



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

**MINUTES OF THE PLANNING COMMISSION MEETING
JANUARY 22, 2025**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, January 22, 2025, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 PM

ROLL CALL

Present: Chair Emily Thomas, Vice Chair Kendra Burch, Commissioner Jeffrey Barnett, Commissioner Susan Burnett, Commissioner Steve Raspe, Commissioner Rob Stump
Absent: None.

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS

John Shepardson

- With respect to parklets in Town, particularly on North Santa Cruz Avenue, I am concerned that so many cars go through there at well over 15 miles per hours and there are only green plastic barriers to protect people. My suggestion would be one or two steel barriers in front of the parklets. I would like to see more roundabouts in Town explored. I would also like to explore something other than plastic barriers to protect bike lanes. I'd like to see the Los Gatos High School track open more in the evenings or early morning for the community. I suggest paying the Town Council members significantly, at least \$75K or more, because it is probably a full-time job and this salary would open the pool of talent that could serve on the Council.

PUBLIC HEARINGS

1. 228 Bachman Avenue

Request for Review Application PHST-24-017

APN 510-14-053

Property Owner/Applicant/Appellant: James Wood

Project Planner: Sean Mullin

Consider an Appeal of a Community Development Director Decision determining that the residence remain a contributor to the Historic District for property located in the

Almond Grove Historic District zoned O:LHP. Exempt pursuant to CEQA Section 15061(b)(3).

Sean Mullin, Planning Manager, presented the staff report.

Opened Public Comment.

James Wood, Applicant/Appellant

- The decision of the HPC has put 228 Bachman at a dead end, and the Planning Commission's decision tonight will either enshrine a blight on this community that may never be erased, or it will allow a practical, community-supported solution to this problem. I would like to introduce Marvin Bamberg who has done the historical analysis.

Marvin Bamberg

- Our report addressed the five elements necessary for this determination and found them to be not relevant to this house. The current designation of "contributing" is due to a 1990 historic survey that called the house, "Historic and some altered, but still a contributor to the district if there is one," however, this survey is incorrect and did not advance beyond a few minutes of documenting the structure from the street. Our research has provided more information that confirms that the survey's interpretation of the house being, "a potential contributing structure," is incorrect. For a property to be a contributing structure it must be architecturally compatible and developed in the period of significance; our analysis of the building concludes it is incompatible with the architecture prevalent in the district and should be categorized as Minimalist Spanish Revival rather than Mediterranean. In January 2004, the Los Gatos Historic Preservation Committee stated the house siding was probably originally wood and was replaced with stucco, which would not be allowed today.

Terry McElroy

- This house is an anomaly in this historic district. The house is not associated with any significant events contributing to the Town; no significant persons are associated with this site; there are no distinctive characteristics of type, period, or method of construction; the structure does not yield information to the Town history; the integrity has been compromised with additions; and the original siding is gone. This property is ineligible for inclusion in the Town register or the Town heritage resource and is not a historical resource as defined by the Town Code.

James Wood, Applicant/Appellant

- Without a doubt this property is bringing down the property values of every other house in the neighborhood and is a commercial property that has been abandoned for 20 years. We bought the property with the intention of building a home we could live in. All the surrounding neighbors support this building being demolished and another being built to

bring consistency in the neighborhood and to preserve the property values of the community.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Barnett** to grant an appeal of a Community Development Director Decision for 228 Bachman Avenue. **Seconded by Vice Chair Burch.**

VOTE: **Motion passed unanimously.**

2. 176 Loma Alta Avenue

Architecture and Site Application S-24-042

APN 532-28-031

Applicant: Jay Plett

Property Owner: The Thornberry 2021 Revocable Trust dated November 4, 2021, and the Donald S. Thornberry and Barbara J. Gardner Revocable Living Trust dated December 21, 2010.

Project Planner: Maria Chavarin

Consider a Request for Approval to demolish an existing single-family residence, construct a new single-family residence to exceed floor area ratio (FAR) standards with reduced side yard setbacks, construct an accessory structure with reduced side yard setbacks, and site improvements requiring a Grading Permit on a nonconforming property zoned R-1:8. Categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15303(a): New Construction or Conversion of Small Structures.

