



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/26/2026

ITEM NO: 7

DATE: August 21, 2026
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of the Community Development Director Decision to Approve a Request to Construct a Second-Story Addition Exceeding 100 Square Feet to an Existing Single-Family Residence on Property Zoned R-1:20:PD. **Located at 695 Bicknell Road.** APN 407-03-006. Minor Residential Application MR-26-001. Categorically Exempt Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301: Existing Facilities. Property Owners: Ronald C. Eddington Jr. and Marjorie Eddington. Applicant: James Heck. Appellant: Dale Drumm. Project Planner: Sean Mullin.

RECOMMENDATION:

Deny the appeal of the Community Development Director's decision approving a request to construct a second-story addition exceeding 100 square feet to an existing single-family residence on property zoned R-1:20:PD, located at 695 Bicknell Road.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:20:PD – Single-Family Residential – Planned Development (20,000 square feet minimum)
Applicable Plans & Standards: General Plan, Residential Design Guidelines
Parcel Size: 24,440 square feet

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:20:PD
South	Residential	Low Density Residential	R-1:20
East	Residential	County	County
West	Residential	Low Density Residential	R-1:20 and R-1:20:PD

PREPARED BY: Sean Mullin, AICP
Planning Manager

Reviewed by: Community Development Director

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- The project is in compliance with the Residential Design Guidelines for single-family residences not located in the hillside area.

ACTION:

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

BACKGROUND:

The subject property is located on the east side of Bicknell Road approximately 145 feet north of Smith Creek Drive (Exhibit 1). The 24,440-square foot subject lot is currently developed with a 3,028-square foot two-story residence with an attached 524-square foot garage, 125.5-square foot shed, swimming pool, and a tennis court. Surrounding properties are developed with one- and two-story single-family residences.

On January 27, 2026, the applicant submitted a Minor Residential Development application to construct a second-story addition exceeding 100 square feet to the existing two-story residence (Exhibit 4).

On June 16, 2026, the Town mailed the Notice of Pending Approval to the neighboring residents, notifying them that it was the intent of the Town to approve the project on June 26, 2026, and providing them with appeal rights with a deadline of 4:00 p.m., Monday, July 6, 2026 (Exhibit 5). The application was approved on June 26, 2026.

On July 1, 2026, the decision of the Community Development Director was appealed to the Planning Commission by a neighbor, Dale Drumm, who resides south of the subject property at 697 Bicknell Road (Exhibit 6). In their appeal, the appellant cites privacy impacts to their rear yard and pool area, and visual impacts from the second-story addition as reasons for their appeal.

Pursuant to Section 29.20.480 (c) of the Town Code, any interested person, as defined in Section 29.10.020, will have ten (10) days from the date of approval to file a written notice of

appeal to the Planning Commission with the Community Development Director. For residential projects, an interested person is defined as “a person or entity who owns property or resides within 1,000 feet of a property for which a decision has been rendered and can demonstrate that their property will be injured by the decision.” The appellant meets the requirements.

Pursuant to Town Code Section 29.20.265, the hearing for the appeal must be set for the first regular meeting of the Planning Commission more than five days after the date of filing the appeal. Due to availability constraints and the public hearing recess, the appellant and applicant agreed to a hearing date of August 26, 2026. The Planning Commission may hear the matter anew and render a new decision on the matter.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the east side of Bicknell Road approximately 145 feet north of Smith Creek Drive (Exhibit 1). The 24,440-square foot subject lot is currently developed with a 3,028-square foot two-story residence with an attached 524-square foot garage, 125.5-square foot shed, swimming pool, and a tennis court. Surrounding properties are developed with one- and two-story single-family residences.

B. Project Summary

The applicant is proposing to expand the existing 3,028-square foot two-story residence with a first-floor addition of 306 square feet and a second-floor addition of 816 square feet, for a total addition of 1,122 square feet (Exhibit 13).

C. Zoning Compliance

A single-family residence is permitted in the R-1:20 zone. The project meets the objective standards of the zoning code for height, floor area, building coverage, parking, and setbacks.

DISCUSSION:

A. Minor Residential Development Application

Town Code Section 29.20.480 (2)(b) requires approval of a Minor Residential Development application for additions to an existing second story where the additional area will exceed 100 square feet. The applicant proposes expanding the existing 3,028-square foot two-story residence with a first-floor addition of 306 square feet and a second-floor addition of 816 square feet, for a total addition of 1,122 square feet (Exhibit 13). The proposed size of the residence is 4,150 square feet, where the maximum allowed for the lot is 4,686 square feet. The proposed project would comply with the Town’s demolition calculation and would not

be considered a new residence. A summary of the floor area for the proposed residence is included in the following table.

