

Dear Blake and Jessica,

Matt and I are writing to share our concerns with your building plans, which we believe need to be addressed before the process goes any further. It is unfortunate that we have to do so formally like this, but we would have liked for you to come to us sooner. Our limited text exchanges led me to believe the plans would be reasonable, and after reviewing your proposal I no longer feel that way. Nevertheless, we hope that we will be able to work through these issues together.

When we first met, you told us that you want your home to be in keeping with the neighborhood, but while the architectural style is beautiful, keeping with the neighborhood is about more than the design. It is also about the size and the impact your new home will have on your neighbors, and in this respect we have several serious concerns.

We were quite taken aback that you have planned the entire site around the placement of our redwood trees without ever discussing even these critical aspects of the plan with us. As we have told you, these trees' invasive roots and the consequent flooding caused our property massive damage, resulting in hundreds of thousands of dollars of repair costs and our being displaced from our home for five months. Considering the impact your plans may have on these extraordinarily large yet fragile trees, we would have appreciated a conversation about these trees well before you started your design plans. It seems short-sighted to plan around them when they will continue to be in a precarious location and of very fickle health depending on the climate and weather. Given the size and sensitivity of the trees, we view this concern as a life safety issue, and as such simply cannot support your plans without further analysis that ensures the safety of ourselves and our home (and frankly those of other neighbors as well). Following additional expert analysis of the risks, it may be that solutions other than those you have proposed will be deemed better for all of us.

Similarly, as I am sure you are aware, the water levels running both under and above ground through our neighborhood during rainy weather are quite high, and have resulted in flooding not only at our property, but that of others on our street as well. We are very concerned that the mass and bulk of your proposal, including the large basement, involves a significant risk of displacing water to our property and causing further flooding for us. Given the large and expensive investments we have made in the past to seek to protect our home from such further damage, we believe additional expert analysis and potential modifications to the plans accordingly need to be undertaken to ensure the safety of our home.

Beyond these critical safety concerns, we have enjoyed our historic home for more than than ten years and one of the best, most enjoyable features of our home is the partial view of the Santa Cruz Mountains on the East side of Los Gatos, along with the abundant sun we receive throughout the year into our kitchen windows and the glass door to the exterior stairs. While we had an expectation that your new structure would change some of that view, we are very surprised at the extent to which your proposed plans would obliterate any view along that side of the house, at least in part due to the exceptions you are seeking to the FAR and setback requirements that govern our area. Among the purposes of those requirements is to assure adequate light, air, and privacy to neighbors, and there is little question your new plans impinge on our property in those respects. Clearly you and your architect understand the importance of light, as you are requesting that particular feature for your basement. Perhaps an alternative solution to the problems posed by the trees could address some of these concerns as well.

We have no wish to be adversaries, nor do we think that you should not be able to build a beautiful home. However, we simply do not believe that your request to exceed the FAR and setback requirements is compatible with your surrounding properties, or with our right to continue to enjoy our property. The examples mentioned in your letter of justification are not

applicable to this situation, as they do not negatively impact their neighbors in the significant way this proposal would impact us, nor are they considered surrounding your property. In particular, [REDACTED] is an historic home that has existed for at least 120 years. By contrast, many nearby neighbors have been refused such exceptions in the last 100 years. In any event, without getting into a back-and-forth at this time on every claimed precedent, we do not believe the extent of the sought exceptions is either reasonable toward our property or in keeping with the history of our neighborhood.

We very much would prefer if we could address these concerns between us and find reasonable compromises, rather than engage in some protracted process involving the Town. Please let us know if you share this desire for compromise.

From: [REDACTED]
To: [Maria Chavarin](#)
Subject: Neighbor Concerns: 176 Loma Alta Ave. S-24-042
Date: Wednesday, November 6, 2024 9:43:40 PM
Attachments: [On-Site Arborist Request Email.pdf](#)

[EXTERNAL SENDER]

Dear Maria Chavarin,

I am writing in regards to the project (Architecture and Site Application S-24-042) of the new family residence at 176 Loma Alta Ave. My name is Kelly Garton, the owner of the neighboring residence at [REDACTED] (family owned since the early 1980s).

Blake and Jessica Thornberry shared their initial architect plans with us (myself and partner - Tom) on October 5th. At that time, and during follow on conversations, we brought up a few elements of concern:

(1) Two trees (#76 - Chinese elm and #85 - Redwood) located on my property at [REDACTED] were mentioned in the arborist report as being moderately impacted by the planned excavation and building activities. After a conversation with the Thornberrys on October 21st and follow-up discussion on October 25th, there was alignment for there to be a *required* on-site arborist at the time of the planned activities near the 2 tree sites to limit the impact (health and stability) on the trees.