Maria Chavarin, Assistant Planner, presented the staff report.

Opened Public Comment.

Jay Plett/Applicant

- Sheet A-1.1 illustrates the house height is 26.5 feet from the street, not 30 feet, relative to the neighbors. The 3-foot setback is for a chimney. The house itself is a 5-foot setback, not 3 feet. The parcel is nonconforming in terms of area, width, and irregular shape. An arborist has looked at the trees and we dug a trench exposing redwood roots on the property. The trees were struggling due to drought, so we pushed the basement down the hill under the veranda as a precaution and that portion meets the definition of "below grade space." If the basement were all the way under the house, it would not count in square footage and

the mass, bulk, and appearance of the structure would not change. The staff report uses Town records, but not county records, which we believe should carry equal weight, because they can be more accurate in some instances.

Ion Mutlu (phonetic)

- I live at 177 Loma Alta Avenue, across from the subject site and fully support the applicants' plans to build their new home. The design complements existing architecture in the neighborhood with a fresh and thoughtful vision. Loma Alta Avenue contains a variety of structures, and this house would be a great addition. The applicants have shared their plans and have been willing to compromise with their neighbors. The house size is comparable to others in the immediate neighborhood. This is also not the highest home in the neighborhood, because mine is higher.

Alison Railo

- I live next door at 178 Loma Alta. We support the staff's conclusion that this building is far too large for the lot and agree with their recommendation to deny the application. With greater than typical height and substandard setbacks this building would significantly impact our privacy and sunlight and is not compatible with the neighborhood. The applicants did not offer any compromises or modifications. We request the side yard setbacks be increased, the total FAR be reduced, and second floor setbacks be created to ensure compatibility with the adjacent properties.

Tom Valencia

- I am the partner to Kelly Garton at 172 Loma Alta. Our concerns are like the neighbors at 178 Loma Alta, that the height would cause the structure to shade our house for most of the day and many months of the year; and a lack of privacy in the upstairs bedroom and master bathroom because of the reduced setbacks. We understand things will change with new construction, but we want the changes made with the community in mind and our privacy preserved.

Ron Eng

- I live at 175 Loma Alta. We support the structure, but the setback is a concern. I echo the comments of the other speakers regarding floor area ratio and height. Setbacks are there for safety and privacy and reducing them would be ignoring the guidelines. I hope the applicants will address the privacy concerns with perhaps frosted glass or smaller windows, or skylights if lighting is an issue.

Phil Couchee

- I live at 16900 Cypress Way, about a quarter mile away. I support my neighbors and their concerns. The Planning Commission must listen to the neighbors most affected, and privacy must be considered. This is new construction that can be designed however the Planning Commission decides to make accommodations to the neighbors. I urge the Planning Commission to require the new construction to have larger setbacks.

Paul Tuckfield

- I live at 162 Loma Alta, two doors down from the subject site. I hope this project can be modified to get closer or even within the guidelines for FAR and setbacks, although it is a difficult lot to build on. I saw a front elevation rendering and I think it would be a pretty house with great curb appeal, but it will be a big house that may decrease the value of the homes next door.

Julie Thomas

- We have lived at 180 Loma Alta since 1998. Our main concern is the plans for the house do not meet the standard FAR guidelines; it is quite a bit larger, making the home incompatible with the neighborhood and the house sizes existing.

Gina Tuckfield

- I agree with the front setback of the proposed home, because all the houses face the front and are close to the sidewalk. The subject lot is small, and the way the applicants are trying to get wider setbacks is unfair to the neighbors. The applicants have stated that the setback between our house and the house on the side away from them is 3 feet, and it is 8 feet; they are using that as an excuse to have smaller setbacks, but it is not accurate. The house itself is cute, but it is a massive two-story home that does not mirror other houses in the vicinity with the second story being stepped back. Exceeding the maximum floor area ratio by 984 square feet is a lot.

