



## **TOWN OF LOS GATOS PLANNING COMMISSION REPORT**

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### **MINUTES OF THE PLANNING COMMISSION MEETING NOVEMBER 11, 2020**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, November 11, 2020, at 7:00 p.m.

**This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID19 pandemic and was conducted via Zoom. All planning commissioners and staff participated from remote locations and all voting was conducted via roll call vote.**

#### **MEETING CALLED TO ORDER AT 7:00 P.M.**

#### **ROLL CALL**

Present: Chair Melanie Hanssen, Vice Chair Kathryn Janoff, Commissioner Jeffrey Barnett, Commissioner Kendra Burch, and Commissioner Reza Tavana.

Absent: None.

Chair Hanssen congratulated former Commissioners Badame and Hudes on their election to the Los Gatos Town Council and thanked them for their service.

#### **VERBAL COMMUNICATIONS**

Councilmember-elect Matthew Hudes

- Mr. Hudes said good-bye to the Planning Commission and thanked his fellow commissioners for being fantastic colleagues and doing a tremendous service for Los Gatos. He also thanked the public for the interactions he has had with them and said as a Councilmember he would continue to be available.

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

##### **1. Approval of Minutes – October 28, 2020**

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

**VOTE:** Motion passed unanimously.

## **PUBLIC HEARINGS**

### **2. 15 Loma Alta Avenue**

Architecture and Site Application S-19-023

APN 532-29-073

Applicant: Babak Homayouni

Appellants: Kelly Luoma and Rick Rutter

Property Owner: BAB Investment Group LLC

Project Planner: Jennifer Armer

Consider an appeal of a Development Review Committee decision approving a request for demolition of an existing single-family residence and construction of a new single-family residence with reduced setbacks on nonconforming property zoned R-1:8.

Jennifer Armer, Senior Planner, presented the staff report.

Opened Public Comment.

Kelly Luoma (Appellant)

- She lives at 45 Whitney Avenue and owns property at 111 Panighetti Place, which backs up to her back yard, and they would be directly impacted by the proposed project. They worked with former Los Gatos Planning Commission member James Lyon on the appeal. They welcome the property being developed as the site is a neglected and dilapidated fire hazard. They believe the Town's consulting architect erred in his assessment of the neighborhood. The proposed home is not consistent with other homes in the lower Loma Alta block and would tower over the existing homes at 19 Loma Alta and their property at 111 Panighetti Place. Although the project is within its FAR limits it has more mass and bulk than neighboring homes, even after the developer has made adjustments, and is larger than 19 Loma Alta, 23 Loma Alta, and 100 Los Gatos Boulevard and would be one of the highest in the area. They are concerned about privacy as this project would tower over both their properties. The proposed home would never fit into the neighborhood and would be used by others to justify new housing projects.

Rick Rutter (Appellant)

- He lives in a vintage home at 23 Loma Alta in a section of the street that has a lot of history and historic properties. He also wants this property to be developed, but the development should blend into the surrounding homes. The developer has failed to address many of the consulting architect's suggestions regarding the neighborhood. The proposed house would tower over the neighboring homes and not be consistent with the feel of lower Loma Alta. Neighbors in a two to three block radius have signed a petition protesting the proposed project.

Babak Homayouni (Applicant)

- He is the owner of 15 Loma Alta and the project designer. He and his sister/business partner hold Master of Architecture degrees and they aim to present a well designed structure. They have worked closely with the Town of Los Gatos over the past two years to achieve guideline compliance. They have addressed all the Appellants' concerns. The proposed house would not be the largest and tallest in the immediate neighborhood and it is below the allowed height. They have utilized the site perfectly.

Will Luoma

- Their one concern is based on the civil/structural aspect of the project, because as it sits the property compromises significantly less than the proposed development. The footprint of the proposed structures would take up a significant portion of the property and there has been no review related to the civil and structural aspects of the property; it's all been about architecture. The pump systems, grading, and drainage divert all storm water from the property towards the north end of the property, which abuts their property.