I drafted and shared the attached email with the Thornberrys addressed to the contracted arborist expressing my specific concerns.

(2) On October 5th it was shared there was a concern with the planned window on the southwest corner of the new residence that was angled to be facing a pre-existing high window on my home with a direct view to the master bathroom and bedroom. On October 25th the Thornberrys were invited to see the view from the perspective inside of [REDACTED] and they took pictures to document. My request is for thoughtful consideration of the placement and type of proposed window to preserve privacy in these private spaces. A related concern is the impact on privacy with the location of the proposed master bedroom balcony. Again the side of the balcony faces my master bathroom (including toilet area) and bedroom. This was also shared with the Thornberrys so that there is consideration with placement and potential addition of a privacy barrier on their balcony.

I share these topics of concern for documentation purposes as well as to reiterate the respectful request for thoughtful consideration of the pre-existing neighboring trees and structures to maintain the surrounding landscape and privacy.

Please confirm receipt - I appreciate your time and please let me know if there are any questions regarding the above concerns.

Best,

Kelly Garton
Owner/Resident of [REDACTED]
[REDACTED]



Kelly Garton <kagarton@gmail.com>

Draft Email to Bo

Kelly Garton [REDACTED]
To: "blake.thornberry@gmail.com" <blake.thornberry@gmail.com>
Cc: [REDACTED]

Sun, Nov 3, 2024 at 4:18 PM

Hi Blake & Jessica,

Below is a draft of the email I plan to send to Bo documenting the request for an on-site arborist. Please let me know if you have any questions or additional thoughts.

Thank you,

Kelly

Dear Bo Firestone,

Thank you for your assessment and follow-up for the excavation and development of the new home at 176 Loma Alta Ave. My name is Kelly Garton, the owner of the neighboring residence - [REDACTED] (family owned since the early 1980s). My partner, Tom Valencia, and I met with the Thornberry's on 21-Oct and again on 25-Oct to discuss concerns about the planned activities near **tree #76** (Chinese elm) and **tree #85** (redwood).

Although your report outlines certain precautions that may take place if feasible, after further discussion with the Thornberry's, we came to an agreement to request an on-site arborist as a requirement whenever there are activities that may impact the 2 trees. These activities include but are not limited to the French drain planned likely to be within 10 ft of **tree #76** and excavation for the new garage structure likely planned within 13 feet of **tree #85**. If there are additional barriers and precautions that in your professional opinion are in the best interest of the trees before or during these activities, I am requesting that these measures be discussed with myself, Tom and the Thornberry's for discussion and alignment. This request is out of precaution of the health of these mature trees and the long term effects on overall stability that may impact the safety of structures both at 176 and [REDACTED]. These mature trees are several decades old (45+ years old) and irreplaceable; they are ingrained into the natural landscape of the property providing not only aesthetics, but ground stability and an environment suitable for other surrounding established plants.

Please reach out with any questions and I appreciate your attention to this project and the impact on the pre-existing neighboring trees.

Including Blake on this email as well for awareness.

Best,

Kelly Garton
Owner/Resident of [REDACTED]
[REDACTED]

November 11, 2024

Dear Town of Los Gatos Planning Committee,

I am writing in support of my neighbors, Blake and Jessica, regarding their proposed building plans for 176 Loma Alta Avenue. As a fellow resident, I am familiar with the design and intention behind their project and can attest to their efforts to ensure their home respects the neighborhood's character and integrity.

Blake and Jessica have been thoughtful and conscientious in their planning, prioritizing not only aesthetics but also the well-being of nearby properties. They have made a sincere effort to address concerns related to size, water management, and natural landscape, including measures to preserve the distinctive redwood trees that are a part of our community's charm. I believe their plans, which include mitigative efforts around drainage and flood risk, demonstrate their commitment to minimizing any potential impact on surrounding properties.

The new home they envision will undoubtedly enhance the neighborhood, adding to its appeal while maintaining harmony with existing structures. Their desire to accommodate neighborhood concerns and find a balanced solution shows their dedication to the community.

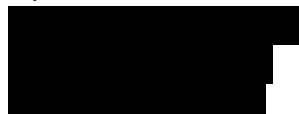
I hope you will consider my perspective as a immediate neighbor resident who believes that Blake and Jessica's building project aligns with the best interests of our neighborhood. I fully support their proposed plans and am confident in their commitment to a responsible and respectful development.

Thank you for your consideration. Please do not hesitate to contact me if there are any questions.

