



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 11/11/2020

ITEM NO: 2

DATE: November 6, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: 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. Located at 15 Loma Alta Avenue. APN 532-29-073. Architecture and Site Application S-19-023. Property Owner: BAB Investment Group LLC. Applicant: Babak Homayouni. Appellants: Kelly Luoma and Rick Rutter. Project Planner: Jennifer Armer

RECOMMENDATION:

Consider an appeal of a Development Review Committee (DRC) 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, located at 15 Loma Alta Avenue.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:8
Applicable Plans & Standards: General Plan and Residential Design Guidelines
Parcel Size: 0.126 acres (5,500 square feet)
Surrounding Area:

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

PREPARED BY: JENNIFER ARMER, AICP
Associate Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: 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, Section 15303: New Construction or Conversion of Small Structures.
- As required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures:
 1. The Town's housing stock will be maintained as the single-family residence will be replaced.
 2. The existing structure has no architectural or historical significance and is in poor condition.
 3. The property owner does not desire to maintain the structures as they exist; and
 4. The economic utility of the structures was considered.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations), with the exception for setbacks, as described below.
- As required by Section 29.10.265(3) of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements:
 1. The subject property is nonconforming with regard to lot size and frontage.
 2. The proposed reduced setbacks are compatible with the neighborhood.
- The project is in compliance with the Residential Design Guidelines for single-family residences not located in hillside areas.
- The project design is in compliance with the Residential Design Guidelines in that the architects have responded to all recommendations from the Town's Consulting Architect by changing the siding to stucco, extending the eave and gable overhangs, simplifying the porch columns, refining building corner material details, providing belly bands, adding windows to right side elevation, and recessing the garage door. The applicant has further revised the design to respond to the concerns of the neighbors about the size of the house by reducing the size of the second story and total floor area, and changing the proposed flat roofs to pitched roofs. The project is not the largest for floor area or FAR in the neighborhood, and meets the objective standards of the zoning code, except as described above.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.

ACTION:

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

BACKGROUND:

The subject property is located on the northeast side of Loma Alta Avenue (Exhibit 1). The lot is 5,500-square feet with an existing 1,462-square foot single-story residence with a 468-square foot detached garage. The immediate low- and medium-density residential neighborhood contains one- and two-story residences.

On May 3, 2019, the applicant submitted an Architecture and Site application for the demolition of an existing single-family dwelling, and construction of a new two-story residence and detached garage with reduced setbacks.

The proposed project meets all technical requirements of the Town Code including parking, height, floor area, and building coverage, with the exception for setbacks, as described below.

On September 8, 2020, the DRC held a public hearing for approval of the Architecture and Site application and continued the hearing to allow the applicant to work with the neighbors to address their concerns. Prior to this DRC hearing, staff forwarded public comments received to the DRC members (Exhibit 9). Meeting minutes are available as Exhibit 10.

On September 22, 2020, the DRC considered the application, noting that the applicant had revised the project to address the neighbors' concerns about the size and design of the house and privacy by reducing the size of the second story and total floor area, and changing the proposed flat roofs to pitched roofs.

Prior to this hearing, staff forwarded additional public comments received after the previous DRC hearing to the DRC members (Exhibit 12). The DRC made the required findings and considerations and approved the Architecture and Site application for the revised project with conditions of approval as noted in the meeting minutes (Exhibit 13).

On October 1, 2020, the decision of the DRC was appealed to the Planning Commission by the adjacent neighbors (appellants), due to concerns regarding compliance with the Residential Design Guidelines (Exhibit 14).

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject site is located on the northeast side of Loma Alta Avenue, on the corner with Panighetti Place (Exhibit 1). The surrounding properties in the low- and medium-density residential neighborhood are one- and two-story single-family residences.

B. Project Summary

The applicant is proposing to construct a new 1,870-square foot two-story single-family residence with a detached 483-square foot garage (Exhibit 15).