Jim Lyon, 239 Johnson Avenue:

- He is a former member of the Planning Commission and Historic Preservation Committee and reminded the Commission of its duty to uphold the Town ordinances and guidance documents. This project is an assault on the historic Loma Alta neighborhood and character of the Town. The developer intends to get in, make money, and get out, as evidenced by the fact that they have not taken care of the property for the past two years. The design is bad, and while it does meet FAR and other technical aspects it is not compatible with this historic neighborhood and it does not meet the Residential Design Guidelines.

Constance Christodulis, 100 Los Gatos Boulevard:

- She likes the vintage homes and old feel of her neighborhood. She has met with the Applicant and design team and likes that they have tried to address neighbor concerns, but the current modern Victorian design does not fit into the neighborhood. She does not object to a two-story home, but she is not happy with the current design.

Trina Wong, 112 Los Gatos Boulevard and 115 Panighetti Place:

- They purchased their home because it fit into the historic neighborhood although it is less than three years old. She would not want to see the current home on the subject lot being replaced with the something different and advocated for it being the same as other homes in the neighborhood.

Ted Halunen, 116 Los Gatos Boulevard:

- The design of the proposed home would allow the future occupants to look into his house, which would diminish his quality of life. The neighborhood is nice the way it is and one of the reasons he moved there.

Babak Homayouni (Applicant)

- They cannot make all the neighbors happy, so legally they have to follow the Town's guidelines and the consulting architect's recommendations, which they have done. The neighbors feel like the house does not fit into the neighborhood, but they do not work with feelings, they work with metrics, with the guidelines. They have changed the design by reducing the volume, reducing the square footage, and reducing the footprint, but after all the changes they still hear the same complaint, which is not acceptable. He is a homeowner and has the same rights as the neighbors. The only authority he needs to follow is the Town of Los Gatos. James Lyon has fought this project from the beginning.

Kelly Luoma (Appellant)

- She is not a professional, she is simply a neighbor and does not expect to have her thumb on this project in the way the developer has suggested. She is just asking that the design review be consistent. She asked the Applicant to listen to the neighbors and look at the homes within the radius, as a number of the neighbors would be directly impacted by the project. She cited homes at 134 Loma Alta and 244 Loma Alta as beautiful homes recently built that fit within the neighborhood and said all the neighbors are asking for is a design consistent with the neighborhood. They are not trying to stop the developer from building on this parcel, as they all want a home there, but they only have one shot to get it right.

Rick Rutter (Appellant)

- They would love to work with the Applicant. It is more important to get the project done right than to just get it done, because they will be stuck with the end result, and there are so many examples in the neighborhood of how to get it right. They want the project to be done right and to be consistent with the neighborhood.

Closed Public Comment.

Commissioners discussed the matter.

Opened Public Comment.

Commission questioned the Applicant.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**           **Motion by Commissioner Burch** to continue the public hearing for 15 Loma Alta Avenue to the meeting of January 13, 2021. **Seconded by Vice Chair Janoff.**

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

**3. 35 University Avenue**

APN 529-02-044

Applicant: Amber DeMaglio

Property Owner: SRI Old Town LLC

Project Planner: Sean Mullin

Requesting a zoning consistency determination and approval of a Conditional Use Permit (U-20-009) for a bank (Charles Schwab Community Banking and Investment Services) on property zoned C-2:LHP:PD.

**Commissioner Burch announced that she would recuse herself from participating in the public hearing for 35 University Avenue due to conflict of interest from a business/economic interest.**

**Commissioner Barnett disclosed that he had several accounts at the subject bank, but he would be able to make an independent judgment on the application.**

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment.

Jeffrey Kreshek, Sr. VP of Federal Realty (Applicant)

- They are a real estate investment firm and have owned the subject property for 23 years. Retail was undergoing changes even before the COVID-19 pandemic and is still evolving. What is happening today in retail will not end when COVID ends. Community-serving uses such as Schwab Bank are an important part of any vital downtown because they are Amazon proof and customer focused. If they could find a retail tenant for their space they would do so, but retailers today are much smaller and this space is almost 9,000 square feet and there are not a lot of large-scale users. Schwab's business has evolved over 20 years and what they are today is a community serving bank.

