



**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
AUGUST 12, 2026
110 EAST MAIN STREET
TOWN COUNCIL CHAMBERS
7:00 PM**

*Kendra Burch, Chair
Jeffrey Barnett, Vice Chair
Susan Burnett, Commissioner
Adam Mayer, Commissioner
Joe Sordi, Commissioner
Rob Stump, Commissioner
Emily Thomas, Commissioner*

IMPORTANT NOTICE

This is a hybrid/in-person meeting and will be held in-person at the Town Council Chambers at 110 E. Main Street and virtually through the Zoom webinar application (log-in information provided below). Members of the public may provide public comments for agenda items in-person or virtually through the Zoom webinar by following the instructions at the end of this agenda. The live stream of the meeting may be viewed on television and/or online at www.LosGatosCA.gov/TownYouTube.

To watch and participate via Zoom, please go to:

<https://losgatosca-gov.zoom.us/j/88436489094?pwd=EsA5rW7LuC5mDayk1uQf1SJm1orUDw.1>

Enter Passcode: 011614

MEETING CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Planning Commission on any matter that is not listed on the agenda and is within the subject matter jurisdiction of the Commission. The law generally prohibits the Commission from discussing or taking action on such items. Town resources may not be used to facilitate audio or visual presentations. To ensure all agenda items are heard, this portion of the agenda is limited to 30 minutes. In the event additional speakers were not heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment. Each speaker is limited to no more than three (3) minutes or such time as authorized by the Chair.)*

CONSENT ITEMS *(Consent Items are considered routine Town business and may be approved by one motion. Any member of the Commission may remove an item from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Chair asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions located at the end of this agenda. If an item is removed, the Chair has the sole discretion to determine when the item will be heard. Each speaker is limited to no more than three (3) minutes or such time as authorized by the Chair.)*

1. Approve the Draft Minutes of the June 10, 2026, Planning Commission Meeting
2. Consider an Appeal of a Community Development Director Decision to Approve a Request to Construct a New 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.

PUBLIC HEARINGS *(Presentations during the Public Hearings portion of the agenda by appellants and applicants, including any expert or consultant assisting with the presentation, shall be limited to a total of no more than five (5) minutes for all speakers. Appellants and applicants shall be provided no more than three (3) minutes to rebut at the end of the public hearing. Visual presentations that require the use of staff resources shall be limited to appellants and applicants. Members of the public testifying at public hearings shall be limited to no more than three (3) minutes, or such time as authorized by the Chair.)*

3. 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.
4. Forward a Recommendation to the Town Council on an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code Regarding Objective Design Standards for Single-Family and Two-Family Residential Dwelling Units and Second-Story Additions. The Proposed Amendments to the Town Code are Not Subject to CEQA Pursuant to CEQA Section 15061(b)(3), Because it can be Seen with Certainty that they will not Significantly Affect the Physical Environment in that they Make Minor Changes to the Regulations and Design Review Process Applicable to New Single-Family and Two-Family Residential Dwelling Units and Second-Story Additions. Town Code Amendment Application A-26-003. **Project Location: Town Wide.** Applicant: Town of Los Gatos.

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

SUBCOMMITTEE REPORTS / COMMISSION MATTERS

ADJOURNMENT *(Planning Commission policy is to adjourn no later than 11:30 p.m. unless a majority of the Planning Commission votes for an extension of time.)*

ADA NOTICE - In compliance with the Americans with Disabilities Act, if you require special assistance to participate in this meeting, please contact the Clerk's Office at (408) 354-6834. Please notify the Clerk's Office at least two (2) business days prior to the meeting so that reasonable arrangements can be made to ensure accessibility in compliance with 28 CFR §35.102-35.104 and related provisions.

NOTICE REGARDING SUPPLEMENTAL MATERIALS - Materials related to an item on this agenda submitted to the Commission after initial distribution of the agenda packets are available for public inspection in the Clerk's Office at Town Hall, 110 E. Main Street, Los Gatos and on the Town's website at www.losgatosca.gov. Planning Commission agendas and related materials can be viewed online at <https://losgatos-ca.municodemeetings.com/>.

HOW TO PARTICIPATE

The public is welcome to provide oral comments in real-time during the meeting in three ways:

- **Zoom webinar (Online):** Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join: <https://losgatosca.gov.zoom.us/j/88436489094?pwd=EsA5rW7LuC5mDayk1uQf1SJm1orUDw.1>. Passcode: 011614. You can also type in 884 3648 9094 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join> and use passcode 011614.
 - When the Chair announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand.
- **Telephone:** Please dial 855-758-1310 US Toll-free or 408-961-3927 US. (Webinar ID: 884 3648 9094). If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- **In-Person:** Please complete a “speaker’s card” located on the back of the Chamber benches and return it to the Vice Chair before the meeting or when the Chair announces the item for which you wish to speak.

NOTES: (1) Comments will be limited to three (3) minutes or less at the Chair’s discretion.

(2) If you are unable to participate in real-time, you may email planning@losgatosca.gov with the subject line “Public Comment Item #___” (insert the item number relevant to your comment).

(3) Deadlines to submit written public comments are:

- 3:00 p.m. the Friday before the Planning Commission meeting for inclusion in the agenda packet.
- 3:00 p.m. the Tuesday before the Planning Commission meeting for inclusion in an addendum.
- 11:00 a.m. on the day of the Planning Commission meeting for inclusion in a desk item.

*Planning Commission meetings are broadcast Live on KCAT, Channel 15 (on Comcast) on the 2nd and 4th Wednesdays at 7:00 p.m.
Live and Archived Planning Commission meetings can be viewed by going to:*

www.LosGatosCA.gov/TownYouTube



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/12/2026

ITEM NO: 1

**DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
JUNE 10, 2026**

The Planning Commission of the Town of Los Gatos conducted a regular meeting in person and via teleconference.

MEETING CALLED TO ORDER AT 7:00 PM

ROLL CALL

Present: Chair Kendra Burch, Vice Chair Jeffrey Barnett, Commissioner Susan Burnett, Commissioner Adam Mayer, Commissioner Joseph Sordi.

Absent: Commissioner Rob Stump, Commissioner Emily Thomas.

PLEDGE OF ALLEGIANCE

Commissioner Mayer led the Pledge of Allegiance. The audience was invited to participate.

VERBAL COMMUNICATIONS

The following individuals spoke during Verbal Communications.

1. Gus Who

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. **Approval of Minutes** – May 27, 2026

MOTION: **Motion by Commissioner Sordi to approve adoption of the Consent Calendar. Seconded by Vice Chair Barnett.**

VOTE: **Motion passed unanimously.**

The following individuals spoke during Consent Items.

1. Gus Who

PUBLIC HEARINGS

2. 193 Howes Drive

Architecture and Site Application S-26-007

APN 527-43-021

Applicant: Laura Cuda

Property Owner: Neeraj Goel

Project Planner: Suray Nathan

Consider a request for approval to construct a new second-story addition to an existing single-family residence on nonconforming property zoned R-1:8. Categorically exempt pursuant to the California Environmental Quality Act, Section 15301: Existing Facilities.

Suray Nathan, Assistant Planner, presented the staff report.

Planning Commission asked questions.

Chair Burch Opened Public Comment.

The following individuals spoke on this item:

1. James Woodard (Applicant)

Chair Burch closed Public Comment.

Commissioners discussed the item.

(TIME STAMP 00:18:36)

MOTION: **Motion by Vice Chair Barnett** to deny an Architecture and Site Application for 193 Howes Drive. **Seconded by Commissioner Burnett.**

Commissioners discussed the item.

Planning Commission asked questions.

(TIME STAMP: 00:23:07)

MOTION: **Alternative Motion by Commissioner Sordi** to approve an Architecture and Site Application for 193 Howes Drive. **Seconded by Chair Burch.**

Commissioners asked questions.

Commissioners discussed the item.

VOTE: **Alternative Motion failed 2-3 with Vice Chair Barnett, Commissioner Burnett, and Commissioner Mayer dissenting.**

Commissioners discussed the item.

Chair Burch Reopened Public Comment.

The following individuals spoke on this item:

1. James Woodard (Applicant)
2. Neeraj Goel

Commissioners discussed the item.

Chair Burch closed Public Comment.

(TIME STAMP: 00:35:32)

MOTION: **Motion by Vice Chair Barnett** to amend the Original Motion to continue Item 3 to a date certain for 193 Howes Drive to allow the Applicant an opportunity to revise the design to address Planning Commission concerns regarding massing from the street and a flat two-story wall plane on the rear.

The Seconder of the Motion requested the motion be amended to include additional siding to be more compatible with the neighborhood, or have more of a mix with both siding and stucco.

The Maker of the Motion did not accept the amendment to the motion.

VOTE: **The Amended Original Motion passed unanimously.**

The Commission determined the item would be continued to the date certain of August 26, 2026.

3. Town Code Amendment re: Accessory Dwelling Units

Town Code Amendment Application A-26-001

Applicant: Town of Los Gatos

Project Location: Town Wide

Forward a recommendation to the Town Council on an ordinance amending Chapter 29 (Zoning Regulations) of the Town Code regarding Accessory Dwelling Units and Definitions. The proposed amendments are not subject to CEQA review pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make minor changes to the

regulations applicable to Accessory Dwelling Units and Definitions. Additionally, the proposed amendments are statutorily exempt pursuant to Public Resources Code Section 21080.17.

Sean Mullin, Planning Manager, presented the staff report.

Planning Commission asked questions.

Chair Burch Opened Public Comment.

No individuals spoke on this item.

Chair Burch closed Public Comment.

(TIME STAMP 00:47:56)

MOTION: **Motion by Commissioner Sordi** to recommend Town Council approval of an ordinance amending Chapter 29 (Zoning Regulations) of the Town Code regarding Accessory Dwelling Units and Definitions. **Seconded by Commissioner Mayer.**

Planning Commission asked questions.

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

4. Workplan for Historic Preservation Committee

Discuss the Town Council's direction on the workplan for the Historic Preservation Committee and the evaluation process used to determine the significance of pre-1941 residences. The Planning Commission's discussion is not considered a project under the adopted guidelines for the implementation of the California Environmental Quality Act.

(TIME STAMP 00:50:39)

MOTION: **Motion by Commissioner Burnett** to continue Item 4 to a date certain of August 26, 2026.

Commissioners asked questions.

Sean Mullin, Planning Manager, presented the staff report.

Planning Commission asked questions.

Chair Burch Opened Public Comment.

The following individuals spoke on this item:

1. Bess Wiersema
2. David Zicovich

Planning Commission asked questions.

Chair Burch closed Public Comment.

Chair Burch Seconded the motion.

VOTE: **Motion passed unanimously.**

5. 4 Tait Avenue

APN: 510-44-054

Property Owner/Applicant: Town of Los Gatos

Project Planner: Sean Mullin

Consider a request to determine that the disposition of land is in conformance with the Town of Los Gatos 2040 General Plan for property zoned R-1D:LHP (Single-Family Residential Downtown with a Landmark and Historic Preservation Overlay). The determination is not subject to CEQA review pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that the determination will not have a significant effect on the environment.

Sean Mullin, Planning Manager, presented the staff report.

Planning Commission asked questions.

Chair Burch Opened Public Comment.

No individuals spoke on this item.

Chair Burch closed Public Comment.

(TIME STAMP 01:09:18)

MOTION: **Motion by Vice Chair Barnett** to approve a Town Council Amendment Application for 4 Tait Avenue. **Seconded by Commissioner Burnett.**

VOTE: **Motion passed unanimously.**

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Joel Paulson, Director of Community Development

- None.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

Conceptual Development Advisory Committee

Vice Chair Barnett

- CDAC met June 10, 2026 to consider a proposal for a three-story building at Bachman Avenue and Santa Cruz Avenue with ground floor retail, second story office, and third floor housing units. CDAC determined there were major problems regarding massing and parking.

Commission Matters

None.

ADJOURNMENT

The meeting adjourned at 8:11 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the June 10, 2026 meeting as approved by the Planning Commission.

/s/ Vicki Blandin



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/12/2026

ITEM NO: 2

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 a Request to Construct a New 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.

REMARKS:

The property owner has requested that this item be continued to a date certain of September 9, 2026, to allow additional time to explore alternative design options for the proposed development with the appellant. The appellant has agreed to the continuation of this matter.

PREPARED BY: Maria Chavarin
Assistant Planner

Reviewed by: Community Development Director

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**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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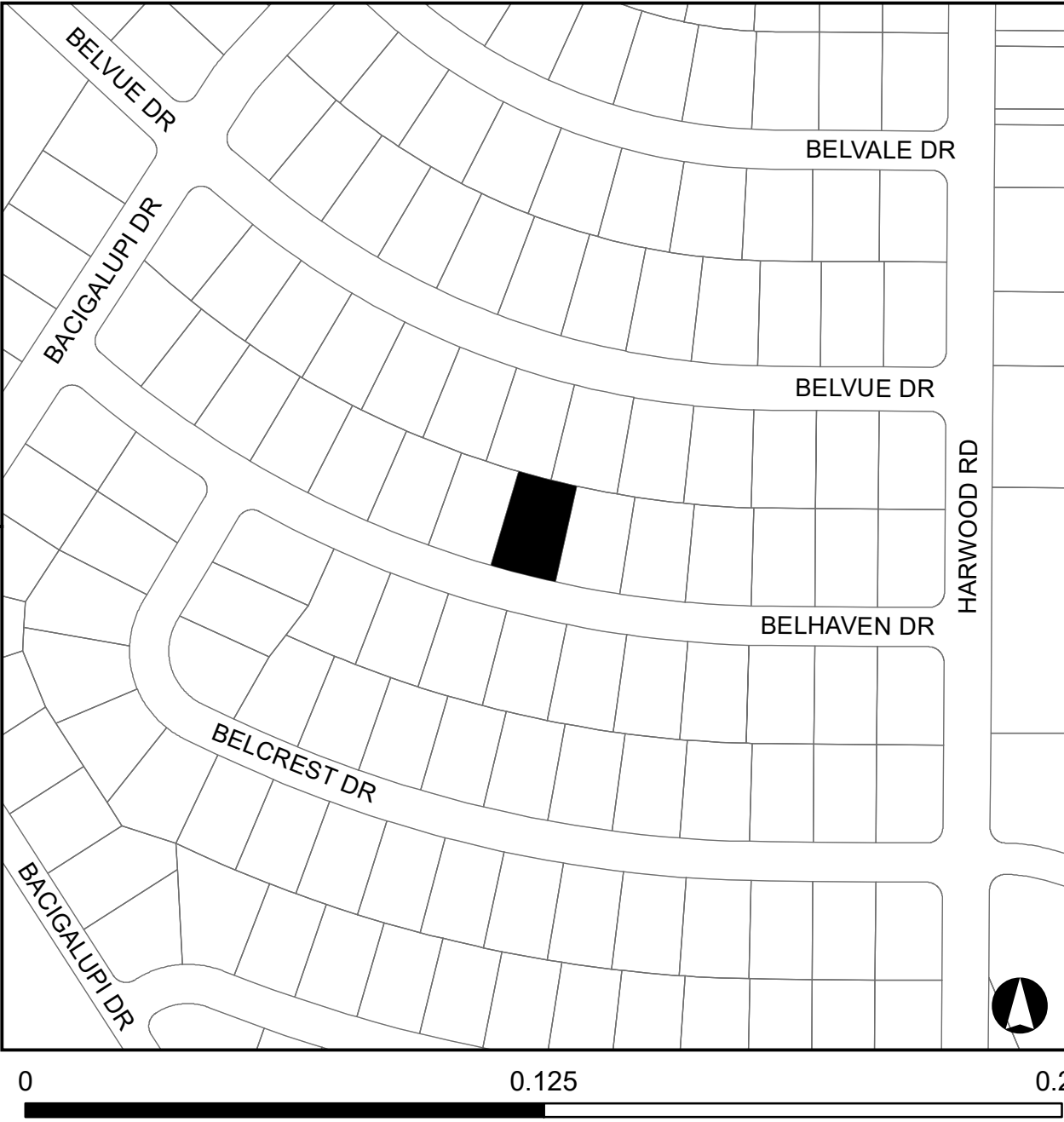
SUBJECT: 127 Belhaven Drive/MR-26-005

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

127 Belhaven Drive



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PLANNING COMMISSION – August 12, 2026
REQUIRED FINDINGS FOR:

127 Belhaven Drive
Minor Residential Application MR-26-005

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. APN 527-29-031. Categorically Exempt Pursuant to the California Environmental Quality Act, Section 15301: Existing Facilities.

