



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

**MINUTES OF THE PLANNING COMMISSION MEETING
MARCH 26, 2025**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, March 26, 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

None.

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

1. Approval of Minutes – March 12, 2025

MOTION: Motion by Commissioner Barnett to approve adoption of the Consent Calendar. **Seconded by Commissioner Stump.**

VOTE: Motion passed 5-0 with Vice Chair Burch abstaining.

PUBLIC HEARINGS

2. 16497 S. Kennedy Road

Architecture and Site Application S-24-037

APN 532-17-038

Applicant: Chris Spaulding

Property Owner: Robert Nicol

Project Planner: Jocelyn Shoopman

Consider a request for approval to construct a new single-family residence and site improvements requiring a Grading Permit on vacant property zoned HR-1. Categorically exempt pursuant to CEQA Guidelines Section 15303: New Construction.

Commissioner Raspe indicated he would recuse himself from participating in the public hearing for 16497 S. Kennedy Road due to proximity to his residence.

Commissioner Raspe left the hearing.

Commissioner Stump disclosed he had spoken to a neighbor from Vivian Drive while visiting the subject site.

Commissioner Burnett disclosed she had spoken to a neighbor, Ken Miller, at the subject site.

Jocelyn Shoopman, Senior Planner, presented the staff report.

Opened Public Comment.

Robert Nicol, Property Owner

We have designed the site strategy to have a private fire hydrant, include the 75-foot firetruck turnaround to meet Santa Clara's requirements, and improve Vivian Drive by increasing the road traction on the uphill incline. We also propose to increase the entrance of the driveway from S. Kennedy Road to Vivian Drive. We have designed the home to be within the height and LRV limits, and we are not asking for the maximum 6,000 square feet allowed in the hillside. I have reached out to the neighbors and received a lot of feedback regarding privacy and the building footprint.

Rohit Bakshi

I am the neighbor south of this property. This project has significant privacy intrusions that would have an extremely negative impact on our daily lives. The proposed home is substantially uphill already, and this is a three-story design. The home has many unobstructed views and into our back yard, swimming pool, master bedroom, and daughter's bedroom. The plans indicate direct-facing second- and third-story windows, as well as multiple balconies facing downward. The landscaping plan fails to provide effective privacy, because many of the trees are slow-growing, and small shrubs are insufficient to block elevated second- and third-story views, and is lacking a continuous dense buffer.

Kenneth Miller

I have lived next to this property for 48 years and own part of an old stone wall. The developer does not own any part of the wall in the vicinity of the project. The site does not support the development of such a large home. I understand that the developer now wants to put a garage under the house, which would lead to thousands of meters of dirt to be removed, which would threaten the old stone wall. Prior assurances to not compromise the integrity of

the wall has already been broken when the applicant imbedded a bolt with an attached wire in the wall, which he does not own, without permission, to support the story poles. My neighbor, Fred Ebrahimoon, who owns the wall cannot be here tonight. Studies must be done to document the injury to the wall and the best way to remedy it.

Susan Miller

My husband, Ken, and I own part of the old stone wall. The piece of land the applicant wishes to build on is a very long, narrow, winding piece of property and nowhere is a wide space to put a (inaudible). It is a fragile habitat for wildlife such as foxes and plants that don't grow anywhere else.

Lee Quintana

In the letters from various neighbors the questions of flippage of land and retaining wall failure are repeated over and over. The conditions of approval include the geotechnical soils report and any hydrology report as a result of being submitted with the building permit application, which is much later than the final designs for the building. From the historic preservation point of view, we would like to preserve as many of the rock walls on the property as possible, and this application does not indicate that that would occur and that the rocks would be reused to build other walls. The Residential Design Guidelines discuss how to apply the 2-2-5 formula and specifically says there are instances when that does not apply, such as the hillside areas, because no two properties on the hillsides are exactly the same.

Matthew Ebrahimoon

This is an extremely down-sloping lot. It's a small piece of land that butts up to an historic wall, that is connected to an historic road, that touches both Dr. Miller's property and my family's property. The applicant put a big bolt inside of the 90-year-old wall, which is a Los Gatos river rock wall, without asking anybody. This was done maliciously; it was done behind all the neighbors' backs. What is going to be done with the bolt and wire? How and when will they be removed? How will they ensure the integrity of the wall and the road connected to it has not been jeopardized?