Richard Zak, Regional Manager, Charles Schwab (Applicant)

- Schwab is a modern wealth management company that helps clients obtain their goals through integrating a local branch platform along with an online and mobile platform.

Many clients like to meet in person. They have been in Los Gatos for 20 years and have grown dramatically.

Catherine Somers, Executive Director, Los Gatos Chamber of Commerce

- Charles Schwab is not a bank and it would be bad to allow that space to be turned into office space. The Chamber has been working hard to bring new businesses to Town and there is a lot of interest. The Old Town space is a gem, one of the most valuable and beautiful in Los Gatos, and the Chamber needs to work more closely with Mr. Kreshek and Mr. Zak to develop it as it could really be developed, perhaps divided into a couple of spaces, or pop-up studios, but something different and cutting edge.

Jeff Kreshek, Sr. VP of Federal Realty (Applicant)

- He would be happy to speak with the Chamber of Commerce. They will be demising the space into two spaces.

Mr. De Gerimo (phonetic)

- He is a land use attorney and former planning commissioner. The Planning Commission has broad discretion to interpret the code as it wishes, and there is clear evidence that Charles Schwab is a bank. There is a Capital One in downtown Walnut Creek and it is a vibrant use, and Schwab is proposing a very similar use. The design and team they have will bring in customers and people to the area and activate it. Federal Realty are great operators and deserve the Commission's support given their expertise and how long they have been there.

Richard Zak, Regional Manager, Charles Schwab (Applicant)

- He would love to give Ms. Somers of the Chamber of Commerce a tour of their branch. They are a bank for investors and seek a branch in Los Gatos because of their growth and history in the Los Gatos community.

Closed Public Comment.

Commissioners discussed the matter.

Opened Public Comment.

Commission questioned the Applicant.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Vice Chair Janoff** to find that Charles Schwab Bank is a bank.  
                                     **Seconded by Commissioner Barnett.**

Commissioners discussed the matter.

**VOTE:**                    **Motion passed 3-1 with Commissioner Tavana dissenting.**

Commissioners discussed the matter.

**MOTION:**            **Motion by Vice Chair Janoff to approve a Conditional Use Permit for 35 University Avenue. Seconded by Commissioner Barnett.**

**VOTE:**                    **Motion passed 3-1 with Commissioner Tavana dissenting.**

## **OTHER BUSINESS**

### **4. Interim appointment of Planning Commissioners to the Historic Preservation Committee and Conceptual Development Advisory Committee by the Chair.**

Chair Hanssen announced she had made the following interim appointments:

Vice Chair Janoff and Commissioner Burch to the Historic Preservation Committee to replace former Commissioners Badame and Hudes.

Commissioner Tavana to the Conceptual Development Advisory Committee to replace former Commissioner Badame.

## **REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

Joel Paulson, Director of Community Development

- The Town Council will discuss the Initial Draft of the Land Use and Community Design Elements at its November 17, 2020 meeting.
- A workshop with the General Plan Update Advisory Committee will be held on November 19, 2020.

## **SUBCOMMITTEE REPORTS/COMMISSION MATTERS**

### **General Plan Update Advisory Committee**

Commissioner Hanssen

- GPAC met on November 5, 2020:
  - Reviewed the first draft of the Land Use Element, with plans to have a more robust study session in December or January before beginning to edit the document.
  - A new element to the General Plan will be the Racial and Social and Environmental Justice Element.

**Commission Matters**

None.

**ADJOURNMENT**

The meeting adjourned at 9:26 p.m.

This is to certify that the foregoing is a true  
and correct copy of the minutes of the  
November 11, 2020 meeting as approved by the  
Planning Commission.

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/s/ Vicki Blandin