Property Owners: Jeremy Butcher
Applicant: Greg Stowers
Appellant: Sharad Gandhi
Project Planner: Suray Nathan

FINDINGS

Required finding for CEQA:

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

Required compliance with the Zoning Regulations:

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).

Required compliance with the Residential Design Guidelines:

- The project is in compliance with the Residential Design Guidelines for single-family residences not located in hillside areas.

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PLANNING COMMISSION – August 12, 2026
DRAFT CONDITIONS OF APPROVAL:

127 Belhaven Drive
Minor Residential Application MR-26-005

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. APN 527-29-031. Categorically Exempt Pursuant to the California Environmental Quality Act, Section 15301: Existing Facilities.

Property Owners: Jeremy Butcher
Applicant: Greg Stowers
Appellant: Sharad Gandhi
Project Planner: Suray Nathan

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, Development Review Committee, or the Planning Commission depending on the scope of the changes.
2. **EXPIRATION:** The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. **OUTDOOR LIGHTING:** Exterior lighting shall be kept to a minimum and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
4. **TREE REMOVAL PERMIT:** A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
5. **EXISTING TREES:** All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.
6. **TREE FENCING:** Protective tree fencing, and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
7. **TREE STAKING:** All newly planted trees shall be double-staked using rubber tree ties.
8. **FRONT YARD LANDSCAPE:** Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
9. **WATER EFFICIENCY LANDSCAPE ORDINANCE:** The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. A review fee based on the current fee schedule

adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.

10. **TOWN INDEMNITY:** Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant's sole cost and expense.

Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all the applicant's sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation.

11. **DEMOLITION AFFIDAVIT:** Prior to issuance of a building permit, a Demolition Affidavit must be submitted and signed by the property owner, project architect, project engineer and contractor.
12. **STORY POLES/PROJECT IDENTIFICATION SIGNAGE:** Story poles and/or project identification signage on the project site shall be removed within 30 days of approval of the Architecture and Site application.
13. **COMPLIANCE MEMORANDUM:** A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.



July 02, 2026

127 Belhaven Drive
Minor Residential Application MR-26-005
Letter of Justification

The proposed project consists of a 188-square-foot second-story addition to an existing single-family residence to create a new primary bathroom and walk-in closet. The project also includes renovation of the existing upstairs hall bathroom and construction of a new laundry room, requiring the reconfiguration of three existing rear-facing windows. In addition to the interior improvements, the project proposes a new second-story deck adjacent to the primary bedroom.

Proposed Addition

The proposed addition is located on the northeast corner of the second story above the existing first-floor family room. Because it is constructed over existing living space, the project does not increase the building footprint. The addition also does not increase the overall height of the residence, as the new roof remains below the existing roof ridge.

The addition includes one window facing the front street and one window facing the rear yard. No new windows are proposed on the east elevation facing the adjacent neighbor. The south-facing window is a clerestory window serving the enclosed toilet room within the primary bathroom, while the north-facing window provides natural light and ventilation to the walk-in closet.

Exterior materials consist of cement plaster and composition roofing to match the existing residence. The addition will be painted to match the existing home, and new white vinyl windows will match the existing windows.

The residence is already a two-story home within a neighborhood characterized by similar two-story residences. As such, the addition is compatible with the existing neighborhood in terms of size, scale, and architectural character.

Primary Bedroom Deck

The proposed 8-foot by 11-foot deck is located off the primary bedroom and is recessed within the existing roofline over the garage and front entry.

This location was intentionally selected to provide the homeowners with outdoor living space while maintaining privacy from the adjacent eastern property. It also allows views toward the Heintz Open Space hills while minimizing visual impacts from the public street. Because the deck is integrated into the existing roof form, it has minimal effect on the appearance of the front elevation.

Several homes within the neighborhood include second-story balconies or decks facing the street, making the proposed deck consistent with the surrounding residential character.

Brand Office

155 E. Campbell Ave, Suite 114
Campbell CA 95008

Patterson Bldg, Suite 5
6th Street (Between Delores and Lincoln)
Carmel-by-the-Sea

Town Consulting Architect Comments

The Town's consulting architect suggested relocating the proposed deck from the south (front) side of the residence to the east side.

The applicants respectfully chose not to pursue this modification because relocating the deck would increase privacy impacts on the eastern neighboring property and eliminate the views toward the surrounding hills that the current design captures. The proposed location better balances neighborhood compatibility, homeowner enjoyment, and privacy considerations.

Neighbor Concerns

The owner of the property immediately east of the project site has expressed concerns regarding the proposal. The applicants have met with the neighbor in an effort to address these concerns but have not been able to reach a mutually acceptable resolution.

The concerns focus on two issues:

1. Privacy related to the new south-facing clerestory window.
2. Potential shading impacts from the proposed addition.

South-Facing Clerestory Window

The window in question is a 3-foot by 1-foot 4-inch clerestory window located within the enclosed toilet room of the new primary bathroom. The sill height is approximately 5 feet 4 inches above the finished floor.

The neighbor requested that the window utilize obscure (frosted) glass. While the homeowners prefer clear glazing, they offered to install window coverings consistent with those proposed throughout the primary suite. This compromise was not acceptable to the neighbor.

Interior elevations are included to demonstrate that this window serves only to provide natural light and ventilation to the toilet room and is not intended as a view window for a primary living space. Furthermore, the window faces toward the public street rather than toward the neighboring residence.

Sun/Shade Study

The original shadow study submitted with the application contained drafting errors. Corrected studies have since been prepared and submitted, with each revision incorporating additional clarifications requested during the review process.

The final study included in the project plans identifies the limits of the proposed addition, verifies the solar angles used in the analysis, accurately depicts the relative building locations, and reflects the grade differences between the surrounding properties.

Although additional requests for clarification of dimensions were received, the completed study demonstrates that the proposed addition does not create a measurable increase in shadowing on the adjacent property and does not materially affect existing solar access to the neighboring residence or yard. Copies of the final shadow study are attached for reference.

Neighborhood Outreach

The property owners contacted the surrounding neighbors to discuss the proposed project. A summary of those conversations has been provided as a separate attachment. Other than the adjacent eastern property owner, no neighboring property owners have expressed concerns regarding the proposal.

Conclusion

The proposed project is a modest addition to an existing two-story residence that does not increase the building footprint or overall building height. The design utilizes materials and architectural features consistent with the existing home and surrounding neighborhood.

The proposed deck has been carefully located to minimize privacy impacts while preserving views and maintaining the architectural character of the residence. Likewise, the clerestory window has been designed solely to provide natural light and ventilation to an enclosed toilet room and does not create meaningful opportunities for overlooking adjacent properties. The shadow study further demonstrates that the project will not result in significant impacts to neighboring properties.

Overall, the project is compatible with the surrounding neighborhood in terms of size, scale, massing, and appearance, while providing functional improvements that are typical of homes within the community.

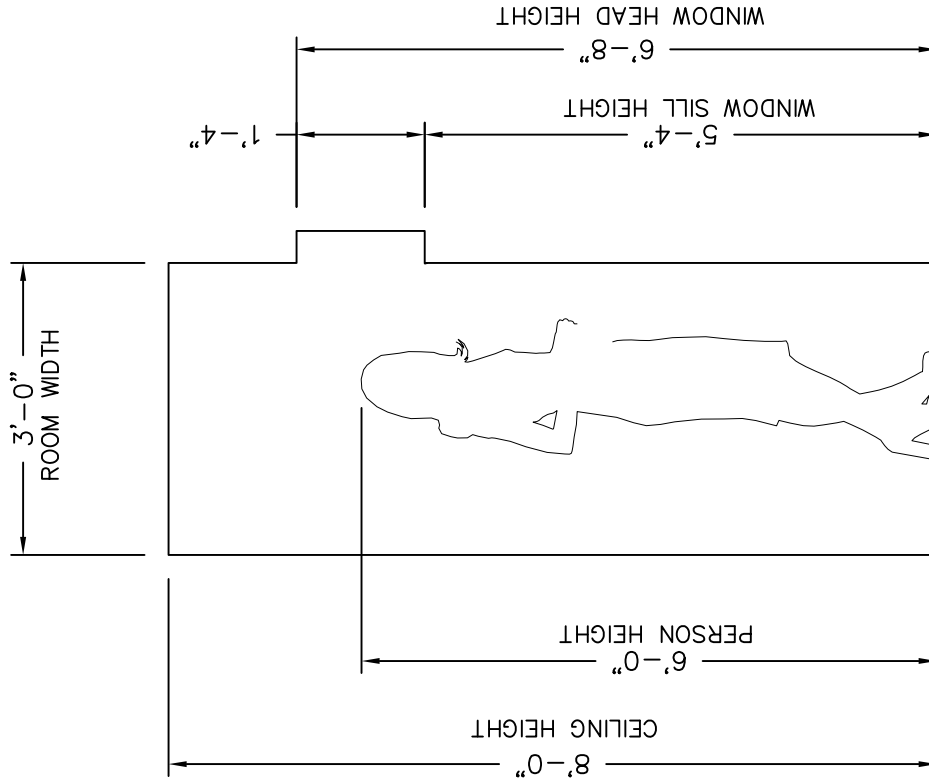
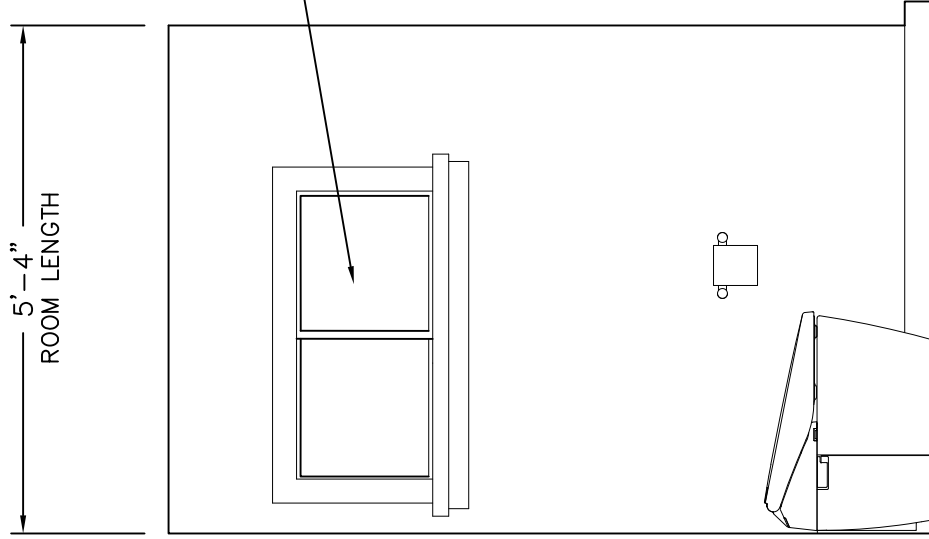
For these reasons, we respectfully request approval of the proposed project. Thank you for your consideration.

Greg Stowers

Stowers Associates | Architects

155 E. Campbell Ave., Suite 114 | Campbell CA 95008

3' x 1'4" SLIDER
WINDOW AT TOILET
ROOM. OWNER HAS
AGREED TO INSTALL
WINDOW COVERINGS
TO MATCH THE STYLE
OF THE REST OF THE
PRIMARY SUITE.



