



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 01/22/2025

ITEM NO: 2

DATE: January 17, 2025
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: 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. **Located at 176 Loma Alta Avenue.** APN 532-28-031. Architecture and Site Application S-24-042. Categorically Exempt Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15303(a): New Construction or Conversion of Small Structures. 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. Applicant: Jay Plett. Project Planner: Maria Chavarin.

RECOMMENDATION:

Denial.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:8
Applicable Plans & Standards: General Plan; Residential Design Guidelines
Parcel Size: 7,435 square feet

PREPARED BY: Maria Chavarin
Assistant Planner

Reviewed by: Planning Manager and Community Development Director

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:8
South	Residential	Low Density Residential	R-1:8
East	Residential	Low Density Residential	R-1:8
West	Residential	Low Density Residential	R-1:8

CEQA:

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Section 15303(a): New Construction or Conversion of Small Structures.

FINDINGS:

- The Project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Section 15303(a): New Construction or Conversion of Small Structures.
- As required by Section 29.10.09030 (e) of the Town Code for the demolition of an existing residence.
- As required by Section 29.40.075 (c) of the Town Code for granting approval of an exception to the FAR standards.
- As required by Section 29.10.265 (3) of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of requests to exceed FAR standards, for reduced side yard setbacks for a single-family residence, and for reduced side yard setbacks for an accessory structure.
- The project complies with the Residential Design Guidelines for single-family residences not located in the hillside area.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located on the south side of Loma Alta Avenue between Redhead Lane and Loma Alta Avenue (Exhibit 1). The property is 7,435 square feet and is nonconforming as to size, where 8,000 square feet is required for a parcel in the R-1:8 zone. In addition, the property is nonconforming as to lot width, where the lot width is 37 feet, nine inches, where 60 feet is required for a parcel in the R-1:8 zone.

The Architecture and Site application is being referred to the Planning Commission because the applicant is proposing to exceed the maximum allowed floor area ratio (FAR) by 964 square feet and is requesting reduced side yard setbacks for the main residence and a detached garage. The residence would also have the largest FAR and largest square footage in the immediate neighborhood based on Town and County records.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the south side of Loma Alta Avenue, approximately 315 feet south of the intersection with Redhead Lane (Exhibit 1). The property is approximately 7,435 square feet and is developed with an existing one-story residence with a detached garage. The subject site and surrounding properties are comprised of single-family homes.

B. Project Summary

The applicant proposes demolition of the existing 996-square foot single-family residence and 280-square foot detached garage, and construction of a new 2,897-square foot two-story single-family residence and a 539-square foot detached garage (Exhibit 15). The residence includes areas of below grade square footage, some of which would count toward FAR as it extends beyond the footprint of the building above. A Grading Permit is required for site work with earthwork quantities exceeding 50 cubic yards. The project requires exceptions to FAR standards and setbacks.

C. Zoning Compliance

The subject property is 7,435 square feet, and is nonconforming as to size, where 8,000 square feet is required for a parcel in the R-1:8 zone. In addition, the property is nonconforming as to lot width, having a width of 37 feet, nine inches, where 60 feet is required for a parcel in the R-1:8 zone. A single-family residential use is permitted in the R-1:8 zone. The project complies with the zoning regulations for parking, height, front and rear setbacks, and lot coverage. The applicant requests exceptions to the zoning standards for FAR, side setbacks for the residence, and side setbacks for the detached garage.

DISCUSSION:

A. Architecture and Site Analysis

The applicant proposes demolition of the existing single-family residence and construction of a 2,897-square foot two-story single-family residence, with 1,505-square foot of below grade square footage, and a 529-square foot detached garage. A 521-square foot portion of the below grade square footage is countable toward FAR as it extends beyond the footprint of the building above. The applicant requests approval to exceed the maximum allowable FAR by 964 square feet, discussed in Section C below. A summary of the floor area for the existing and proposed residence is included in the following table.

Floor Area Summary				
	Existing SF	Proposed SF	Allowed SF	Notes
Main Residence				
First Floor	996	1,684.5	--	
Second Floor	--	1,212.5	--	
Total	996	2,897		
Countable Below-Grade Area	--	521		
Total Countable		3,418	2,454 max.	Exceeds Max Allowable FAR by 954 s.f.
Below-Grade Area*	0	984	Exempt	
Garage	280	529	691	
* Pursuant to Sec. 29.10.020, floor area means the entire enclosed area of all floors that are more than four feet above the proposed grade, measured from the outer face of exterior walls or in the case of party walls from the centerline.				

The maximum height of the proposed residence is 30 feet where a maximum height of 30 feet is allowed in the R-1:8 zone. The proposed residence would be the tallest in the immediate neighborhood based on the information provided by the applicant. The height of the proposed detached garage is 13 feet, where 15 feet is the maximum allowed height for an accessory structure. The immediate neighborhood is made up of one and two-story residences. The applicant provided a streetscape diagram on Sheet A.1-1 of Exhibit 15, illustrating the proposed height of the residence as seen from the sidewalk, in relation to the residences in the immediate neighborhood.

