



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 09/09/2026

ITEM NO: 3

DATE: September 4, 2026
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of a Community Development Director Decision to Approve a Request to Construct a Second-Story Addition to an Existing Single-Family Residence on Property Zoned R-1:8. **Located at 16717 Chirco Drive.** APN 424-20-014. Minor Residential Development Application MR-24-018. Categorically Exempt pursuant to the California Environmental Quality Act, Section 15301: Existing Facilities. Property Owner: Deepak Gupta. Applicant: My Troung. Appellant: Zahra Hajihashemi. Project Planner: Maria Chavarin.

RECOMMENDATION:

Deny the appeal of a Community Development Director decision to approve a request to construct a second-story addition to an existing single-family residence on property zoned R-1:8, located at 16717 Chirco Drive.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:8, Single-Family Residential (8,000 square feet minimum)
Applicable Plans & Standards: General Plan, Residential Design Guidelines
Parcel Size: 12,480 square feet
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
East	Residential	Low Density Residential	R-1:8

PREPARED BY: Maria Chavarin
Assistant Planner

Reviewed by: Planning Manager and 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 north side of Chirco Drive at the intersection of Corinne Drive (Exhibit 1). The property is 12,480 square feet and developed with an existing 3,312-square foot, one-story residence and a 450-square foot detached garage. The immediate neighborhood contains one- and two-story residences.

On December 9, 2024, the applicant submitted a Minor Residential Development application for the construction of a second-story addition to an existing single-family residence.

On April 23, 2026, the project identification sign was installed and on June 10, 2026, the story poles were installed on the site. On June 17, 2026, the Town mailed the Notice of Pending Approval for the application to the surrounding property owners and occupants notifying them that it was the intent of the Town to approve the project on June 29, 2026, and providing them with appeal rights with a deadline of 4:00 p.m., Monday, July 9, 2026. On June 29, 2026, the Minor Residential application was approved.

On July 1, 2026, the decision of the Community Development Director was appealed to the Planning Commission by Zahra Hajihashemi, who resides east of the subject property at 15603 Benedict Lane (Exhibit 4). In their appeal, the appellant cites impacts related to privacy; shadow; height and mass; and reduced setbacks 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 legal noticing timelines, full agendas, and the public hearing recess in July, the appeal was originally scheduled for the first regular meeting available on August 12, 2026. Consideration of the appeal was then continued to the September 9, 2026, Planning Commission meeting to allow the property owner additional time to explore alternative design options for the proposed development. The Planning Commission may hear the matter and render a new decision on the matter.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located north side of Chirco Drive at the intersection of Corinne Drive (Exhibit 1). The immediate neighborhood contains one- and two-story residences.

B. Project Summary

The applicant is proposing to construct a new 307-square foot second-story addition and a 679-square foot attached garage to an existing 3,312-square foot single-family residence (Exhibits 5 and 12). A total proposed square footage for the residence of 3,619 square feet and 679 square feet for the new garage.

C. Zoning Compliance

A single-family residence is permitted in the R-1:8 zone. The proposed residence is in compliance with the allowable floor area, building coverage, height, setbacks, and parking requirements.

DISCUSSION:

A. Minor Residential Development Analysis

Town Code Section 29.20.480 (2)(a) requires approval of a Minor Residential Development application for new second-story additions to single-family dwellings. The applicant is proposing to construct a new 307-square foot second story addition and a 679-square foot attached garage to an existing 3,312-square foot single-family residence (Exhibits 5 and 12). The total proposed square footage for the residence is 3,619 square feet and 679 square feet for the new attached garage.

B. Building Design

The Town's Consulting Architect reviewed the project and provided recommendations regarding the building design (Exhibit 6). The Consulting Architect noted that the existing house is a very well-designed one-story Ranch style home with a floor plan and roof forms typical of the style. The Consulting Architect opined that the proposed garage and second-floor bedroom addition are not consistent with several Residential Design Guidelines.

The Consulting Architect provided five recommendations for further design refinement of the proposal:

1. Eliminate the awkward angled garage volume on the front façade.
2. Eliminate the awkward angled rear façade gable end.
3. Redesign the addition building form to be more reflective of the existing house and the proposed architectural style.
4. Eliminate the circular driveway and replace a significant amount of the hardscape driveway paving with landscaping.
5. Select garage doors with solid panels and limited transparent glazing.

The applicant revised the plans to address the Consulting Architect's recommendations identified in the report (Exhibit 7). The plan changes are as follows:

1. The angled garage volume remains, however, after consulting with planning staff the garage door was replaced with a window to propose a one-car garage on the front elevation.
2. The angled rear façade was removed and redesigned with a square configuration.
3. The addition building form remains. After consulting with Planning staff, the addition was redesigned to include an extended eave that helps reduce the massing between the first and second floors. The applicant also revised the gable details to align with the existing gable features of the residence
4. The circular driveway was removed and replaced with a traditional driveway.
5. The garage doors were revised with solid panels.