127 BELHAVEN RESIDENCE WINDOW AT PRIMARY BATHROOM TOILET ROOM

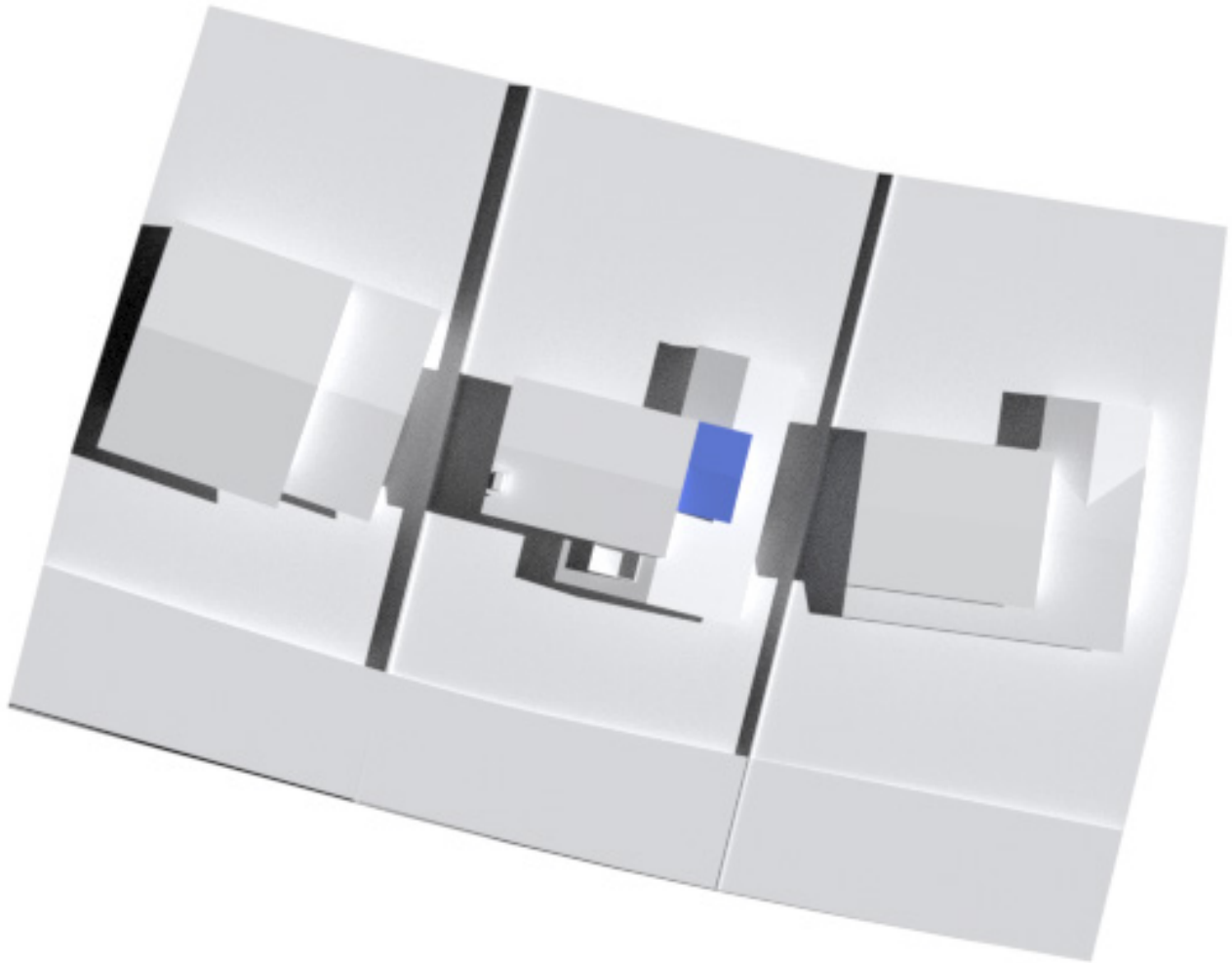
SCALE: 1/2" = 1'-0"

