



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

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**MINUTES OF THE PLANNING COMMISSION MEETING  
MARCH 12, 2025**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, March 12, 2025, at 7:00 p.m.

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

**ROLL CALL**

Present: Chair Emily Thomas, Commissioner Jeffrey Barnett, Commissioner Susan Burnett, Commissioner Steve Raspe, Commissioner Rob Stump

Absent: Vice Chair Kendra Burch

**PLEDGE OF ALLEGIANCE**

**VERBAL COMMUNICATIONS**

None.

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

**1. Approval of Minutes – February 12, 2025**

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

**VOTE:** Motion passed unanimously.

**PUBLIC HEARINGS**

**2. 176 Loma Alta Avenue**

Architecture and Site Application S-24-042

APN 532-28-031

Applicant: Jap 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. Continued from January 22, 2025.

Maria Chavarin, Planning Technician, presented the staff report.

Opened Public Comment.

Jessica Thornberry (Property Owner)

Myself with my husband Blake Thornberry own the property. There appears to be a misunderstanding of our data, so I will walk you through the design compatibility study and let the data speak for itself based on 16 homes in the immediate neighborhood. Our current FAR is significantly smaller than the houses around us, and our proposed FAR has been reduced to .386, seventh out of the 16 homes in the immediate neighborhood. Our house falls in line with the neighborhood average with respect to square footage and FAR. Our lot size and house size are average when compared to the neighborhood. Despite the narrow lot, the rear projection of our home is consistent with what is found in the surrounding properties, because we have chosen a space-efficient Italianate/Victorian design. Our setback is compatible with the neighborhood already, but we have increased the setbacks on both sides of the property. Many homes in the neighborhood have nonconforming setbacks and we are simply requesting to align with the typical setback pattern, despite having the narrowest front lot. Our proposed home is the shortest in the neighborhood and we are not asking for exceptions. We commit to addressing the privacy concerns through fencing and landscaping at our own cost. We have received numerous letters of support.

Gina Tuckfield

I take issue with the applicants' accusation that their neighbors built a house with disregard to privacy. The photo presented in the agenda packet was taken from where the new garage would be, not where the new house would be. The applicants cut down at least eight trees, which contribute to the lack of privacy, as well as being illegal because there was no permit from the Town Arborist. The applicants have refused to work with neighbors regarding window placement when the Town recommended they do so. The applicants have cited my house at 162 Loma Alta as 30 feet in height, but our home is on a downward slope and the 30-foot height is at the back of the house.

Paul Tuckfield

I read the applicants' chart of houses in the immediate neighborhood, because I wanted to understand why they are trying to justify an extra 420 square feet, and the chart does not agree with the Town's own list in five cases, including my house. The Planning Commission cannot use that chart until it is fact checked. In earlier documents the FAR code was not computed correctly and quoted in some of the original documents, including my house. Other errors in the document include setbacks and inconsistent application of the years the homes were built. The applicants have chosen this process where they risk their plans being denied, but they are making that choice and the burden of proof that they do not impact other people is on them, but somehow it seems to be shifted to the rest of the neighborhood to prove something. A bigger house, even if it meets the FAR without impacting, does not have to be exacerbated by adding another 420 square feet.

Tony Alarcon

My house abuts the alley and I'm familiar with it and the water drainage issues as well, which is a concern with this project. I am a real estate agent and have 255 Johnson Avenue listed, which is the property adjacent to the subject property on the alley. I measured the alley and it is 13 feet where they are at. They cut down a perfectly healthy 40-foot tree and a healthy 32-foot tree with no permit, because that is where the garage is going. The applicants are showing data, but data can be manipulated, and I agree with Paul Tuckfield and would like that data confirmed. The fireplace location is adjacent to a tree canopy, and this is already an extremely high fire zone and the fireplace should be moved to a location without trees. Four-hundred and twenty square feet of variance in size with the scale and mass of this property is not reasonable. I urged the Commission to not approve the excess FAR ratio.

John Panighetti

I have done construction on my properties on Loma Alta twice since 1982, and both times I had to maintain my design within the requirements for the FAR, setbacks, and height restrictions, and I had to take neighbor considerations into account. I don't believe we should make any exceptions to things like FAR and setbacks. If the driveway is removed it would shove the house over toward the property line, so the natural setback on one side is eliminated, and that is not reasonable. The façade is imposing and looming. Typically, taller houses in the neighborhood are softened by a porch roof, gables, or other roofs on the second story, and I'd like to see that in this design. The house is not a good fit design-wise, even though this is an eclectic neighborhood, because this house needs softening in front.

