



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/12/2026

ITEM NO: 3

DATE: August 7, 2026
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of a Community Development Director Decision to Approve Construction of a Second-Story Addition Exceeding 100 Square Feet on Property Zoned R-1:10. **Located at 127 Belhaven Drive.** APN 527-29-031. Minor Residential Application MR-26-005. Categorically Exempt Pursuant to the California Environmental Quality Act, Section 15301: Existing Facilities. Property Owner: Jeremy Butcher. Applicant: Greg Stowers. Appellant: Sharad Gandhi. Project Planner: Suray Nathan.

RECOMMENDATION:

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-1:10, located at 127 Belhaven Drive.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:10 – Single-Family Residential (10,000 square feet minimum)
Applicable Plans & Standards: General Plan, Residential Design Guidelines
Parcel Size: 10,002 square feet

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:10
South	Residential	Low Density Residential	R-1:10
East	Residential	Low Density Residential	R-1:10
West	Residential	Low Density Residential	R-1:10

PREPARED BY: Suray Nathan
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 Belhaven Drive, approximately 550 feet west of Harwood Road (Exhibit 1). The 10,002-square foot subject lot is currently developed with a 2,451-square foot two-story residence and an attached 423-square foot garage. Surrounding properties are developed with one- and two-story single-family residences.

On March 6, 2026, the applicant submitted a Minor Residential Development application to construct a second-story addition exceeding 100 square feet to an existing two-story residence.

On May 12, 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 May 22, 2026, and providing them with appeal rights with a deadline of 4:00 p.m., Monday, June 1, 2026. The application was approved on May 22, 2026.

On May 29, 2026, the decision of the Community Development Director was appealed to the Planning Commission by a neighbor, Sharad Gandhi, who resides east of the subject property at 123 Belhaven Drive (Exhibit 7). The appellant asserts that the submitted shadow study contains analytical inaccuracies. Additionally, the appellant contends that the proposed clerestory window on the front elevation will adversely impact the privacy of their front patio.

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 August 12, 2026, Planning Commission meeting is the first regular meeting available to consider the appeal. 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 north side of Belhaven Drive, approximately 550 feet west of Harwood Road (Exhibit 1). Surrounding properties are developed with one- and two-story single-family residences.

B. Project Summary

The applicant is proposing to expand the existing 2,451-square foot two-story residence with an 188-square foot second-story addition, for a total of 2,639 square feet (Exhibit 11).

C. Zoning Compliance

A single-family residence is permitted in the R-1:10 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 2,451-square foot, two-story residence with an 188-square foot second-story addition. The resulting two-story residence would be 2,639 square feet; the maximum allowed for the lot is 3,101 square feet (Exhibit 11). 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	1,391	--	1,391	3,101
Second Floor	1,060	188	1,248	
Total	2,451	188	2,639	

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 1,748 to 2,682 square feet. The FAR ranges from 0.17 to 0.27. The proposed residence would be 2,639 square feet with a FAR of 0.26, making it the second largest residence in the immediate neighborhood in both square footage and FAR. Pursuant to the Town Code, the maximum allowable square footage for the 10,002-square foot lot is 3,101 square feet with a maximum FAR of 0.31. 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
127 Belhaven Drive (Ex.)	R-1:10	2,451	423	2,874	10,002	0.25	2
127 Belhaven Drive (Prop.)	R-1:10	2,639	423	3,062	10,002	0.26	2
131 Belhaven Drive	R-1:10	2,448	440	2,888	10,000	0.24	2
135 Belhaven Drive	R-1:10	2,448	440	2,888	10,000	0.24	2
123 Belhaven Drive	R-1:10	2,682	440	3,122	10,000	0.27	2
119 Belhaven Drive	R-1:10	2,448	440	2,888	10,000	0.24	2
116 Belhaven Drive	R-1:10	2,130	470	2,600	10,625	0.20	1
120 Belhaven Drive	R-1:10	2,284	470	2,754	10,125	0.23	1
124 Belhaven Drive	R-1:10	2,448	440	2,888	10,125	0.24	2
128 Belhaven Drive	R-1:10	1,748	504	2,252	10,250	0.17	1
132 Belhaven Drive	R-1:10	1,960	470	2,430	10,125	0.19	1

C. Building Design

The Town's Consulting Architect reviewed the proposed residence on March 26, 2026, and was generally supportive of the design, stating that it is modest in size and consistent with similar residences in the immediate neighborhood, and the windows and details match the existing residence in conformance with the Residential Design Guidelines (Exhibit 5).

The Consulting Architect made one recommendation to keep the front façade consistent with the other residences in the immediate neighborhood. This is detailed below, along with the applicant and staff's italicized responses (Exhibit 6).