Floor Area Summary				
	Existing SF	Addition SF	Proposed SF	Max Allowed SF
First Floor	2,042	306	2,348	4,686
Second Floor	986	816	1,802	
Total	3,028	1,122	4,150	

On June 16, 2026, the Town mailed the Notice of Pending Approval to the neighboring residents, notifying them that it was the intent of the Town to approve the project on June 26, 2026, and providing them with appeal rights with a deadline of 4:00 p.m., Monday, July 6, 2026 (Exhibit 5). The application was approved on June 26, 2026.

B. Neighborhood Compatibility

The immediate neighborhood consists of one- and two-story traditional single-family residences. Based on Town and County records, the residences in the immediate neighborhood range in size from 2,481 to 4,678 square feet. The FAR ranges from 0.078 to 0.361. The proposed residence would be 4,150 square feet with a FAR of 0.170, making it the third largest residence in the immediate neighborhood in terms of square footage and the seventh largest in terms of FAR. The average slope of the property is 11.02 percent. Based on Town requirements, the gross lot area is reduced based on the average slope to 21,497 square feet. The net lot size allows for a maximum allowable square footage of 4,686 square feet for the residence and 1,157 square feet for the garage. The table below reflects the current conditions of the immediate neighborhood:

Address	Zoning	Residence Floor Area	Garage Floor Area	Total Floor Area	Lot Size	Residence FAR	No. of Stories
695 Bicknell Rd (E)	R-1:20:PD	3,028	524	3,552	24,440	0.124	2
695 Bicknell Rd (P)	R-1:20:PD	4,150	524	4,674	24,440	0.170	2
100 Chippendale Ct	R-1:20:PD	2,481	528	3,009	10,340	0.240	1
100 Smith Creek Dr	R-1:20	2,648	528	3,176	34,100	0.078	2
690 Bicknell Rd	R-1:20:PD	3,032	744	3,776	8,400	0.361	2
691 Bicknell Rd	R-1:20:PD	4,454	647	5,101	22,498	0.198	2
693 Bicknell Rd	R-1:20:PD	4,678	670	5,348	23,750	0.197	2
696 Bicknell Rd	R-1:20:PD	2,936	609	3,545	11,760	0.250	1
697 Bicknell Rd	R-1:20	2,740	528	3,268	29,926	0.092	2
698 Bicknell Rd	R-1:20	2,764	817	3,581	22,800	0.121	1
704 Bicknell Rd	R-1:20	3,205	550	3,755	15,300	0.209	2

C. Building Design

The Town's Consulting Architect reviewed the proposed residence on February 5, 2026, and noted that the proposed additions are modest and consistent with the building form traditionally associated with the architectural style (Exhibit 7). The Consulting Architect identified several aspects of the proposal that were not consistent with the Town's Residential Design Guidelines and provided six recommendations to better align the project with the Guidelines. Each recommendation is provided below, followed by the applicant's response and staff's analysis (Exhibit 8).

1. Clarify the second-floor plan above the home entry. I am assuming that the front wall of Bedroom 5 will continue in line with the front façade.

Applicant's response: The plans have been corrected to fix this on sheet A-2 and A-4.

Staff analysis: The floor plans and elevation drawings included in the development plans were revised to clarify that the front wall of Bedroom 5 will continue in line with the front façade.

2. Add surrounding trim on all windows and doors consistent with Residential Design Guideline 3.7.4.

Applicant's response: Have added trim to doors and windows on sheets A-2, A-2.1.

Staff analysis: The elevation drawings were revised to include door and window trim.

3. Add the missing ground-floor column at the balcony and remove the random second floor column.

Applicant's response: We have removed unnecessary column on second level. The missing column on ground level at end is missing due to location to swimming pool and has been engineered for not having column.

Staff analysis: The elevation drawings were revised to address this recommendation.

4. Add a beam across the columns at the rear balcony.

Applicant's response: Per RDG 3.10.1 and 3.10.2, this balcony extends past the roof line and this does not allow for columns to roof. We have made the design change to wood to comply with RDG 3.10.1 and 3.10.2

Staff analysis: The elevation drawings were revised to address this recommendation.

5. Use a wood balcony railing in lieu of the proposed metal railing.

Applicant's response: We have made the design change to wood to comply with RDG 3.10.1 and 3.10.2 on sheet A-2.

Staff analysis: The elevation drawings were revised to include a wood balcony railing.