BUTCHER RESIDENCE SUN STUDY

127 BELHAVEN DRIVE, LOS GATOS

JUNE 21

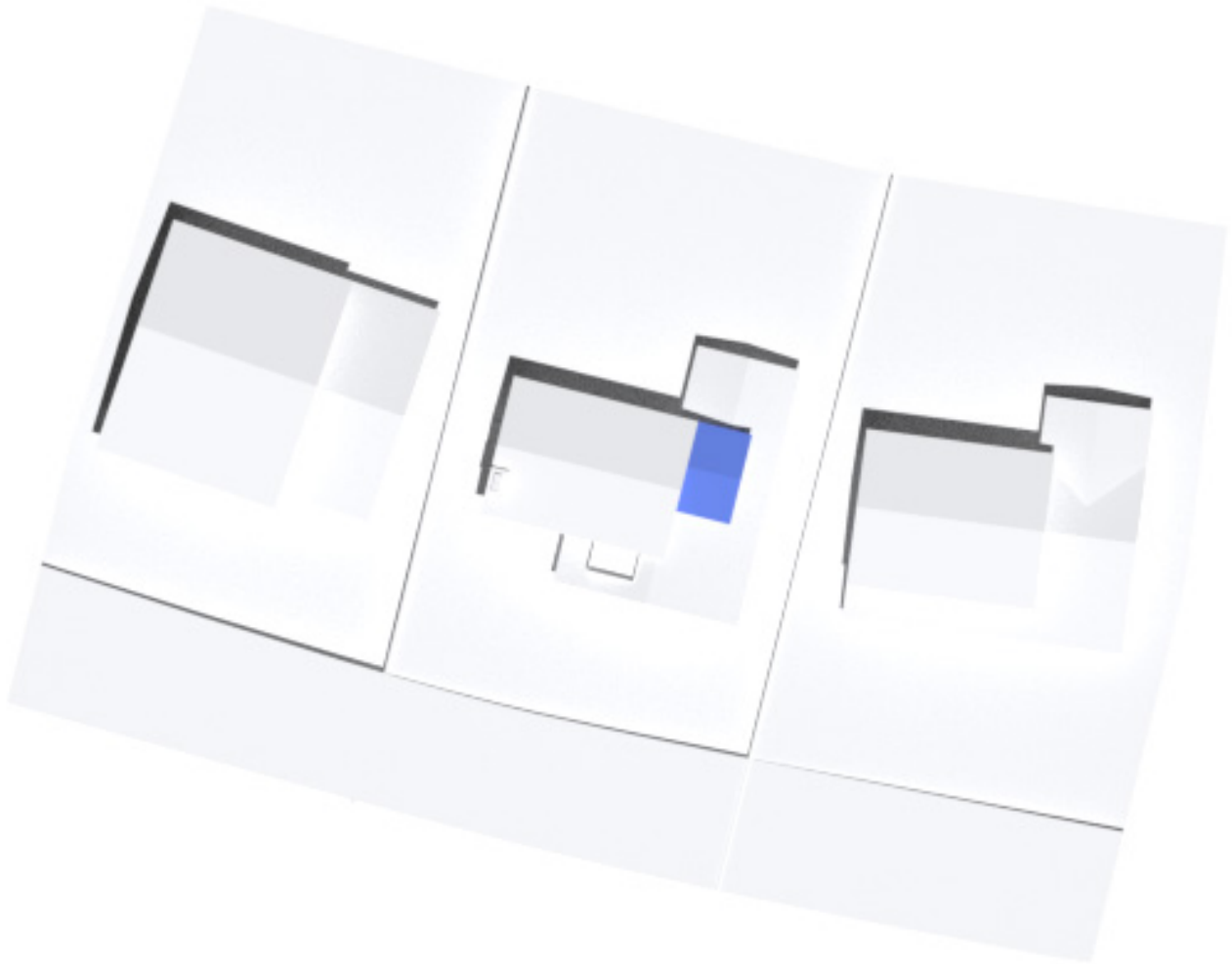
9:00 AM



BUTCHER RESIDENCE SUN STUDY

127 BELHAVEN DRIVE, LOS GATOS

JUNE 21
12:00 PM

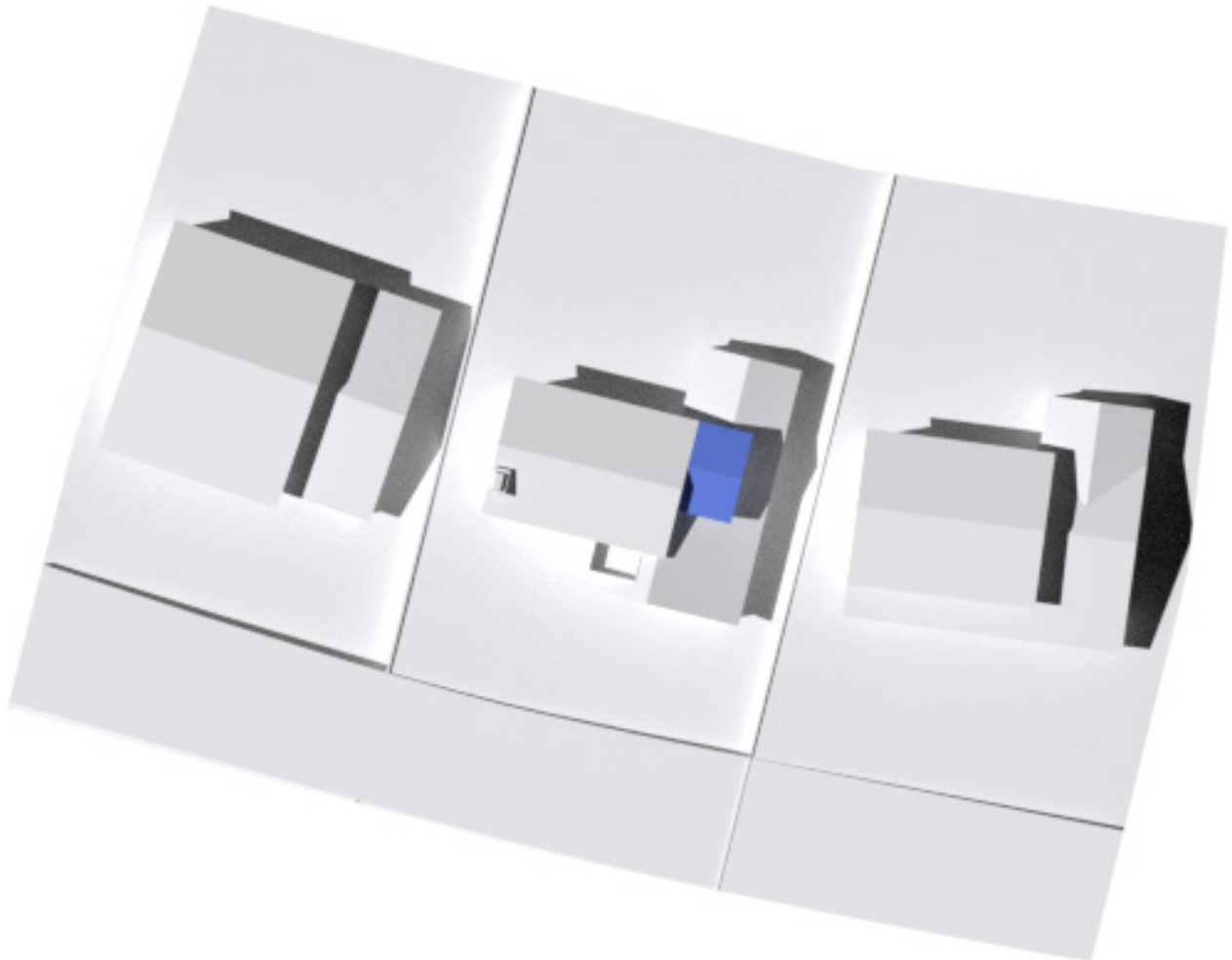


BUTCHER RESIDENCE SUN STUDY

127 BELHAVEN DRIVE, LOS GATOS

JUNE 21

3:00 PM

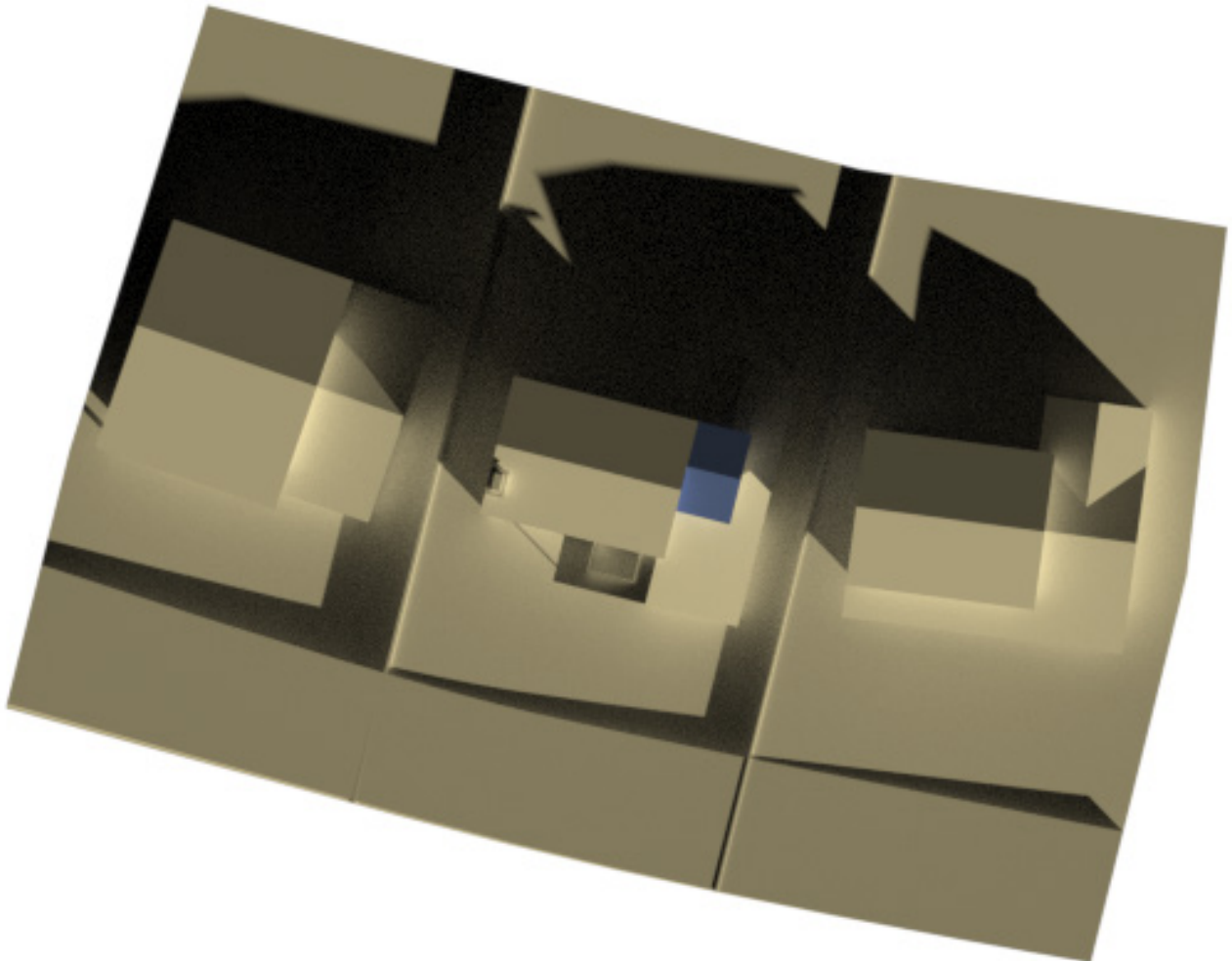


BUTCHER RESIDENCE SUN STUDY

127 BELHAVEN DRIVE, LOS GATOS

DECEMBER 21

9:00 AM

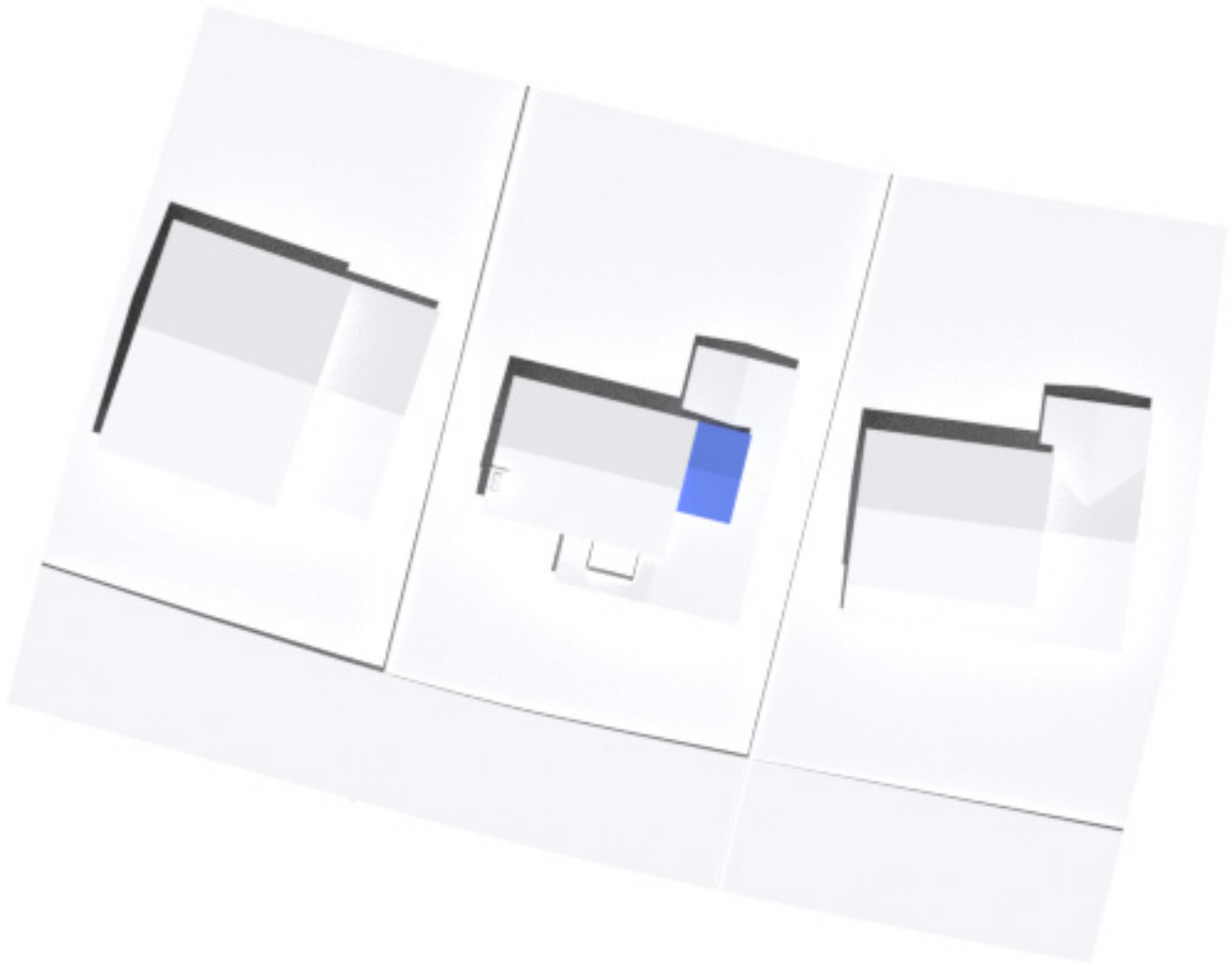


BUTCHER RESIDENCE SUN STUDY

127 BELHAVEN DRIVE, LOS GATOS

DECEMBER 21

12:00 PM

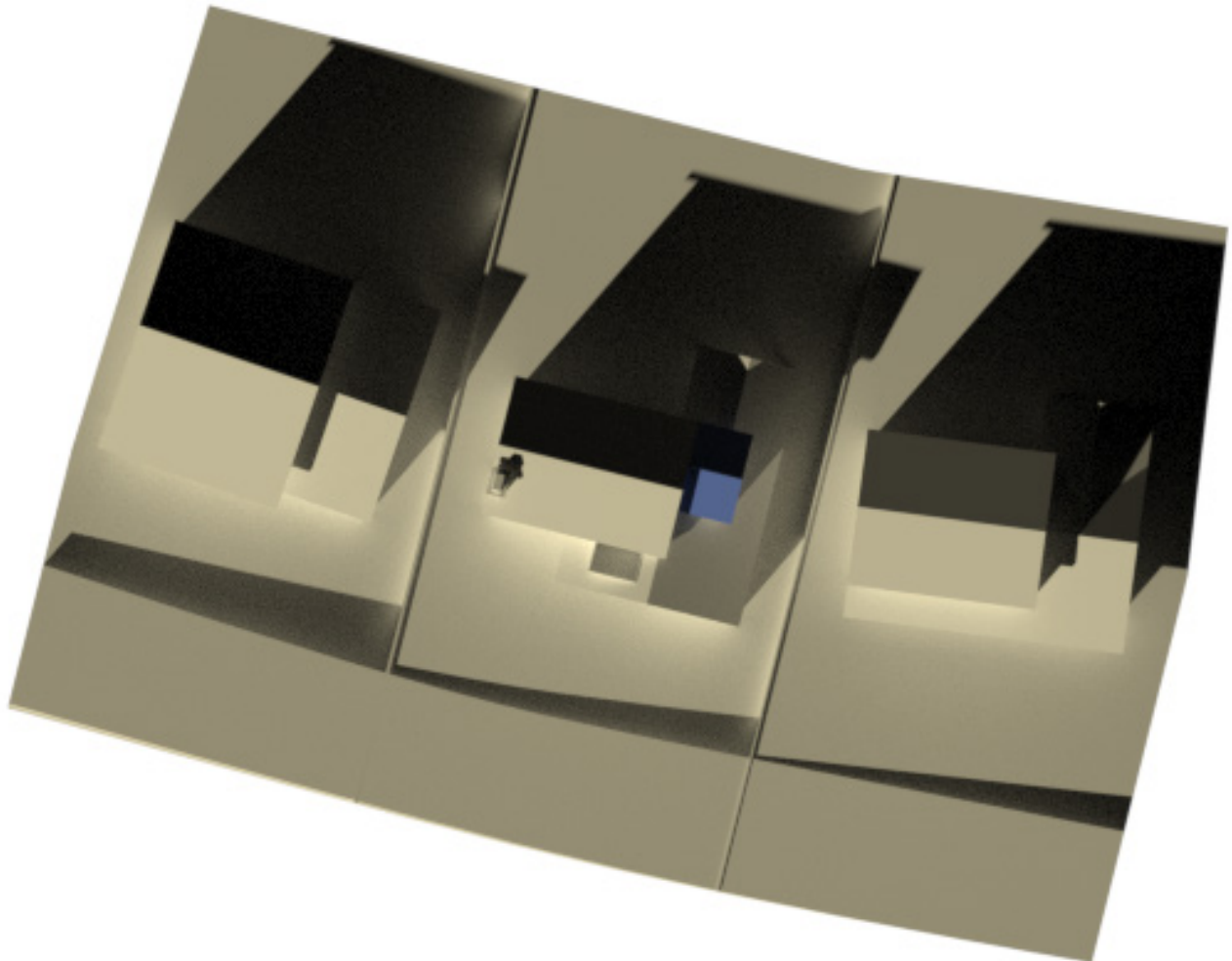


BUTCHER RESIDENCE SUN STUDY

127 BELHAVEN DRIVE, LOS GATOS

DECEMBER 21

3:00 PM





ARCHITECTURE PLANNING URBAN DESIGN

March 26, 2026

Mr. Suray Nathan
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

RE: 127 Belhaven Drive

Dear Suray:

I reviewed the drawings and evaluated the neighborhood context. My comments and recommendations on the design are as follows:

NEIGHBORHOOD CONTEXT

The site is located in an established neighborhood of one and two story traditional homes. Photos of the site and its surrounding neighborhood are shown on the following page.



6729 FAIRFIELD DRIVE
SANTA ROSA, CA 95409

TEL: (707) 843-5747
CDGPLAN@PACBELL.NET



THE SITE



House immediately across Belhaven Drive



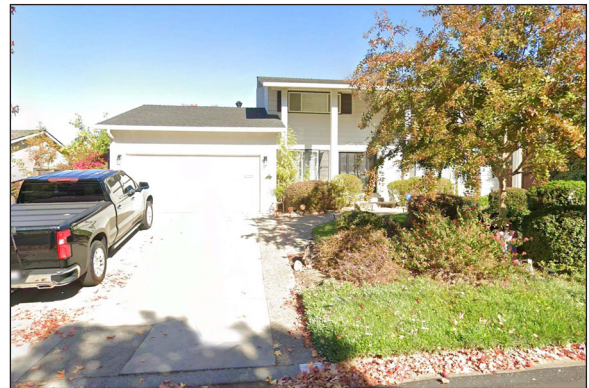
House immediately to the left



House immediately to the right



Nearby house to the left



Nearby house to the right

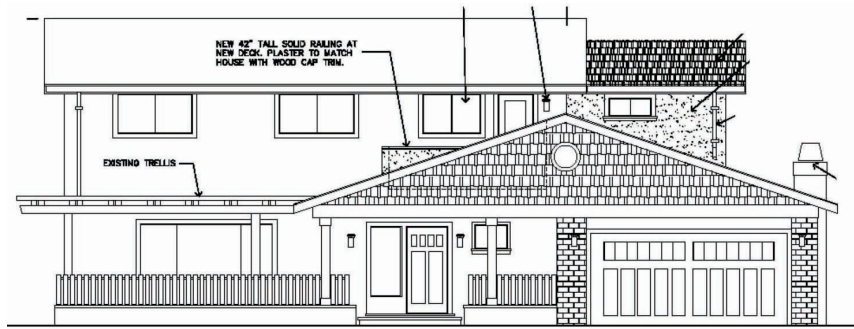


Nearby home across Belhaven Drive



Nearby house to the right

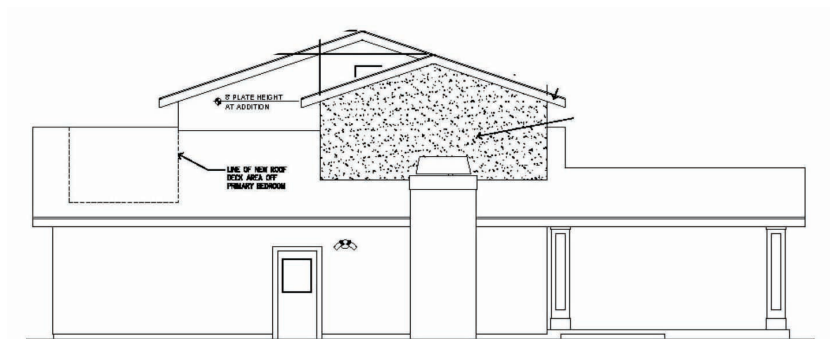
PROPOSED PROJECT



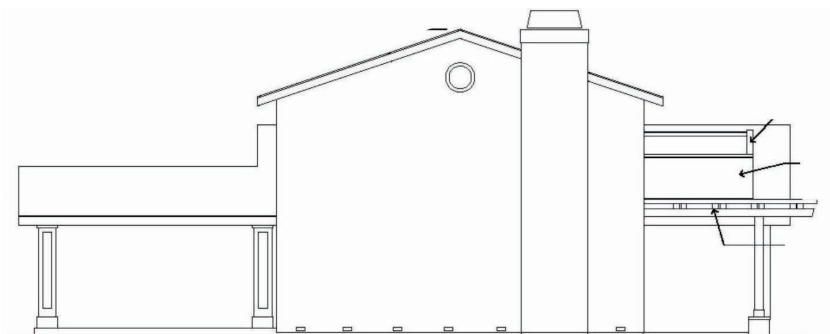
FRONT ELEVATION



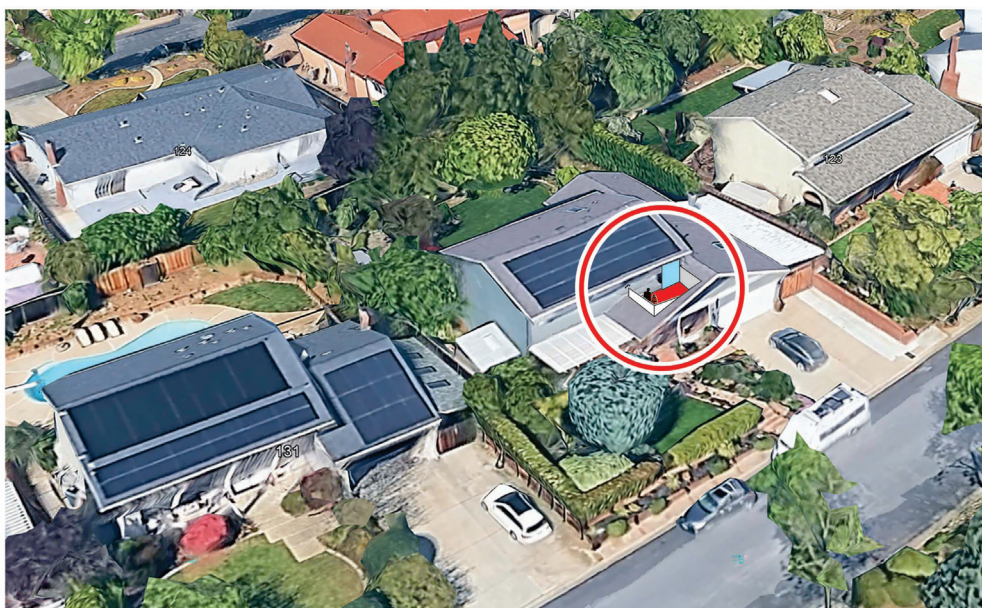
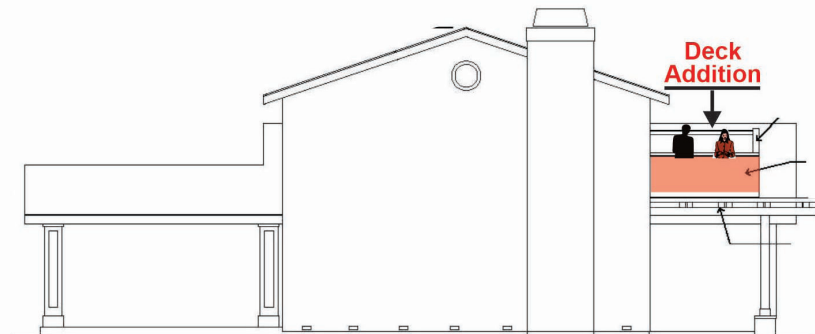
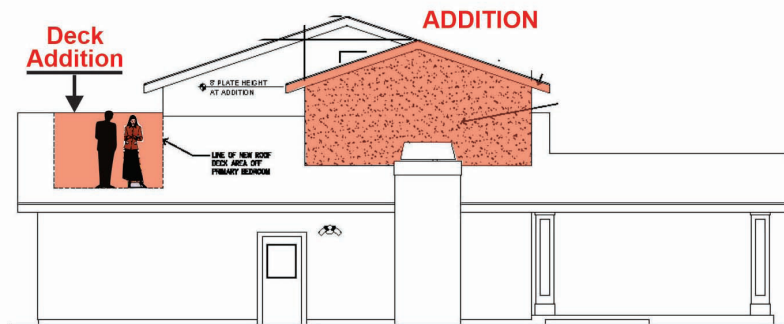
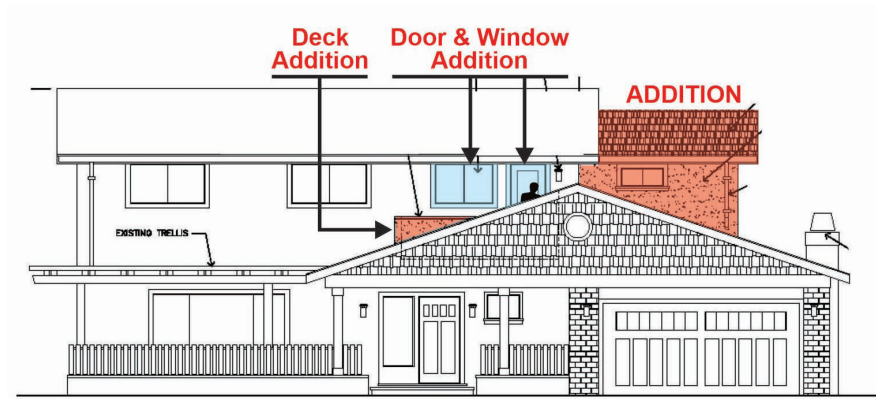
REAR ELEVATION