1. The most consistent recommendation would be to remove the deck from the front elevation. However, if the applicant can make a credible argument for including a balcony off of the primary bedroom, my recommendation would be to relocate it to the side façade as shown in the illustrations below. This would keep the front façade consistent with other residences in the immediate neighborhood, provide a more pleasant space for the homeowner, and would not create any privacy concerns for the adjacent residence since its side façade is largely a blank wall. The deck depth should be modest in depth to minimize its intrusion into the roof form visible from the street.

Applicant Response: *The location of the new deck was thoughtfully determined with the owners. The consultant's proposal of moving the deck to the side yard does not meet the goals of the owners for the project. The neighbor to the right is located uphill of the project site, so having the deck nestled into the existing roofline provides a sense of privacy to the owners when they choose to sit on the deck. The deck is small, and primarily having the glass French door and the window will provide more light to the primary bedroom. The primary goal of the deck is to capture the distant view of the hillsides that is available from the deck in this location.*

All the immediate homes in the neighborhood are two-story, and many have balconies on the second story facing the street, so having an outdoor space on the front of the house is 100 percent in alignment with homes in the neighborhood. The proposed location of the roof deck is also not located over living space, so the concerns for waterproofing and long-term maintenance are not as critical as the location that the consulting architect is proposing the deck be located.

Staff Response: *In evaluating the applicant's justification for maintaining the deck on the west elevation, rather than relocating it to the east elevation as recommended by the Consulting Architect, staff conducted a site visit to assess its visibility from the public right-of-way. Additionally, staff requested a cross-section and sight-line analysis to evaluate potential privacy impacts on the adjacent property to the west (Exhibit 11; Sheet A3.5). Based on the deck's positioning relative to the western neighbor and the downward slope of the lot toward the front façade, the Community Development Director determined that the deck is appropriately integrated with the existing architectural façade and poses no adverse privacy impacts to the neighbor to the west.*

D. Appeal to Planning Commission

The Community Development Director's approval was appealed on May 29, 2026, by Sharad Gandhi, the property owner immediately east of the subject site at 123 Belhaven Drive (Exhibit 7). The appellant disputes the accuracy of the applicant's shadow study and raises concerns about potential privacy impacts on their front patio from the proposed front-elevation clerestory window. Below are the appellant's reasons for granting the appeal in italics, followed by staff's response.

Appellant's reason #1: *The sun/shade study used for approval was 100 percent inaccurate and did not account for impact to my sun access in my backyard.*

Staff response: The Town Code does not prohibit or limit additions due to casting shadows on an adjacent residence. The purpose of the Town's shadow study requirement is to identify and disclose potential shadow impacts that would result from a two-story structure for the benefit of neighbors and decision makers.

The appellant identified inaccuracies in the initial shadow study. In response, the applicant submitted an updated analysis on May 29, 2026, and a subsequent color-coded revision on June 24, 2026, to clarify potential impacts on the backyard. The revised study models shadows at 9:00 AM, 12:00 PM, and 3:00 PM during the summer (June 21) and winter (December 21) solstices. While the shadows reach their maximum extent at 3:00 PM on December 21, staff conclude that the proposed addition will not significantly impact the solar access of the adjacent property to the east (Exhibit 11, Sheet A5.4).

Appellant's reason #2: *The analysis done for privacy impact was flawed and inaccurate and did not account for impact to my privacy.*

Staff response: Staff determined that a formal privacy impact analysis was not warranted for the street-facing clerestory window. Because the window serves a bathroom and features a high sill height of five feet, four inches, it naturally mitigates sightlines and preserves privacy.

E. Tree Impacts

The subject property contains nine protected trees, which will remain. Furthermore, the project will not impact any trees on adjacent properties.

F. Parking

Pursuant to Section 29.10.150(c)(1) of the Town Code, a single-family residence requires two on-site parking spaces. An existing attached two-car garage will remain to meet the minimum required parking spaces.

G. Neighbor Outreach

The applicant conducted neighbor outreach with the surrounding neighbors regarding the proposed project. A summary of their outreach efforts is included as Exhibit 10, and letters of support from neighboring residents are included in Exhibit 12.

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 11:00 a.m., Friday, August 7, 2026 are included in 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. The appellant contends that the submitted shadow study contains analytical inaccuracies and that the proposed clerestory window on the front elevation will adversely impact the privacy of their front patio. 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-1:10, located at 127 Belhaven Drive.

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.

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SUBJECT: 127 Belhaven Drive/MR-26-005

DATE: August 7, 2026

EXHIBITS:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Letter of Justification
5. Consulting Architect's Report, dated March 26, 2026
6. Applicant's Response to the Consulting Architect's Report, dated April 10, 2026
7. Appeal of the Director of Community Development, received May 29, 2026
8. Appellant's Letter to Planning Commission, received July 18, 2026
9. Applicant's Response to Appeals, received July 20, 2026
10. Summary of Applicant's Neighborhood Outreach
11. Development Plans
12. Public Comments received prior to 11:00 a.m., Friday, August 7, 2026