existing use is operating with an approved CUP from 1970 (Exhibit 4). The proposed project includes a modification to the existing CUP for expansion of the existing convenience market into three existing automotive service bays.

DISCUSSION:

A. Zoning

The sale of beer and wine at a service station is allowed as a conditional use in the C-1 zone, requiring approval of a CUP. The existing service station is operating with an approved CUP from 1970 (Exhibit 4). The proposed project includes a modification to the existing CUP for a convenience market that includes the sale of beer and wine at a service station. The proposed project includes expansion of the existing convenience market into three existing automotive service bays and would not result in an increase in the existing building square footage or lot coverage.

The project complies with the zoning requirements related to lot coverage, building height, parking, and circulation. The applicant is not requesting any exceptions or Variances to the Town Code.

B. Conditional Use Permit

The existing service station is operating under CUP application, U-70-7, approved by the Planning Commission on May 27, 1970 (Exhibit 4). On February 27, 1985, the Planning Commission denied a request to modify the existing CUP to convert an existing salesroom into a convenience market. On May 6, 1985, the Town Council denied the appeal of the Planning Commission decision to deny the CUP (Exhibit 5). Presently, there is a convenience market on the property. The property owner does not have information as to when the conversion of the sales room to a convenience market occurred and stated that the condition was present when the property was purchased in 2007. The applicant has stated that with the retirement of the operator of the automotive service bays, and with a

DISCUSSION (continued):

change in the technology of automobiles, an expanded convenience store is a better fit for the neighborhood and in keeping with the commercial character of the zone (Exhibit 6). Additionally, the Town has no Building or Planning permit records that the conversion of the sales room into a convenience store was done with the benefit of a permit.

In order to grant approval of a CUP for the proposed use, the deciding body must make the following findings:

1. The proposed use of the property is essential or desirable to the public convenience or welfare;
2. The proposed use will not impair the integrity and character of the zone;
3. The proposed use would not be detrimental to public health, safety, or general welfare; and
4. The proposed use of the property is in harmony with the various elements or objectives of the General Plan and the purposes of the Town Code.

In regard to the first finding, the proposed modifications would be considered desirable to the public convenience or welfare in that the modification would provide convenience goods to residents and visitors. As required by finding two, the proposed modification to the existing use would not impair the integrity and character of the zone since the existing use is located in a commercial zone. In regard to the third finding, the proposed modifications to the existing use would not be detrimental to public health, safety, or general welfare. In regard to the final finding, the proposed use meets the objectives of the General Plan and Town Code as described in this report.

Pursuant to Section 29.20.197 of the Town Code, the deciding body must also consider the following factors:

1. The number of locations of retail on-sale and off-sale licenses to sell alcohol located within a reasonable distance, generally one mile, of the proposed location;
2. The proximity of the location to schools, public parks, playgrounds, youth-oriented facilities, and residential neighborhoods. Generally, beer and wine sales within 500 feet of school, public park, playground, or youth-oriented uses should not be allowed;
3. Hours of operation and of alcohol sales;
4. Past history of businesses on the property; and
5. History of loitering and police activity in the general neighborhood of location.

In regard to the first factor, staff researched the number of active retail on- and off-sale Alcoholic Beverage Control (ABC) licenses within one mile and determined that there are approximately 86 active license. This approximation of active licenses includes restaurants,

DISCUSSION (continued):

grocery stores, service stations, and a convenience store. In regard to the second factor, there are no schools located within 500 feet of the subject property; however, Oak Meadow Park is located within 500 feet of the subject property. In regard to the third factor, the hours of operation are proposed to remain the same with operating hours of 5:00 a.m. to 12:00 a.m. Monday through Friday and 6:00 a.m. to 12:00 a.m. Saturday and Sunday. In regard to the fourth factor, the service station has been at this location since 1970. Lastly, in regard to the fifth factor, the Los Gatos Monte Sereno Police Department does not have a record of loitering or police activity at this location. The applicant has also provided a letter of justification in response to the additional factors for review of a CUP to sell beer and wine at a convenience market (Exhibit 6).

Pursuant to Section 29.20.197 of the Town Code, the following conditions of approval have been included in Exhibit 3:

1. No beer or wine shall be displayed within five feet of the cash register;
2. No advertisement or display of beer or wine shall be made outside the building in which sales of beer and wine occur;
3. No sale of beer or wine shall be made from a drive-in window;
4. No beer or wine for sale shall be refrigerated, and no display or sale of beer or wine shall be made from an ice tub;
5. No self-illuminated advertising for beer or wine shall be located on buildings or windows;
6. Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. who may sell beer or wine shall be at least 21 years of age;
7. There shall be no on-premises consumption of beer or wine;
8. The sale of beer and wine shall at all times be incidental to the operation of the building as a service station. Whether the sale of beer or wine is incidental shall be determined by measurement of the space devoted to sales of beer and wine with relation to sales of grocery and convenience items, and the volume of sales of beer and wine with relation to sales of other grocery and convenience items;
9. Uniformed security personnel may be required in or around the premises by the Chief of Police if alcohol-related problems recur that are not resolved by the licensed owner;
10. At the discretion of the Chief of Police, periodic meetings will be conducted with representatives of the Police Department for ongoing employee training on alcoholic beverages sales to the general public; and
11. The operator shall post and maintain a warning regarding driving after consumption of alcoholic beverages in a visible location near the cash register.

DISCUSSION (continued):

C. Design and Compatibility

The proposal will not result in an increase in the existing building height or addition to the existing building, rather an interior and exterior renovation of the existing convenience market into the three existing automotive service bays will be done (Exhibits 6 and 7). The proposed exterior finishes include tile wainscot, wood panel lap siding, wood trim, and aluminum windows in a dark bronze color. The existing tile roofing is proposed to remain (Exhibit 8).

The proposed exterior modifications to the existing building are consistent with the applicable provisions of the Commercial Design Guidelines to provide a unified design around all sides of the building and to utilize high quality building materials. The proposed building materials are provided on Sheet A301 of Exhibit 8 and would match the existing materials. The only site improvement proposed as part of the project is to re-stripe the existing off-street parking spaces to be compliant with the Town Code.

F. General Plan

The 2020 General Plan Land Use designation for the site is Neighborhood Commercial. This designation provides for necessary day-to-day commercial goods and services required by the residents of the adjacent neighborhoods. This designation encourages concentrated and coordinated commercial development at easily accessible locations. In addition to maintaining neighborhood quality, the 2020 General Plan Land Use Element focuses on maintaining a “full-service” Town that provides a range of goods and services that support economic vitality, while limiting adverse impacts on the quality of life of all the residents.

Applicable goals and policies of the 2020 General Plan Land Use and Community Design Elements include, but are not limited to the following:

- Policy LU-2.1: Minimize vehicle miles traveled for goods and services by allowing and encouraging stores that provide these goods within walking distance of neighborhoods in Los Gatos;
- Goal LU-4: To provide for well-planned, careful growth that reflects the Town’s existing character and infrastructure;
- Goal LU-9: To provide residents with adequate commercial and industrial services;
- Policy LU-9.4: Encourage existing light industry and service commercial uses to remain or be replaced with similar uses;
- Policy LU-9.5: Encourage the development and retention of locally owned stores and shops;



DISCUSSION (continued):

- Policy LU-9.8: Retail sales tax “leakage” should be kept to a minimum by providing in-town convenience and comparative shopping opportunities;
- Policy CD-1.1: Building elements shall be in proportion with those traditionally in the neighborhood;
- Policy CD-1.2: New structures, remodels, landscapes, and hardscapes shall be designed to harmonize and blend with the scale and rhythm of the neighborhood and natural features in the area;
- Policy CD-1.4: Development on all elevations shall be of high-quality design and construction, a positive addition to and compatible with the Town’s ambiance. Development shall enhance the character and unique identity of existing commercial and/or residential neighborhoods; and
- Goal CD-8: Promote, enhance and protect the appearance of the Los Gatos’s commercial areas.

G. Parking

The proposed use requires 10 parking spaces. The proposal includes 10 compliant on-site parking spaces.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 300 feet of the subject property. At the time this report was published, no comments had been received.

CEQA DETERMINATION:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Section 15301: Existing Facilities.

CONCLUSION:

A. Summary

The applicant is requesting approval of a modification to the existing CUP for a convenience market that includes the sale of beer and wine at a service station in the C-1 zone. The project is consistent with the Zoning Code, General Plan, and applicable Commercial Design Guidelines.

CONCLUSION (continued):

B. Recommendation

Based on the analysis above, staff recommends approval of the CUP application subject to the recommended Conditions of Approval.

If the Planning Commission finds merit with the proposed project, it should:

1. Make the finding that the proposed project is Categorically Exempt, pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15301: Existing Facilities (Exhibit 2);
2. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);
3. Make the findings as required by Section 29.20.190 of the Town Code for granting a CUP (Exhibit 2); and
4. Approve CUP application U-22-004 with the conditions contained in Exhibit 3, and development plans included as Exhibit 8.

C. Alternatives

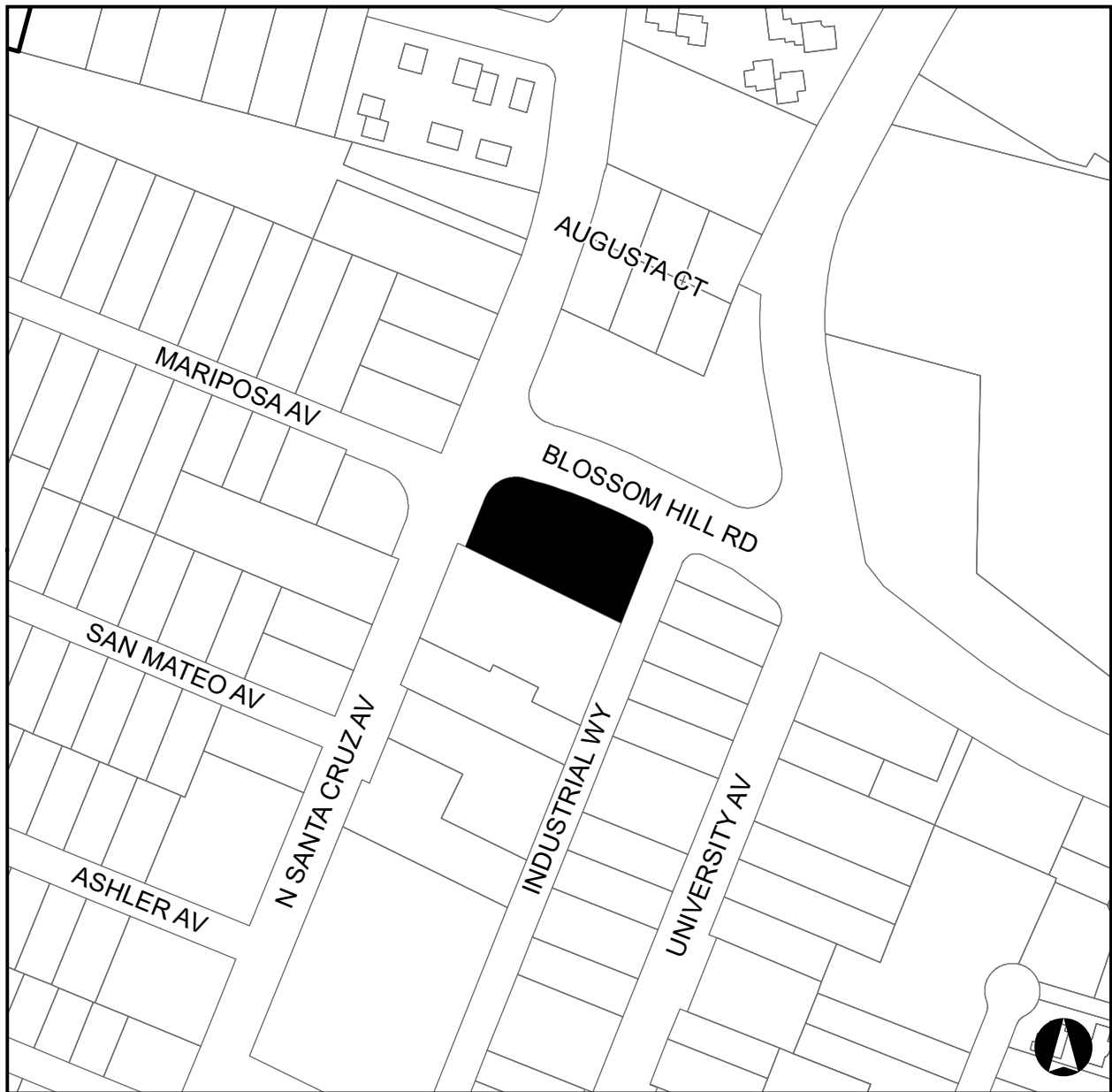
Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Approve the application with additional and/or modified conditions; or
3. Deny the application.