RIGHT SIDE ELEVATION



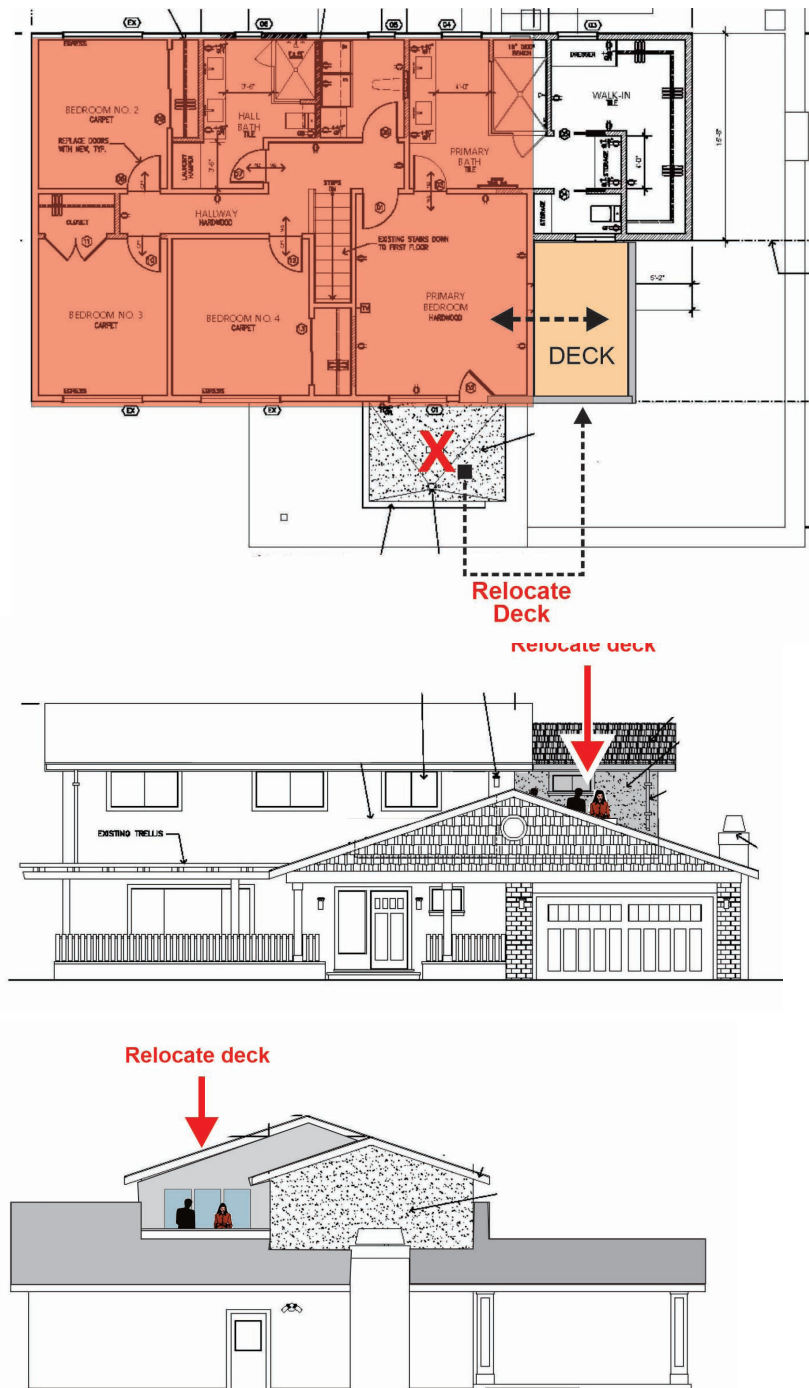
LEFT SIDE ELEVATION



RECOMMENDATIONS

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 facade as shown in the illustrations below. This would keep the front facade consistent with other homes in the immediate neighborhood, provide a more pleasant space for the homeowner, and would not create any privacy concerns for the adjacent home since its side facade 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.





Suray, please let me know if you have any questions or if there are any issues that I did not address.

Sincerely,

CANNON DESIGN GROUP

A handwritten signature in black ink, reading "Larry L. Cannon".

Larry L. Cannon

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CONSULTING ARCHITECT'S RECOMMENDATIONS

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 facade as shown in the illustrations below. This would keep the front facade consistent with other homes in the immediate neighborhood. provide a more pleasant space for the homeowner and would not create any privacy concerns for the adjacent home since its side facade 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'S RESPONSE

- A. 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.*
- B. The neighbors 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 site on the deck.*
- C. The deck is small, and primarily having the glass French door and the window will provide more light to the primary bedroom.*
- D. The primary goal of the deck is to capture the distant view of the hillsides that is available from the deck in this location.*
- E. 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% in alignment with homes in the neighborhood.*
- F. 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.*

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BPD-2959

PAID

MAY 29 2026

TOWN OF LOS GATOS

TOWN OF LOS GATOS

COMMUNITY DEVELOPMENT DEPARTMENT

110 E. Main Street
Los Gatos, CA 95030RECEIVED
TOWN OF LOS GATOS

MAY 29 2026

CLERK DEPARTMENT

**APPEAL OF THE DECISION OF
DIRECTOR OF COMMUNITY DEVELOPMENT****PLEASE TYPE or PRINT NEATLY**

I, the undersigned, do hereby appeal a decision of the DIRECTOR OF COMMUNITY DEVELOPMENT as follows:

DATE OF DECISION: May 22, 2026

PROJECT/APPLICATION: MR-26-005

LOCATION: 127 Belhaven Dr, Los Gatos, Ca 95032

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Planning Commission any decision of the Director.

Interested person means:

1. *Residential projects.* Any person or persons or entity or entities who own property or reside 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.
2. *Non-residential and mixed-use projects.* Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

LIST REASONS WHY THE APPEAL SHOULD BE GRANTED:

1. The Sun/Shade study used for approval was 100% inaccurate and did not account for impact to my sun access in my backyard

2. The analysis done for privacy impact was flawed and inaccurate and did not account for impact to my privacy

3. I have not been given with a valid sun/shade study as of 05/28 (Thu) and my deadline to appeal is 06/01 (Mon)

IMPORTANT:

1. Appeal must be filed not more than ten (10) days after the decision is rendered by the Director of Community Development. If the tenth (10th) day is a Saturday, Sunday, or Town holiday, then the appeal may be filed on the workday immediately following the tenth (10th) day. Appeals are due by 4:00 P.M. *If an appeal is filed on a Friday, they must be submitted by 1:00 P.M.*
2. The appeal shall be set for the first regular meeting of the Planning Commission which the business of the Planning Commission will permit, more than five (5) days after the date of the filing of the appeal. The Planning Commission may hear the matter anew and render a new decision in the matter.
3. You will be notified, in writing, of the appeal date.
4. Contact the project planner to determine what material is required to be submitted for the public hearing.

RETURN APPEAL FORM TO COMMUNITY DEVELOPMENT DEPARTMENT

PRINT NAME: SHARAD GANDHI

SIGNATURE:

DATE: 05/29/2026

ADDRESS: 123 Belhaven Dr, Los Gatos, Ca 95032

PHONE: [REDACTED]

EMAIL: [REDACTED]

OFFICE USE ONLY

DATE OF PLANNING COMMISSION HEARING: _____

COMMISSION ACTION:	1. _____	DATE: _____
	2. _____	DATE: _____
	3. _____	DATE: _____

PLAPPEAL \$ 271.00 Residential
 PLAPPEAL \$ 1081.00 Commercial
 PLAPPEAL \$ 110.00 Tree Appeals

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July 20, 2026

Chair and Members of the Los Gatos Planning Commission

Re: Appeal of MR-26-005 – 127 Belhaven Drive

Dear Chair and Members of the Planning Commission,

I am the owner of the adjacent property at 123 Belhaven Drive and the appellant for this project.

Since filing my appeal, I have continued working with Town staff and the project architect in an effort to resolve my concerns prior to the hearing. I appreciate the willingness of both to engage in that process.

Those discussions have resulted in several revisions to the project materials. The shadow study underwent multiple revisions, and the project architect subsequently acknowledged errors in earlier shadow study submissions before providing revised analyses and additional perspective views. While I appreciate those efforts, two concerns remain unresolved.

1. Window 02 – Privacy

Window 02 is proposed as a clear-glazed clerestory window serving a second-floor restroom.

The architect has proposed interior window coverings as a means of addressing my privacy concerns. While I appreciate that proposal, interior blinds or shades are occupant-controlled features that may be opened, removed, or replaced over time. As such, they do not provide a permanent architectural privacy solution.

Although the window is a high clerestory, its orientation provides outward views that include portions of my front patio. That site-specific relationship is the reason I have requested permanently obscured or frosted glazing rather than interior window coverings.

Because the window serves a restroom while also providing outward views toward a neighboring outdoor living space, permanently obscured or frosted glazing would preserve the functional purpose of the window while providing a permanent architectural privacy solution that appropriately balances the needs of the project with neighboring privacy.

2. Supporting Project Information

During the review process, the shadow study underwent multiple revisions to address the issues identified in earlier submissions. Although the revised analyses represent an improvement, I continue to believe the project record lacks sufficient objective, dimensioned information for neighboring property owners and the Planning Commission to independently understand and evaluate the analyses supporting the proposal.

Specifically, I have requested dimensioned drawings illustrating the relationship of the proposed second-story addition to the existing residence. Those drawings would provide an objective basis for evaluating both the proposed addition and the revised supporting analyses.

Requested Action

I respectfully request that the Planning Commission:

1. Require permanently obscured or frosted glazing for Window 02.
2. Request dimensioned plans and supporting drawings sufficient to independently evaluate the revised project analyses, including the shadow study and the relationship of the proposed second-story addition to the existing residence.
3. If additional plans or supporting materials are submitted in response to these requests, provide an opportunity for public review before the Commission takes final action on the project.

Thank you for your time and consideration.

Sincerely,

Sharad Gandhi

Attachment A – Supporting Analysis

Project: MR-26-005 – 127 Belhaven Drive

This attachment provides supporting information for the concerns summarized in my accompanying letter.

1. Window 02

Background

Following my June 18 comments, the project architect contacted me to discuss my concerns regarding Window 02.

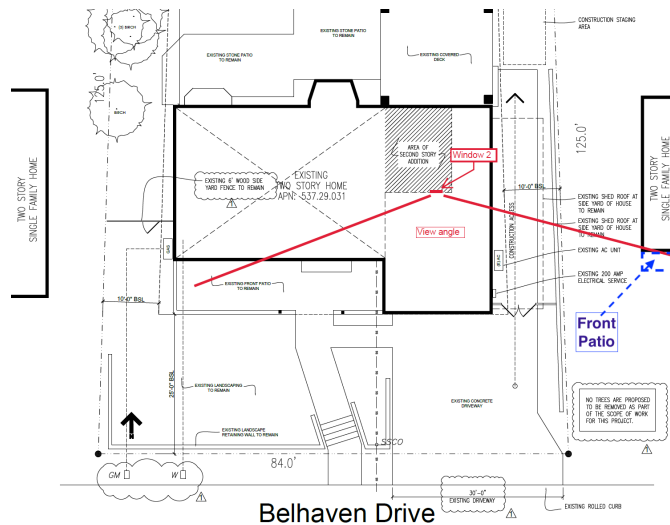
The proposed mitigation was the use of interior window coverings in lieu of permanently obscured glazing.

Remaining Concern

Although the window is a high clerestory, its orientation provides outward views that include portions of my front patio. Because that patio is a frequently used outdoor living space, the proposed clear glazing raises an ongoing privacy concern.

Interior blinds or shades are occupant-controlled features that may be opened, removed, or replaced over time. They therefore cannot provide a permanent architectural privacy mitigation.

Because the window serves a restroom while also providing outward views toward a neighboring outdoor living space, permanently obscured or frosted glazing would preserve the functional purpose of the window while providing a permanent architectural privacy solution.



2. Shadow Study Review

The shadow study underwent multiple revisions during the review process.

In subsequent correspondence, the project architect acknowledged errors in earlier shadow study submissions and provided revised shadow studies together with additional perspective views. I appreciate those efforts and recognize that the revised materials represent an improvement over the earlier submissions.

My remaining concern is not that revisions occurred. Revisions are a normal part of the planning process. Rather, after multiple revisions, the supporting materials still do not provide sufficient objective, dimensioned information for neighboring property owners or the Planning Commission to independently understand and evaluate the underlying project geometry used in the analyses.

For that reason, I continue to believe additional dimensioned drawings would materially improve the transparency and evaluability of the project record.

3. Supporting Information Requested

To facilitate an objective review of the project, I requested dimensioned drawings illustrating the relationship between:

- the proposed second-story addition;
- the existing residence;
- the existing garage; and
- the principal building edges relevant to the supporting analyses.

These drawings would provide an objective basis for understanding both the proposed addition and the revised analyses.

4. Project Review History

Project materials reviewed include:

June 3, 2026 Development Plan Set.

Revised shadow study submissions.

Revised perspective views.

Window Study.

Correspondence with Town staff.