The proposed residence would have a front yard setback of 16.6 feet, where 25 feet is required, as discussed in Section E below. The proposed residence would have a right-side yard setback of three feet where eight feet is required and a left-side yard setback of four feet where eight feet is required.

The applicant proposes a 529-square foot detached garage and requests an exception to setback requirements for a side yard setback of four feet where five feet is required.

The applicant provided a Letter of Justification discussing the project (Exhibit 4).

B. Building Design

The project consists of an Italianate Victorian style residence with earth toned colors and materials. Proposed exterior materials include: a composition shingle roof (dark gray); stone veneer accents; wood lap siding; iron railings including a decorative widow's walk; and aluminum-clad wood windows (Exhibit 5).

The Town's Consulting Architect reviewed the proposed residence on August 20, 2024 (Exhibit 6). The Consulting Architect made three recommendations to increase compatibility with the Residential Design Guidelines. In response, the applicant made modifications to the design of the residence addressing one of the three recommendations. In their written response, the applicant details the design changes and provides justification regarding the other recommendations (Exhibit 7). The Consulting Architect's concerns and recommendations are provided below, followed by the applicant's response in italics.

1. The gabled entry porch extension is much larger than is typical for this architectural style. Eliminate the projecting entry gable in favor of a simple flat front porch eave line as is typical for this architectural style.

The gable proposed at the entry is an appropriate Italianate feature we would like to retain. See attached photos of examples. However, consulting architect suggested the porch should be setback farther, which we have incorporated into our design. Refer to building elevations."

2. The rear porch beam span is quite long for this architectural style. Add columns on the rear porch.

Our design has incorporated the use of double columns at the rear veranda, in lieu of single columns as suggested. We believe the use of double columns provides appropriate support massing for the style.

3. The rear elevation metal roof is isolated and would not be consistent with the proposed architectural style. Eliminate the rear façade metal roofing in favor of using the same roofing as shown for the rest of the house.

No written response was provided from the applicant in Exhibit 7; however, recommended changes were made and are reflected on Sheet A-6 of Exhibit 15.

The applicant responded through design changes to one of the three recommendations provided by the Consulting Architect. The applicant provided written justification in response to the recommendations regarding the projecting entry gable and the rear porch columns (Exhibit 7).

C. Neighborhood Compatibility

Pursuant to Section 29.40.075 of the Town Code, the maximum FAR for the subject property is 0.33 (2,454 square feet). The proposed residence would have an FAR of 0.46 (3,418 square feet), exceeding the maximum allowable floor area by 954 square feet. The table below reflects the current conditions of the homes in the immediate neighborhood:

Immediate Neighborhood Comparison								
Address	Zoning	House Floor Area	Garage Floor Area	Total Floor Area	Lot Size	House FAR	No. of Stories	Exceed FAR?
178 Loma Alta Ave	R-1:8	1,300	325	1,625	8,090	0.16	2	No
180 Loma Alta Ave	R-1:8	2,605	733	3,338	8,010	0.33	2	No
172 Loma Alta Ave	R-1:8	2,332	630	2,962	7,132	0.33	2	No
162 Loma Alta Ave	R-1:8	2,647	622	3,269	8,680	0.30	2	No
177 Loma Alta Ave	R-1:8	2,227	484	2,711	6,640	0.34	2	No
179 Loma Alta Ave	R-1:8	2,919	577	3,496	7,500	0.39	1	Yes by 444 sf
185 Loma Alta Ave	R-1:8	1,206	0	1,206	7,500	0.16	1	No
116 Alta Heights Ct	R-1:8	1,933	437	2,370	6,490	0.30	2	No
175 Loma Alta Ave	R-1:8	2,357	400	2,757	6,100	0.39	2	Yes by 283 sf
176 Loma Alta Ave (E)	R-1:8	996	280	1,276	7,435	0.13	1	No
176 Loma Alta Ave. (P)	R-1:8	3,418	529	3,947	7,435	0.46	2	Yes by 964 sf

Based on Town and County records, the residences in the immediate neighborhood range in size from 1,206 square feet to 2,919 square feet. The floor area ratios range from 0.16 to 0.39. The applicant proposes a 3,418-square foot residence (including 521 square feet of countable below-grade square footage) and a 529 square foot detached garage on a 7,435-square foot parcel. The proposed residence would be the largest in terms of square footage and FAR in the immediate neighborhood.

