



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

**MINUTES OF THE PLANNING COMMISSION MEETING
JANUARY 8, 2025**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, January 8, 2025, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 PM

ROLL CALL

Present: Chair Steve Raspe, Vice Chair Emily Thomas, Commissioner Jeffrey Barnett, Commissioner Kendra Burch, Commissioner Susan Burnett, Commissioner Rob Stump
Absent: Commissioner Melanie Hanssen

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS

None.

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

1. Approval of Minutes – December 11, 2024

VOTE: **Motion passed unanimously with Chair Raspe recusing and Commissioner Burch abstaining.**

This motion was approved without a motion or second so it will be placed on a future agenda.

- 2.** Consider an Appeal of a Community Development Director Decision determining that the residence retain a contributor to the Historic District for property located in the Almond Grove Historic District zoned O:LHP. APN 510-14-053. Located at 228 Bachman Avenue. Request for Review Application PHST-24-017. Exempt pursuant to CEQA Section 15061(b)(3). Property Owner/Applicant/Appellant: James Wood. Project Planner: Sean Mullin.

MOTION: **Motion by Vice Chair Thomas to approve adoption of Consent Calendar Item 2. Seconded by Commissioner Burch.**

VOTE: **Motion passed unanimously, with Commissioner Barnett recused.**

3. Annual Review of an Approved Conditional Use Permit for an Existing Private School (Hillbrook School) on property zoned HR-1. Located at 300 Marchmont Drive. APNs 532-10-001 and 532-11-011. Conditional Use Permit Application U-12-002.
Applicant/Property Owner: Mark Silver/Hillbrook School. Project Planner: Jocelyn Shoopman.

MOTION: **Motion by Commissioner Stump** to approve adoption of Consent Calendar Item 3. **Seconded** by **Commissioner Burnett**.

VOTE: **Motion passed unanimously with Commissioner Barnett recusing due to proximity of his residence to the subject site.**

PUBLIC HEARINGS

4. **16590 Garden Lane**
Architecture and Site Application S-24-049
Variance Application V-24-002.
APN 424-19-054
Property Owner/Applicant: Sunayana Bedi
Project Planner: Erin Walters

Consider a request for approval for technical demolition of an existing single-family residence, construction of a new single-family residence, and a Variance for the required front setback on property zoned R-1:8. Categorically exempt pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures.

Vice Chair Thomas indicated she would recuse herself from participating in the public hearing for 16590 Garden Lane due to proximity of her residence to the subject site.

Erin Walters, Senior Planner, presented the staff report.

Opened Public Comment.

Sunayana Bedi, Applicant

- The removal of the exterior walls was not intentional, but was due to a change of contractors, and we had no knowledge that a few pieces of the exterior wall framing was removed. Project construction is almost 80 percent complete and can be finished when the stop work order is removed. Our neighbors are excited to see the project completed. We have paid double the fees and have complied with all the Town's requirements. This has been our only issue, and it took us by surprise. We request approval of the application so we can move forward with the project.

Tony Jeans

- I am the applicant for the next item, but I am here for this item because it has the same issue of a front setback, so I wanted to see why you have another front setback issue on the same agenda. It looks like the reason it violates the setback is there was a dedication of frontage along the front, which reduced the setback from 26 feet down to 16 feet. I also note that most of the neighbors have reduced setbacks to the street, so it is not out of place. I know nothing about this project, but I do not think it is invasive, intrusive, or inappropriate.

Sunayana Bedi, Applicant

- I want to thank Mr. Jeans, and I hope the Planning Commission will approve this project.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Chair Raspe** to approve an Architecture and Site Application and Variance Application for 16590 Garden Lane. **Seconded by Commissioner Burnett.**

VOTE: **Motion passed 3-2 with Commissioners Barnett and Burch dissenting.**

Vice Chair Thomas returned to the meeting.

5. 16500 Marchmont Drive

APN 532-08-017

Property Owners: Ahmad Shamsoddini, Elham Eshraghi, and Mehrdad Alipour

Applicant: Tony Jeans

Project Planner: Suray Nathan

Consider a request for approval to construct a new single-family residence with reduced front and side yard setbacks on a nonconforming vacant property zoned R-1:8.