Kim Couchee

I will read a letter from Winifred James, who could not be here in person. "I am the previous owner of 176 Loma Alta Avenue and lived there for 55 years. At the time of the sale of my home it was a given that any new owners would remodel it into two stories, and the neighbors expected that; however, I am appalled at the size of the basement, 1,500 square feet allowing the ADU. Where are these additional people going to park? Using the alley as the only access for vehicle use of the garage is not practical as the alley is often blocked. I am surprised

the Town issued permits to cut down trees on the property even before remodel plans are approved.” I will now read my own comments. The applicant’s current plans still exceed the FAR, amongst other variances. I ask that you take into consideration the effect on the neighbors and listen to their concerns.

Phil Couchee

The neighbors and the Planning Commission have expressed concerns about this project, and I urge the Commission to listen to the concerns being raised. The original submittal was way above FAR, as is the resubmittal.

Matt Railo

I live next door to the subject site. The FAR is the big issue from our perspective. Nothing has changed about the FAR above ground other than a one-foot movement of the nook. That is not what the Commission intended, and it does not address the neighbors’ concerns. The mass and scale remain the same and is problematic. After the last hearing I met with the applicant and had a nice discussion and explained what is most upsetting to us about the plans, which is the size of the house, particularly toward the back, and he understood clearly what they could do to reduce the mass to get our support. After three weeks we met again and found that plans had already been submitted to the Town.

Allison Railo

At the last hearing the Planning Commission gave unanimous direction to the applicants to propose changes and share them with the neighbors, but the most recently submitted plans were neither shared nor discussed, and there are no noticeable changes. The applicants’ comparison of houses does not take into consideration the context and how it affects the neighbors. There is no new evidence to change the size of the subject lot or the excessive size of the proposed home, which still exceeds the FAR. There is no evidence that the applicants have at any point shared proposals in response to neighbors’ concerns. At the March 2<sup>nd</sup> meeting all that was presented to us were plans unrelated to this proposal, which is why we had no questions for them at that meeting. The house is far too large for the lot and negatively impacts the neighbors due to its exceptions. As at the last meeting, I am asking for reasonable and equitable application of the guidelines and allowances.

Mary Ann Carr

I lived next door to the applicants for seven years before they moved, and they showed amazing kindness to me. During the years we were neighbors, what impressed me the most about this young couple was despite being working parents, they took time to become advocates for street calming on Blossom Hill Road. Every time a young couple moves into our neighborhood and starts remodeling our home values go up and they update our community.

Joan Gardner

I do not think the Thornberry’s have been treated fairly. The Town planners concluded that the proposed setbacks of the subject site are compatible with the neighborhood, given the

preponderance of nonconforming lots. The applicant's setbacks, house size, FAR, height, and lot size are all within the range of the neighboring homes. The applicants' neighbors have enjoyed the benefits of living near the smallest house in the neighborhood for many years, take the advantages it has conferred for granted, and view it as something they are entitled to. Just prior to the first Planning Commission meeting in January the applicant's immediate neighbors made objections that largely amount to wanting to deny the applicants the exceptions for their nonconforming lot that most of their neighbors already enjoy. The Thornberry's proposal for their home should be approved.

Yu Chen

I walk by this site every day and the current structure is an eyesore, so I was very excited that the applicants are going to build a new house to improve our community. The design aligns very well with the neighborhood character, and the homeowners have worked hard to ensure the design fits the neighborhood. The exceptions they are requesting are very similar to those granted to other homes already. The proposed house is not the biggest in floor area or height, and it matches the setbacks of its neighbors, so if other homeowners have benefited from similar exceptions, why is this one being denied? Change is hard, but for our Town to thrive we need to support development. The project simply brings the smallest home on the street up to the neighborhood average and is a reasonable change.

Shelby Roshan

I'm here in support of the applicants, who are my former neighbors. Both properties on either side of the subject site already exceed allowable FAR, and the applicants' proposed home would rate seventh out of 16 homes and is in line with the neighborhood. How can the neighbors object when their own homes exceed those same guidelines? FAR is a guideline, not an unbreakable rule. The Town's regulations prioritize compatibility, and the applicants' plan fits seamlessly within the neighborhood.

Ayhan Mutlu

I am an immediate neighbor and I'm here to express my strong support for the revised plans for 176 Loma Alta. The proposed home is comparable in its bulk and scale to its immediate neighbors. I believe the applicants have made thoughtful and meaningful revisions to address the immediate neighbors' concerns, and worked in good faith to modify their plans while maintaining a reasonable and well-designed home. Any two-story home in this location would have the same impacts on its neighbors.