C. Neighborhood Compatibility

The immediate 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 1,050 square feet to 3,928 square feet. The floor area ratios range from 0.09 to 0.30. The proposed residence would be 3,619 square feet with a floor area ratio of 0.29. Pursuant to Town Code, the maximum allowable square footage for the 12,480-square foot lot is 3,619 square feet. The following table reflects the current conditions of the immediate neighborhood:

Address	Zoning	Bldg SF	Garage SF	Total SF	Site SF	Bldg FAR	Garage FAR	No. of Stories
15588 Corinne Drive	R-1:8	2,802	475	3,277	9,375	0.30	0.051	1
15589 Benedict Lane	R-1:8	2,308	400	2,708	9,375	0.25	0.043	2
15603 Benedict Lane	R-1:8	1,545	320	1,865	9,375	0.16	0.034	1
15625 Benedict Lane	R-1:8	1,118	480	1,598	13,125	0.09	0.037	1
16712 Chirco Drive	R-1:8	2,596	450	3,046	12,000	0.22	0.038	1
16724 Chirco Drive	R-1:8	1,050	360	1,410	12,000	0.09	0.030	1
16736 Chirco Drive	R-1:8	3,045	355	3,400	11,866	0.26	0.030	2
16748 Chirco Drive	R-1:8	2,777	360	3,137	12,000	0.23	0.030	1
16755 Chirco Drive	R-1:8	2,052	994	3,046	17,524	0.12	0.057	1
16763 Chirco Drive	R-1:8	3,928	1,068	4,996	16,655	0.24	0.064	2
16717 Chirco Drive (P)	R-1:8	3,619	679	4,298	12,480	0.29	0.054	2
16717 Chirco Drive (E)	R-1:8	3,042	413	3,455	12,480	0.24	0.033	1

The proposed residence would be the second largest in terms of floor area and FAR in the immediate neighborhood. The proposed residence would not be the tallest in the immediate neighborhood with the tallest home located at 16736 Chirco Drive.

D. Appeal to Planning Commission

On July 1, 2026, the decision of the Planning Director was appealed to the Planning Commission by a neighbor, Zahra Hajhashemi (Exhibit 4). The appellant included a letter with their appeal detailing concerns about privacy; shadow; height and mass; and reduced setbacks.

On June 29, 2026, the applicant submitted a letter responding to the appellant's concerns (Exhibit 8).

On September 4, 2026, the appellant submitted an additional letter detailing concerns related to privacy; height and shadowing; and character and mass; and the applicant's outreach efforts regarding the project (Exhibit 9). This letter also includes several suggestions for project revisions.

The appellant's reasons for their appeal, as provided in Exhibit 4, are presented below, followed by the staff's analysis in *italic* font. The applicant's response letter addressing each of the appellant's concerns is attached as Exhibit 8. The appellant's additional letter supporting their appeal is included as Exhibit 9.

1. Privacy – New second-story windows overlooking my property. The project converts a single-story home into a two-story home, and that new second story is located on the east side of the house — the side directly facing my home, only eight feet from our shared property line. The east-facing second-story windows would look directly over the existing fence and into my rear yard and pool. In particular, my rear yard contains a swimming pool used by my family, and the elevated second-story windows would look directly down onto the pool and pool area — eliminating the privacy of an outdoor space my family uses and relies on. This is precisely the impact the Town's design guidelines are meant to prevent. I request that the second-story windows facing my property and pool be removed, relocated, reduced in size, fitted with permanently

obscured (frosted) glazing, and/or raised to a minimum sill height of five feet, so they do not provide direct views into my home, yard, and pool.

Staff's Response: The Town Code does not offer privacy protection; however, the project was reviewed by the Town's Consulting Architect for compliance with the adopted Residential Design Guidelines in terms of design within the immediate neighborhood, shadow impacts, including location of windows. Two second-story windows, each measuring three feet by four feet, are proposed along the right elevation facing the adjacent neighbors at 15603 and 15625 Benedict Lane. One of the two windows on the right elevation will need to meet the requirements for emergency egress pursuant to the Building Code. The property owner responded to the appellant and offered to compromise by using a window type that is frosted, etched, or permanently obscured glazing. No agreement was reached between the property owner and appellant.

2. Shadowing, loss of sunlight, and an inadequate shadow study. The applicant submitted a shadow (solar) study on Sheets A.18–A.20, modeling December 21 and June 21 at several times of day. That study depicts only the building masses of the surrounding homes. It does not show my swimming pool, my mature trees, or my rear-yard landscaping, and therefore does not evaluate the project's actual shadow impact on the features of my property that depend on sunlight. I do not believe it accurately represents the impact on my yard. Because my home lies to the east of the new second story — and the applicant has placed the new second-story mass on the east side of the house, closest to my property — the added height would cast afternoon shadows, and especially long, low-angle winter-afternoon shadows, eastward across my rear yard, pool, and trees (a conceptual illustration of this afternoon shadow is attached as Exhibit A). This matters for two specific reasons: (a) I rely on direct sunlight to warm my swimming pool, and shading the pool would reduce the water temperature and the months it is usable; and (b) sunlight is necessary to sustain my rear-yard landscaping and the mature trees in my back yard, which would decline if they are overshadowed by the new second story. I ask the Town to require an independent, verifiable plan-view shadow study, including the winter solstice, that specifically locates and evaluates the impact on my pool and my trees and landscaping, and to require that the second-story massing be revised to reduce shadowing on my property.

