

Planning

From: Alexander Sywak [REDACTED]
Sent: Thursday, August 28, 2025 5:51 PM
To: Steve Belong - Planning Commissioner; Carla Torres De Luna - Planning Commission; Damian Perez - Planning Commissioner; Planning; Eva Kelly; Jennifer P. Thompson; Engineering Team; Marco Martinez; Mark Falgout; Rod Powell; David Mirrione; Ingrid Sywak
Subject: PC Resolution 2025-16

August 28, 2025

Re: PC Resolution 2025-16

Dear Commissioners,

Thank you for upholding Mr. Leon's appeal and allowing his fence to remain along its side property boundary.

Staff recommended that you deny the appeal based on:

- 1) A possible public health and safety issue, due to the six feet high fence interfering with line of sight at the SE corner of N. Gonzalez/Carriage:

Staff presented no evidence that the fence would cause a public health or safety issue. The City has no standards for line of sight setbacks at corner intersections. Other jurisdictions have such standards, and if the corner is protected by a stop sign, no line of sight setback is required. Note that 3 story high store fronts are at property lines along San Benito Street, with zero setback.

Without Staff providing any evidence, you rightly could not, and did not, make such a finding

- 2) Three feet high fences are not prohibited from being erected over PUE, but fences over three feet high are prohibited.

Staff admits that a three feet high fence can be erected over a PUE, without permit. A PUE for ever grants access to utility providers. The property owner knows that easement holders have the right to enter and install at any time. What difference is there whether the fence is three feet or six feet high? The utility company has access no matter what the fence height is.

Kimley-Horn invented this issue when they updated the City's Engineering Standards in late 2019. A paragraph was added specifying that all PUEs have to be kept clear of any fencing (even 3 feet high fences) so that for eternity access can be provided to those easement areas. The 2014 ordinance permitting such revisions was not followed. The ordinance requires documentation as to why a standards revision should be added, the purpose of the revision and whether local practicing engineers' opinions were requested and their concurrence obtained. There is no such documentation. It appears Kimley-Horn inserted this revision against the ordinance. No notice was given to the public and City Council did not discuss the revision. The decree was "fence off any PUE portion of your

land, you cannot use it, keep paying taxes on it, somebody maintain it, wait forever for some entity in the future decides to install something in the PUE”. How does a PUE differ from a ROW dedication? Why have a PUE?

You as Commissioners, should request that this particular revision to the Engineering Standards in 2019, be revisited and reviewed with public input.

Again, I thank you for using common sense in upholding Mr. Leon’s appeal.

Regards,

Ingrid and Alex Sywak