Categorically exempt pursuant to CEQA Guidelines Section 15303(a): New Construction or Conversion of Small Structures.

Suray Nathan, Assistant Planner, presented the staff report.

Opened Public Comment.

Tony Jeans, Applicant

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- When drawing up the SB 9 plans for the house I visited the neighbor to the left and realized the proposed house was taller and sited in a location that would impact the use of his back yard. That neighbor requested the applicant move the house forward and away from his back yard view and to make it lower at the front. The only way I can do that is through an Architecture and Site application. I can't go through SB 9, because it would result in a taller, larger structure that is inappropriate in this neighborhood, so I am here in this unusual situation requesting the Planning Commission to do something that is uncommon. It does not require a variance; it requires looking at compatibility with the neighborhood and creating a compatible neighborhood with conforming setbacks. We slid this house forward to make it compatible with the alignment of neighboring homes. A benefit for the Town in not doing SB 9 is it gets new street frontage with the rolled curb extended farther down.

Mehrdad Alipour

- I support the project the way it is proposed for two reasons: 1) the front of the proposed property is aligned with the entrance of my property, aligning the houses; and 2) the architect has designed the property so that it clears the back yard of my property. If this application is denied, two things will happen: 1) on Hilow we will see one property on the left and one property jutting way down, and then my property on the corner will stand out; and 2) half of my back yard will be blocked, causing a view issue, and in the fall and winter shade from the new property will come to my back yard, which is a big deal.

Todd Harris

- I live directly behind the subject property and strongly support the new structure. Mr. Jeans and the applicants have gone to great lengths to work with the neighbors. The original home designed under SB 9 would have obstructed our view, which Mr. Jeans realized and brought the structure down and forward. Bringing the house forward also increases our privacy, because the SB 9 home would have brought the windows closer to our back bedroom and away from privacy landscape screening. It would also look funny if the house was jutting back 25 feet and all other properties are 12-15 feet away from Hilow.

Tony Jeans, Applicant

- The Architecture and Site application would extend the rolled curb. Half of the neighbors like the idea of widening that section of the street, and the other half do not because vehicles rush around there to get to Hillbrook School, but I am neutral on the subject. This house has a 25-foot frontage on Hilow, even though its front entrance, front door, and every aspect of his house except for the garage, says here is the front. Even when this subdivision was done, 25 feet was called out for the front setback and 8 feet for the side setback along Hilow.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Thomas** to approve the request to construct a new single-family residence with reduced front and side yard setbacks on a nonconforming vacant property zoned R-1:8. **Seconded by Commissioner Burch.**

VOTE: **Motion passed unanimously.**

6. 55 Ellenwood Avenue

Request for Review PHST-24-020

APN 510-19-010

Applicant: Melina Padilla

Appellant: Vishal Jain

Property Owner: Pooja Goel

Project Planner: Sean Mullin

Consider an appeal of a Community Development Director Decision to deny a request to remove a pre-1941 property from the Historic Resources Inventory on property zoned R-1:8. Exempt pursuant to CEQA Section 15061(b)(3).

Sean Mullin, Planning Manager, presented the staff report.

Opened Public Comment.

Bess Wiersema, Studio3 Design

- This appeal is about the simple fact that the HPC findings were made on feelings and not fact and is the basis of the owner's appeal. The findings are simple and easy to make: the structure is not associated with events that have made a significant contribution; no significant persons are associated with the site; there are no distinctive characteristics of the type, period, or method of construction or representation of the work of a master; the structure does not yield information to Town history; and the integrity has been compromised such that the structure no longer has the potential of convey significance.

Peter Horan

- I have lived immediately across the street from the subject property for 45 years and seen everything that has gone on with the house, and it has gone through major construction. I also remodeled my own home during this time, but while there were no historical stops for me to do anything, now suddenly there is historical stops for this house, which has had changes to itself not having any character at all to what the old houses were. These houses are old, and I know the past owners of this house had to do a lot of work to repair it. What the applicants are asking for is reasonable, to change the fascia of the house to make it more fireproof and more livable, and with a safer outside. The stucco siding matches the

neighborhood; the house one over will have the same. I like what they are doing and see no problem at all.

