



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 03/12/2025

ITEM NO: 2

DATE: March 7, 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.

BACKGROUND:

On January 22, 2025, the Planning Commission discussed the item and received public testimony (Exhibit 20). The Planning Commission continued the item to a date certain of March 12, 2025, and provided the following direction to the applicant:

- Reduce the floor area ratio (FAR);
- Increase the side yard setback at the nook area;
- Increase the side yard setback at the dining area;
- Increase the side yard setback at the fireplace area;
- Use frosted windows or change to clerestory windows at the restroom and children's room on the second floor;
- Work with the neighbor on the placement of the window at the stairs;
- Address privacy; and
- Reduce the height of the residence.

PREPARED BY: Maria Chavarin
Assistant Planner

Reviewed by: Planning Manager, Community Development Director, and Town Attorney

DISCUSSION:

In response to the Planning Commission’s direction, the applicant submitted revised development plans (Exhibit 25) and a letter detailing the revisions to the project (Exhibit 21). In addition, the applicant prepared an exhibit supporting their neighborhood analysis in relation to the proposed project (Exhibit22). A summary of the applicant’s response to the Planning Commission’s direction follows.

Floor Area Ratio

The applicant reduced the proposed countable square footage and FAR from a total of 3,418 square feet (0.46) to 2,874 square feet (0.39). This is a total reduction of 544 square feet of countable square footage. The reduction in square footage was achieved through the following modifications to the project (Exhibit 21 and 24):

- Reduction of 23 square feet at the kitchen nook area;
- Conversion of 777 square feet of the lower floor into an attached accessory dwelling unit (ADU). The area of the ADU includes a portion of below grade square footage extending beyond the building footprint above. Previously, this area was countable toward FAR, but it is now exempt from FAR since it is an ADU. Consistent with state law, the ADU is not the subject of this application and is reviewed ministerially through a Building Permit.
- The remaining 804 square feet of below grade area that is exempt from FAR includes a mechanical room that has increased by 76 square feet to serve the attached ADU.

The table below summarizes the revised floor area:

Floor Area Summary				
	Existing SF	Original Project SF	Revised Project SF	Allowed SF
Main Residence				
First Floor	996	1,684.5	1661.5	--
Second Floor	--	1,212.5	1,212.5	--
Total	996	2,897	2,874	--
Countable Below-Grade Area	--	512	0	--
Total Countable	996	3,418	2,874	2,454
Amount over max FAR	0	964	420	
Below-Grade Area	0	984	804	Exempt
Attached ADU*		--	777	Exempt
Garage	280	529	529	691
**Accessory Dwelling Unit is not a part of the Architecture and Site Application.				

The revised project results in a residence that exceeds the maximum allowable FAR by 420 square feet where the project previously exceeded the maximum allowable FAR by 964 square feet.

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). As detailed above, the applicant has revised their project and the proposed residence now includes an FAR of 0.39 (2,874 square feet), exceeding the maximum allowable floor area by 420 square feet. The table below reflects the current conditions of the homes in the immediate neighborhood:

Revised 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	2,660	325	2,985	8,090	0.33	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) <i>Original Project</i>	R-1:8	3,418	529	3,947	7,435	0.46	2	Yes, by 964 sf
176 Loma Alta Ave (P) <i>Revised Project</i>	R-1:8	2,874	529	3,403	7,435	0.39	2	Yes by 420 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 2,874-square foot residence (not including the proposed 777 square-foot attached ADU and 804 square feet of below-grade square footage) and a 529 square-foot detached garage on a 7,435-square foot parcel. The proposed residence would be the second largest in terms of square footage and tied with two other parcels, for the largest in terms of FAR in the immediate neighborhood.

Setbacks

As explained in the applicant's response letter, the kitchen nook area was reduced in size by 23 square feet, increasing the side setback from the previously proposed four feet to five feet (Exhibit 20). The applicant has also increased the chimney setback by six inches on the side yard resulting in a side yard of three feet, six inches, where three feet was previously proposed. The revised plans also decrease the proposed width of the chimney. The applicant is willing to omit the chimney should the Planning Commission find it necessary.