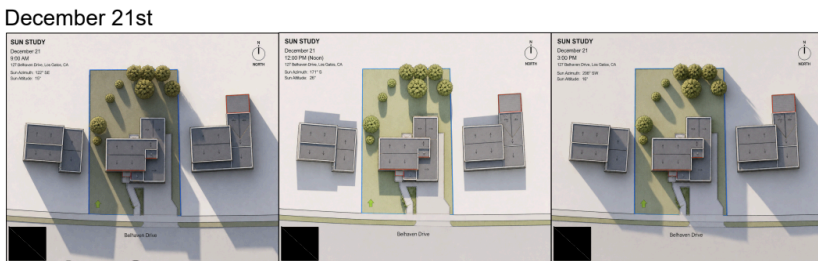
Correspondence with the project architect.

Attachment B - Timeline

Timeline of Revisions

2026-05-15

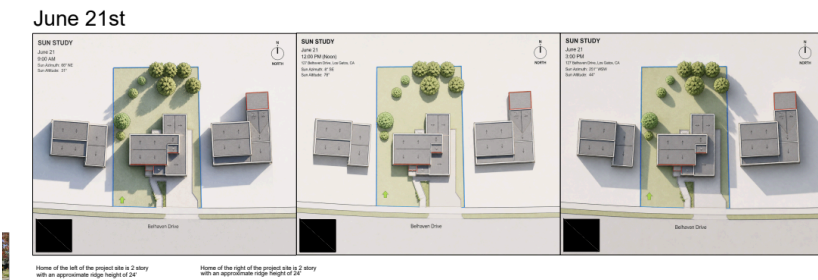
- Revision 1 of the shadow study which depicts shadows are oriented to the south which is not possible in the northern hemisphere and are seemingly impervious to movement of the sun from east to west.



- Unable to determine impact of project on my property
- Provided feedback to the planner

2026-05-19

- Revision 2 of the shadow study which is still incorrect and depicts shadows oriented to the south which are not possible in the northern hemisphere.



- Unable to determine impact of project on my property

- Provided feedback to the planner
- Provided photographs that confirm the incorrect depiction of shadows

2026-05-21

- Revision 3 : Received satellite images showing the current shadow patterns which confirm that shadows specially on Dec 21 at 3PM are oriented to the north east and into my backyard. However these do not include the proposed additions and their impact.



- Unable to determine impact of project on my property
- Provided feedback to the planner

2026-05-27

- Phone discussion with neighbor highlighting my concerns about the privacy impact of Window 02 and the incorrect shadow study that do not allow review of expected impact of the project.
- The neighbor mentioned that he expects Window 02 to use frosted glass for privacy as it is in the toilet area of the bathroom and intended to provide light.
- Phone discussion only.

2026-05-29

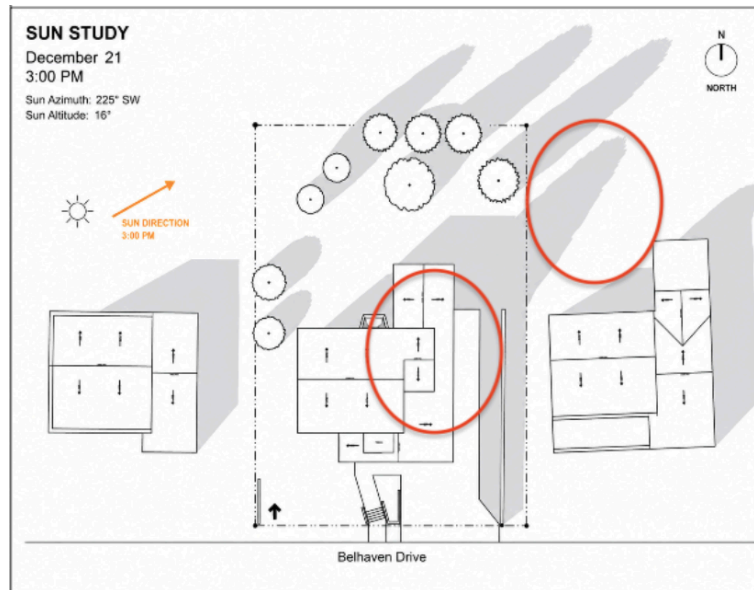
- Met with the Planning Director to discuss my concerns around the privacy impact of the project and also discuss the errors in the plan with the shadow study and depiction of Windows 03 and 04 as clerestory when they are not.
- Filed formal appeal as there was still no accurate shadow study provided and the questions around the privacy impact remained unresolved.
- Received updated documents from the applicant via planner that included
 - Revision 4 of the shadow study
 - Plans which show Window 02 as clear glass which was not aligned with the phone discussion on 2026-05-27

2026-06-02

- Deadline to file formal appeal

2026-06-03

- Revision 4 of the shadow study
 - Does not show any shadows cast by the proposed new addition
 - Depicts ghost tree shadows that significantly overlap where the shadow impact of new addition to my property would be.
 - Satellite images submitted in revision 3 confirm there is no such shadow
 - Additional errors like driveway casting shadow, some features casting shadows both towards and away from the sun



- Unable to determine impact of project on my property
- Provided feedback to the planner

2026-06-04

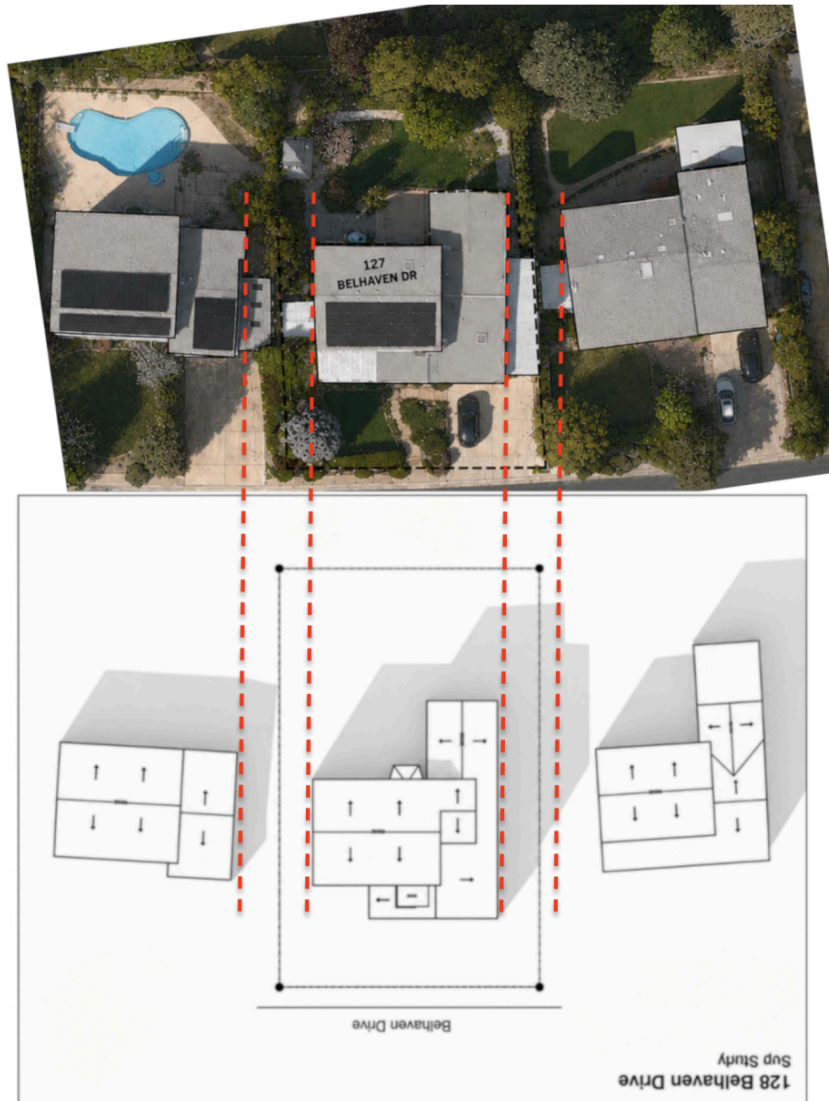
- The project plan is corrected to show Windows 03 and 04 as non clerestory.
- The applicant mentioned the reason for Window 02 clear glass is to have a view of the hills.
- Provided initial feedback to the planner regarding privacy impact of window 02. The intent for the window to provide outside views also includes views into my front patio and thus the privacy concerns.

2026-06-04 > 2026-06-18

- Discussion over email regarding my initial feedback and request from the applicant for my complete analysis and feedback via the planner.

2026-06-19

- Provided detailed feedback to the planner after doing an analysis of the submitted docs via the document titled "MR-26-005 Feedback - 2026-06-18.pdf"
- Revision 5 of the shadow study
 - The underlying site layout depicting the relation between 127 belhaven dr and 123 belhaven dr appears to show a much larger distance between the properties affecting my ability to evaluate the resulting privacy, shadow and massing analyses



○

2026-06-24

- Received confirmation from the planner of receipt of my feedback
- The planner mentioned that they encouraged the applicant to reach out directly to discuss

2026-06-26

- Received email from the applicant
 - The applicant acknowledged the errors with the shadow studies
 - The applicant offered the use of window coverings on window 02 to try and address my privacy concerns
 - The applicant provided new renderings of perspective views of the proposed addition and Revision 6 of a shadow study.

2026-06-30

- Responded to the applicant
 - Requesting permanently obscured or frosted glazing for Window 02 to solve the privacy concerns as window coverings can be opened, removed, or changed over time.
 - The additional perspective views and revised sun study help illustrate the design intent. However, they do not address the primary concern I raised in Item 2 of my June 18 letter regarding the underlying spatial relationship between the properties.
 - Because the perspective views and sun study do not include dimensioned site information, I am unable to independently verify that the physical layout used in the model accurately reflects the existing conditions. To better understand and evaluate the study, I would appreciate a dimensioned 2D site plan showing the proposed second-story addition relative to the existing structures, including the relevant distances from the proposed addition to the existing exterior walls and other building edges.
 - Once the underlying site geometry is clear, it will be much easier to evaluate the shadow analysis with confidence.
 - The shadows depicted in Revision 6 do not appear to be aligned with what is shown in the satellite images provided on 05/21. However the lack of dimensioned site information makes it hard to evaluate impact.

Summary

The timeline demonstrates that the shadow study underwent repeated revisions, culminating in the project architect acknowledging earlier errors and providing revised analyses. Despite those improvements, my request for dimensioned supporting information remains outstanding.

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July 20, 2026

127 Belhaven Drive
Minor Residential Application MR-26-005
Response to Appellant Letter

The following is the written response to the letter of Sharad Gandhi dated July 20, 2026:

1. Concern for Loss of Privacy from Primary Toilet Room Window

As stated in our letter of justification, the window in question is a 3-foot by 1-foot 4-inch clerestory window located within the enclosed toilet room of the new primary bathroom. This window is on the south elevation of the home and faces towards the street. The sill height is approximately 5 feet 4 inches above the finished floor.

As previously mentioned, the compromise for the frosted glass at this window is not acceptable to the owners for the following reasons:

1. The owner's desire to have all the new windows maintain the same glass type of the balance of the windows of the home.
2. The window is not a primary view window of a major space, but the clerestory window does provide for a glimpse of a view towards the adjacent mountains of the Heitz Open Space. Having frosted glass would eliminate this. Just as the neighbor has a right to have windows on the front of their home towards the street, the Butcher's have this same right.
3. The owner is expressing concern for a privacy for an outdoor space located in their front yard that is open to the public street and right-of-way.
4. We believe that the neighbor's request for frosted glass in this situation is an over reach for a condition that exists on every home in the neighborhood.

As previously agreed to, the owners are willing to install window coverings consistent with those proposed throughout the primary suite.

2. Concern for Sun/Shade Study

I understand the neighbor's concern for the contradictions in the sun-study, and I admit that there were errors in the original sun-study that was included on the plans. Subsequent studies were developed as an attempt for a quick response to the neighbor while I was out of the office and traveling abroad without access to my full systems. I have spoken directly with the neighbor and have apologized for the errors and the confusion. Upon returning from vacation, I completely rebuilt the computer model of the homes to verify dimensions and regenerated the sun-studies for the project. These are included on the plan set and they are accurate. This updated study has been provided to the neighbor.

Brand Office
155 E. Campbell Ave, Suite 114
Campbell CA 95008

Patterson Bldg, Suite 5
6th Street (Between Delores and Lincoln)
Carmel-by-the-Sea

The sun study shows that the house and addition have no impact on the neighbor's home and property. Providing additional dimensions as the neighbor is requesting will not change the results. We feel this request will only cause additional delay and allow the neighbor to continue to obstruct the project moving forward.

The plans for the renovations were developed from taking accurate dimensions with a laser tape measure. These dimensions are noted on the site plan for the existing house to the property lines. As the proposed project does not reduce any of the existing building setbacks, it did not justify the owner spending an additional \$6,000 for the development of a boundary map by a civil engineer which would be the next step to give the neighbor all the information he is asking for.

Summary:

The proposed project is in full compliance with the Town's zoning ordinance. It does not violate, or even change, the buildings setbacks from the property lines or the building height. This small addition is not out of scale with the existing house and does not push the home to be out of scale with the other homes in the neighborhood. The design of the project is in balance with the existing architecture and blends into the massing of the home smoothly and has already been designed with the neighbor's privacy in mind.

We feel that the neighbors request for frosted glass is an overreach and the request for additional information and time to analyze the sun-study is just to allow for the continued delay of the project, causing additional hardship on the owners beyond what has already occurred.

We request that the Planning Commission approve the project as designed.

Greg Stowers

Stowers Associates | Architects

155 E. Campbell Ave., Suite 114 | Campbell CA 95008

Summary of neighbor outreach for Project PC-MR-26-005 at 127 Belhaven Drive

In May 2026, we spoke with Neil and Joy Storey at [REDACTED] explaining our project. They expressed verbal support to us for the project. We followed that up in the same week with a letter that included our project reference number as well. In July, we connected with them again explaining the appeal we have received and they have subsequently written a letter of support to the town. Shared with Suray Nathan via email before July 8th.

In May 2026, we spoke with Dorothy Smith at [REDACTED] explaining our project. She expressed verbal support to us for the project. We followed that up in the same week with a letter that included our project reference number as well. In July, we connected with her again explaining the appeal we have received and she has subsequently written a letter of support to the town. Shared with Suray Nathan via email before July 8th.

In May 2026, we spoke with Jason Xie at [REDACTED] explaining our project. He expressed verbal support to us for the project. We followed that up in the same week with a letter that included our project reference number as well. In July, we connected with him again explaining the appeal we have received and he has subsequently written a letter of support to the town. Shared with Suray Nathan via email before July 8th.

In May 2026, we spoke with Karthik Thyagarajan at [REDACTED] explaining our project. He expressed verbal support to us for the project. We followed that up in the same week with a letter that included our project reference number as well. In July, we connected with him again explaining the appeal we have received and he has subsequently written a letter of support to the town. Shared with Suray Nathan via email before July 8th.