6. The issue of the awkward second-floor roof form and waterproofing is one that I believe that the applicant should address. If they wish to leave it as proposed, I do not believe that the resulting condition would be detrimental enough to recommend changes. However, should the applicant wish to explore alternatives to maintain the second-floor use areas while improving the construction drainage and waterproofing details, a couple of approaches are illustrated below.

APPROACH A

The simplest approach would be to shift Bedroom 5 and the office a bit toward the home frontage so that the first-floor roof peak would hit the wall plane, eliminating the roof drainage toward the building face and maintaining the proposed windows. This is shown in the plan and section illustrations below. An option would be to retain the rear wall at the office in alignment with the adjacent rear wall by increasing either the depth of Bedroom 5 or the office. The downside of this approach as shown is that a portion of the second-floor Bedroom 5 volume would intrude into the first-floor elevated ceiling space.

APPROACH B

A similar approach that would leave the first floor Living Room volume untouched looks awkward in section but would be a simple fix. It would align the Bedroom 5 wall with the Living Room wall below and add an extended window ledge to bring a wall facade out to match the first-floor roof ridge.

The applicant should be asked to explore other approaches but in the end it is probably their choice to make.

Applicant's response: After review of the two options provided by Larry at CDG, we have decided that option "A and B" would cause structural changes and modify the lower living room ceiling. However, we have changed the design to extend the existing roof to the new exterior wall for better weather proofing. Changes to sheets A-2 and A-4 as windows sizes have been reduced.

Staff analysis: The development plans were revised to extend the existing roofline to meet the second-story addition, as shown in the section drawing on Sheet A-2.

D. Appeal to the Planning Commission

On July 1, 2026, the decision of the Community Development Director was appealed to the Planning Commission by a neighbor, Dale Drumm, who resides south of the subject property at 697 Bicknell Road (Exhibit 6). The appellant contends that the proposed second-story addition would adversely affect the privacy of their rear yard and pool area and result in visual impacts to their property. Following the filing of the appeal, the applicant submitted a written response addressing the issues raised by the appellant (Exhibit 9). An additional letter from the appellant responding to the applicant's letter is included as Exhibit 11.

The following sections summarize the appellant's stated grounds for the appeal and the applicant and appellant response letters. Refer to Exhibits 6, 9, and 11 for the complete appeal, applicant response, and appellant response. Staff's analysis of the issues follows.

Privacy

Appellant: Our home is the only home directly affected by the new addition since all of the proposed addition is on the rear south building corner of their house. The proposed addition would directly overlook our pool, and the main entertaining area of our backyard (Exhibit 6).

Applicant Response: We respect their privacy, so we contacted the Planning Department. On 3/26, we met with our neighbors at our house, discussed options and concerns, which we heard. They asked to see the revised plans, which we gave them when ready (May 15) (Exhibit 9).

To address the privacy concerns:

1. We removed the entire set of exterior stairs from the balcony to the ground that were adjacent to their property.
2. We shortened the rear balcony by four feet on both sides of the house, decreasing the overall length and moving it away from their yard. We picked the largest distance/footage possible to keep it architecturally symmetrical and harmonious. This puts the balcony just over 21 feet from the setback on their side.
3. We have put in a privacy lattice on the end side of the balcony facing their property so we cannot look down into their back yard.
4. We reduced the width of the rear-facing window closest to them (which does not look toward them) by two feet so it is now on our side of the privacy lattice.
5. We made the windows on the south side facing them smaller, raising them to be above head and eye level so we would not overlook their property, but still have light and cross-breeze.

Appellant Response: They have made some of changes to the plans that we requested but the major item affecting us is not having this large two-story element towering directly above our pool and back yard area. Our houses are not side by side, ours sets closer to the street such that their home directly overlooks our backyard and pool. We will get the full impact of the addition not only from our home's windows, but significantly from our rear outdoor backyard where it will be in full view. Our useable backyard is limited to the side yard and about 15 feet from the rear of the house due to the large hill rising up behind our home, so most of our entertaining area is on that side of the house (Exhibit 11).

Staff Response: Prior to approval of the Minor Residential Development application, the applicant made several revisions to the project to address the privacy concerns of the adjacent neighbor. Staff determined that the revisions to the project satisfactorily addressed the privacy concerns and the application was approved on June 26, 2026 (Exhibit 5).

Massing

Appellant: Our main problem is that the design is still one giant flat stucco wall going from single story at the front to two story at the back with no architectural elements, or design features at all to break up the large flat surface that we will be looking at on a daily basis. We had suggested, in our previous letter referenced above, that the second story be inset so it is not just one giant flat stucco wall. This would allow the front living room to have its rear roof line come down towards the backyard and a roof element would be formed over the new inset second story area. This also sets the second story element back, so it doesn't seem so close and tower over our property. Thus, achieving a design that's attractive in appearance and mass, and not overwhelming the one-story portion of our home and dominate our views and backyard area.