EXHIBITS:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Conditional Use Permit U-70-7
5. Resolution 1985-61
6. Letters of Justification
7. Project Description
8. Development Plans

# 666 North Santa Cruz Avenue



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**PLANNING COMMISSION – March 13, 2024**  
**REQUIRED FINDINGS & CONSIDERATIONS FOR:**

**666 North Santa Cruz Avenue**  
**Conditional Use Permit Application U-22-002**

**Requesting Approval of a Modification to an Existing Conditional Use Permit for a Convenience Market that Includes the Sale of Beer and Wine at an Automobile Service Station on Property Zoned C-1.**

**PROPERTY OWNER/APPLICANT: Samir Dave, HDLM Associates**  
**PROJECT PLANNER: Jocelyn Shoopman**

**FINDINGS**

**Required findings for CEQA:**

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.

**Required compliance with the Zoning Regulations:**

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).

**Required Findings for a Conditional Use Permit:**

- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit:
  1. The proposed uses of the property are essential or desirable to the public convenience or welfare in that the modification would provide convenience goods to residents and visitors;
  2. The proposed uses will not impair the integrity and character of the zone since the existing use is located in a commercial zone and meets the development standards of the zone including setbacks, building height, and lot coverage;
  3. The proposed uses would not be detrimental to public health, safety or general welfare; and
  4. The proposed uses of the property are in harmony with the various elements or objectives of the general plan and the purposes of Chapter 29 of the Town Code.

**Commercial Design Guidelines:**

- The proposed building is consistent with applicable provisions of the Commercial Design Guidelines.

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**PLANNING COMMISSION – March 13, 2024**  
**CONDITIONS OF APPROVAL**

**666 North Santa Cruz Avenue**  
**Conditional Use Permit Application U-22-002**

**Requesting Approval of a Modification to an Existing Conditional Use Permit for a Convenience Market that Includes the Sale of Beer and Wine at an Automobile Service Station on Property Zoned C-1.**

**PROPERTY OWNER/APPLICANT: Samir Dave, HDLM Associates**  
**PROJECT PLANNER: Jocelyn Shoopman**

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

*Planning Division*

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the plans approved by the Planning Commission on March 13, 2024. Any changes or modifications to the approved plans shall be approved by the Community Development Director or the Planning Commission, depending on the scope of the changes.
2. EXPIRATION: The Conditional Use Permit approval will expire two years from the approval date unless it is used before expiration. Section 29.20.335 defines what constitutes the use of an approval granted under the Zoning Ordinance.
3. LAPSE FOR DISCONTINUANCE: If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year the approval lapses.
4. USE: The approved use is a service station with a convenience store that includes the sale of beer and wine.
5. HOURS OF OPERATION: The maximum hours of operation for the automobile service station and convenience store shall be 5:00 a.m. to 12:00 a.m. Monday through Friday and 6:00 a.m. to 12:00 a.m. Saturday and Sunday.
6. SIGN PERMIT: A Sign Permit from the Los Gatos Community Development Department must be obtained prior to any changes to existing signs or installation of new signs.
7. CERTIFICATE OF USE AND OCCUPANCY: A Certificate of Use and Occupancy from the Los Gatos Community Development Department must be obtained prior to commencement of use.
8. BUSINESS LICENSE: A business license from the Town of Los Gatos Finance Department must be obtained prior to the commencement of any new or change of use.
9. BEER AND WINE LOCATION: No beer or wine shall be displayed within five feet of the cash register.
10. ADVERTISEMENT: No advertisement or display of beer or wine shall be made outside the building in which sales of beer and wine occur.
11. POINT OF SALE LOCATION: No sale of beer or wine shall be made from a drive-in window.

12. BEER AND WINE LOCATION: No beer or wine for sale shall be refrigerated, and no display or sale of beer or wine shall be made from an ice tub.
13. SELF-ILLUMINATION SIGNAGE: No self-illuminated advertising for beer or wine shall be located on buildings or windows.
14. EMPLOYEES: Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. who may sell beer or wine shall be at least 21 years of age.
15. CONSUMPTION OF BEER AND WINE: There shall be no on-premises consumption of beer or wine.
16. INCIDENTAL USE: The sale of beer and wine shall at all times be incidental to the operation of the building as a service station. Whether the sale of beer or wine is incidental shall be determined by measurement of the space devoted to sales of beer and wine with relation to sales of grocery and convenience items, and the volume of sales of beer and wine with relation to sales of other grocery and convenience items.
17. SECURITY: Uniformed security personnel may be required in or around the premises by the Chief of Police if alcohol-related problems recur that are not resolved by the licensed owner.
18. EMPLOYEE TRAINING: At the discretion of the Chief of Police, periodic meetings will be conducted with representatives of the Police Department for ongoing employee training on alcoholic beverages sales to the general public.
19. WARNING SIGNAGE: The operator shall post and maintain a warning regarding driving after consumption of alcoholic beverages in a visible location near the cash register.
20. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.

#### *Building Division*

21. A comprehensive plan review has not been completed for this CUP modification under consideration by the Development Review Committee and compliance with applicable codes have not been verified.
22. PERMITS: No work requiring Building Permits can commence without issuance of any required Building Permits. Building Permit plan review, including review by the Santa Clara County Fire Department and the Parks and Public Works Department, will be part of any required Building Permit application process. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official.
23. ACCESSIBILITY: In addition to all new work complying with the Code for accessibility, when existing buildings are altered or remodeled, they must be made accessible to persons with physical disabilities in accordance with the CBC Section 11B-202, "Existing buildings and facilities."



TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

24. Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
25. Please note that tenant improvements will be reviewed during building permit submittal.
26. This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

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**Town of Los Gatos**  
P.O. Box 949  
Los Gatos, California 95030  
354-6811

June 1, 1970

Mobil Oil Corporation  
66 Bovel Road, Suite 113  
P. O. Box 5484  
San Mateo, California 94402

Attention: Mr. G. B. Cushenberry

Re: Conditional Use Permit 70-7  
666 North Santa Cruz Avenue

Gentlemen:

Please be advised that on May 27, 1970, the Site and Architecture Committee of the Los Gatos Planning Commission approved Conditional Use Permit 70-7 to construct an automobile service station to be located between Santa Cruz Avenue and Industrial Road on the south side of Blossom Hill Road, subject to the following conditions:

1. That this approval shall not take effect prior to any Site and Architecture approval.
2. That the property owner dedicate 10 feet of right-of-way on North Santa Cruz Avenue to provide for an ultimate 80-foot right-of-way, as shown on the Circulation Element of the General Plan.
3. That the applicant guarantee, by contract and bonds, the installation of standard street improvements across all frontages of the property. Street improvements shall include the following:  
  
Santa Cruz Avenue: Remove and reconstruct sidewalk, curb and gutter, paving, street lights (wired underground), and storm drainage.  
  
Industrial Road: Install one street light (wired underground).
4. That final plans showing grading, drainage and traffic circulation shall be subject to review and approval by the Town Engineer prior to application for building permit.
5. That applicant shall pay all fees due the Town of Los Gatos, including Drainage Fee at \$1,000 per acre, Street Tree Fee at 40¢ per front foot, Plan Check and Inspection Fee at prevailing fee schedule.

Mobil Oil Corporation

June 1, 1970

Page Two

6. That all utilities shall be underground including the removal of the existing power pole which provides service to this property.

If you have any questions concerning this matter or if we may be of any assistance to you, please feel free to contact this office at any time.

Yours very truly,



JACK SCHENK  
Assistant Planning Director

JS:jk

cc: Department of Public Works

RESOLUTION NO. 1985-G1

RESOLUTION DENYING APPEAL FROM PLANNING COMMISSION  
DENIAL OF A CONDITIONAL USE PERMIT TO CONVERT  
THE SALESROOM OF AN EXISTING SERVICE STATION  
INTO A "SNACK SHOP"

(666 North Santa Cruz Avenue--Mobil Oil Company)

WHEREAS:

1. Thomas L. Bardet, Senior Real Estate Representative of Mobil Oil Corporation, has appealed a decision of the Planning Commission as follows: denial of Conditional Use Permit Application U-70-7A to convert the salesroom of an existing service station into a "snack shop" on property located at 666 North Santa Cruz Avenue;

2. A public hearing was held on April 15, 1985.

IT IS HEREBY RESOLVED:

1. The Town Council hereby finds that the findings of the Planning Commission were correct as follows:
  - a. The use is not desirable to the community because convenience service in connection with a gasoline station is not necessary in this community;
  - b. Granting the application may lead to similar applications throughout the Town for convenience services at gasoline stations including requests for mini-markets and sales of alcoholic beverages.
2. The Town Council further finds that the granting of the application may lead to increased litter on the streets and sidewalks, similar to the litter problem associated with convenience stores.
3. The Town Council further finds that the decision of the Planning Commission denying Conditional Use Permit Application U-70-7A was correct.

4. Based on the foregoing findings, the appeal is hereby denied.

Pursuant to Los Gatos Town Code Section 1-15, the time for seeking judicial review of the Town Council decision is governed by California Code of Civil Procedure Section 1094.6.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos held on the 6th day of May, 1985 by the following vote:

AYES: COUNCILMEMBERS Eric D. Carlson, Terrence J. Daily, Thomas J. Ferrito, Brent N. Ventura,  
and Mayor Joanne Benjamin

NOES: COUNCILMEMBERS None

ABSTAIN: COUNCILMEMBERS None

ABSENT: COUNCILMEMBERS None

SIGNED: /s/ Joanne Benjamin  
MAYOR OF THE TOWN OF LOS GATOS

ATTEST:

/s/ Rose E. Aldag (seal)  
CLERK OF THE TOWN OF LOS GATOS

July 31, 2023

Jocelyn Shoopman, Associate Planner  
City of Los Gatos Planning Department  
110 E. Main Street  
Los Gatos, CA 9

**666 N. Santa Cruz Avenue: U-22-004**

LETTER OF JUSTIFICATION

1. Convenience store use is a desirable use at this location. Today those people coming into the gas station expect a nice convenience store with the usual chips, drinks and other snacks. As well as commonly needed items found in grocery stores. This saves them added time driving to other stores and waiting in longer lines. Today convenience stores are even adding hot food items also.
2. The proposed uses will not impair the integrity and character of the zone. The current operator of the repair shop is retiring from this work, and so the auto repair shop is closing. Over the last 40 years the fuel station has taken on a new look. It is no longer the "service" station like it was. Car technology has changed this. They are now more of a convenience store. This model has proven to be a profitable change for the industry. Today it is more typical to see a convenience store than a car repair shop at a fuel station. With the repair shop empty the owner needs to change his model and expand into the convenience store. The character found within the zone will not be changed by this change. The building architecture will not be modified that much. The large door openings will be replaced with windows and the exterior wainscot will be updated.
3. The proposed uses would not be detrimental to public health, safety or general welfare. This proposed renovation will bring this property up to current code requirements for safety, health and general welfare. The restrooms will be accessed from the interior which is a deterrent for those who tend to hang around and use them without being a client of the facility.
4. The proposed uses of the property are in harmony with the various elements or objectives of the general plan and the purposes of this chapter. We feel that this use fits into the services that are allowed in the general plan and the design keeps the small town character of the neighborhood. Convenience stores are a use found within this zone.
5. A hazardous waste facility proposal is subject to the California Health and Safety code and with Santa Clara County Hazardous Waste Management Plan. The current fuel station is already following the guidelines of these codes and has a Hazardous waste management plan.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kurt Wagenknecht".

Kurt Wagenknecht

July 31, 2023

Jocelyn Shoopman, Associate Planner  
City of Los Gatos Planning Department  
110 E. Main Street  
Los Gatos, CA 9

**666 N. Santa Cruz Avenue: U-22-004**

**LETTER OF JUSTIFICATION for Section 29.20.197 (a) and (b)**

(a) When reviewing an application for a conditional use permit or modification to a conditional use permit to sell beer or wine for consumption off-premises at a service station pursuant to section 29.20.185, the deciding body shall consider the following factors in addition to those required in section 29.20.190

1. The number of locations that sell beer and wine within a mile. We do not have this information. We can ask the licensing organization to determine this. There does not appear to many stores that sell beer and wine within this radius.
2. The proximity of the location to schools, public parks, playgrounds, youth-oriented facilities, and residential neighborhoods. Generally, beer and wine sales within five hundred (500) feet of school, public park, playground, or youth-oriented uses should not be allowed;

There are no schools within 500'. There is a walking entrance to the Oak Meadow park within this 500'. The drive entrance is further away. The Vasona Lake County park is further away.