Nathaniel Ebrahimoon

I'm here to represent the Ebrahimoon property and to share the story of our home, which means a lot to us. Looking at the proposed plans and potential impact risks regarding the stone wall, wildfire, views, privacy, etc., we are very cautious about changes in the neighborhood that can create safety and other issues, because we will have this property our entire lives. This is a massive structural change to the site with three stories. Dr. Miller, the surrounding neighbors, and my family are thinking about not just the next 20 years, but the generations to come.

Jonathan Ebrahimoon

It becomes easier to reduce the height of the house by not placing the garage under the house, thus not needing to remove the dirt, and not threatening the stone wall and neighboring properties. My brothers and I have a lot of memories in our family house.

Apoorva Bakshi

I reside in the property downhill from the subject site. My husband mentioned our concerns regarding privacy. We bought our house last May because of the unhindered back yard on the hill where we spend a lot of time as a family. A major concern is how the project disturbs the ecosystem as well as the holding wall. It is a severe concern that our privacy needs to be absolutely taken care of. We want to review the structure in terms of height. The balconies must be redesigned. The lot's narrowness is also a concern as to how imposing the structure would be on our property in terms of views. We have seen floor-to-ceiling glass usage in the balconies, and we ask the Planning Commission to mandate mature natural screening, reduced window heights, or redesigned balconies.

Carol Tinsley

The applicant lied when he said he spoke to all the neighbors, because at no time did he speak to me, and my house does not show up on his drawings, although I am within 500 feet of the site. This is a very steep and unstable hillside with a small plateau; trees fall all the time. If anything from the building site were to fall down the hill it would certainly hit the house in front of them. The applicant has built a previous house on a hillside, and that home was red tagged for failing to follow Town processes, he caused substantial damage to the shared driveway, which has never been replaced, and the Planning Commission should consider that when reviewing the bolt the applicant put into the stone wall. Regarding the applicant's repeated points about the firetruck turnaround, his other neighbors have had to comply with the turnaround and even had several water tanks built on their property to mitigate any fire issue, and I don't understand why the applicant is not required to have these tanks installed on his property.

Chris Spaulding

I want to address the stability of the hillside and the firetruck turnaround. We got a geotechnical report, and this site is buildable. Once the house is built and the new retaining walls are installed, this house will buttress the hillside and provide stability to the roadway, old stone wall, and the uphill neighbors, and better than it is now. The applicant has agreed to repair any damage occurring during construction. The Fire Department requires Vivian Drive be improved with better traction and widening the opening onto S. Kennedy Road, and a private fire hydrant would be brought up to the new fire turnaround, which is why they don't need a water tank, because it would be a full fire hydrant. All these features provide better fire protection for the neighborhood, at no cost to the neighbors.

Robert Nicol, Applicant

I've provided a presentation. This the basement level at which we will install the trees. I am also willing to install a wooden fence if that would increase privacy for the neighbors. Here is the second level of the basement where there are more shrubs and trees. This shows what is seen from the main floor, the neighbors' trees and my trees blocking, so there is no issue of privacy. This is from the top floor, and you can see all the trees.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Barnett** to approve an Architecture and Site Application for 16497 S. Kennedy Road with the following additional conditions of approval:

- That the applicant work with staff and the neighbors concerning the height and species of privacy trees with preference for native trees;
- Discuss with staff the possibility of reducing the window heights; and
- Discuss with staff in good faith for removal or reorientation of the small deck.

Seconded by Vice Chair Burch.

The Seconder of the Motion requested the motion be amended with respect to Condition of Approval #66, Restoration of Public Improvements, to ensure the historic stone wall is included in those repairs, and in such a way as to ensure the integrity of the wall.

The Maker of the Motion accepted the amendment to the motion.

Chair Thomas requested the motion be amended to include from the list of privacy landscaping, as applicable to the Appendix A from the Hillside Development Guidelines.

The Maker and Seconder of the Motion accepted the amendment to the motion.

VOTE: **Motion passed unanimously.**

Commissioner Raspe returned to the hearing.

3. 14341 Browns Lane

Architecture and Site Application S-24-017

APN 409-14-035

Applicant: Gordon Wong

Property Owner: Roberto E. Flamenco

Project Planner: Suray Nathan

Consider a request for approval to demolish an existing single-family residence and construct a new single-family residence on property zoned R-1:8. Categorically exempt pursuant to CEQA Guidelines Section 15303(a): New Construction or Conversion of Small Structures.