Matt Railo

- I reside at 178 Loma Alta, next door to the subject site and the applicants compared their proposed home size to our house size. Our living area is not 1,300 square feet, it is 2,600 square feet, but our lot size is larger, so any suggestion that our FAR is comparable to what is proposed is inaccurate. The proposal is to build a larger house on a smaller lot, and that is the root of our concerns. Shade studies demonstrate a detrimental impact on both sides of the proposed home, especially later in the day, but the shade stops at 3:00 pm and should be extended to 5:00 pm to reflect the spring and summer months. Story poles could allow everyone to see how these proposed plans would impact them. We support staff's conclusion to deny the project based on the house size.

Jay Plett/Applicant

- We are building on a difficult lot that is half the width of the 162 Loma Alta lot. The setbacks we propose are much more compliant with required setbacks than most of the houses in the immediate neighborhood. All the neighbors look at each other's homes and the applicants want privacy as much as their neighbors. There will be window coverings on the upstairs windows, but they could be frosted if the Planning Commission deems it necessary. The issue that is pushing the house so far over the FAR is the fact that a portion of the basement that meets the rules for a basement happens to be under the porched veranda and not under the house due to the neighboring trees. The applicants have

worked with the 172 Loma Alta neighbors and agreed to eliminate an upstairs window that looks into their bedroom, our arborist would be onsite when installing the foundation, and the foundation would be hand dug next to their tree. All the homes cast shadows on other homes in the neighborhood. Many houses in the neighborhood also have a full two-story façade with a tall gable, so the proposed home would not be the only one. Additionally, our home is broken up with the front porch. The Town’s consulting architect Larry Cannon found our design perfectly acceptable for the neighborhood and had no qualms about the height. Mr. Cannon’s only suggestion was to move the porch back, which we did, and we dealt with his issue with the column on the back veranda. Mr. Cannon was in favor of this project.

Closed Public Comment.

Commissioners discussed the matter.

Commissioners asked a question of the applicant.

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Burch** to continue the public hearing for 176 Loma Alta Avenue to a date certain of March 12, 2025. **Seconded by Commissioner Raspe.**

VOTE: **Motion passed unanimously.**

3. 220 Belgatos Road

Subdivision Application M-24-011

APN 527-25-005

Applicant: Robson Homes, LLC.

Appellant: Mary Cangemi

Property Owner: Union School District

Project Planner: Jocelyn Shoopman

Consider an Appeal of a Development Review Committee decision approving a subdivision of one lot into two lots on property zoned R-1:10. Categorically exempt pursuant to CEQA Guidelines Section 15315: Minor Land Divisions.

Jocelyn Shoopman, Senior Planner, presented the staff report.

Opened Public Comment.

John Shepardson, Appellant

- I am an attorney representing property owner Mary Cangemi. This slide shows the Government Code section that says the zoning and General Plan must be consistent. This slide shows the old Mirassou Elementary School site designated as public land by the General Plan, and this slide shows the same site designated by zoning as residential. The law says they must be consistent, but they are not in that school or any school in Los Gatos. The law also says when there is a conflict the General Plan takes precedence over the zoning, so we're doing a lot split on a property that has zoning that is trumped by the General Plan. The zoning there does not apply to this decision making and the lot split itself violates the General Plan, because it is a public space and our General Plan promotes acquiring and developing more publicly accessible recreational spaces. It is in the General Plan to promote and purchase these kinds of lands, and this project would destroy it, because it would split this school for the clear intent to develop homes by taking away the recreational area. This lot split itself violates the General Plan, and that is a serious problem here and throughout the Town.

Jack Robson, Applicant

- The purpose of our application was to do a two-lot subdivision; there is no proposed development, construction, or change in use. The property would remain the same besides it being two lots instead of one. Town staff has confirmed we met all the requirements to create that lot. With respect to the Appellant's comments related to a change of use or the General Plan conformance, we are not trying to modify any of that in this application. Because there is no proposed development or construction in this project, we feel the requirements related to asphalt repair and replacement and sidewalk repair and replacement on Belgatos Road and Belvue Drive do not belong in this application, because we are simply creating a legal lot split; those conditions of approval should be addressed later when we make an Architecture and Site application. We agree to the repairs and restoration of the sidewalk on Belgatos Road subject to us pulling a Building Permit, but once again, a Building Permit is subject to an application being approved. We're just trying to recognize that the staff's concern is related to improvements happening on both parcels, although a future application may be on one of them. Related to asphalt repairs, the language would be for us to come to an agreement prior to pulling a final Parcel Map. We recognize the need to extend the sidewalk along Belvue Drive, and we are okay with that extension and we would address it when or if an application for development is approved.