Wendy Squire

The applicants are wonderful people and I'm surprised by all the arguing that has gone on, but I echo the previous speaker who said we should not create things that inhibit or damage the enjoyment of home. I am not against having a new house built, and do not question wanting to put a two-story house into a neighborhood that already has many two-story houses, but I would ask the Commission to consider not only the structure of the house, but the impact to the neighborhood.

Fred Gerbino

I live across the street from the project and down two houses to the west. We remodeled our small bungalow and revised our plans three times to comply with the FAR requirements. I'm here to object to exception to the FAR. The applicant should have to comply with the same FAR rules that we complied with. They're entitled to seek an exemption and roll the dice, but I see no compelling reason to grant an exception to the FAR requirements.

Thomas Valencia

I live next door to the project site. The data in the applicant's presentation was not compiled by an unbiased third party, and measurements were not conducted by a licensed or qualified surveyor. The data was compiled by the applicant, and upon closer examination is disingenuous and imprecise, predominantly skewed to support the applicant. Instead of focusing on the impacts of this proposed project, a lot of effort was spent in finding reasons why they deserve to make those impacts, and instead of asking the Town for exceptions to be made, they are implying those exceptions are guaranteed. Cherry picking data as a reason for exceptions should not be entertained. It is a slippery slope if the Town allows this type of building mentality.

Kelly Garton

I own the property immediately adjacent to the subject site. From the beginning the chimney and window placement have been concerns. Without story poles it was not evident, until re-reviewing the full plans alongside the initial Staff Report, that the proposed structure was more massive and higher than interpretable on printed plans. The chimney location remains within the under 5-foot reduced setback, and is still proposed to be under a tree canopy. With respect to window privacy, specifically to the master bath and bedroom, the revised plans do not denote obscured glass nor any third-party report to confirm no impact to these private spaces; and no offer to shift, resize, or remove a window. Although the proposed home detrimentally shades my home and surrounding environment throughout the year, the applicant does not find it justifiable to lower the height. Despite current California and Town codes allowing exemptions of basement and repurpose as ADU space, the proposed home remains well above the permissible FAR by 17 percent. All excess square footage is located above grade and in the main residence, significantly impacting the adjacent homes.

Lisa

The Thornberrys lived next door to my mother for a decade. Despite demanding careers and raising three young children, they prioritized their family and community involvement. The applicants have demonstrated their commitment to neighborly collaboration by sharing their plans door-to-door and incorporating feedback. I request the Planning Commission approve the applicant's proposal for a modest and tasteful home, a project that would enhance property values and pride in Los Gatos.

Patricia James

I live diagonally off the alleyway. I'm a big fan of FAR and believe it makes Los Gatos special and allows us to maintain the character of the Town. I think having FAR was well thought out, as well as our requirements to check with an arborist before removing trees, and I ask why don't we reject the plans that exceed FAR? It would be better for neighborly relations not to even consider plans that exceed FAR, because in keeping to FAR we can have trees on our properties, we have more land than we have house, and it's why we have such a lovely Town. This home would be just as lovely if it were 420 square feet less.

Lee Quintana

I'm a member of the Historic Preservation Committee, but I am speaking as a community member. Cypress trees are probably the highest fire risk of any tree available to be used. Additionally, the trees are being proposed to be placed in a setback of 5 feet, but my understanding is there should be no vegetation between the house and 5 feet out for fire preparedness. The issue is: keep the comparisons consistent and to what is normally looked at. The Planning Commission compares homes two on each side and five across the street, not 16. The FAR is not an absolute, but it is used as a guideline for what would be the absolute maximum unless there are other circumstances. While the house meets the height and setbacks, the length of the roofline causes it to have a much more massive appearance. The Town's architect stated that the massing of the house in the front was not consistent with the neighborhood. If the FAR were brought down likely there would be no problems with the compatibility of the home with the neighborhood. I urge the Planning Commission to not approve the project as presented. The representation of the FAR as one-third is incorrect; that is a FAR that is used for commercial, for other residential, it's a sliding scale.