3. Hours of operation: The hours of operation will remain as they have been.  
Monday-Friday: 5am to Midnight  
Saturday- Sunday: 6am to Midnight
  4. The past history of business at this location. The fuel station and auto repair has been there since 1970 and is a vital part of the neighborhood.
  5. History of Loitering and police activity. While there have been some loitering and some police calls, this location is on the low side of police activity this is true for this neighborhood as well.
- (b) When reviewing an application to sell beer and wine for consumption off-premises at a service station, the deciding body shall impose the following conditions and operating standards: The owners agrees with these provisions.
- 1) No beer or wine shall be displayed within five feet of the cash register.
  - 2) No advertisement or display of beer or wine shall be made outside the building in which sales or beer and wine occur.
  - 3) No sale of beer or wine shall be made from a drive-in window.



- 4) No beer or wine for sale shall be refrigerated, and no display or sale of beer or wine shall be made from an ice tub.
- 5) No self-illuminated advertising for beer or wine shall be located on buildings or windows.
- 6) Employees on duty between the hours of 10:00 p.m. and 12:00 a.m. who may sell beer or wine shall be at least 21 years of age.
- 7) There shall be no on-premises consumption of beer or wine.
- 8) The sale of beer and wine shall at all times be incidental to the operation of the building as a service station. Whether the sale of beer or wine is incidental shall be determined by measurement of the space devoted to sales of beer and wine with relation to sales of grocery and convenience items, and the volume of sales of beer and wine with relation to sales of other grocery and convenience items.
- 9) Uniformed security personnel may be required in or around the premises by the Chief of Police if alcohol-related problems recur that are not resolved by the licensed owner.
- 10) At the discretion of the Chief of Police, periodic meetings will be conducted with representatives of the Police Department for ongoing employee training on alcoholic beverages sales to the general public.
- 11) The operator shall post and maintain a warning regarding driving after consumption of alcoholic beverages in a visible location near the cash register.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kurt Wagenknecht', with a long horizontal flourish extending to the right.

Kurt Wagenknecht

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December 6, 2023

Los Gatos Mobil Remodel  
Remove 3 Auto Service Bays – New Convenience Store  
666 N. Santa Cruz Ave, Los Gatos

Conditional Use Application: U-22-004

## **PROJECT DESCRIPTION**

### **Existing Fuel Station:**

There are 4- Existing fuel dispensers, these will remain. There is no new fuel work involved with this project. There is existing propane sales, this will remain.

There are currently 3- auto Service bays in the building. These will be eliminated. The roll-up doors will be replaced with walls and windows to match the existing building. The existing toilet room has an exterior entrance. This will be removed and replaced.

The interior of the existing building will be demolished and remodeled into a convenience store.

The existing 13 parking stalls will remain.

### **New Convenience Store:**

The interior of the building will be converted in a convenience store. There will be two interior access rest rooms. Storage room, walk-in cooler and standard gondolas in the sales area. The new store will also have beer and alcohol sales.

The roll-up doors will be come windows with low walls below. The main entry door will be more centrally located instead of at the corner of the building.

Parking: The parking required for the existing auto service is 10 parking spaces. The required parking for the new convenience store is 10 spaces.

### **Hours of Operation:**

The new fueling and convenience store will keep the existing hours of

Monday-Friday: 5am to Midnight

Saturday-Sunday: 6 am to Midnight.

### **New site work:**

Site work will be limited to the area just in front of the convenience store and the path of travel for the street and restriping of the handicapped parking stall. New landscaping at the corner

**You are welcome to send comments to the owner, architect or the Planning Department.**  
**Kurt Wagenknecht, Architect**                      **kurt@k12architects.com**

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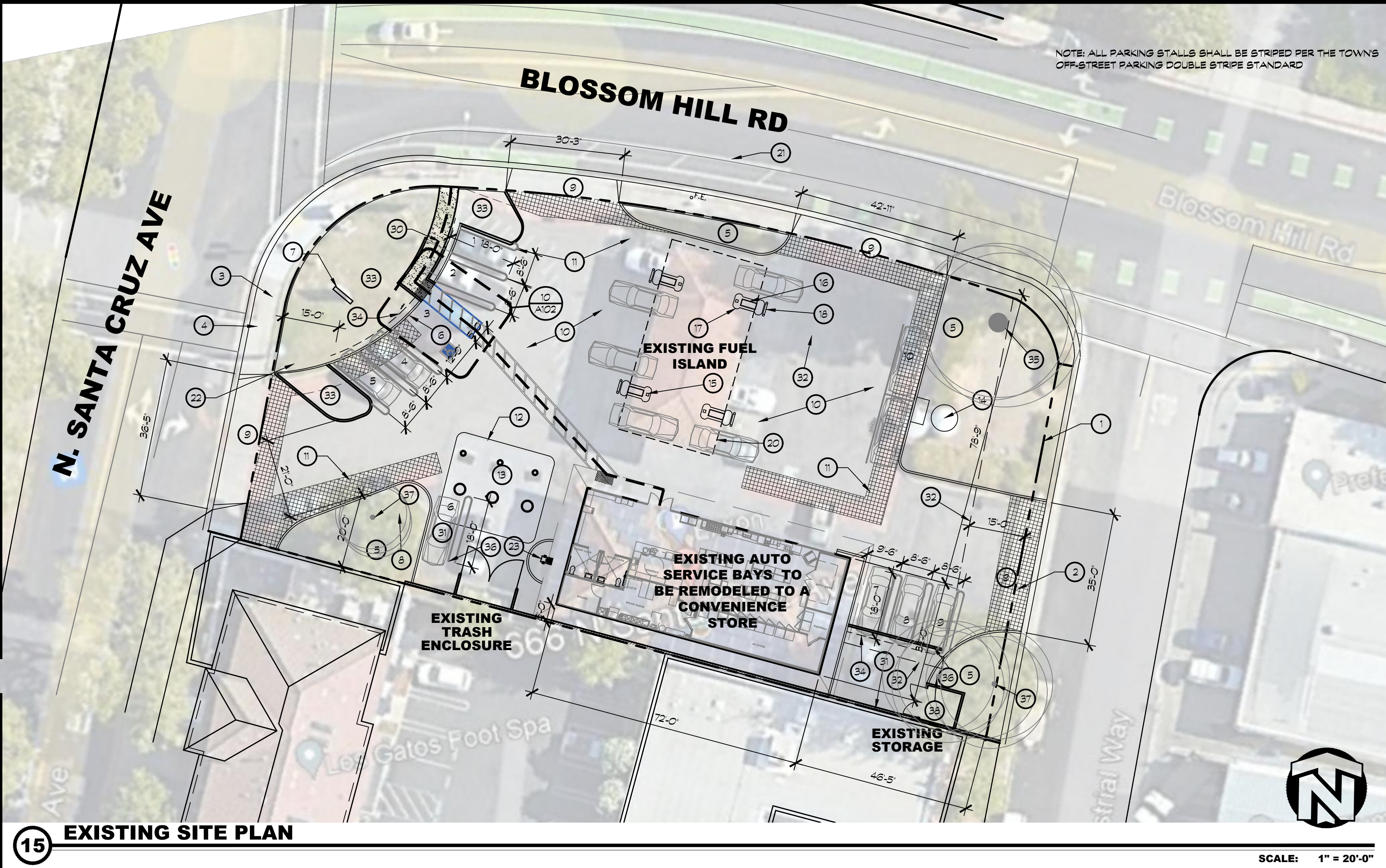
# LOS GATOS MOBIL CONVENIENECE STORE REMODEL

REMOVE 3-AUTO SERVICE BAYS  
NEW CONVENIENCE STORE

666 NORTH SANTA CRUZ AVENUE  
LOS GATOS, CALIFORNIA

## PROJECT DATA

ASSESSOR'S PARCEL NUMBER(S):	529-10-141
USE ZONE	C1 - NEIGHBORHOOD COMMERCIAL
PROJECT SITE AREA (GROSS):	(0.504 ACRES) 21,980 S.F.
CODE AUTHORITY:	TITLE 19 C.C.R., PUBLIC SAFETY STATE FIRE MARSHAL REGULATIONS 2022 CA ADMIN. CODE TITLE 24, PART 1 2022 CA BUILDING CODE (CBC) TITLE 24, PT. 2 2022 CA ELEC. CODE (CEC) TITLE 24, PT. 3 2022 CA MECH. CODE (CMC) TITLE 24, PT. 4 2022 CA PLUM. CODE (CPC) TITLE 24, PT. 5 2022 CA ENERGY CODE CCR TITLE 24, PT. 6 2022 CA FIRE CODE (CFC) CCR TITLE 24, PT. 9 2022 CA GREEN BLDG. STANDARDS, TITLE 24, PT 11 2022 CA REFERENCED STANDARDS, TITLE 24, PT 12
CURRENT CODES, AS AMENDED AND ADOPTED BY THE TOWN OF LOS GATOS AS OF JANUARY, 2020, ARE THE 2019 CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF REGULATIONS TITLE 24.	
EXISTING BUILDING DATA:	
STRUCTURE	CBC OCCUP. TYPE OF CONST. AREA
CONVENIENCE STORE	M V B 2,304 S.F.
FUELING CANOPY	M II B 1,360 S.F.
NUMBER OF STORIES:	1
BUILDING HEIGHT:	19'-6"
YEAR BUILDING WAS CONSTRUCTED:	1971
EXISTING PARKING DATA:	
2 PER SERVICE BAY + 1 PER EMPLOYEE 6+ 4 = 10 PARKING SPACES	
NEW PARKING DATA:	
1 SPACE PER 235 SF OF GROSS BUILDING AREA 2304 SF / 235 = 10 SPACES REQUIRED.	
LANDSCAPE AREA	
TOTAL AREA OF SITE:	21,980 S.F.
TOTAL AREA OF LANDSCAPE:	(19.5%) 4,292 S.F.



## SITE PLAN KEYNOTES

- PROPERTY LINE
- EXISTING PUBLIC RIGHT AWAY SIDEWALK TO REMAIN, TYP
- EXISTING STOP LIGHT TO REMAIN
- EXISTING CURB RAMP TO REMAIN
- EXISTING LANDSCAPING TO REMAIN
- EXISTING CURB TO REMAIN, TYP UNO, 2 FOOT OVERHANG INTO LANDSCAPING.
- EXISTING GAS PRICE MONUMENT SIGN TO REMAIN
- EXISTING TREE TO REMAIN, TYP.
- EXISTING DRIVEWAY TO REMAIN, TYP
- EXISTING AC PAVING TO REMAIN
- EXISTING TILE PATTERN PAVING TO REMAIN
- EXISTING CONCRETE PAVING TO REMAIN
- EXISTING UNDERGROUND FUEL STORAGE TANK TO REMAIN
- EXISTING STORAGE TANK TO REMAIN
- EXISTING CANOPY COLUMN TO REMAIN, TYP.
- EXISTING FUEL DISPENSER TO REMAIN, TYP.
- EXISTING FUEL DISPENSER ISLAND TO REMAIN, TYP
- EXISTING HOOP BOLLARD TO REMAIN
- EXISTING HOOP BOLLARD TO REMAIN
- DASHED LINE OF EXISTING FUELING CANOPY ABOVE
- EXISTING FIRE HYDRANT TO REMAIN
- EXISTING SITE LIGHT FIXTURE TO REMAIN, TYP.
- EXISTING AIR/WATER SERVICE TO REMAIN
- EXISTING 4" WHITE TRAFFIC PAINT
- EXISTING VAN ACCESSIBLE PARKING STALL
- EXISTING ACCESSIBLE PARKING SIGN
- EXISTING 8'-0" ACCESSIBLE AISLE
- EXISTING COMPLIANT INTERNATIONAL SYMBOL OF ACCESSIBILITY
- EXISTING COMPLIANT INTERNATIONAL SYMBOL OF ACCESSIBILITY
- NEW 4" THICK CONCRETE WALK, SHOWN HATCHED.
- EXISTING 8'-0" CMU WALL, AT PROPERTY LINE.
- EXISTING EASEMENT
- NEW LANDSCAPING
- LINE OF CAR OVERHANG
- EXISTING 40" DIA. TREE
- NEW 6" x 8" CONC CURB WHEEL STOP
- EXISTING 20" DIA TREE
- EXISTING 18" DIA TREE

ALL WALKWAYS AND SIDEWALKS ALONG ACCESSIBLE ROUTES OF TRAVEL (1) ARE CONTINUOUSLY ACCESSIBLE, (2) HAVE A MAXIMUM 1/2" CHANGE IN ELEVATION, (3) ARE MINIMUM 48" IN WIDTH, (4) HAVE A MAXIMUM 2% CROSS SLOPE, AND (5) WHERE NECESSARY TO CHANGE ELEVATION AT A SLOPE EXCEEDING 5% (I.E. 1:20) SHALL HAVE RAMPS COMPLYING WITH 2016 CBC, SECTION 11B-402 OR 11B-406 AS APPROPRIATE, WHERE A WALK CROSSES OR ADJACENT A VEHICULAR WAY, AND THE WALKING SURFACES ARE NOT SEPARATED BY CURBS, RAILINGS OR OTHER ELEMENTS BETWEEN THE PEDESTRIAN AREAS AND VEHICULAR AREAS SHALL BE DEFINED BY A CONTINUOUS DETECTABLE WARNING WHICH IS 36" WIDE, COMPLYING 2016 CBC, SECTION 11B-705.1.2.5.