Applicant Response: Looking at "a flat stucco wall" is enough for them to appeal and to delay our project, which has already been significantly delayed. Their complaint is a complaint of preference, which is subjective. They want us to push back the second story and reduce square footage that is within the maximum allowed so that they can look at a slanting roof line. To address their concerns:

- We decided to put trellises above the first story windows and sliding glass doors because:
 - They are recommended on the Town's Residential Guideline website as a way to break up a flat wall;
 - Our neighbors can see the trellises over the fence line;
 - The trellises break up the flat look.

Appellant Response: We are not asking them to not have a second story, but are only requesting that the second story be inset so that it is not one giant flat stucco wall. This would reduce its towering effect, minimize its mass, and also gives it some design elements

and features, so it is at least pleasing to look at on a daily basis. The rooms that would be affected by this change to the second story would be the office and bedroom #5. Any reduction in room size would not significantly disrupt the use of the rooms especially with all the other rooms within the existing and proposed home. The Town's own Residential Design Guidelines Section 3.3.2 specifically recommends this technique to minimize the second-story visual impact. (Exhibit 11).

Staff Response: As detailed above, the Town's Consulting Architect reviewed the project and provided several recommendations to address its consistency with the Residential Design Guidelines (Exhibit 7). The Consulting Architect did not identify the two-story wall plane on the side elevation as a concern and did not provide a recommendation regarding this design feature. The applicant incorporated all of the Consulting Architect's recommendations into the project to the satisfaction of the Community Development Director. Additionally, in response to the appellant's concern, the applicant added trellises along the right-side elevation to break up the two-story wall plane. This approach is consistent with Section 3.3.3 of the Residential Design Guidelines.

Tree Screening Request

Appellant: In addition, we would also like to see on whatever plan is approved, that the bottlebrush tree adjacent to the living room be saved. And, that a new tree be planted in the area between the fence and new first floor game room and not put directly against the fence but more toward the new addition. We request that these changes be considered before the project is approved.

Applicant Response: We put on the plans that we would keep the existing bottle brush tree. We also added the other existing yucca tree to the plans.

Unfortunately, we cannot fulfill the request to plant a tree on our property away from the fence so that leaves will not drop into their pool.

- We contacted the Town Arborist, Jeremy Cawn, who told us we could not plant a tree there:
 - The roots would damage the drainage system that is there to prevent our house from flooding.
 - The planting area is too small.

Staff Response: The applicant agreed to preserve the existing bottlebrush tree at the request of the appellant. The applicant also explored whether additional trees could be planted to further assuage the appellant's concerns and was informed by the Town Arborist that there is not sufficient space to accommodate additional trees (Exhibit 10).

PUBLIC COMMENTS:

Story poles are not required for this project pursuant to the Town's Story Pole Policy (Resolution 2024-017) since the adjacent residences are two stories. Project signage was installed on the subject property prior to the mailing of notices for the public hearing. Written notice was sent to property owners and residents within 300 feet of the subject property. Public comments received by 3:00 p.m., Friday, August 21, 2026, are included as Exhibit 12.

ENVIRONMENTAL REVIEW:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.

CONCLUSION:

A. Summary

The neighbor appealed the Community Development Director's decision to the Planning Commission (Exhibit 6). The appellant contends that the proposed second-story addition would adversely affect the privacy of their rear yard and pool area and result in visual impacts to their property. The applicant provided a response to the concerns of the appellant (Exhibit 9). Staff finds that the proposed project is in compliance with the Residential Design Guidelines and the Town Code.

B. Recommendation

For the reasons stated in this report, it is recommended that the Planning Commission deny the appeal of the Community Development Director's decision approving a request to construct a second-story addition to an existing single-family residence on property zoned R-1:20:PD, located at 695 Bicknell Road.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Grant the appeal and deny the Minor Residential Development application.

PAGE 11 OF 10

SUBJECT: 695 Bicknell Road/MR-26-001

DATE: August 21, 2026

EXHIBITS:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Letter of Justification
5. Notice of Pending Approval, dated June 16, 2026
6. Appeal of the Director of Community Development, received July 1, 2026
7. Consulting Architect's Report, dated February 5, 2026
8. Applicant's Response to the Consulting Architect's Report, dated May 15, 2026
9. Applicant's Response to Appeal, dated July 16, 2026
10. Town Arborist Feedback
11. Appellant's Response to Applicant, dated August 19, 2026
12. Public Comments received prior to 3:00 p.m., Friday, August 21, 2026
13. Development Plan