In May 2026, we spoke with Dennis Hong at [REDACTED] explaining our project. He expressed verbal support to us for the project. We followed that up in the same week with a letter that included our project reference number as well. In July, we connected with him again explaining the appeal we have received and he has subsequently written a letter of support to the town. Shared with Suray Nathan via email before July 8th.

In May 2026, we spoke with Sharad Gandhi of [REDACTED] explaining our project. In June, I followed up to hear his concerns and assured him privacy was a top concern for us and our bathroom window would be protected with a window covering. He later filed an appeal with the town against our project.

In May of 2026, we spoke with Amy and Phil Johnson at [REDACTED] explaining our project. They expressed verbal support to us for the project. In July, we connected with them again explaining the appeal we have received and they have subsequently

written a letter of support to the town. Shared with Suray Nathan via email before July 8th.

In May of 2026, we spoke with Eleanor Stewart at [REDACTED] explaining our project. She expressed verbal support to us for the project. In July, we connected with her again explaining the appeal we have received and she has subsequently written a letter of support to the town. Shared with Suray Nathan via email before July 8th.

In May 2026, we sent a letter to Sterpetti Corrado at [REDACTED] explaining our project, including our project reference number, we did not hear back from them.

In May 2026, we sent a letter to the occupant at [REDACTED] explaining our project, including our project reference number, we did not hear back from them.

In May 2026, we sent a letter to Janet Adcock, owner of [REDACTED] explaining our project, including our project reference number, we did not hear back from her.

In May 2026, we sent a letter to Charles and Holly Page at [REDACTED] explaining our project, including our project reference number, we did not hear back from them.

In May 2026, we sent a letter to Sun Bing and Zhang Jing at [REDACTED] explaining our project, including our project reference number, we did not hear back from them.

In May 2026, we sent a letter to Jeffrey and Silvia Lee at [REDACTED] explaining our project, including our project reference number, we did not hear back from them.

Butcher Residence

RENOVATION AND ADDITION 127 BELHAVEN DRIVE, LOS GATOS

APN: 527.29.031



155 E. Campbell Avenue #114
Campbell, CA 95008

Greg Stowers
greg@stowersassociates.com
PHONE: 408.358.5488
CELL: 408.406.6048

WWW.STOWERSASSOCIATES.COM

Greg Stowers

residential remodel
127 BELHAVEN DRIVE
LOS GATOS CA 95032

ISSUE	DATE
Permit Submittal	02.16.2026
Planning Res #1	04.10.2026
Planning Res #1	05.05.2026
Planning Res #2	06.02.2026

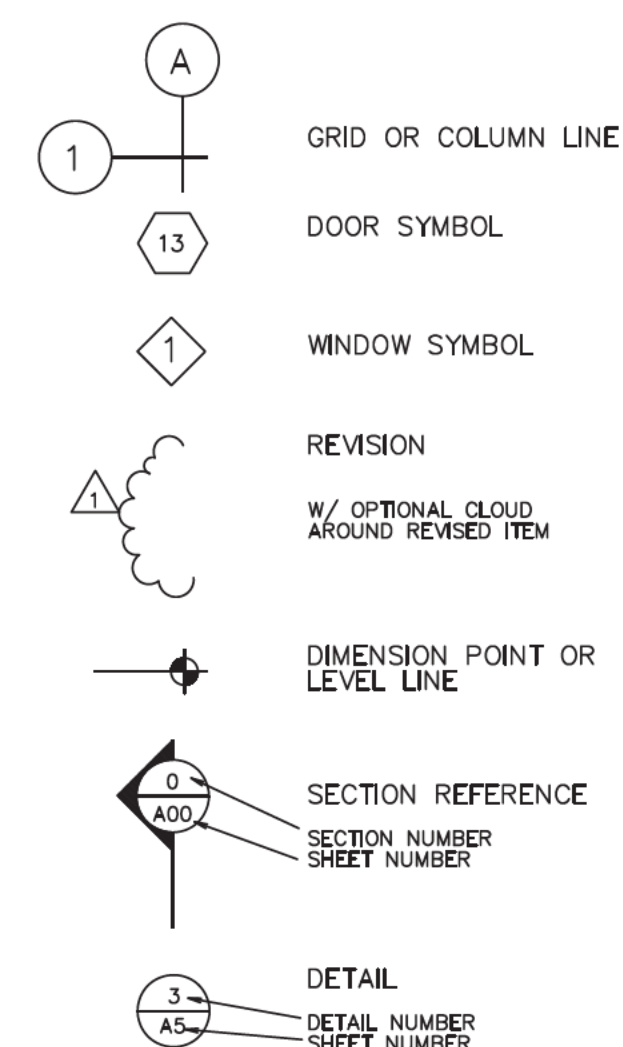
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JOB NO.	2025.12
DRAWN BY	GTS
SCALE	AS NOTED

TITLE SHEET

A0.1

SYMBOLS



PROJECT SUMMARY

OCCUPANCY TYPE: R3 / U
BUILDING CONSTRUCTION TYPE: V-B (NON-RATED)
PARCEL NUMBER : 527.29.031
ZONING DISTRICT: R-1-10
LOT AREA: 10,002 SQ. FT.
FIRE SPRINKLERS: NO
STORIES: TWO

FAR: 3,299sf / 10,002sf
.329 OR 33% FAR

BUILDING CODES

2025 California Building Standards

- CALIFORNIA BUILDING CODE (CBC)
- CALIFORNIA RESIDENTIAL CODE (CRC)
- CALIFORNIA ELECTRICAL CODE (CEC)
- CALIFORNIA MECHANICAL CODE (CMC)
- CALIFORNIA PLUMBING CODE (CPC)
- CALIFORNIA ENERGY CODE (TITLE 24, PART 6)
- CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN)
- CALIFORNIA FIRE CODE (CFC)
- CALIFORNIA EXISTING BUILDING CODE (CEBC)
- CALIFORNIA ADMINISTRATIVE CODE (TITLE 24, PART 1)
- CALIFORNIA REFERENCED STANDARDS CODE (TITLE 24, PART 12)
- LOCAL AMENDMENTS AND ORDINANCES OF THE TOWN OF LOS GATOS

GENERAL NOTES

- The "General Conditions of the Contract for Construction", AIA Document A201, latest edition, all inclusions a part of this Contract. This document may be examined at the Architect's office.
- Provide an emergency telephone on the job prior to any construction.
- Any errors or omissions found in the drawings shall be immediately brought to the attention of the Architect.
- Existing construction indicated is for information only. It is the Contractor's responsibility to verify the actual conditions, locations, and dimensions and to notify the Architect of any discrepancies or omissions in these conditions before commencing any new work in areas affected by these existing conditions.
- Contractor shall be responsible for providing all materials and workmanship in accordance with all applicable federal, state, and local laws, codes, ordinances, and regulations.
- Do not scale plans. If dimensions are found to be missing or inaccurate, immediately contact the Architect for clarification.
- These plans are the sole property of the Architect. The unauthorized reproduction or use of these plans is illegal and the Architect disclaims any responsibility for their unauthorized use.
- Protect the area and all new and existing materials and finishes from damage which may occur during construction.
- Remove rubbish and waste materials regularly during construction and leave the area clear and ready for use when finished.
- All warranties due to the Owner shall be forwarded in triplicate form to the Contractor upon completion of the job, with no exceptions.
- Changes in the design or materials will not be accepted without authorization from the Architect and Owner.
- Subcontractors shall submit as-built drawings to the Contractor upon completion of work.
- All construction shall comply with City and State of California building codes.
- Job is to be completed in a workman-like manner (i.e. installations to be uniform, square and to specified dimensions, fasteners to be of sufficient color and texture with complete coverage; use drop cloths, masking, etc. to eliminate paint spatter).
- All systems are to be operational per manufacturer's tolerances upon completion of construction.

PROJECT DIRECTORY

OWNER CONTACT	JEREMY BUTCHER 127 BELHAVEN DRIVE LOS GATOS, CA 95032 PHONE: [REDACTED] EMAIL: [REDACTED]
DESIGN	GREG STOWERS STOWERS ASSOCIATES ARCHITECTS 155 E. CAMPBELL AVENUE, SUITE 114 CAMPBELL, CA 95008 PHONE: 408.358.5488 CELL: 408.406.6048 EMAIL: GREG@STOWERSASSOCIATES.COM
STRUCTURAL	ASHUR ABASSI BETTA GROUP STRUCTURAL ENGINEERS 2053 LINCOLN AVENUE, SUITE A SAN JOSE, CA 95125 PHONE: 408.267.7190 FAX: 408.267.7196 EMAIL: BETTAGROUP@SBCGLOBAL.NET

AREA CALCULATIONS

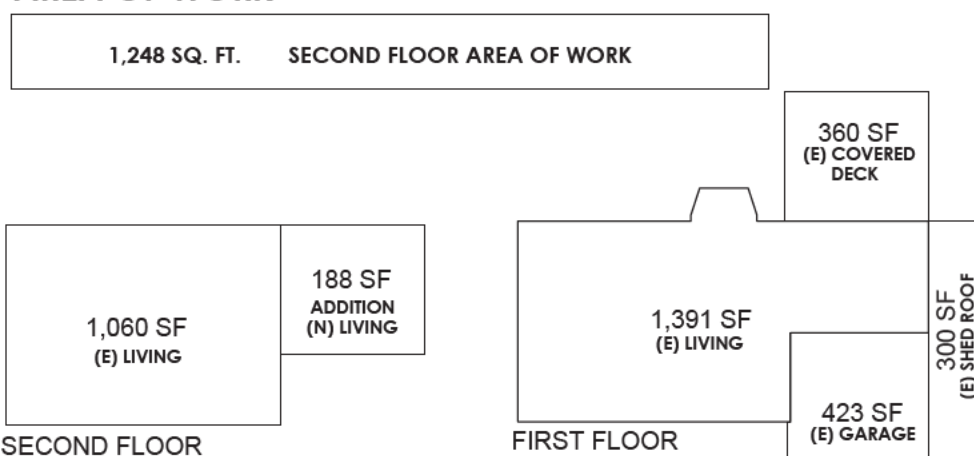
SQUARE FOOTAGE SUMMARY

	EXISTING	ADDED	TOTALS
UPPER LEVEL	1,060 SQ. FT.	188 SQ. FT.	1,248 SQ. FT.
LOWER LEVEL	1,391 SQ. FT.	0 SQ. FT.	1,391 SQ. FT.
TOTAL	2,451 SQ. FT.	188 SQ. FT.	2,639 SQ. FT.

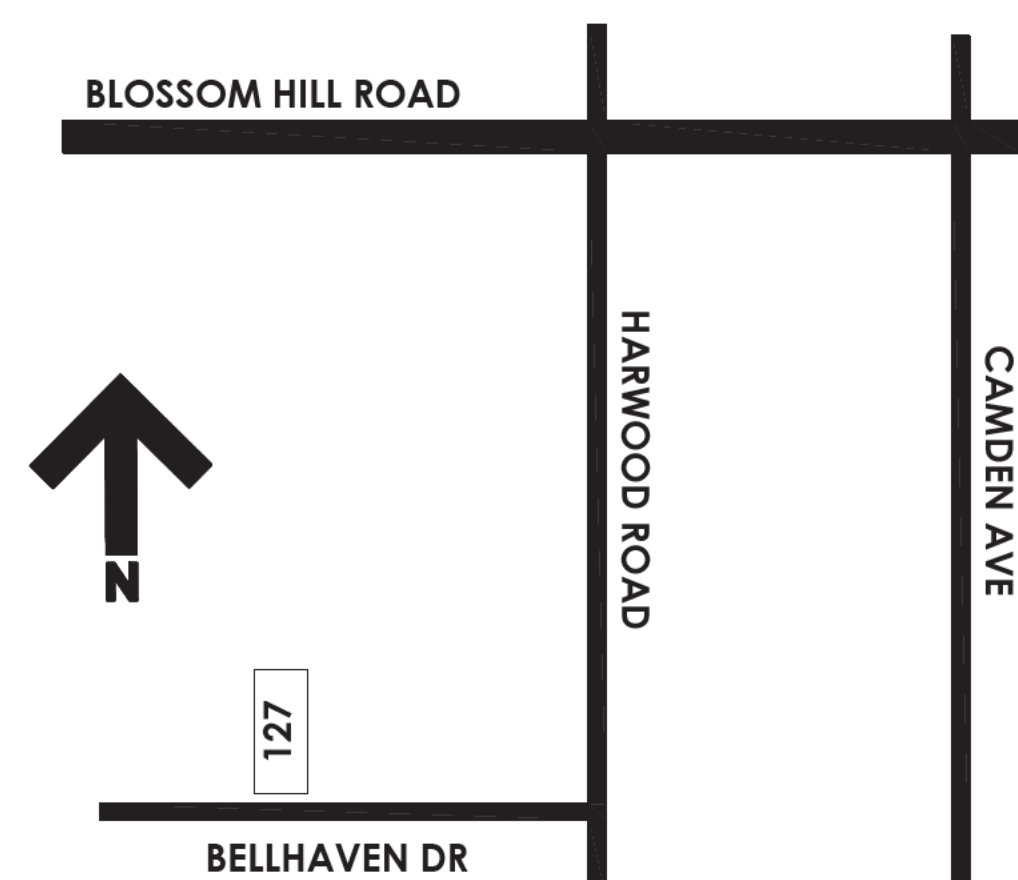
	EXISTING	ADDED	TOTALS
ATTACHED GARAGE	423 SQ. FT.	0 SQ. FT.	423 SQ. FT.

	EXISTING	ADDED	TOTALS
COVERED REAR DECK	360 SQ. FT.	0 SQ. FT.	360 SQ. FT.
SIDE YARD SHED ROOF	300 SQ. FT.	0 SQ. FT.	300 SQ. FT.
2nd FLOOR ROOF DECK	0 SQ. FT.	88 SQ. FT.	88 SQ. FT.