Sincerely,



Ayhan Mutlu



Dear Members of the Los Gatos Planning Commission,

My husband Matt and I, along with our two children, have lived in the historic home at [REDACTED] for 11 years. While we support the opportunity for our neighbors to build a new home on their lot at 176 Loma Alta Avenue, as proposed the house would be inconsistent with the City's design standards and as a result have a significant negative impact on our home on the adjacent lot. We have attempted to work with the applicant and their architect, but they have been unwilling to make any modifications to their design. As a result, we are submitting the following comments to the Town of Los Gatos planning staff, with the hope that the City will require modifications to the project to bring it into conformance with the Town's development standards and reduce the negative impacts to adjacent properties.

Site Drainage

The proposed new home would significantly increase impervious area on the property resulting in water run-off that could impact our property. We have been working to find a civil engineer to evaluate the proposal, but have not been able to find anyone thus far. Nevertheless, given the significant history of water intrusion at our property (resulting in significant damage and dislocation to us in the past), we are extremely concerned about this issue.

Shade/Privacy Impact

As designed, the new house would significantly impact privacy and daylight for the next door property at [REDACTED]. The second floor includes windows that look down into our kitchen, first floor bedroom and backyard so that we will not have privacy and adequate light in these areas. As designed, the project does not meet the Town's design guidelines. The reduced side yard setback makes this condition worse. The new house should be redesigned to meet the minimum setbacks, provide a second floor step back, and remove windows that provide a direct view into our home. This would make the project more consistent with the following Town single-family residential design guidelines:

3.11.1 Minimize shadow impacts on adjacent properties

- Locate structures to minimize blocking sun access to living spaces and actively used outdoor areas on adjacent homes.

3.11.2 Minimize privacy intrusions on adjacent residences

- Windows should be placed to minimize views into the living spaces and yard spaces near neighboring homes.
- When windows are needed and desired in side building walls, they should be modest in size and not directly opposite windows on adjacent homes.
- Where possible, second floor windows that might intrude on adjacent property privacy should have sill heights above eye level or have frosted or textured glass to reduce visual exposure.

Building size and bulk

As designed, the new house is excessively bulky both from the street in front and from the side yard. We agree with the recommendations from the Town's consulting architect, but think the Town should also consider the side elevation, which was not included in the consulting architect's letter. Per the consulting architect's recommendations, the project should reduce the scale of porch elements and change roof materials to be consistent with the proposed architectural style. Steps should also be taken

to reduce the bulk of the building when viewed from the side elevation, which as currently designed is not in keeping with the Italianate Victorian style.

Of particular concern is the size and bulk of the proposed 2nd story. Our adjacent residence includes 1-story elements at the front façade with use of 1.5-story architectural form and step backs to minimize the bulk and visual impact of the second story. The side façade of this proposal, in terms of massing, is oversized and inconsistent with Italianate Victorian style.

As proposed, the project is not consistent with the following Town guidelines:

3.3.2 Height and bulk at front and side setbacks

- Avoid eave lines and roof ridge lines that are substantially taller than the adjacent houses.
- Give special attention to adapting to the height and massing of adjacent homes. Avoid tall, unbroken front facades when other nearby homes have more articulated front facades with horizontal wall plane changes.
- In neighborhoods with small homes, try to place more of the floor area on the first floor with less area on the second floor.
- The design of two story homes constructed adjacent to one story houses should include techniques to minimize their visual impact and provide transitions in scale. Some techniques include:
 - Step down to one story elements near the side setbacks
 - Provide substantial side setbacks for the entire house
 - Provide substantial second floor side setbacks
 - Use hip roofs at the sides rather than gables
- Design with architectural integrity on all sides of the structure

Exceptions and Neighborhood Incompatibility

The project is asking to utilize Section 29.10.265 (3) of the Los Gatos Town Code based on the condition of the property as a non-conforming lot as it is slightly below the minimum lot size normally required in the R-1 zone. This provision states:

Any rule of the zone including front, side and rear yard requirements may be modified by the terms of the architecture and site approval so that the building and its use will be compatible with the neighborhood.

In summary, the proposed project is not compatible with the neighborhood because it does not conform to the Town's Residential Design Guidelines, which are specifically adopted by the Town to determine compatibility. Further, the applicant is proposing a larger than average house and has not demonstrated that the requested exceptions from the Town's Zoning Code development standards are justified.

Therefore, it is not appropriate to grant the project an exception from the side yard setback, exception to the above ground FAR or other zoning standards, and the project should be modified to improve compatibility with the neighborhood and, in particular, the immediately adjacent properties.

Respectfully,
Matt and Allison Railo



*This Page
Intentionally
Left Blank*