Blake Thornberry (Property Owner)

Two years ago, we bought this property to be closer to the downtown community and schools, and we felt our plan for a single-family home was compatible with the houses already in the neighborhood. Since the last meeting I spent many hours collecting data, and in many cases, I found the data in the staff report to be outdated or incorrect, and that's why I did it myself. The data I collected clearly shows our proposal to be compatible with the development on the surrounding lots, per the Town guidelines. In the context of the 15 surrounding neighbors, our proposed home is average in lot size and height. Since the last meeting we have reduced the square footage of our home, improved the setbacks with the neighbors, and reduced the house height. The exceptions that the neighbors object to are all exceptions that they enjoy themselves. I ask the Planning Commission to approve our application based on the data and facts of our proposal, especially in the context of the existing neighborhood.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Commissioner Barnett to deny an Architecture and Site Application for 176 Loma Alta Avenue. Seconded by Commissioner Stump.**

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

**3. 10 Charles Street**

Fence Height Exception Application FHE-23-001

APN 532-36-022

Property Owner/Applicant/Appellant: Firouz Pradhan

Project Planner: Sean Mullin

Consider an appeal of a Community Development Director decision to deny a fence Exception Request for an existing fence partially located in the Town's right-of-way and exceeding the height limitations within the required front yard and street side yard setbacks on property zoned R-1D. Categorically exempt pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures.

Sean Mullin, Planning Manager, presented the staff report.

Opened Public Comment.

Firouz Pradhan (Applicant/Appellant)

When construction was happening, there was a six-foot solid green fence, but we were never informed there were concerns about visibility. When we designed the fence and home we worked with a top rate architect, and the objective of building the fence was safety and security, particularly because the front yard would be the grandchildren's main play area. Most of the neighbors did not have a visibility issue, and we are working with the one neighbor who has some concerns about tweaking the fence to address his needs and the needs of the police officer who also had issues. I asked three or four police officers parked on Charles Street if they had visibility concerns, and each one said no, because of the way the fence has been designed and built. If you need to tweak the last two or three sections, we are willing to do that. With respect to the right-of-way, we will do whatever is needed to protect the Town.

Michelle Huntley

I am the property owner at 264 Los Gatos Boulevard, which shares a property line with 10 Charles Street. When the applicant finished his remodel, he approached me about a fence going on Los Gatos Boulevard, and I expressed my concerns, because it is a busy road. He made many changes to the fence and provided some spacing so I could have some visibility, because if it were a solid fence my driveway would be a safety hazard and unusable. The fence has affected my vehicle visibility, and pedestrians walking by cannot see me. I drive out carefully because of this, but I have witnessed the surprise on people's faces when they see my car,



because they had no idea it was there. My concern going forward would be allowing an unrestricted fence to be higher and with unrestricted materials, because someone in the future could install a solid fence and the driveway would be unusable, and visibility at Charles Street would be even more impacted.

Doug Olcott

I live at the very end of Charles Street and am speaking in defense of the appeal of the denial of the exception. I have sent photo slides to the Planning Commission showing the access to Los Gatos Boulevard, first from Charles Street, and looking left and right, and that shows the applicant's fence does not block any view. Traffic stops at the end of Charles Street and looks in either direction, and again, there is no obstruction. I think the current location of the fence and the safety provisions the Town has made are adequate, and I have not seen any accidents there in all the time I've lived there, and from the time he built that fence.

Sayid Nejar (phonetic)

I live on Charles Street a couple of houses down from the applicant's house. I don't see any issue with visibility from Charles Street to Los Gatos Boulevard. There is a stop sign right there and anyone passing can be seen. When the applicant built the house, it really made the neighborhood so much nicer; it's a beautiful home and the fence is beautiful and very high-quality with the lattice section that can be seen through, and I hate to see that be changed to something else; definitely not a solid fence. I have no issues with the way the fence is now, nor anyone in my family.

Kevin Chesney

I've owned the house on 2 Charles Street since 1994. The applicant is a wonderful and kind neighbor, so I hate to come up here and talk about how dangerous that fence is. A neighbor and I both said that fence is dangerous, and we both asked the applicant to make changes to it, and we've talked about it for over a year. As a vehicle is coming out from Charles Street and turning right, they can't see to the left. Basically, if the Town leaves the fence there, I am going to sue you, because it is dangerous, and the Town is doing something that puts me at risk. I have spoken with the applicant about changes that could be made, and if he can make those changes, I am totally fine. He needs to move it back 2-4 feet, or he needs to drop some of those things down, but if he doesn't make those changes, the Town will be liable, and there are three neighbors who see it as extremely dangerous.

Firouz Pradhan (Applicant/Appellant)

I understand that Kevin has a problem, and we have spoken about lowering those two or three sections at the corner. Our concern is safety, because when the grandkids are playing there, it is a 26-inch fence and somebody can walk across. There have been two incidents where someone literally knocked on the doors of the front bedroom, so safety and security are a concern. I also totally understand that visibility is a concern. Today I drove from Whole Foods to Charles Street to see if there are other such cases, and I came across nine homes on the corner of Los Gatos Boulevard and side streets that had fences about 3 feet and solid, and on

Charles itself all other three corners have the same issue, but I am willing to work with people and resolve this issue.