C. Zoning Compliance

A single-family residence is permitted in the R-1:8 zone. The existing property is 5,500 square feet with 50 feet of frontage, where the minimum lot size is 8,000 square feet and the minimum frontage for a corner lot is 80 feet, and therefore it is considered a nonconforming lot due to size and frontage. The proposed residence is in compliance with the allowable floor area, height, and on-site parking requirements for the property, and includes a request for an exception for the street side setback for the proposed residence and detached garage, and for the rear setback for the detached garage, as allowed by the zoning regulations for nonconforming lots and discussed below.

DISCUSSION:

A. Architecture and Site Analysis

The applicant is proposing to construct a new two-story single-family residence with 1,870 square feet of living space, and a 483-square foot detached garage. The maximum height of the proposed residence is 28 feet, where a maximum of 30 feet is allowed.

The proposed project materials include a standing seam metal roof, metal awnings, cement plaster, and metal windows and trim. The applicant has provided a Written Description/Letter of Justification detailing the project (Exhibit 4).

B. Building Design

The Town's Consulting Architect reviewed the design of the proposed project twice within the neighborhood context to provide recommendations regarding the building design. The site is in a low- and medium-density residential neighborhood of one- and two-story homes traditional in architectural style, form, and details. In the Issues and Concerns background section of the Consulting Architect's first report (Exhibit 5), the Consulting Architect noted

DISCUSSION (continued):

that the proposed house is modest in size, and consistent with the scale of other nearby homes in the areas, but identified issues with the Town's Residential Design Guidelines. The applicant revised the plans and provided a written response to the initial recommendations (Exhibit 6). In the second report from the Town's Consulting Architect (Exhibit 7), the Recommendations section included the following recommendation(s) to address consistency with the Residential Design Guidelines:

1. Update and coordinate the drawings to show stucco rather than metal panels on all walls of the house.
2. Extend eave and gable overhangs more, and add wall caps at the flat roof portions of the house.
3. Simplify the porch columns and eliminate the center support.
4. Resolve the issue of the metal strips shown at some building corners. Smooth stucco corners would be the preferred solution.
5. Provide more substantial bellybands.
6. Add windows to the tall walls on the right side elevation.
7. Resolve the issue of recessing the garage door.

The applicant revised the project to incorporate the Consulting Architect's recommendations and reduced the size of the second story by 414 square feet in response to neighbor concerns about the proposed house size prior to the September 8, 2020 DRC public hearing.

Following the September 8, 2020 DRC hearing, the applicant further revised the design to respond to the concerns of the neighbors by replacing the flat roofs with gable roof forms (Exhibit 11) prior to DRC approval.

C. Neighborhood Compatibility

The immediate low- and medium-density residential neighborhood is made up of one- and two-story single-family residences. Based on Town and County records, the residences in the immediate area range in size from 1,262-square feet to 3,792-square feet. The floor area ratios range from 0.20 to 0.39. The proposed residence would be 1,870-square feet with a floor area ratio of 0.34. Pursuant to Town Code, the maximum allowable square footage for the 5,500-square foot lot is 1,903 square feet with a maximum floor area ratio of 0.35. The table below reflects the current conditions of the immediate neighborhood:

DISCUSSION (continued):

Address	Zoning	House	Garage	Total	Lot Size	FAR	No. of Stories
15 Loma Alta Ave (Ex.)	R-1:8	1,276	492	1,768	5,500	0.23	1
15 Loma Alta Ave (Prop.)	R-1:8	1,870	483	2,353	5,500	0.34	2
18 Loma Alta Ave	R-1D	1,549	350	1,899	5,046	0.31	1
19 Loma Alta Ave	R-1:8	1,572	336	1,908	5,500	0.29	1
20 Loma Alta Ave	R-1D	1,712	396	2,108	5,046	0.34	1
23 Loma Alta Ave	R-1:8	1,445	594	2,039	5,500	0.26	1
24 Loma Alta Ave	R-1:8	2,204	220	2,424	7,000	0.31	1
54 Los Gatos Blvd	R-1D	3,792		3,792	9,657	0.39	2
100 Los Gatos Blvd	R-1D	1,262	480	1,742	6,375	0.20	1

The proposed residence would not be the first two-story home, nor the largest home in the immediate neighborhood in terms of square footage or FAR.