Tedi Uhrowczik

- I live next door to Peter Horan and at an angle to the applicants. I have lived here 46 years, and the area has been remodeled over and over. There is no doubt that the subject house has been remodeled with major changes. I don't believe the house is historic at all. I am very pleased the applicants have moved in and are going to do something with that eyesore.

Judy Wallace

- I've lived at 68 Ellenwood for 53 years and am here to request the Planning Commission not remove the house from the Town's Historic Resources Inventory. My understanding is the denial of the request to remove the house from the inventory was to keep our neighborhood historical. It sounds like the applicants plan to remodel, but the picture of the house they have on the fence doesn't look like a remodel. I agree the house needs to be fixed up or torn down, but we have just been through a four-year remodel that impacted the neighborhood. If you have a good rule, stick to it and don't change it.

Lee Quintana

- I must disclose that I am a member of the Historic Preservation Committee, but I am speaking as an individual. This project indicates a problem I have seen for years. When a house is taken off the inventory the logical process is for it to come back for a request for demolition and then come back with an Architecture and Site application, which is bifurcating the project and you don't get the full picture of what taking it off the inventory means to the neighborhood. Secondly, it is curious that this house was not taken off the inventory when there were other alterations and additions to this house, which is another reason it should stay on the inventory until we know what is going to happen with it.

Bess Wiersema, Studio3 Design

- I would like to address a Desk Item to dispel any fear. The banner advertises the contractor who is doing maintenance work on the house's interior for a significant number of deferred maintenance issues and failing building structure. That project up there is not proposed for this property now or in the future; this is a fear tactic and I don't appreciate it. This item is about process, but now is not the time to change the process over this project. Making my client bear the brunt of a process some people may find uncomfortable is not the point of this agenda item. This home clearly incurred a technical demo decades ago, multiple times, and with permitted applications. The property exceeds all five of the HPC required findings to remove a home from the Historical Resources Inventory.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion** by **Chair Raspe** to grant an appeal of a Community Development Director Decision to deny a request to remove a pre-1941 property from the Historic Resources Inventory on property zoned R-1:8 for 55 Ellenwood Avenue. **Seconded** by **Vice Chair Thomas**.

VOTE: **Motion passed 5-1 with Commissioner Burnett dissenting.**

7. 45 Reservoir Road

Architecture and Site Application S-22-048.

APN 529-33-054

Applicant: Gary Kohlsaas, Architect

Property Owner: Farnaz Agahian

Location: Town-wide

Project Planner: Sean Mullin

Consider a request for approval to construct a new single-family residence with reduced side and rear yard setbacks, site improvements requiring a Grading Permit, and removal of large, protected trees on a nonconforming vacant property zoned R-1:20.

Categorically exempt pursuant to CEQA Guidelines Section 15303: New Construction.

Sean Mullin, Planning Manager, presented the staff report.

Opened Public Comment.

Farnaz Agahian, Property Owner

- My mother and I purchased this property in 2022 to build our dream home to share. Because my mother is getting older and needs my support, but also needs her own space and independence, we plan to build a single-family house that includes an ADU attached to the primary house for a separate living space for her. We will do our best to minimize any disturbance to the neighborhood during construction.

Gary Kohlsaas, Architect

- This is difficult and complex project, because it is a challenging site. This lot is 83 feet wide in a zone requiring a minimum of 100 feet. The setbacks for an R-1:20 zone are 15 feet, which is 15%. We are asking for 14% of the width if it were an R-1:10, the size of which is more applicable to this property. That gives us 2.5-3 feet of extra width on this house due to the narrowness of the lot. We tried hard to avoid the fire truck turnaround, but the Fire Department would not budge. Through the AMMR process we were able to get fire clearance with the caveat that we install a fire truck turnaround, which is why the walls are 15.5 feet tall, but we view this as a community benefit that makes the area safer and saves quite a bit of excavation off haul. We can use all the spoils from the house excavation to

create construction staging and parking for 6-8 vehicles until the very end when it is turned into the turnaround. I'm asking for one more exception, that the trees proposed to be planted between the wall and the property line are Green Giants or Italian Cypress, which will reach 15-20 feet.