Windows

The Planning Commission directed the applicant to use frosted glass or change to clerestory windows for the restroom and children's room on the second floor and to work with the neighbors regarding the placement of windows at the stairwell. The applicant's response letter does not address modifications to these windows and no changes have been made from the previous plans reviewed by Planning Commission on January 22, 2025.

Privacy

To mitigate privacy between the adjacent properties at 172 and 178 Loma Alta Avenue, the applicant now proposes planting Italian cypress trees along the side property lines to provide privacy screening (Exhibit 25, Sheet A-1). The proposed trees are expected to be approximately eight to ten feet tall at the time of planting. Additionally, a new seven-foot tall fence is proposed along the property line between the proposed residence and 178 Loma Alta Avenue.

Height

At the Planning Commission hearing of January 22, 2025, following discussion of the relationship of the height of the proposed residence to the neighboring residences as shown on the streetscapes included on Sheet A.1-1, the applicant agreed to reduce the overall height of the proposed residence by six inches. In their response letter, the applicant explains that the heights for 162 and 172 Loma Alta Avenue depicted in the original streetscape drawings were found to be inaccurate (Exhibit 21). The applicant indicates that the height of these residences were remeasured and the streetscapes updated to depict their accurate heights. The applicant notes that, given the more accurate depiction of building heights in the streetscapes, the six-inch height reduction is not warranted; however, the height of the proposed residence has been reduced from 26 feet, six inches relative to the sidewalk, to 26 feet. The maximum height of the residence when measured pursuant to Town Code was reduced from 29 feet, six inches to 29 feet (Exhibit 25, Sheet A-7).

PUBLIC COMMENTS:

Public comments received between 11:01 a.m., Wednesday, January 22, 2025, and 11:00 a.m., Friday, March 7, 2025, are included in Exhibit 23. The applicant's response to the public comments is included as Exhibit 24.

CONCLUSION:

A. Summary

The applicant submitted a response letter summarizing the revisions to the project (Exhibit 21), additional neighborhood analysis (Exhibit 22), and revised development plans (Exhibit 25) in response to the Planning Commission's direction provided at the January 22, 2025, Planning Commission meeting.

B. Recommendation

Should the Planning Commission determine that the revised project meets the direction provided by the Planning Commission and find merit with the proposed project, the Commission can take the actions below to approve the Architecture and Site application:

1. 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);
2. Make the findings as required by Section 29.10.09030 (e) of the Town Code for the demolition of existing structures (Exhibit 2);
3. 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);
4. 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);
5. 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);
6. Make the finding that the project complies with the Residential Design Guidelines (Exhibit 2);
7. 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
8. Approve Architecture and Site application S-24-042 with the conditions contained in Exhibit 3 and the development plans in Exhibit 25.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction;
2. Approve the application with additional and/or modified conditions; or
3. Deny the application.

EXHIBITS:

Previously distributed with the January 22, 2025, Staff Report:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Letter of Justification
5. Colors and Materials
6. Town's Consulting Architect
7. Applicant's Response to Consulting Architect
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 11:00 a.m., Friday, January 17, 2025
12. Property Owner's Response to Public Comment
13. Applicant's Neighborhood Outreach Summary
14. Architect's Response to Public Comment
15. Development Plans

Previously received with the January 22, 2025, Addendum Item Report:

16. Applicant's Summary of Neighborhood Outreach and Response Letters
17. Public Comments Received Between 11:01 a.m., Friday, January 17, 2025 and 11:00 a.m., Tuesday, January 21, 2025

Previously received with the January 22, 2025, Desk Item Report:

18. Correspondence Provided by the Project Architect
19. Public Comments Received Between 11:01 a.m., Friday, January 21, 2025, and 11:00 a.m., Wednesday, January 22, 2025

Received with this Staff Report:

20. January 22, 2025 Planning Commission Meeting Minutes
21. Applicant's Response Letter
22. Neighborhood Analysis Exhibit by Applicant

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

DATE: March 7, 2025

23. Public Comments Received Between 11:01 a.m., Wednesday, January 22, 2025, and 11:00 a.m., Friday, March 7, 2025

24. Applicant's Response to Public Comments

25. Revised Development Plans

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