D. Tree Impacts

The Town's Arborist prepared a report for the site and recommendations for the project (Exhibit 8). The project site contains five protected trees. The applicant is proposing to remove one protected tree. The existing protected tree proposed for removal is a Catalina cherry tree located on the south side of the property.

If the project is approved, tree protection measures would be implemented prior to and during construction. Replacement trees would also be required to be planted pursuant to Town Code.

E. Development Review Committee

The DRC held a public hearing for approval of the Architecture and Site application on September 8, 2020. Written public hearing notices were sent to surrounding property owners and occupants within 300 feet of the subject property. Several neighbors submitted email correspondence and/or spoke on the item during the meeting. Written comments were provided to the DRC members prior to the hearing (Exhibit 9). The DRC continued the item to September 22, 2020 to allow the applicant to address neighbor concerns (Exhibit 10).

During the continuance, the applicant met with the neighbors and further revised the design to respond to the concerns by reducing the size of the second floor and changing the flat roofs for gable roofs as described in their summary of outreach efforts (Attachment 11).

DISCUSSION (continued):

On September 22, 2020, the DRC approved the application, noting that the applicant had revised the project to address the neighbors' concerns about the size and design of the house and privacy by reducing the size of the second story and total floor area, and changing the proposed flat roofs to pitched roofs.

On October 1, 2020, the decision of the DRC was appealed to the Planning Commission (Exhibit 14).

F. Appeal

On October 1, 2020, the decision of the DRC was appealed to the Planning Commission by the adjacent neighbor, Kelly Luoma and Rick Rutter (Exhibit 14). The specific reasons for the appeal are provided below, followed by analysis in *italic* font.

"The applicant has chosen a Victorian style and massing then detailed this mass with modern features. The applicant has NOT carried out a design consistent with the Victorian style. The applicant has chosen stucco finishes, metal roofs materials, aluminum windows and doors, plexiglass railing and laminate doors. None of these are consistent details to the Victorian style."

The applicant has chosen to use the Victorian style as inspiration for the forms of the proposed modern design. While the Consulting Architect's first report included concerns with the initial roof and wall materials, the second report noted that the applicant had changed the wall material to a more traditional stucco as recommended, and the redesign submitted by the applicant had responded to the other recommendations in the Consulting Architect's reports, including longer eaves/overhangs and resolution of the front porch column design.

"The applicant does not meet this section [Section 1.4 of the Residential Design Guidelines] specifically that the home as designed does not respect the scale of the immediate neighbors. The home which reaches 28' in height, towers over the 14' home (double the height) to the immediate right. Further, the selection of the Victorian style and massing is not in keeping with the character of the bungalow enclave on this portion of Loma Alta.

Secondly, the proposal has no architectural integrity. It is a mishmash of design elements lifted from neighboring homes as documented by the applicants "Read your Neighborhood" submission rather than a comprehensive holistic design. Further, the applicant has responded to the comments of the Town's consulting architect as an incremental fashion to "check the box" on the comments to get the design through DRC. Finally, this is not a 360-degree design as expected by the Town as it relates to design excellence.

DISCUSSION (continued):

The applicant has transitioned from Victorian forms in the front to Modern flat glass forms in the rear. There is inconsistency in fenestration – placement, types and sizes – throughout the proposal.”

The immediate low- and medium- density residential neighborhood is a mix of one- and two-story homes of different styles. The applicant has modified the roof forms to replace the flat roofs with sloped roofs throughout the structure.

“While the proposal is within the FAR requirements, the home as proposed has significantly more mass bulk and scale than the neighboring homes. This is driven by interior elements of vaulted ceilings and open two-story space as well as 9’ plate heights in the 2nd floor. Additionally, the use of the Victorian style – 12/12 pitch roof increases the height and mass of the structure.”

The proposed project is below the maximum allowed floor area, for both house and garage, and below the maximum allowed height for the house.

“The home is NOT using the roof mass to minimize the impact of the second story. In fact, with the vertical facades, the height of the structure is emphasized, not minimized thus not blending with the smaller homes in the area.”

Within the chosen style, the applicant has fully responded to the recommendations to create a substantial belly band, and extend eaves and gable overhangs to reduce the visual impact of tall forms.