— — PATH OF TRAVEL

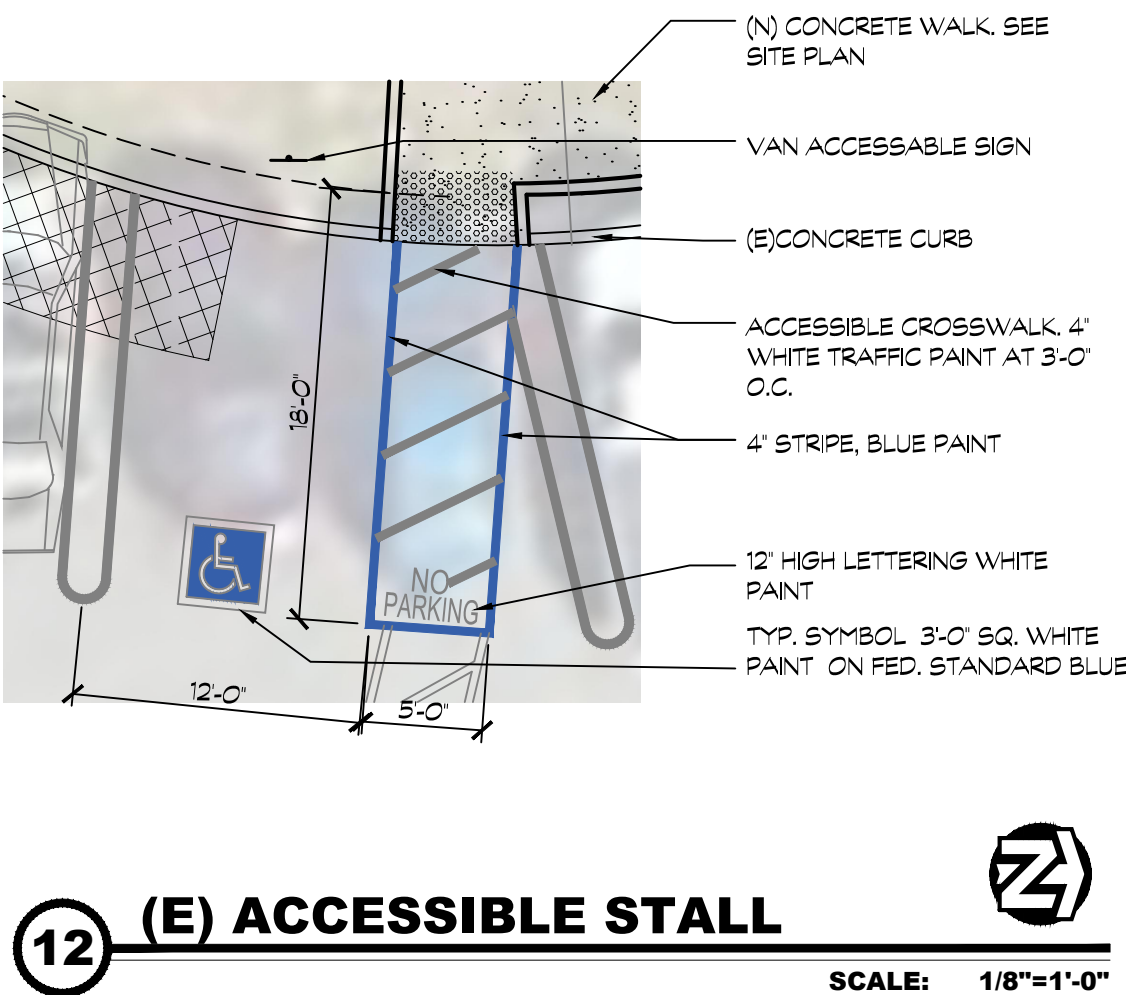
## DRAWING INDEX

### ARCHITECTURAL

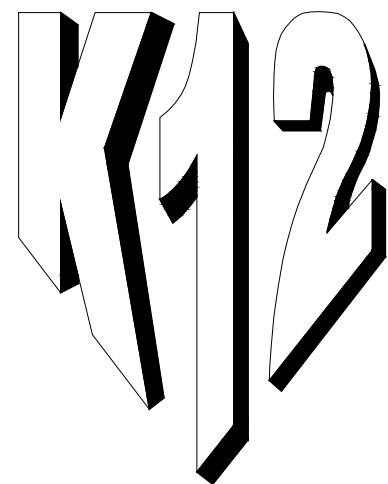
A101	COVER SHEET/SITE PLAN
A201	NEW FLOOR PLAN
A302	EXISTING DEMO FLOOR PLAN
A301	C STORE EXTERIOR ELEVATIONS
A302	SITE PICTURES
A303	SITE PICTURES
A304	EXTERIOR ELEVATIONS

### LANDSCAPING

L201	PRELIMINARY PLANTING PLAN
------	---------------------------



## VICINITY MAP



Architects

K12 Architects, Inc  
3090 Fite Circle, #104  
Sacramento, CA 95827

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CONSULTANTS:

CONTRACTOR:

PROJECT:

LOS  
GATOS  
REMODEL

REMOVE 3- AUTO  
SERVICE BAYS  
NEW  
CONVENIENCE  
STORE

666 N. SANTA CRUZ AVE,  
LOS GATOS, CA 95030

DEVELOPER:

Samir Dave  
HDL Associates  
666 N. Santa Cruz Ave,  
Los Gatos, CA 95030

REVISIONS:

OWNER APPROVED - DECEMBER 3, 2015

PROFESSIONAL SEAL:



PROJECT NUMBER: 22-001 PROJECT DATE: 3-14-22

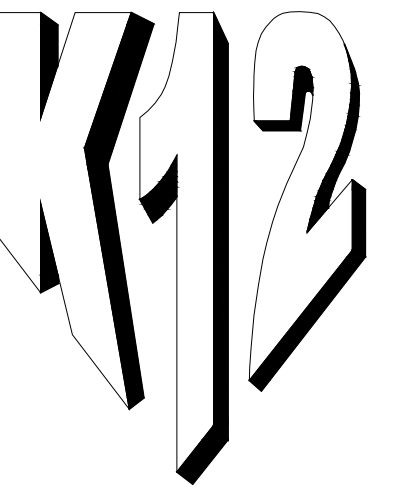
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EXISTING SITE PLAN

SHEET NUMBER:

A101  
EXHIBIT 8





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HDLM Associates  
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REVISIONS:

PROFESSIONAL SEALS:



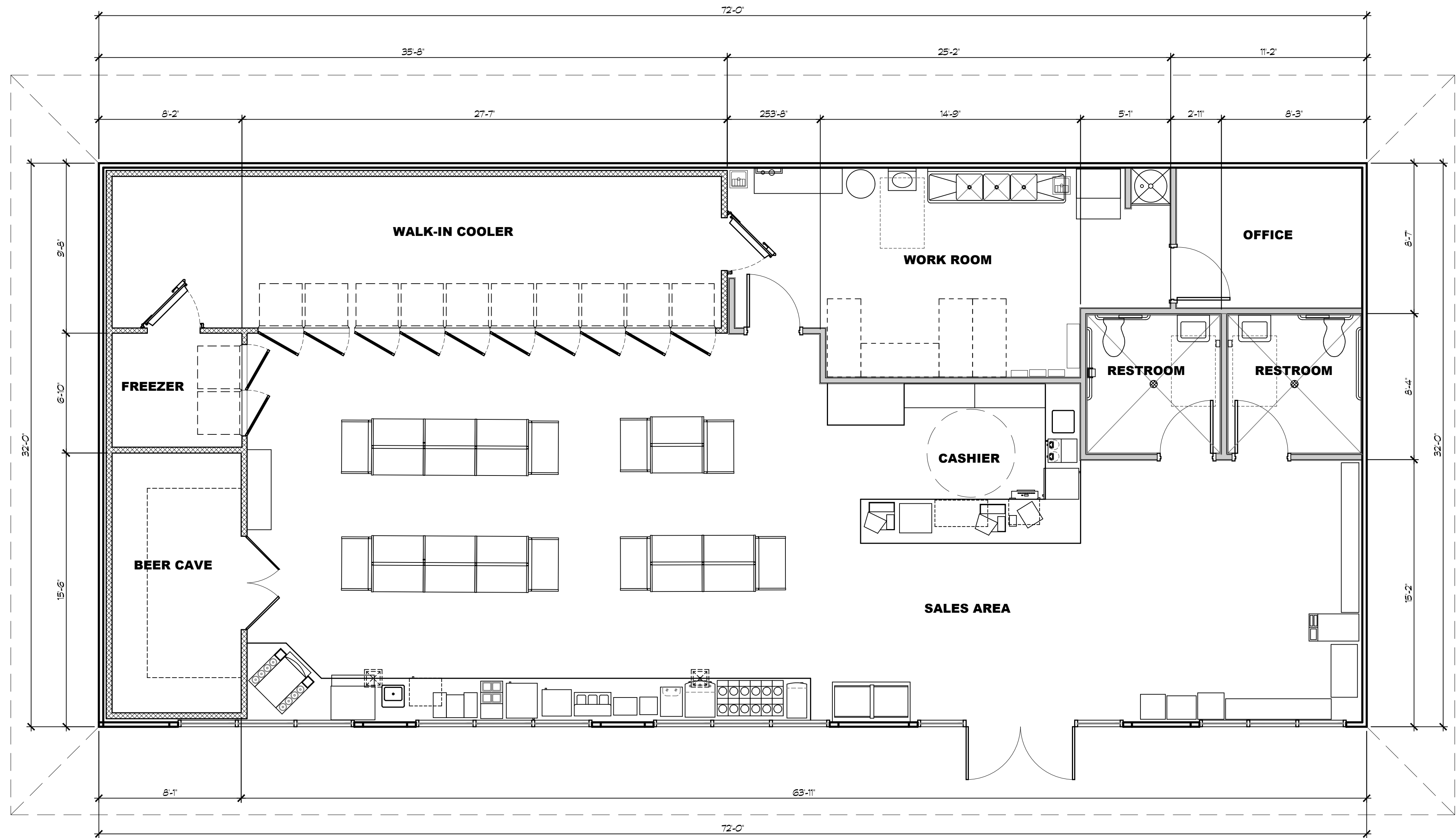
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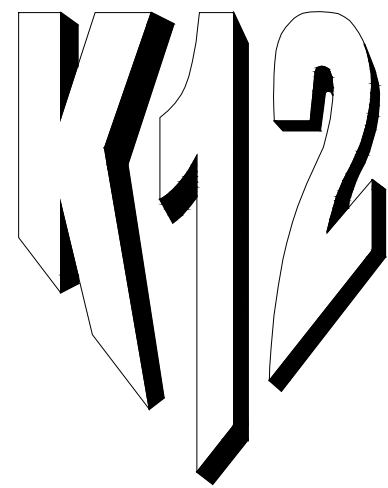
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**NEW FLOOR PLAN**

SHEET NUMBER:

**A201**





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PROJECT NUMBER:  
22-001

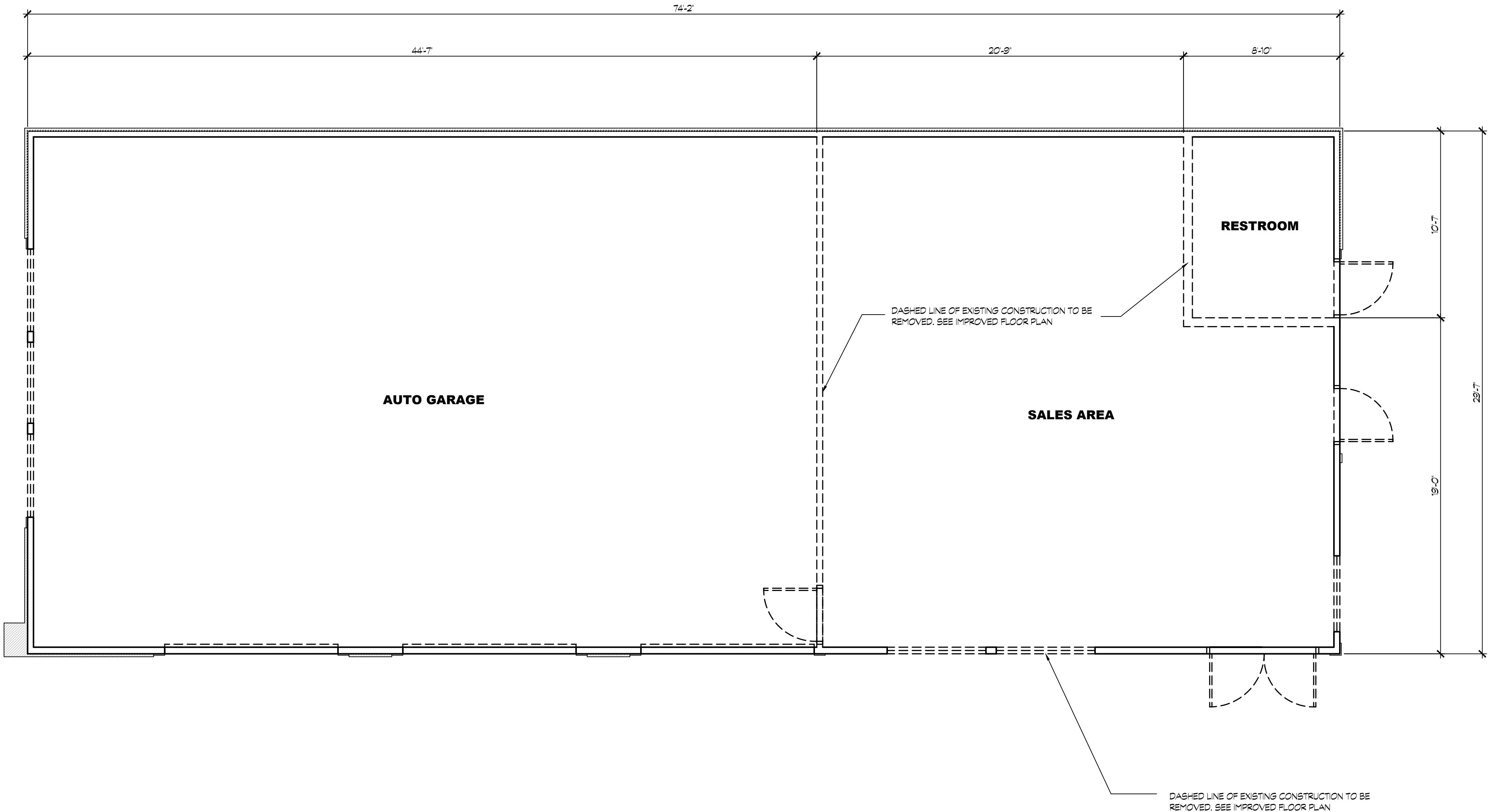
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3-14-22

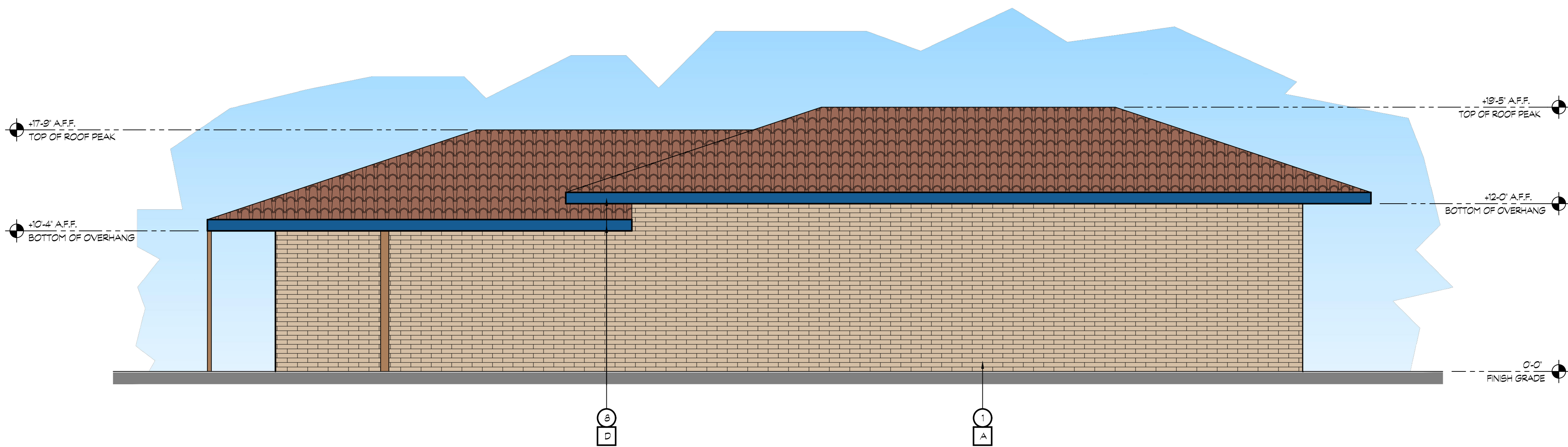
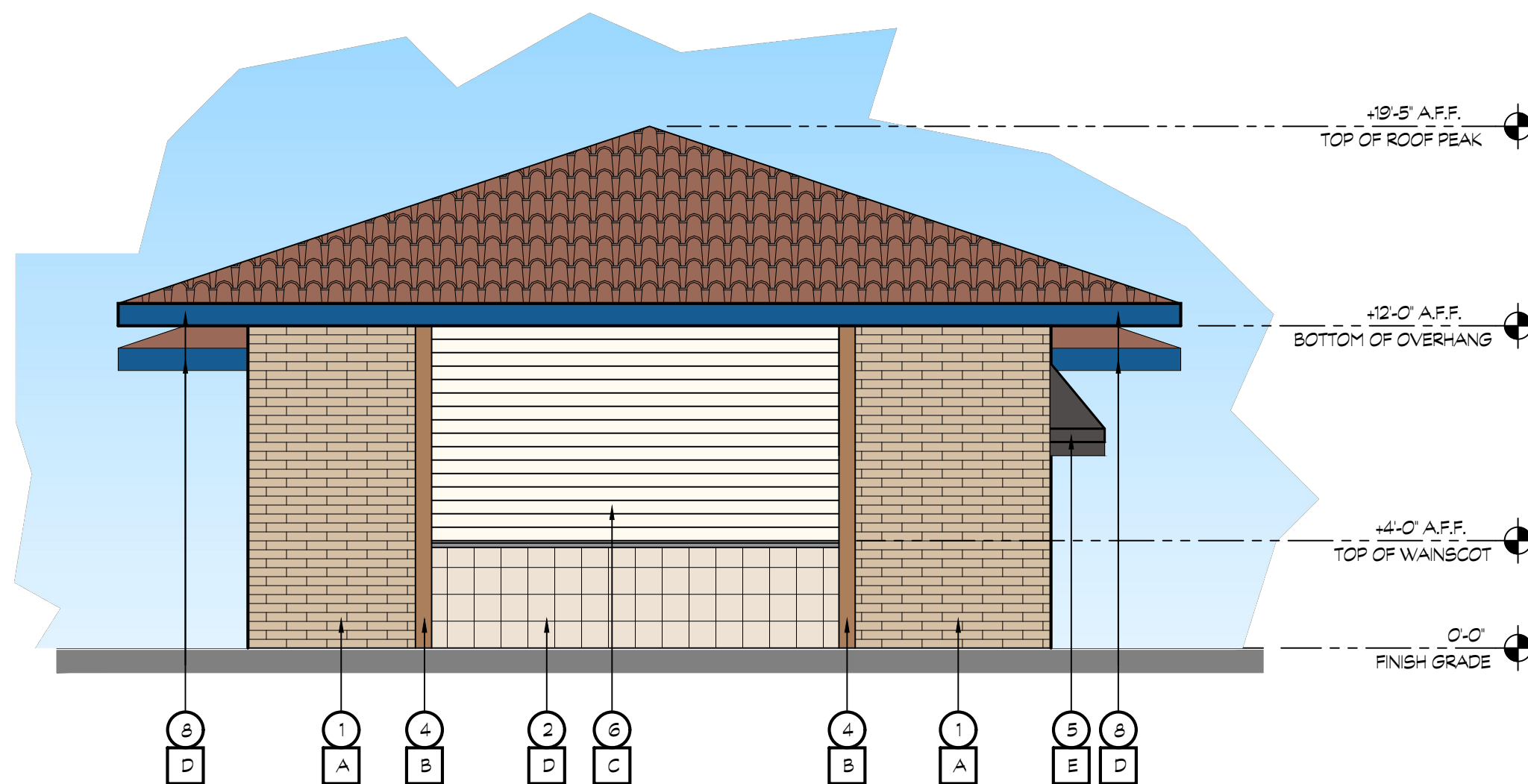
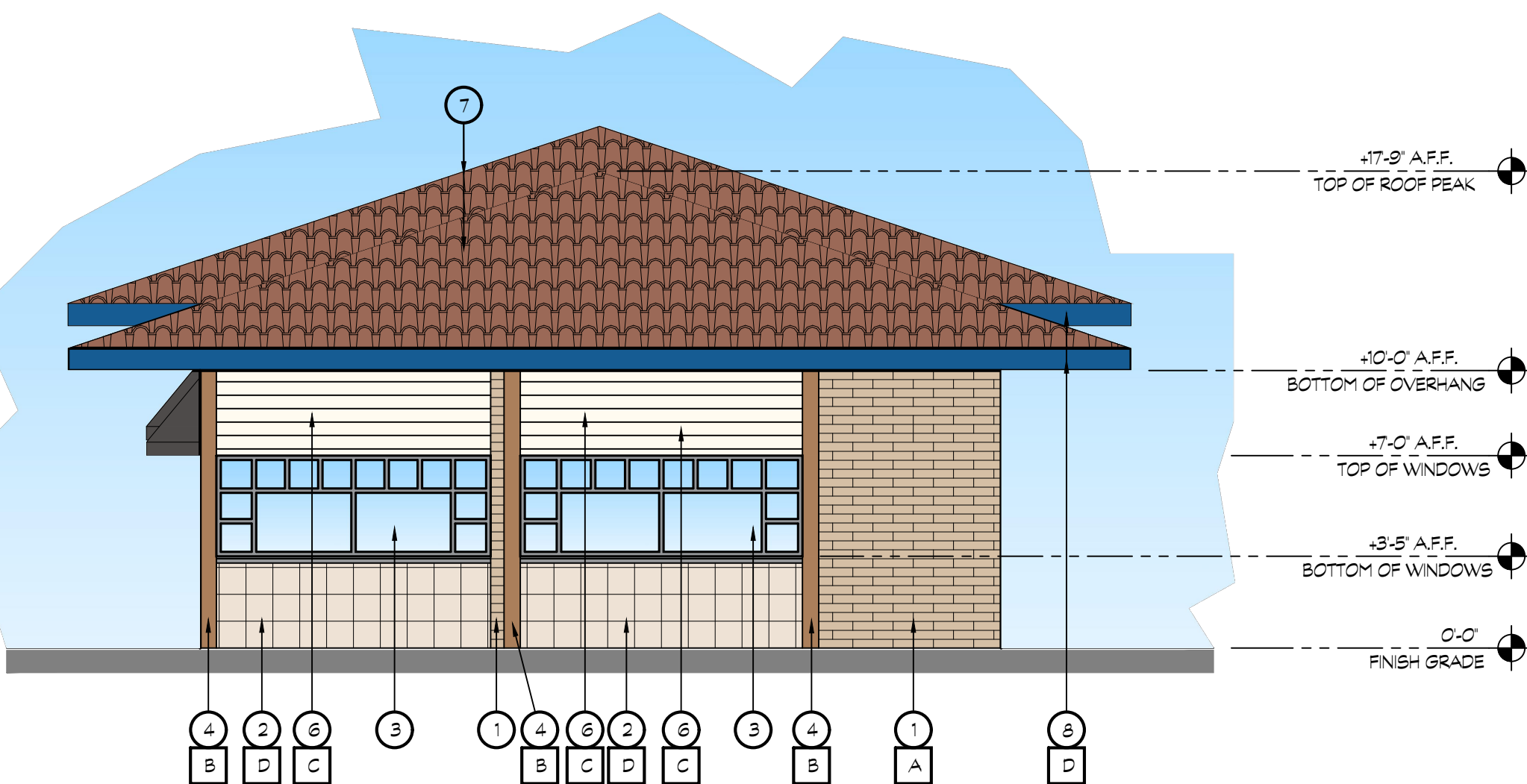
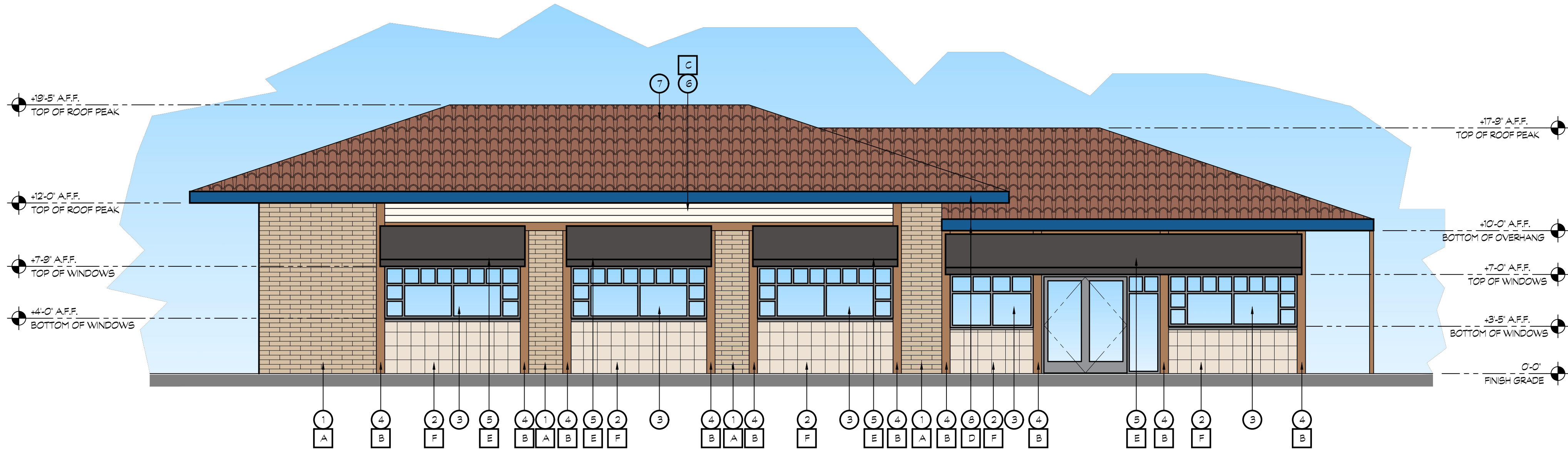
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EXISTING/DEMO  
FLOOR PLAN