Exhibit 4 contains the applicant’s Letter of Justification indicating that the proposed residence will not be the largest residence in terms of above grade floor area or FAR in the

neighborhood. The applicant’s justification includes that the proposed project has located 521 square feet of the below grade square footage outside of the building’s footprint to accommodate the neighbors existing redwood trees. This square footage is countable per Town Code. The applicant has designed the below grade square footage, although being countable to the square footage and FAR, to be setback from the redwood trees, reducing excavation and grading because the below grade square footage is located downhill behind the house. The applicant’s justification includes that the proposed below grade square footage does not contribute to the building’s bulk and mass.

D. Exceeding the Maximum Allowable Residential FAR

As summarized in the following table, the maximum allowable residence size for the property is 2,454 square feet. The proposed residence exceeds the maximum allowed by 964 square feet. A 521-square foot portion of the below grade square footage is countable per Town Code as it extends beyond the footprint of the building above. The above grade square footage of the residence exceeds the maximum allowed by 443 square feet.

Proposed FAR			
	Proposed SF	Allowed SF	Notes
Main Residence			
Total	2,897	--	Exceeds Max
Countable Below-Grade Area	521	--	Allowable FAR
Total Countable	3,418	2,454 max.	by 954 s.f.
Exempt Below-Grade Area	984	Exempt	

Section 29.40.075(c) of the Town Code states that the deciding body may allow a FAR in excess of the maximum allowed FAR if the following findings can be made:

1. The design theme, sense of scale, exterior materials, and details of the proposed project are consistent with the provisions of the landmark and historic preservation overlay zone and the adopted residential development standards; and
2. The lot coverage, setbacks, and FAR of the proposed project is compatible with the development on surrounding lots.

Neighborhood Compatibility - FAR

As provided in the Immediate Neighborhood Comparison table above, there are two examples of residences in the immediate neighborhood that exceed maximum allowable FAR. The residence at 179 Loma Alta exceeds the maximum allowable FAR by 444 square feet and the residence at 175 Loma Alta Avenue exceeds the maximum allowable FAR by 283 square feet.

As discussed above the proposed project exceeds the maximum allowable residential FAR by 964 square feet, with 521 square feet of the below grade square footage countable per Town Code. The proposed above grade square footage of the residence exceeds the maximum allowable FAR by 443 square feet. One other house in the immediate neighborhood exceeds the maximum allowable FAR by 444 square feet.

E. Setbacks

Pursuant to Town Code, the R-1:8 zone requires a front setback of 25 feet, a rear yard setback of 20 feet, and side yard setbacks of eight feet. Section 29.10.265 (3) of the Town Code allows any rule of the zone, including setbacks, to be modified on a nonconforming lot when the deciding body finds that the building and its use will be compatible with the neighborhood. As noted, the subject property is nonconforming as to size and lot frontage. The proposed project meets the required rear setbacks.

Front Setback - Main Residence

Pursuant to Town Code Section 29.40.050, when a lot is situated between two lots, each having a residence that lawfully projects into the required front yard setback, the front yard setback requirement on such lot may be the average of the front yards of the existing buildings on the adjacent lots. This section of the Town Code was used to determine the required front yard setback for the subject property. Exhibit 8 includes a survey showing the locations and front setbacks of the residences on the adjacent properties. The average front yard setback of the two adjacent residences is 16 feet, 1.8 inches where the project proposes a front setback of 16 feet, six inches (Exhibit 15). Therefore, the proposed front setback meets the requirements of the Town Code.

Side Setback - Main Residence

The proposed residence includes a right side yard setback of five feet and a left side yard setback of four feet, where eight is required on either side (Exhibit 15, Sheet A-1). In their Letter of Justification, the applicant provides eight examples of residences in the immediate neighborhood that have reduced side yard setbacks between zero feet and five feet (Exhibit 4). The applicant has provided a Neighborhood Plan on Sheet A.1-1 of Exhibit 15 which illustrates the reduced side yard setbacks in the immediate neighborhood. The proposed reduced side yard setbacks are compatible with the immediate neighborhood's pattern of reduced setbacks.

Side Setback - Accessory Structure

The applicant is also requesting a reduced side setback of four feet where a minimum of five feet is required for an accessory structure (detached garage) pursuant to the Town Code, Section 29.40.015(B)(1). The applicant has provided a Neighborhood Plan on Sheet

A.1-1 of Exhibit 15 which illustrates one example of a reduced accessory structure side yard setbacks of 2 feet, six inches in the immediate neighborhood, as shown in the diagram above. Detached accessory structures may request reduced side and rear yard setbacks up to three feet through a Minor Residential application.

Rear Setback- Accessory Structure

Town Code, Section 29.40.065 refers to rear yards that open into an alley, allowing one-half the width of the alley to be used in measurement of the rear yard setback. The required rear yard setback for an accessory structure is five feet. The rear property line is adjacent to a 19-foot wide alley. The proposed detached garage is located three feet from the property line. When considering one-half of the alley width into the rear yard setback for the detached garage, the garage meets the required rear yard setback.