Commissioner Barnett indicated he would recuse himself from participating in the public hearing for 14341 Browns Lane for personal reasons.

Commissioner Barnett left the hearing.

Commissioner Stump indicated he spoke to the neighbor who resides at 14331 Browns Lane when he visited the subject site.

Suray Nathan, Assistant Planner, presented the staff report.

Opened Public Comment.

Gordon Wong, Applicant

I'm the architect of the project. I have a short three-slide presentation. This is for a new single-family home, 2,580 square feet, with an attached ADU of 385 square feet and a garage of 507 square feet. We have spoken to all the neighbors, and their concerns were mainly about the view into their backyards. We ensured the house is fully compliant with the Residential Design Guidelines by frosting all the second-floor rear-facing windows, and inset the balcony from the setback 31 feet, 6 inches away from the property line. The balcony is also 239 feet away from the opposing house. We have done sun studies, and there are no shadows into the neighboring property except the winter solstice at 9:00 a.m., and that would only shadow landscaping on our side of the property. The existing lot already has screening in the backyard, and we have offered additional screening on top of that, but the neighbors declined. We have provided additional screening with a solid guardrail at 46 inches. The massing matches the neighboring houses. We will be using permeable pavers. One benefit is that we are installing the only firetruck turnaround on that street.

Will Maynard

I own property sharing the western fence line of this project. The yard is shared with my father and neighbor, who is equally affected by these plans. I strongly oppose this project. The architect claims they have met all the Residential Design Guidelines and ensure the privacy of neighbors is maintained, but that is not the case. For 30 years we have had complete privacy in our yard, and these plans will unacceptably compromise that. I ask the Town to reject these designs until privacy is protected as it always has been. This house would tower over other nearby homes and our fence. The second story would have three rooms with windows facing my yard. These windows could be opened, so even with decorative glass, our privacy is not guaranteed. Worse, a balcony was recently added to the plans that directly overlooks my property. This was not a feature of the original designs. I included a photo in my submitted

document highlighting just how invasive this balcony is. They claim the balcony is inset to ensure the neighbors' privacy, but it does nothing for my family, as our entire pool, patio, lawn areas, and most of my garden are completely visible. This does not conform to the Residential Design Guidelines.

Douglas Scott Maynard

I'm two houses away from my son, Will. When I built my house in 1992 the Planning Commission said this is a one-story neighborhood and it should always be a one-story neighborhood. My house is also directly affected by this project. My bedroom window looks directly at that balcony, and it looks directly in my bedroom window, and right into my living room. I go out into the garden by their fence every morning, and they will be watching me, and I won't know it. I spend all my home time in the backyard when the weather is nice. I ask that it be a one-story house, but if it must be a two-story house, I agree with my son there should be no windows they could look out of, and the balcony should be removed.

John Wallace

I'm a homeowner on Browns Lane. This slide shows the application of setbacks on a small, private road and how that is different from a public road. You can see Browns Lane is significantly narrower, and standard setbacks applied to this private road make it even tighter. This next slide shows setbacks and heights of the surrounding houses, with a table that shows the front setbacks for the houses on Browns Lane, and they are all beyond the standard setback. I don't have a problem with a two-story home, but the 28.5-foot height would be a lot in scale, so the setback is important; my concern is that it will be necessary that it be 28.5 feet tall, as it may look out of scale with the rest of the street. The bulk of the house is already pressed up into Browns Lane.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Burch** to approve an Architecture and Site Application for 14341 Browns Lane. **Seconded by Chair Thomas.**

Commissioners discussed the matter.

VOTE: **Motion failed 2-3 with Commissioners Burnett, Raspe, and Stump dissenting.**

Commissioners discussed the matter.

Opened Public Comment.

Commission question to the applicant.

Closed Public Comment.

MOTION: **Motion by Commissioner Raspe** to approve an Architecture and Site Application for 14341 Browns Lane, with an additional condition of approval that the balcony shall be eliminated from the construction drawings. **Seconded by Chair Stump.**

VOTE: **Motion passed 4-1 with Commissioner Burnett dissenting.**

Commissioner Barnett returned to the hearing.