Closed Public Comment.

Commissioners discussed the matter.

Opened Public Comment

Applicant answered Commissioner's questions.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Commissioner Barnett** to continue the public hearing for 10 Charles Street to a date certain, with direction that the Appellant confer with staff with respect to addressing the right-of-way issue and the safety issue, and the application shall be brought back to the Planning Commission if staff is not prepared to decide on its own.

Commissioners discussed the matter.

**Commissioner Raspe requested the motion be amended to include recommendations as part of a continuance: redesign the corner at the intersection of Los Gatos Boulevard and Charles Street such that a possible resolution would be a 45-degree angle instead of a 90-degree angle; as part of the conditions of approval there would be no changes in material to the fence; plantings would not be allowed to grow along the fence line; and there would be a redesign of the fence at the driveway section of 264 Los Gatos Boulevard to improve safety.**

**The maker of the motion accepted the amendment to the motion.**

**Seconded by Commissioner Stump.**

Commissioners discussed the matter.

**Chair Thomas requested the motion be amended to include recommendations as part of a continuance: taking into consideration that there are existing trees and it is understood it might be necessary to engineer around those trees.**

**The maker of the motion accepted the amendment to the motion.**

**Commissioner Barnett amended the motion to adopt the Town’s visibility-at-corners standard as one to be considered before the application is brought back to the Planning Commission or staff for approval.**

**The continuance date certain was determined to be April 23, 2025.**

**VOTE: Motion passed unanimously.**

**4. 119 Harwood Court**

Architecture and Site Application S-24-040

APN 527-56-027

Applicant: Gary Kohlsaat

Property Owners: Donal and Maire Conroy

Project Planner: Suray Nathan

Consider a request for approval to demolish an existing single-family residence and construction of a new single-family residence, remove large, protected trees, and site work requiring a Grading Permit on property zoned HR-2½. 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.

Gary Kohlsaat (Applicant)

This property was created from an SB 9 application and is unique because it has frontage on two sides. Before we did the SB 9 application it was clear we would end up with a property that had very little LRDA; thirty percent of this home is actually out of the LRDA. We are demolishing the house, but it is more of a technical demolition with a good portion of the existing structure left behind and banked into the hillside with the garage, and we are adding onto that garage. We have angled the home from the existing garage construction to respond to the contours as best as we could to create a modern home that had a significant covered exterior entertainment area, which is in the LRDA as opposed to putting it up on the hill in the back and cutting into the hillside and asking for more exceptions. This home is very low profile, not visible, asks for no exceptions, is well under the FAR, and has neighbor support. The wall exception is minor, as it is behind the home and not visible.

Gary Kohlsaat (Applicant)

To sum it up again, this home is low-profile, banked into the hillside, is well under the FAR, we’re only removing two trees, one of which is only because of the required cut for the

retaining walls and our OSHA cut, and one tree will not survive construction. We have the support of our neighbors. We are also adding another home to the housing stock of Los Gatos.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Commissioner Raspe** to approve an Architecture and Site Application for 119 Harwood Court. **Seconded by Commissioner Burnett.**

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

## **OTHER BUSINESS**

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

Joel Paulson, Director of Community Development

- The Town Council met on 3/4/25:
  - Approved the Los Gatos Lodge project, which was a forwarded recommendation from the Planning Commission.
  - Remanded the 45 Reservoir Road project back to the Planning Commission.
- CAL FIRE has released updated Local Responsibility Area fire severity maps that are on the front page of the Town's website, and other places. They are looking for public feedback as they go through the process with the Council ultimately adopting a new LRA map for the Town specifically.

### **SUBCOMMITTEE REPORTS/COMMISSION MATTERS**

#### **Historic Preservation Committee**

Commissioner Burnett

- HPC met 2/26/25 to consider three items.
  - A home on Wild Way that came back to the HPC because they wanted to replace the windows.
  - Another home with a total windows change.
  - A home with a garage redo on the exterior.

#### **Conceptual Development Advisory Committee**

Commissioner Raspe

- CDAC met 3/12/25 to consider one matter.
  - 235 Oak Meadow, a proposal to demolish an existing structure and construct a six-story, multi-family residence.

#### **Commission Matters**

Commissioner Stump

- Four Commissioners attended the Planning Commissioners Academy in Santa Rosa. Particularly of interest was CEQA instruction, and a complete legislative update for 2025.

**ADJOURNMENT**

The meeting adjourned at 10:52 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the March 12, 2025 meeting as approved by the Planning Commission.

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/s/ Vicki Blandin