F. Parking

Pursuant to Section 29.10.150 (c)(1) of the Town Code, a single-family residence requires two off-street parking spaces. The applicant proposes a detached one-car garage and an uncovered parking space accessed from the alley at the rear. The project complies with the minimum parking requirements for a single-family residence.

G. Tree Impacts

The applicant submitted an Arborist Report prepared by Bo Firestone Trees and Gardens providing details of the assessed trees located onsite, near the public street, and adjacent to the subject property (Exhibit 9). The Town's Consulting Arborist peer review this report and recommended adoption of the report and its recommendations for the project (Exhibit 10).

Staff received comments from neighbors regarding impacts to protected trees that are located adjacent to the subject property. One of the letters expressed concerns of life and safety in relation to development impacts to adjacent trees (Exhibit 11). The Arborist report by Bo Firestone Trees and Gardens indicates the necessary steps to mitigate impacts to trees (Exhibit 9, Pages 10 and 11). Subsequently, staff received a response from the property owner summarizing their discussion with their neighbor regarding impacts to protected trees in relation to the basement (Exhibit 12).

H. Neighborhood Outreach

The property owners have been in communication with the surrounding neighbors regarding the proposed project. Several letters from neighbors are included in Exhibit 11. Based on the applicant's neighborhood outreach and the public comments received by staff the following issues have been raised:

1. Neighborhood Compatibility – Massing, FAR and setbacks.
2. Tree Protection of Existing Trees – Chinese Elm and Redwood.
3. Drainage.
4. Privacy – Window and Balcony Placement.
5. Impacts to Views and Natural Light.

The property owner has provided responses summarizing their discussion with their neighbor regarding existing trees and impacts of the proposed development (Exhibit 12). In addition, the applicant provided a letter describing their neighborhood outreach (Exhibit 13). The project architect provided a letter responding to the neighbor's concerns (Exhibit 14).

I. CEQA Determination

The Project is Categorically Exempt Pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Section 15303(a): New Construction or Conversion of Small Structures.

PUBLIC COMMENTS:

A project sign was installed on the site and written notice was sent to property owners and tenants located within 300 feet of the subject property. Public comments received prior to 11:00 a.m. on Friday, January 17, 2025, are included in Exhibit 11.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application to demolish an existing single-family residence, and construct a new two-story single-family residence. The property is nonconforming with regards to lot size and lot width for a R-1:8 zoned parcel. The project is in compliance with the Town Code, with the exception to the FAR standards for the residence and the reduced side yard setback requests for the main residence and detached garage. The proposed residence is the tallest in the immediate neighborhood. The proposed project exceeds the maximum allowable FAR by 964 square feet, results in the

largest home in the immediate neighborhood in terms of floor area and FAR and proposes the tallest residence by height in the immediate neighborhood.

B. Recommendation

Based on the analysis above, staff recommends denial of the Architecture and Site application based on concerns related to FAR size, neighborhood compatibility, and consistency with the Residential Design Guidelines, as discussed in this report.

C. Alternatives

Alternatively, the Commission can:

1. Approve the application by taking the following actions:
 - a. Make the finding that the proposed project is categorically exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303(a): New Construction or Conversion of Small Structures (Exhibit 2);
 - b. Make the findings as required by Section 29.10.09030 (e) of the Town Code for the demolition of existing structures (Exhibit 2);
 - c. Make the findings as required by Section 29.40.075 (c) of the Town Code for granting approval of an exception to the FAR standards (Exhibit 2);
 - d. Make the findings as required by Section 29.10.265 (3) of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements (Exhibit 2);
 - e. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of the requests to exceed FAR standards, for reduced side yard setbacks for a single-family residence, and for reduced side and rear setbacks for an accessory structure (Exhibit 2);
 - f. Make the finding that the project complies with the Residential Design Guidelines (Exhibit 2);
 - g. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
 - h. Approve Architecture and Site application S-24-042 with the conditions contained in Exhibit 3 and the development plans in Exhibit 15.
2. Approve the application with additional and/or modified conditions; or
3. Continue the matter to a date certain with specific direction.

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SUBJECT: 176 Loma Alta Avenue/S-24-042

DATE: January 17, 2025

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Letter of Justification
5. Colors and Materials Board
6. Consulting Architect Report
7. Applicant's Response to Consulting Architect Report
8. Survey with Setbacks of Adjacent Residences
9. Arborist Report by Bo Firestone & Gardens
10. Peer Review Letter by Town's Consulting Arborist
11. Public Comments Received Prior to 1100 a.m., Friday, January 17, 2025
12. Property Owner's Response to Public Comment
13. Applicant's Neighborhood Outreach Summary
14. Applicant's Response to Public Comment
15. Development Plans