4. 143 and 151 E. Main Street

Architecture and Site Application S-24-007

Conditional Use Permit U-24-002

Vesting Tentative Map Application M-24-004

Mitigated Negative Declaration Application ND-24-003

APNs 529-28-001 and -002

Applicant: Kenneth Rodrigues and Partners, Inc.

Property Owner: David Blatt, CSPN LLC

Project Planner: Ryan Safty

Consider a request for approval to demolish existing commercial structures, construct a mixed-use development (30 multi-family residential units) with commercial space on the ground floor, a Conditional Use Permit, a Condominium Vesting Tentative Map, and remove large protected trees under Senate Bill 330 (SB 330) on property zoned C-2. An Initial Study and Mitigated Negative Declaration have been prepared.

Commissioner Burnett disclosed that she knows the architect, Ken Rodrigues, socially, but they have not discussed this project.

Town Attorney, Gabrielle Whelan, provided background on the regulatory framework applicable to the project.

Ryan Safty, Associate Planner, presented the staff report.

Commissioners asked questions of staff.

Opened Public Comment.

Ken Rodrigues, Applicant

The existing building is a combination of retail and office, with parking at the rear, and with access off Church Street. The commercial component of the project sits on the same

corner as the current Café Dio, and the residential component wraps around that and fronts on Church Street with a main entrance off Main Street. The residential units would be for sale and would range in size between approximately 700 and 2,000 square feet, with vehicular site access off the back corner of Church Street. The upper floors are similar with balconies and a center circulation corridor leading to each unit. The fourth floor was stepped back to reduce the massing and visual height of the building. The site is .425 acres, the proposed commercial is 2,416 square feet, and there are 30 residential units of which six are affordable and 24 are market rate. The current C-2 zoning allowed a 45-foot height; we are proposing 49 feet for most of the site, except for the commercial corner where it would be 52 feet high, so exceeding the current zoning by just a few feet for most of the building, and then approximately seven feet at the corner.

Dave Poetzinger

I'm the principal of Los Gatos High School. More than 2,000 students and staff come to the campus every day in drop-offs, on bikes and e-bikes, and on foot, and a large majority of them come through Church Street and High School Court. Our team is concerned about adding 30 residential units with its accompanying cars; I often supervise from Church Street and High School Court and see near misses every day. It is important that we can maintain sight lines where students and staff can see cars and potential dangers, and the cars can see them. I hope the Planning Commission will consider reducing the size of this development, particularly just for the sight lines on Church Street and Main Street/High School Court; and consider potential traffic lights to help keep people safe as they come to the campus.

Cathy Gist

I live on Blossom Hill and Los Gatos Blvd. One of my concerns is the students during the drop-offs, pick-ups, and lunchtime, which is already a problem, and adding an additional 30 units. We would also be adding an additional 30 units worth of cars on an already impacted street during an emergency. A lot of the projects the Town is looking at are high-rise, multi-family, large buildings going in at most of the intersections. If a plan with a CAD drawing of what the projects would look like and the cumulative impacts on traffic has not been done, it should be. The building height is also a concern in terms of the view and the look and feel of Los Gatos. We're starting to look like San Jose, and removing some of Los Gatos' charm and adding increased traffic and parking problems will not encourage more tourism. With the current level of vacancies on Main Street and North Santa Cruz Avenue, do we really need to add more retail space?

Jorge Polo Tomas

I represent the Nor Cal Carpenters Union Local 405. This project sits in the heart of our community, and how it is built matters. We call on the developer to make the right decision by hiring responsible contractors who pay fair wages, offer health benefits, invest in apprenticeship programs, hire locally, and ensure the people building our homes and businesses can afford to live here too.

Majid Alasvandian

I live on Cleland Avenue and oppose this project. The first reason is safety. There are hundreds of homes in the hillsides bordering the Los Gatos downtown, and the evacuation paths from the east side come through College Avenue, and the evacuation paths from the south side come through Alpine Avenue and Jackson Street, and all of them merge into Main Street, which is a narrow street. SB 330 was passed before we got experience with fires from Maui and Pacific Palisades where people were forced to abandon their vehicles and escape on foot, so the safety of downtown residents should be the number one consideration. Los Gatos can have high density closer to the freeway, but not in the downtown that is enclosed by the hills. The second consideration must be the traffic.