Rich Dobner

- I've lived in the Belwood neighborhood for 22 years. We have formed a group called the Preserve Belwood Neighborhood Association and have had people such as the school board and the Robson team to talk at community meetings. We have shared our input with the school regarding the possible development if the property is sold. So far everything is fine and we have no consternation around a split property.

Steve Daniel

- I have lived at 235 Belgatos for twenty years. I was on the original Preserve Belwood Committee with Mr. Dobner and tried to help the process of putting the project together and how it fit into the neighborhood. We support the project, but the latest design, while vastly improved, feels like a direct hit to us. The private road that comes off onto Belgatos will bisect our property and be directly across the street from our house. We are concerned about lights coming into our living room and master bedroom, a significant increase in street lighting, and traffic entering and exiting that driveway and parked in the road during construction. We are the most impacted of all the houses in the neighborhood. We are working with Jack Robson to find ways to lessen the impact on our house, and he has committed to working with his engineering team to look at alternatives.

Jack Robson, Applicant

- I just want to reiterate that this is a two-lot subdivision. There is no proposed change of use. There is no development in front of the Planning Commission. That time will come when we make a formal application, and we look forward to addressing the community and staff concerns at that time. We are active with neighborhood outreach and will remain committed to that. I would like to recognize a letter from the school district that reiterates what I am telling you, that the application being appealed is for a two-lot subdivision with no proposed change of use.

John Shepardson, Appellant

- These are also grass fields; there's an issue with turf and AstroTurf. Secondly, the Union School District avoided the Naylor Act with the property exchange. My goal would be to have them comply with the Naylor Act and offer that land to the Town at no more than 25% of the fair market value, so the Town could buy the land and ultimately the school and perhaps have a community center. The very fact that we're having a lot split on zoning that is inapplicable because it is inconsistent with the General Plan, so we just have the General Plan, and now why are we doing a lot split on public land? It is being brought by the developer with the clear intent to develop it out. I'm not sure if the lot split is even legal, because you're doing a subdivision on zoning that is trumped by the General Plan, but you are doing a lot split on public land, and so it violates the General Plan that talks about acquiring recreational areas and it is undisputed that we would lose these fields forever. We are talking about sidewalks and already moving in a direction of developing out that lot at this stage, so it violates the General Plan. Where does the General Plan support a lot split on public land? This is a larger issue in Town, because all the schools are zoned residential and that must be cleaned up.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Raspe** to continue the public hearing for 220 Belgatos Avenue to a date certain of February 12, 2025. **Seconded by Commissioner Barnett.**

VOTE: **Motion passed unanimously.**

REPORT FROM THE COMMUNITY DEVELOPMENT DEPARTMENT

Joel Paulson, Director of Community Development

- Town Council met on January 21, 2025 and considered three items:
 - Adoption of a resolution for the National Avenue appeal of a Planning Commission decision. The item will come back to the Planning Commission.
 - Two Housing Element implementation programs were adopted and/or introduced.
 - The Oak Meadow PD amendment, an Architecture and Site, and Subdivision application that the Planning Commission saw previously was approved.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

Historic Preservation Committee

Commissioner Burnett

- The HPC met on January 22, 2025:
 - Considered two items, both of which were decided unanimously.
 - Lee Quintana was elected as the new Chair of the HPC. Martha Queiroz was elected Vice Chair. Alan Feinberg is the new member, and Planning Commission Chair Emily Thomas is the new Commission member.

ADJOURNMENT

The meeting adjourned at 10:23 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the January 22, 2025 meeting as approved by the Planning Commission.

/s/ Vicki Blandin

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