Kia Baratzadeh

- I live above the subject site and approve of this project as a neighbor. The owner and architect have been very straightforward and transparent. It is a challenging site, but there are new technical solutions that could resolve its issues, and there are none that concern me.

Paul Paspas

- Floor area versus how big the home is would help me understand this project better. The floor area is 1,640 square feet, because a lot of square footage is excluded based on County or Los Gatos code. The actual home is 3,400 square feet living space, so there is a big disparity between what is FAR and what is the actual livable space. 3,400 square feet for this area is big and it is a small, challenging lot. I don't consider floor area; I consider livable space; there's a big difference.

Andrew Watson

- My wife and I have lived just below the subject site for the past 37 years in a small 1,500 square foot house and have stayed in the neighborhood because we love it because it is only a few steps from downtown Los Gatos, but is a rural enclave, and part of that is because of the trees. We are sympathetic to the difficulties of building, but are very concerned about the removal of trees from that neighborhood. We urge the Planning Commission to decline permission to remove the trees. We have other concerns regarding the property, such as size, visibility from our property, and the fire truck turnaround, but are particularly concerned about the trees.

Mary Jane Vidovich

- I live next door to the subject site. I see the site as being challenging in that it is a dangerous construction site, because it's a 20,000 square foot zoning and after taking the road through there it's like 5,000 square feet to build the house. There are mature oaks on the site, and the trees are what make the area so beautiful and provide shade. I don't think the easement can handle the heavy construction equipment, as it is not actually a road, but is part of all our lots and is very steep and dangerous, and I can't see how the large trucks could go in and out of there. Also, there would be a massive structure blocking my view.

Lee Quintana

- I am a member of the Historic Preservation Committee, but I am speaking as an individual. 82 percent of the subject site will be graded, and the grading goes close to all the property lines and goes beyond the LRDA. The application states they are requesting seven exceptions, but I counted between 7-12 and found another one regarding the underground

area of the garage that goes beyond the footprint of the house. I agree with Staff's concern that this site has been over-developed. The applicant has admitted that the architectural program and the constraints of the site would require exceptions, so they are not meeting the Hillside Design Standards and Guidelines that says to build to the site's constraints. If the ADU were considered a master bedroom suite, which it looks like, it would be counted as square footage, and it would be visible, so this would not qualify as a 2,400 square foot house.

Gary Kohlsaat, Architect

- This is a tight-knit community that I have gotten to know, and we understand this is a unique area and unique site. We are confident this home can be built in a safe and effective manner, with Town oversight. I empathize with Mary Jane Vidovich, because she has enjoyed this open space for a long time, and we have done our best to minimize the impact to her by proposing landscape screening and putting our walkway on the other side of the house. Even a smaller home would still require removal of the same number of trees; all the trees to be removed are in our building footprint.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Burch** to approve an Architecture and Site Application for 45 Reservoir Road, with an amendment to Condition of Approval 48 that the restoration of the roads is not just public, but private roads too.

The Maker of the Motion amended the motion to include the language, "With the conditions in Exhibit 3 and development plans in Exhibit 12."

Seconded by Commissioner Barnett.

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

OTHER BUSINESS

8. Election of Chair and Vice Chair

MOTION: **Motion by Chair Raspe** to nominate Vice Chair Thomas as Chair of the Planning Commission. **Seconded by Commissioner Barnett.**

VOTE: **Motion passed unanimously.**

MOTION: **Motion** by **Chair Thomas** to nominate Commissioner Burch as Vice Chair of the Planning Commission. **Seconded** by Commissioner Barnett.

VOTE: **Motion passed unanimously.**

REPORT FROM THE COMMUNITY DEVELOPMENT DEPARTMENT

Joel Paulson, Community Development Director

- None.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

General Plan Committee

Director Paulson

- The GPC will hold a meeting next month.

Conceptual Development Advisory Committee

Director Paulson

- The CDAC will hold a meeting next month.

Historic Preservation Committee

Commissioner Burnett

- The HPC met on December 18, 2024 to review five items, two of which were other business.

ADJOURNMENT

The meeting adjourned at 10:15 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the January 8, 2025 meeting as approved by the Planning Commission.

/s/ Vicki Blandin