Brent Knudsen

My wife and I are business owners in the downtown and are very familiar with the area. This is a situation of trying to paint a non-attractive animal into a cat, and you can't paint a bad idea into being a beautiful cat. If you put 80 parking spaces into a downstairs parking lot, you'll have a lot more than 17 new cars on the road. The safety concern of the high school principal is so important, as is allowing the students a safe place. I would ask the Traffic Department to look at not just cars, but add scooters, e-bikes, bicycles, etc.; perhaps the math should be number of wheels versus number of cars. If ever there were a specific adverse impact on public health and safety, this is it. We all know it's a bad idea and it is never going to be a good idea. We need to protect our town, the look of our town, the safety of our town, and this is a bad idea.

Lee Fagot

The architectural style fits the character of the Town well; it's a nice building. Unfortunately, it is not suitable for this site. The density, height, contribution to traffic, and the impact on safety indicates that this should be in another location that is zoned for, and in the Housing Element for, the right height, the mixed-use, and some below market rate housing. Please have the developer look at sites more suitable, like on Los Gatos Boulevard, instead of the monoliths being proposed. Let's put in something more appealing and representative of the Town on Los Gatos Boulevard, as an example of another site for this kind of a beautiful building. The Shannon Road and Los Gatos Boulevard building sites would benefit that neighborhood and be so zoned. A building like this with more residential units at that site would compound the problem of traffic when the high school lets out, increase the safety risk, and change the character of the town.

Dania Sackrova (phonetic)

I have been a resident of the downtown for ten years. My concern is the new building would cover the view, ruining the landscape of the town. When I see proposals for a seven-story building it is terrifying, because Los Gatos is a unique town, and I would like to preserve it. I think it is a beautiful building, but compared to the high school it is too big and will make the high school building look insignificant in comparison. Also, the traffic to drop off and pick up my son from the high school is really bad. I live in a building with underground parking, so I know

that underground water is another problem here, and I believe underground parking near a high school is not safe.

Ken Rodrigues, Applicant

I misspoke on the appliances; the CEQA report looks at all electric appliances. The Mitigated Negative Declaration speaks to both the height and traffic issues, and is based off technical reports prepared by outside independent consultants. While we may question the numbers, they are the numbers that are in the CEQA report, which states, "The existing office building is estimated to generate 119 daily trips. The proposed project will generate 136." That's the net increase of 17 trips. On height, although the proposed structure is 7 feet higher than the maximum permitted height in the C-2 zoning district, the project is eligible for this increase based upon Builder's Remedy law. The project location in downtown, in addition to being a Builder's Remedy project, will result in less than significant visual impacts. I quote the CEQA report regarding traffic: "The project would not conflict with a program, plan, ordinance, or policy addressing the Town's roadway system." Again, it results in a less than significant impact. There are no health and safety issues based upon the CEQA report.

Closed Public Comment.

MOTION: **Motion by Commissioner Stump** to extend the meeting time 30 minutes beyond the 11:30 p.m. cutoff. **Seconded by Commissioner Barnett.**

VOTE: **Motion passed unanimously.**

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Raspe** to recommend Town Council approval of an Architecture and Site Application, Conditional Use Permit, Condominium Vesting Tentative Map, and Mitigated Negative Declaration for 143 and 151 E. Main Street with recommendations for a strong preference for parking option #1 and additional or modified conditions of approval related to: construction traffic and staging; traffic control along High School Court; native tree species for replacement trees; extended hours of operation for the commercial use; and assurances related to Mitigation Measure AQ-1 . **Seconded by Vice Chair Burch.**

VOTE: **Motion passed 4-2 with Commissioners Burnett and Stump dissenting.**

REPORT FROM THE COMMUNITY DEVELOPMENT DEPARTMENT

Joel Paulson, Community Development Director

- Town Council met March 18, 2025:

- Reviewed the General Plan Annual Progress Report, which includes progress on the implementation and RHNA for the Housing Element.
- Adopted a tolling agreement for consideration of the New Town project to be modified from two seven-story buildings to a townhome project.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

Historic Preservation Committee

Commissioner Thomas

- The HPC met on March 26, 2025, and considered many items, some that will be coming to the Planning Commission.

ADJOURNMENT

The meeting adjourned at 11:50 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the March 26, 2025, meeting as approved by the Planning Commission.

/s/ Vicki Blandin