SHEET NUMBER:

A202



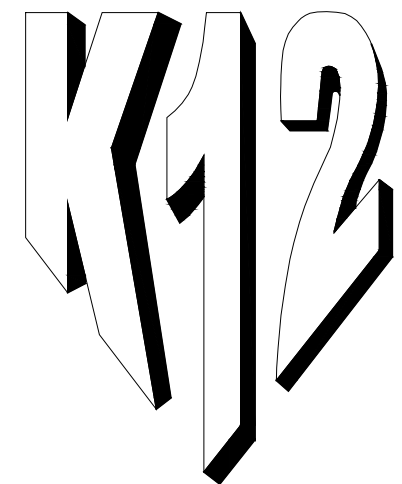


# KEY NOTES

- EXISTING BRICK TO BE REPAINTED
- NEW TILE WAINSCOT
- STOREFRONT WINDOW SYSTEM; DARK BRONZE ANODIZED, 2'x4-5' CENTER GLAZING SYSTEM; WITH 1" CLEAR DUAL GLAZING
- NEW WOOD TRIM
- NEW FABRIC SUN SHADES
- NEW WOOD PANEL LAP SIDING
- EXISTING SPANISH TILE ROOFING TO REMAIN
- EXISTING FASCIA BOARD TO BE PAINTED

# COLOR LEGEND

A	DUNN EDWARDS PAINT- DEC746 'APACHE TAN'	
B	DUNN EDWARDS PAINT- DEC713 'ROMAN BRICK'	
C	DUNN EDWARDS PAINT- DEW325 'VANILLA SHAKE'	
D	DUNN EDWARDS PAINT- DES546 'LAPS'	
E	ARIZONA TILE- ANKARA TRAVERTINE	
F	SUNBRELLA FABRIC AWNING- CANVAS RAVEN BLACK	
G	SUNBRELLA FABRIC AWNING- CANVAS RAVEN BLACK	



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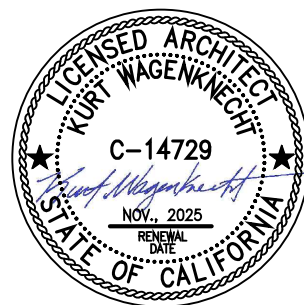
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REVISIONS:

PROFESSIONAL SEALS:



PROJECT NUMBER: 22-001 PROJECT DATE: 3-14-22

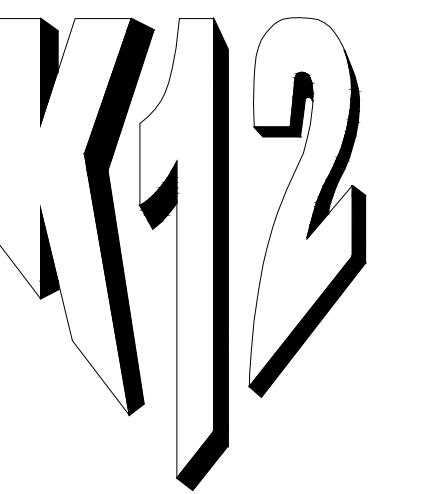
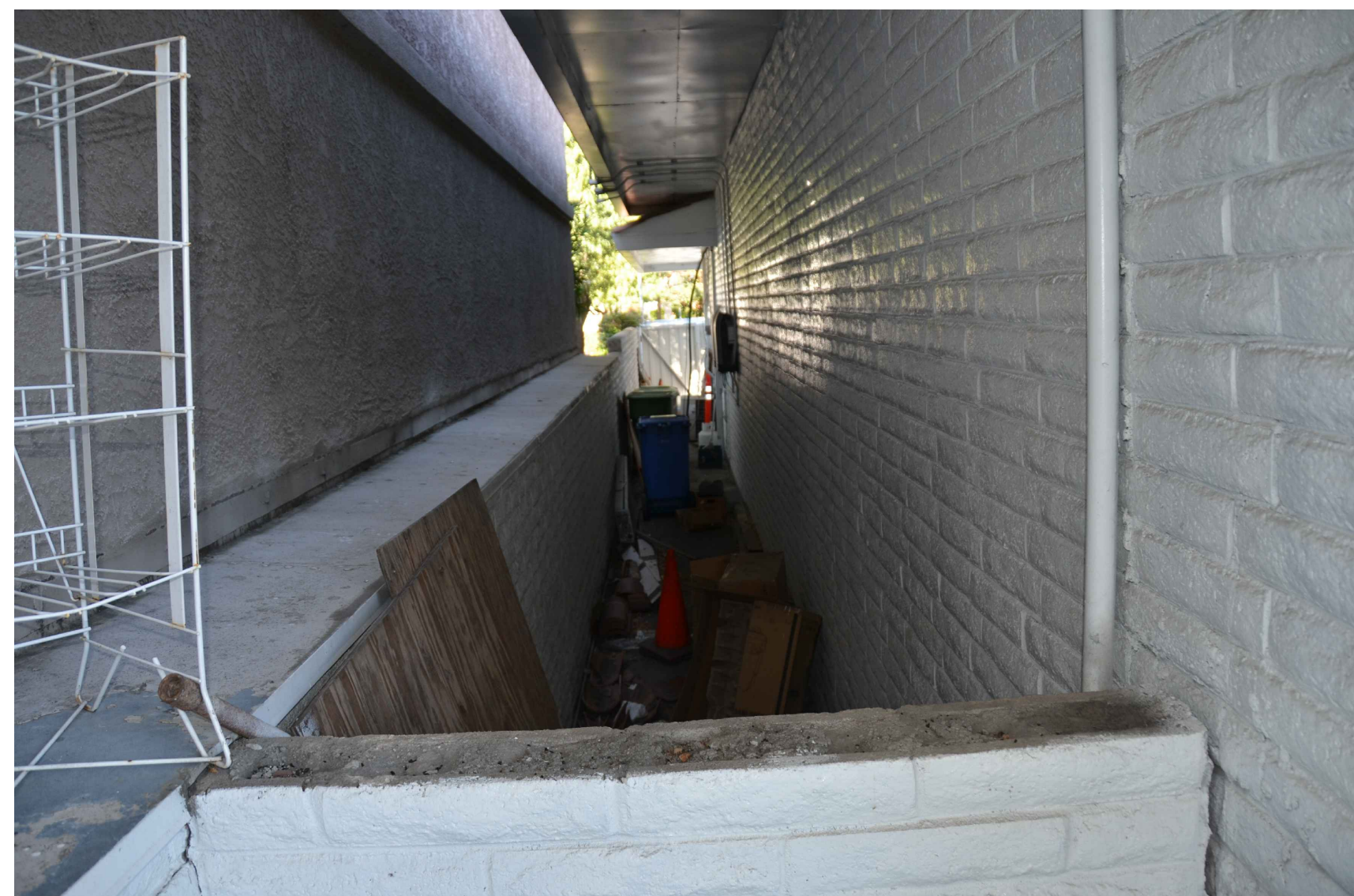
SHEET CONTENTS:

EXTERIOR  
ELEVATIONS

SHEET NUMBER:

A301





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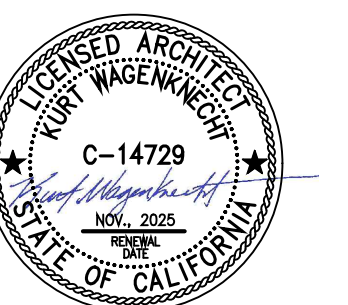
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REVISIONS:

PROFESSIONAL SEALS:



PROJECT NUMBER:

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PROJECT DATE:

**3-14-22**

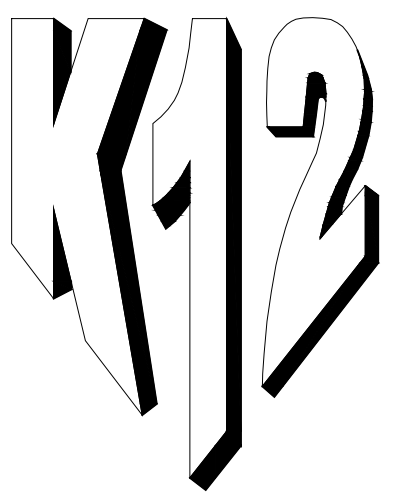
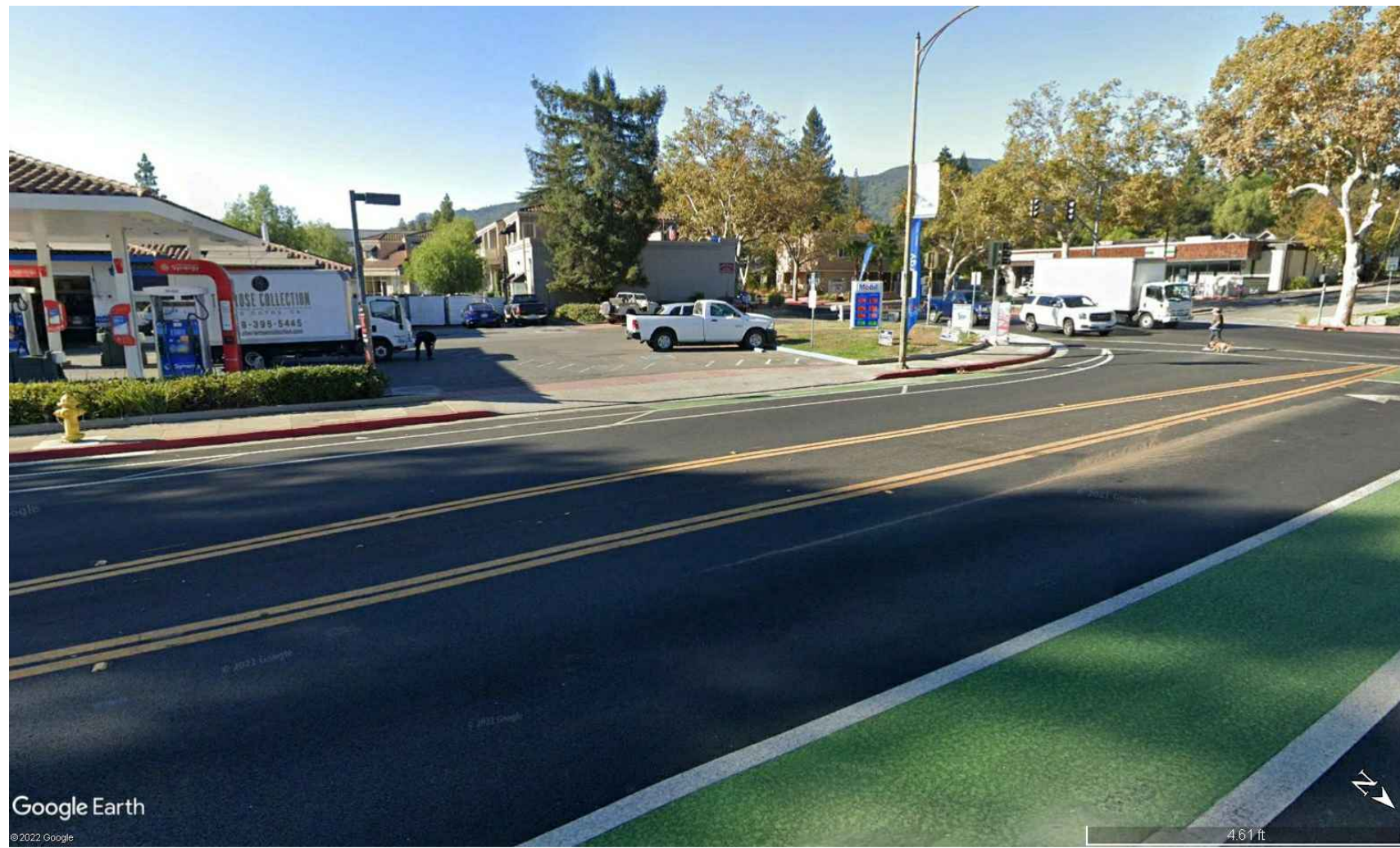
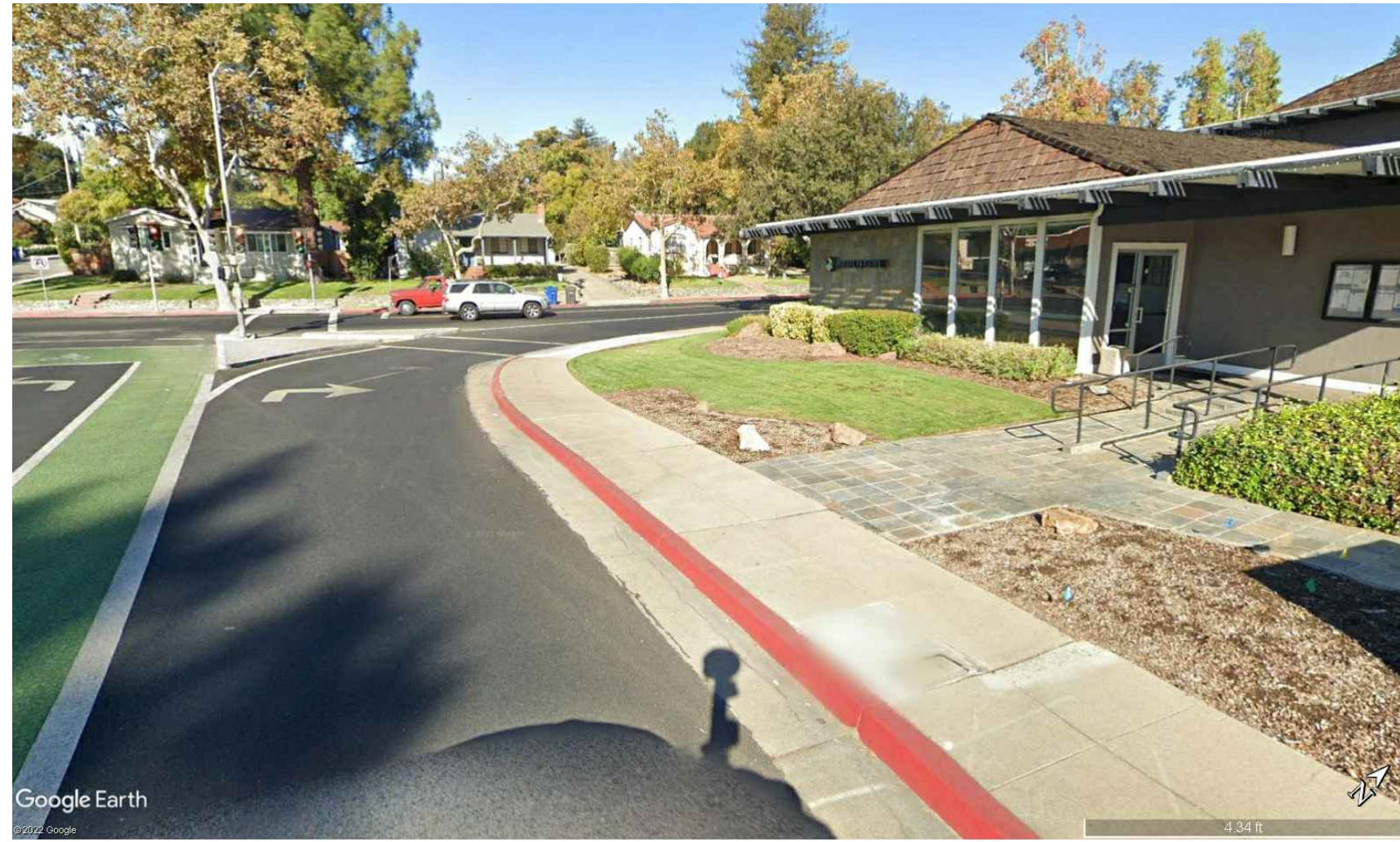
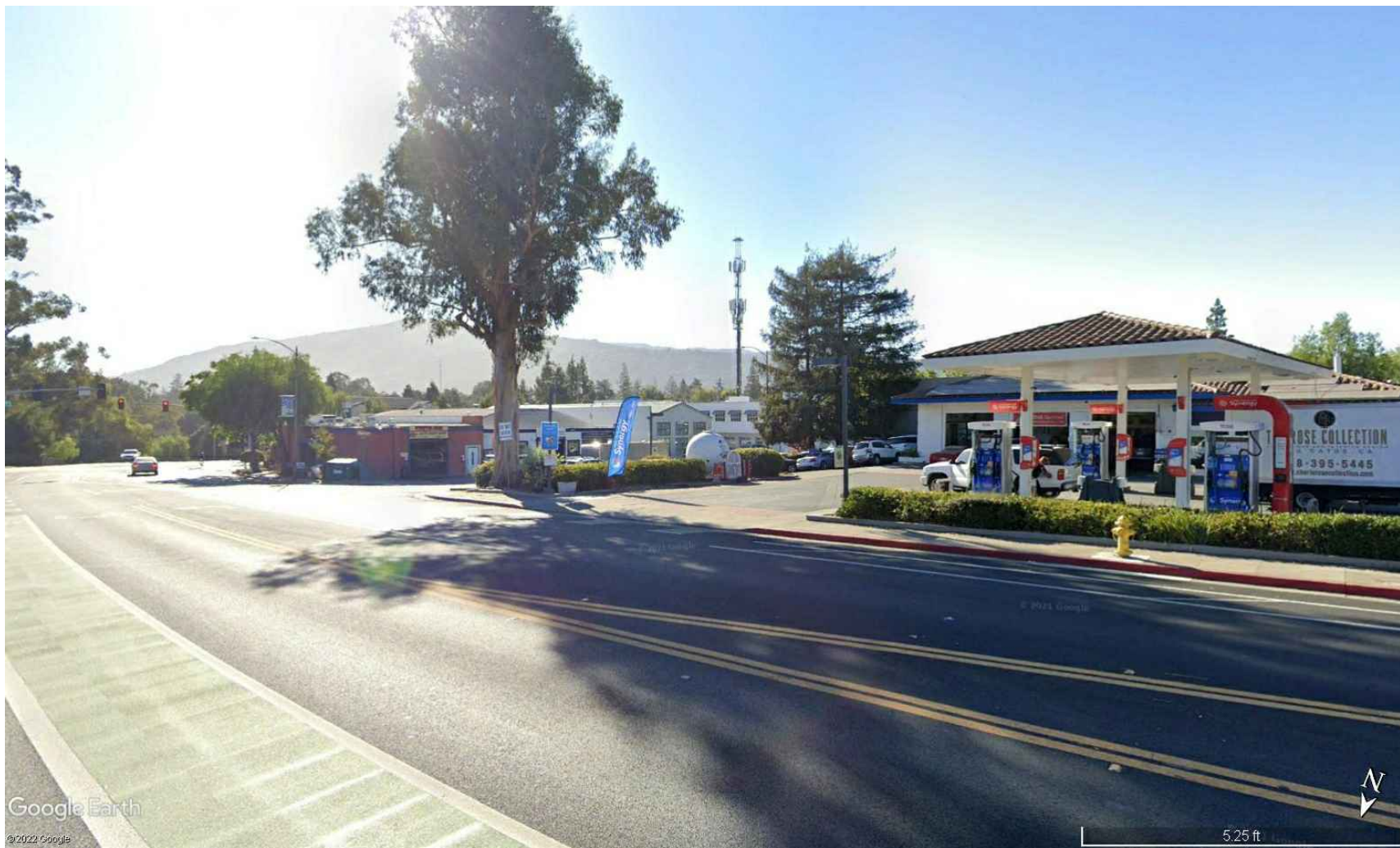
SHEET CONTENTS:

**EXISTING BLDG  
PHOTOS**

SHEET NUMBER:

**A302**





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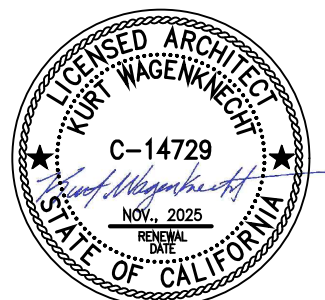
**666 N. SANTA CRUZ AVE,  
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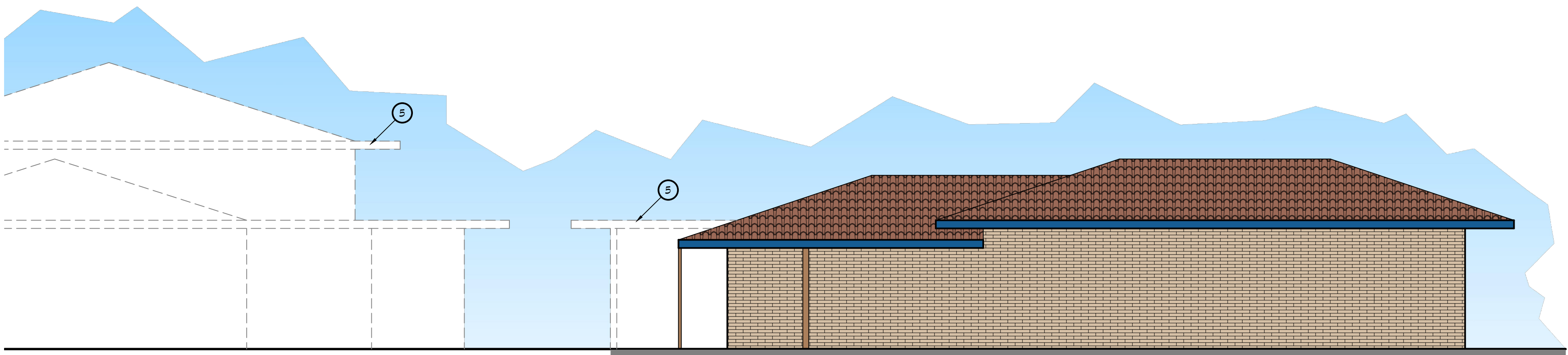
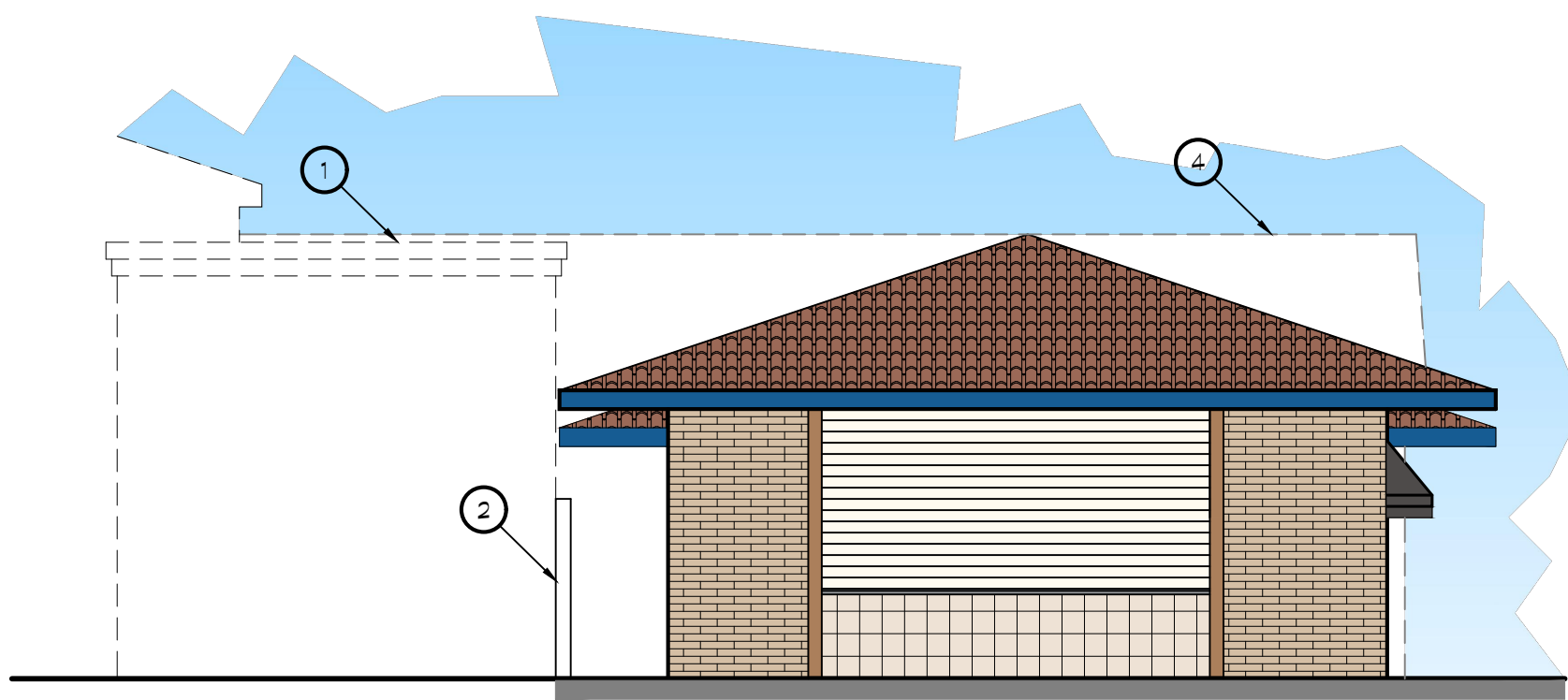
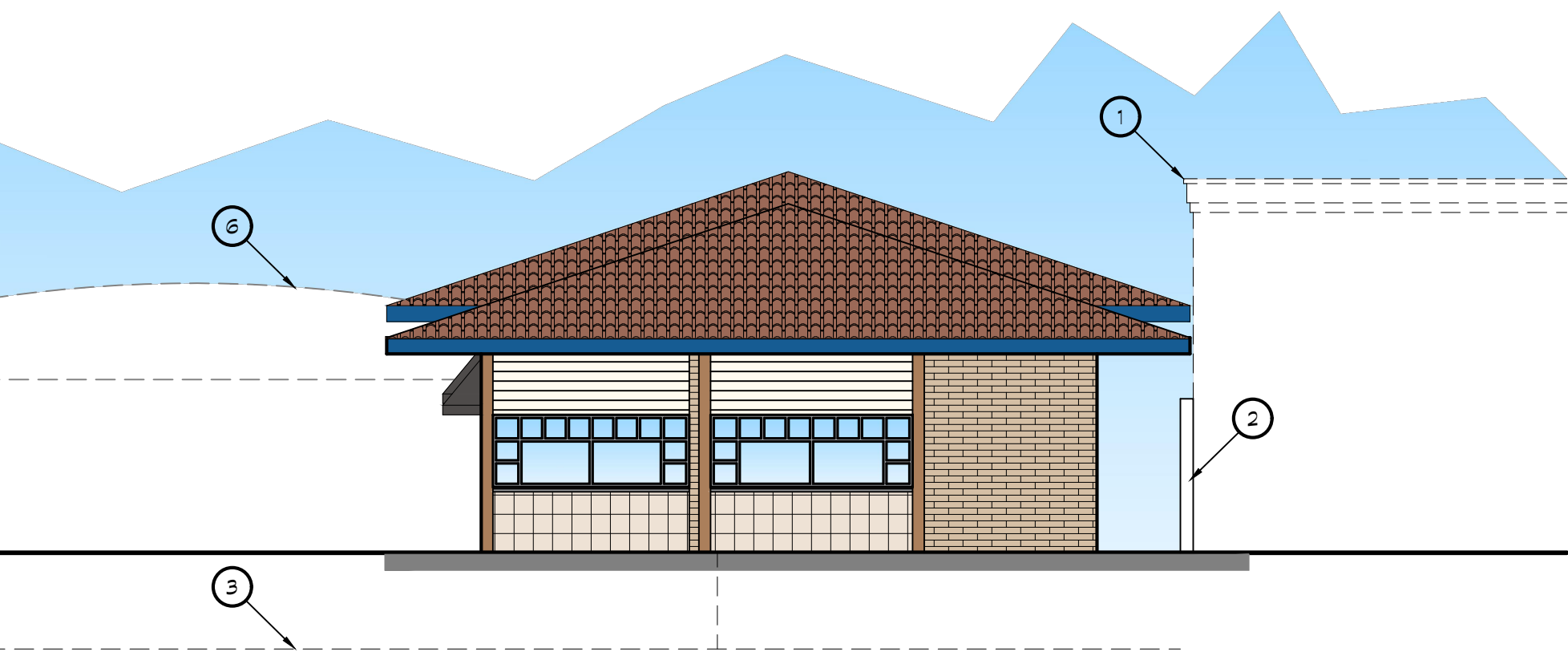
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**SITE PHOTOS**

SHEET NUMBER:

**A302**



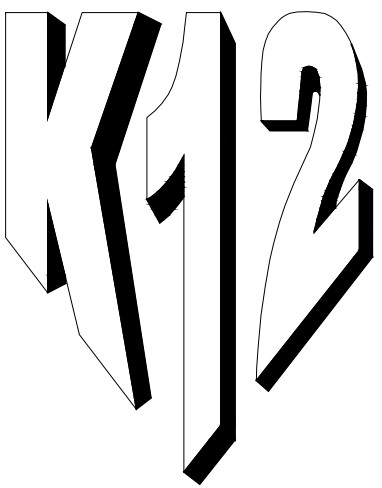


KEY NOTES

- 1 EXISTING RETAIL/OFFICE BEHIND OUR PROJECT
- 2 EXISTING 8'-0" CMU WALL
- 3 EXISTING ROADWAY BEYOND
- 4 EXISTING RETAIL/OFFICE ACROSS NORTH SANTA CRUZ AVE.
- 5 EXISTING RETAIL/OFFICE ACROSS BLOSSOM HILL ROAD
- 6 EXISTING RETAIL/OFFICE ACROSS INDUSTRIAL WAY

COLOR LEGEND

- |   |   |  |
|---|---|--|
| A | DUNN EDWARDS PAINT- DEC746 "APACHE TAN"     |  |
| B | DUNN EDWARDS PAINT- DEC713 "ROMAN BRICK"    |  |
| C | DUNN EDWARDS PAINT- DEW325 "VANILLA SHAKE"  |  |
| D | DUNN EDWARDS PAINT- DES546 "LIPS"           |  |
| E | ARIZONA TILE- ANKARA TRAVERTINE             |  |
| F | SUNBRELLA FABRIC AWNING- CANVAS RAVEN BLACK |  |
| G | SUNBRELLA FABRIC AWNING- CANVAS RAVEN BLACK |  |



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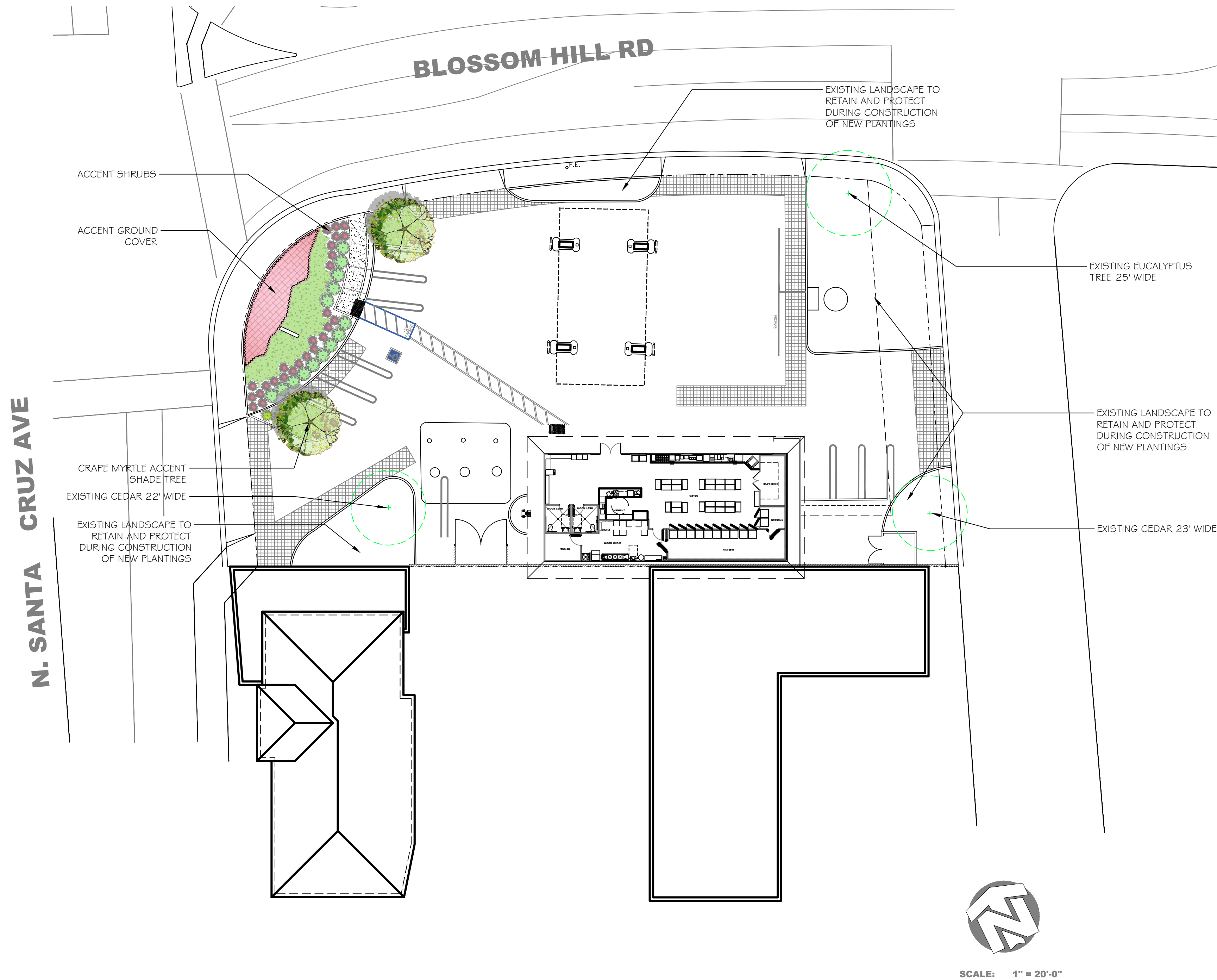
PROJECT NUMBER: **22-001** PROJECT DATE: **3-14-22**

SHEET CONTENTS:

**EXTERIOR  
ELEVATIONS**

SHEET NUMBER:

**A304**



PLANT SCHEDULE				
SYMBOL	BOTANICAL / COMMON NAME	CONT		QTY
TREES				
	Lagerstroemia faunei / Japanese Crape Myrtle	24" Box		2
SYMBOL	BOTANICAL / COMMON NAME	SIZE		QTY
SHRUBS				
	Dietes bicolor 'Liz's Selection' / Liz's Selection Fortnight Lily	5 gal		8
	Muhlenbergia capillans / Pink Muhly Grass	1 gal		33
	Myrtus communis 'Compacta' / Dwarf Myrtle	5 gal		14
SYMBOL	BOTANICAL / COMMON NAME	CONT	SPACING	QTY
GROUND COVERS				
	Juniperus conferta 'Blue Pacific' / Blue Pacific Shore Juniper	1 gal	42" o.c.	553 sf
	Sedum telephium Touchdown Teak' / Touchdown Teak Stonecrop	1 gal	16" o.c.	361 sf

**NOTES:**  
All Existing trees shall be protected during construction  
No grading or construction shall be done within the canopy area of all existing trees to remain.

- NOTES:**
- Landscape shall be designed per City of Los Gatos landscape design requirements and California MWELD.
  - No groundcover or shrubs are to be planted within 3' of any tree trunk.
  - A landscape soils test shall be analyzed by a soils testing laboratory. Soils shall be amended per soil analysis report recommendations prior to Landscape Installation.
  - This project shall be irrigated by an automatic irrigation system consisting of subsurface drip for shrubs and groundcover, and deep watering bubblers for all trees all connected to a smart controller.
  - All planter areas shall receive a three-inch (3") mulch of red fir walk-on bark. All groundcover areas shall receive a two-inch (2") layer of bark mulch.

**Landscape Calculation:**  
Site Area= 0.504 Acres or 21,954 SF  
Landscape Area = 4,363 SF  
Percent Landscape = 19.9%

REVISIONS

BY

CAROL PERRY BROWN

Landscape Architecture  
Irrigation Design

530 823 2621  
perrydesign@att.net  
RLA 3941 CID 002624

LOS GATOS REMODEL

Convenience Store

666 N. Santa Cruz Avenue

Los Gatos, CA

Owner-Samir Dave

PRELIMINARY PLANTING  
PLAN

Date

Oct. 27, 2022

Scale

1"=20'-0"

Drawn

cpb

Job

Sheet

LP-1

Of

Sheets