Staff's Response: The Town Code does not prohibit or limit additions due to casting shadows on an adjacent residence in the case where there are no existing solar panels being affected. The appellant's residence does not currently include solar panels. The property owner responded to the appellant and provided an updated shadow study (Exhibit 10) that evaluates shadow impacts on the neighboring property throughout different times of the year.

3. Height and mass. The existing house is a single story, approximately 21 feet, nine inches tall. The proposal raises the structure to a full second story at roughly 28 feet (Sheets A.00 and A.14). As shown on the applicant's own Streetscape and Solar exhibits (Sheets A.05 and A.18–A.20), the homes immediately adjacent to the site are single-story and

substantially shorter — including my own home at 15603 Benedict Lane (single-story, approximately 15 feet) and the neighboring 15625 Benedict Lane (single-story, approximately 14 feet). The proposed structure would be among the tallest on the block, and its tallest new mass is placed directly along my property line. The added height and bulk would loom over my home and rear yard and feel out of scale with the immediate streetscape. I request that the second-story massing be reduced and stepped back from my property line.

Staff's Response: Staff reviewed the height and mass of the proposed residence against the immediate neighborhood. Staff found the property at 16763 Chirco Drive to be approximately 27 feet in height making this residence the tallest in the immediate neighborhood. The proposed addition would result in the second tallest at 26 feet, six and one-half inches. The applicant made modifications to the plans in efforts to comply with the recommendations of the Consulting Architect in terms of the design of the addition.

4. Reduced side-yard setback and new attached garage. The plans reduce the side-yard setback from the existing 16 feet, six inches to eight feet, and add a new 679-square-foot attached garage along the east property line my home at 15603 Benedict Lane shares with the subject (Sheets A.00 and A.01). Even if eight feet meets the bare minimum, this change removes more than half of the existing separation between our structures, increasing the sense of enclosure and compounding the privacy and shadow impacts described above. I request that the existing greater setback be maintained, or that the garage be relocated or reduced in size and bulk.

Staff's Response: The property at 16717 Chirco Drive is zoned R-1:8 and the required side yard setback is eight feet. The proposed addition is located at the eight-foot side yard setback line, in compliance with the setback requirement.

E. Parking

Pursuant to Section 29.10.150 (c)(1) of the Town Code, a single-family residence requires two on-site parking spaces. The Town issued a Building Permit to demolish the existing detached two-car garage and construct a new detached accessory dwelling unit (ADU). Pursuant to Section 29.10.320 (f)(1)(h), when a garage is demolished in conjunction with the construction of an ADU, or converted to an ADU, any lost off-street parking spaces required for the primary dwelling shall not be required to be replaced. As part of the Minor Residential application, the applicant is proposing an attached one-car garage.

F. Neighbor Outreach

The applicant provided a summary of their efforts to communicate with their neighbors (Exhibit 10). In response, the applicant received letters of support for the project (Exhibit 11).

G. CEQA Determination

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

PUBLIC COMMENTS:

Story poles and signage were installed on the site prior to the mailing of notices for the public hearing. Written notices of the Planning Commission public hearing were mailed to property owners and occupants within a radius of 300 feet of the subject property. At the time of publishing this report, no public comments have been received.

CONCLUSION:

A. Summary

The Community Development Director's decision to approve the request was appealed to the Planning Commission by a neighbor. The property owner and appellant met to discuss the identified concerns; however, the appellant remained unsatisfied and elected to proceed with the appeal. The proposed project complies with the Residential Design Guidelines and Town Code regulations. As proposed, the project would create a 3,619-square-foot two-story residence including a 679-square foot attached garage.

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-1:8, located at 16717 Chirco Drive, by taking the following actions:

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 15301: Existing Facilities (Exhibit 2);
2. Make the finding that the project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);
3. Make the finding that the project is in compliance with the Residential Design Guidelines for single-family homes not located in the hillside area (Exhibit 2);
4. Approve Minor Residential Development application MR-24-018 with the conditions contained in Exhibit 3 and the development plans in Exhibit 12.

C. Alternatives

Alternatively, the Commission can:

1. Deny the appeal and approve the Minor Residential Development application with additional and/or modified conditions;
1. Grant the appeal and deny the Minor Residential Development application; or
2. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Appeal of the Director of Community Development, received July 1, 2026
5. Letter of Justification, received July 2, 2025
6. Consulting Architect's Report, dated January 23, 2025
7. Applicant's Response to the Consulting Architect's Report, received April 29, 2026
8. Applicant's Response to Appeal, received June 29, 2026
9. Appellant Letter, received September 4, 2026
10. Applicant's Neighborhood Outreach Efforts, received July 9, 2025
11. Neighbor's Letters of Support, received July 9, 2025
12. Development Plans

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