“The applicant’s selection of Victorian form and mass is not sensitive to the surrounding neighborhood of single-story bungalows. A more appropriate style would be a low-pitched roof Craftsman style, or Spanish style bungalow taking cues from the existing home – that would allow for low pitch and parapet roof structures to reduce the height, bulk and mass.”

Within the chosen style, the applicant has fully responded to the recommendations to create a substantial belly band, and extend eaves and gable overhangs to reduce the visual impact of tall forms. The massing and roof forms are broken into bays, while stepping down and respecting the privacy concerns of the adjacent neighbors.

“It is clear that the rear of this design has no relation to the front. The front tries poorly to be a Victorian design, while the rear tries to be a Modern Contemporary house. There is no 360-degree design that supports architectural integrity.”

Through the design process the applicant has implemented modifications to windows, roof, and walls to increase consistency around the building while stepping down and respecting

DISCUSSION (continued):

the privacy concerns of the adjacent neighbors.

“The project as designed has a mishmash of window styles, types and proportions. On the front elevation alone, there are 5 different window sizes and styles. As you take this to the rear and side of the house, there this just grows exponentially. There is no consistency in the design.

Further, the neighboring homes have primarily wooden double hung or casement windows – there are no large floor to ceiling plate glass windows in the area.”

Through the design process the applicant has implemented modifications to windows to increase consistency around the building while respecting the privacy concerns of the adjacent neighbors.

G. Environmental Review

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

PUBLIC COMMENTS:

Prior to the September 8, 2020 DRC hearing, the story poles were modified to represent the reduced size, a sign was posted on the site, and written notice of the DRC hearing was sent to neighboring property owners and occupants within 300 feet of the subject property. Staff forwarded public comments to the DRC members prior to the September 8, and September 22, 2020 hearings. These comments are included as Exhibits 9 and 12.

Following the appeal, the onsite sign was updated and written notice of this Planning Commission hearing was sent to neighboring property owners and occupants within 300 feet of the subject property.

CONCLUSION:

A. Summary

The proposed project is in compliance with the Residential Design Guidelines and Town Code, with the exception for the requested reduced setbacks. The applicant has modified their proposal in an effort to address the privacy and massing concerns of the adjacent neighbors. Conditions of Approval capture the proposed changes that are not specifically shown in the approved plans (Exhibit 3).

CONCLUSION (continued):

B. Recommendation

Staff recommends that the Planning Commission take the following actions to deny the appeal, uphold the decision of the DRC, and approve the Architecture and Site application:

1. Find that the proposed project is categorically exempt pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures (Exhibit 2);
2. Make the required findings as required by Section 29.10.09030(e) of the Town Code for the demolition of a single-family residence (Exhibit 2);
3. Make the finding required by Section 29.10.265(3) of the Town Code for modification of zoning rules on nonconforming lots (Exhibit 2);
4. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (Exhibit 2);
5. Make the required considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
6. Approve Architecture and Site application S-19-023 with the conditions contained in Exhibit 3 and development plans attached as Exhibit 15.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction;
2. Deny the appeal and approve the application with additional and/or modified conditions;
3. Grant the appeal and remand the application to the DRC with direction for revisions; or
4. Grant the appeal and deny the Architecture and Site application.

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Project Description and Letter of Justification
5. Consulting Architect's First Report, dated May 24, 2019
6. Applicant's Response to the Consulting Architect's First Report
7. Consulting Architect's Second Report, dated February 25, 2020
8. Consulting Arborist's Report, dated September 2, 2019
9. Public Comments received prior to 10:00 a.m., Friday, September 4, 2020
10. September 8, 2020 Development Review Committee meeting minutes

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SUBJECT: 15 Loma Alta Avenue/S-19-023

DATE: November 6, 2020

EXHIBITS (continued):

11. Applicant's neighbor outreach efforts
12. Public Comments received prior to 10:00 a.m., Monday, September 21, 2020
13. September 22, 2020 Development Review Committee meeting minutes
14. Appeal of Development Review Committee received October 1, 2020
15. Development Plans, received September 21, 2020

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