AREA OF WORK



VICINITY MAP



DRAWING INDEX

- A0.1 COVER SHEET
- A0.2 PLANNING CONDITIONS OF APPROVAL
- A1.1 SITE PLAN / EXISTING FLOOR / DEMOLITION PLAN
- A2.1 SECOND FLOOR - PROPOSED FLOOR PLAN / DOOR SCHEDULE
- A3.1 REFLECTED CEILING PLAN
- A4.1 ROOF PLAN
- A5.1 EXISTING EXTERIOR ELEVATIONS / WINDOW SCHEDULE
- A5.2 PROPOSED EXTERIOR ELEVATIONS
- A5.3 PROPOSED EXTERIOR ELEVATIONS
- A5.4 STREETSCAPE / SUN STUDIES / PERSPECTIVE RENDERINGS

WRITTEN SCOPE

- REMODEL AND ADDITION TO EXISTING SECOND FLOOR OF SINGLE FAMILY HOME TO INCLUDE:
- NEW 188 SQUARE FOOT ADDITION TO CREATE NEW PRIMARY BATHROOM.
 - REMODEL EXISTING HALL BATHROOM.
 - CREATE NEW LAUNDRY ROOM.
 - MODIFY EXISTING PRIMARY BEDROOM TO ADD ROOF DECK AREA.
 - NEW LIGHTING THROUGHOUT ENTIRE SECOND STORY OF HOME.
 - NEW WINDOWS AT BATHROOM, LAUNDRY ROOM, PRIMARY BEDROOM AND PRIMARY BATH.
 - MODIFY EXISTING ELECTRICAL PANEL AS REQUIRED FOR NEW ELECTRICAL LOADS.
 - EXISTING HVAC SYSTEM TO REMAIN - MODIFY DUCTS AS REQUIRED TO COVER NEW SQUARE FOOTAGE.
 - EXISTING WATER HEATER TO REMAIN.
 - NEW FLOORING, TRIM, DOORS AND FRAMES AT SECOND FLOOR.

PLUMBING FIXTURES

VERIFICATION OF REPLACEMENT OF ALL EXISTING TO REMAIN NON-COMPLIANT PLUMBING FIXTURES WITH WATER-CONSERVING PLUMBING FIXTURES AS SPECIFIED IN CIVIL CODE SECTION 1101.1-1101.8 SHALL BE PROVIDED TO THE TOWN BUILDING INSPECTOR, PRIOR TO FINAL INSPECTION. THIS REQUIREMENT APPLIES TO ALL EXISTING TO REMAIN PLUMBING FIXTURES LOCATED WITHIN THE STRUCTURE UNDER THE SCOPE OF THIS PERMIT.

- FIXTURE FLOW SHALL BE AS FOLLOWS:
- 1.6 GALLONS PER FLUSH FOR TOILETS
 - 1.0 GALLONS PER FLUSH FOR URINALS
 - 2.5 GPM AT 80 PSI FOR SHOWERHEAD
 - 2.2 GPM AT 60 PSI FOR INTERIOR FAUCETS

ADVISORY: THIS APPLIES TO EXISTING PLUMBING FIXTURES ONLY. ALL NEW PLUMBING FIXTURES MUST COMPLY WITH THE REDUCED FLOW RATES AS LISTED ON SHEET A3.

LUMINAIRE SCHEDULE

THE BUILDER MUST PROVIDE THE HOMEOWNER WITH A LUMINAIRE SCHEDULE (AS REQUIRED IN TITLE 24 CALIFORNIA CODE OF REGULATIONS THAT INCLUDES A LIST OF LAMPS INSTALLED IN THE LUMINAIRES.

BACK-FLOW VALVE

PROJECT SCOPE TO INCLUDE THE INSTALLATION OF AN APPROVED BACKWATER VALVE AS REQUIRED BY TOWN CODE SECTION 6.40.020. BACKWATER VALVE SHALL BE INSTALLED ON DRAINAGE PIPING SERVING FIXTURES THAT HAVE FLOOD LEVEL RIMS LESS THAN 12-INCHES ABOVE THE ELEVATION OF THE NEXT UPSTREAM MANHOLE. CPC 710.0

residential remodel

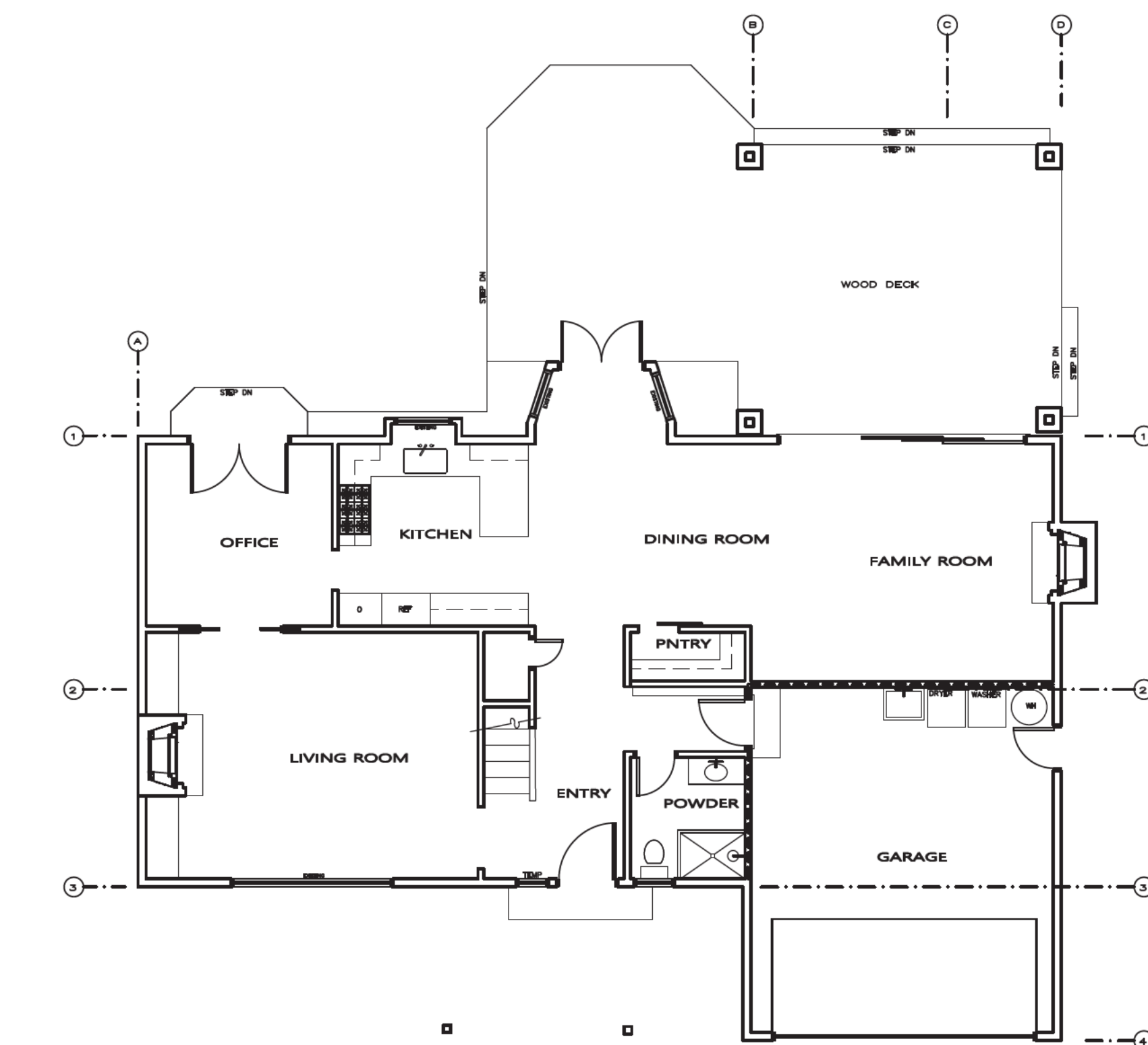
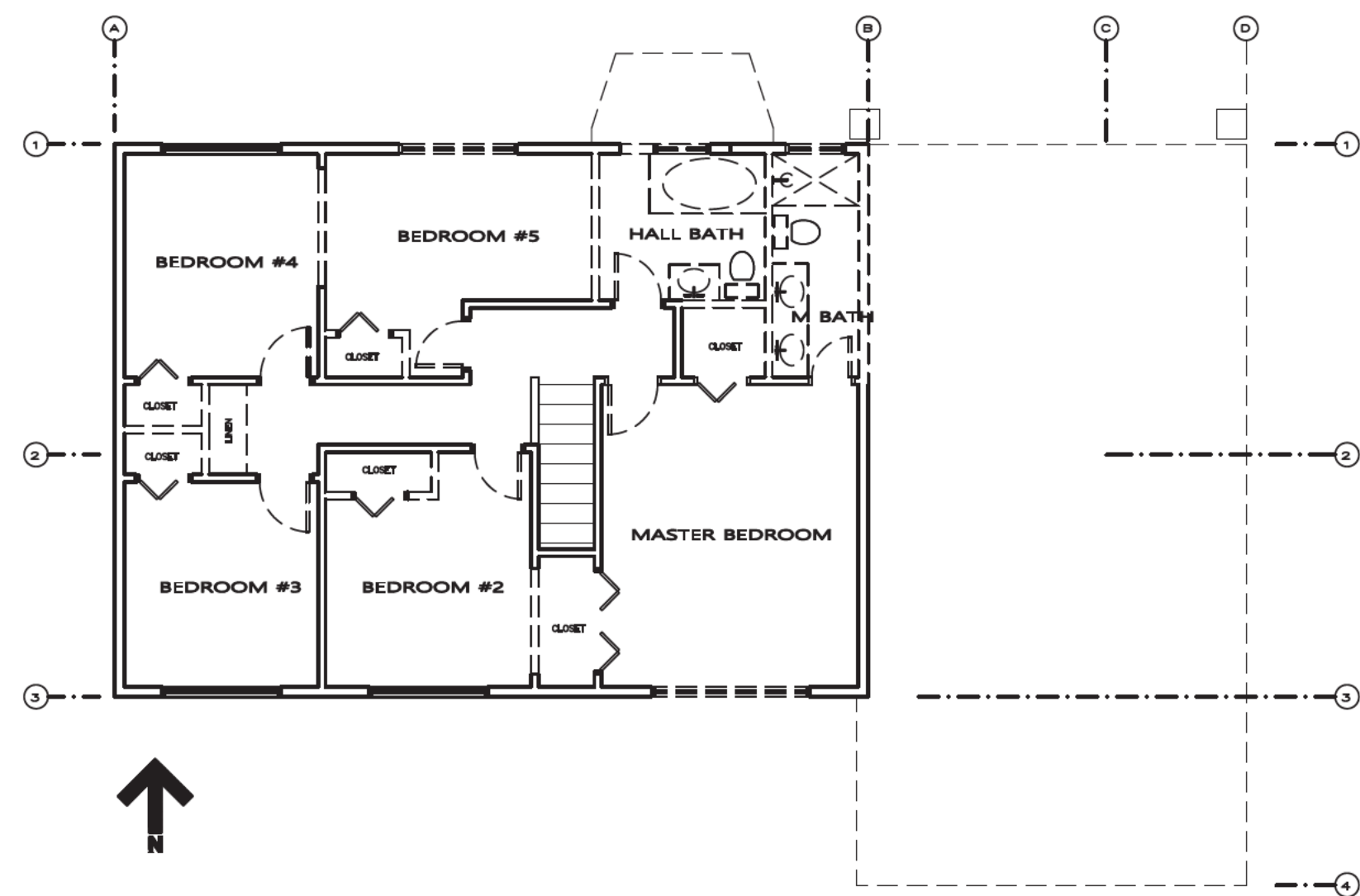
127 BELHAVEN DRIVE
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ISSUE	DATE
Permit Submittal	02.16.2026
Planning Res #1	04.10.2026

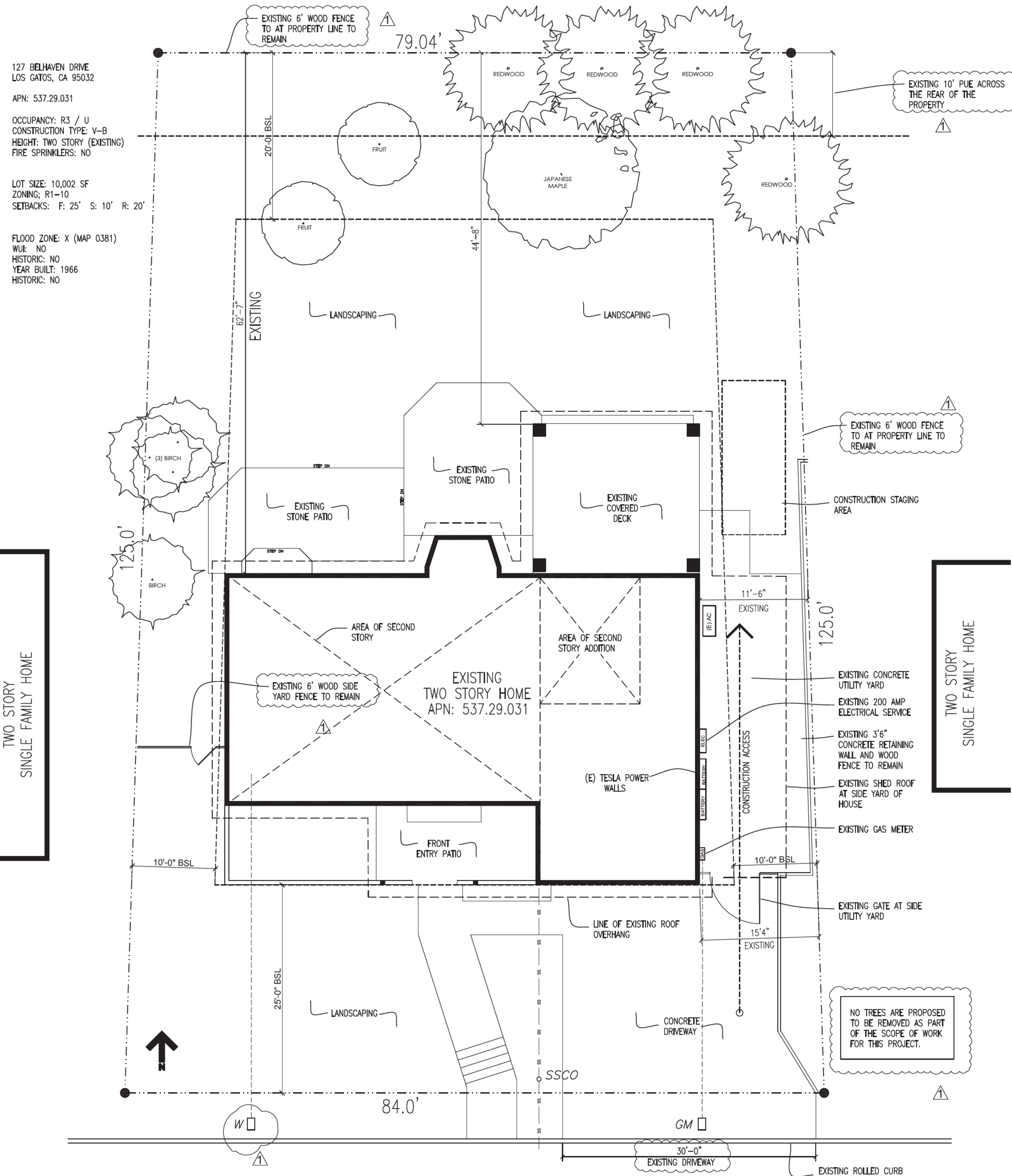
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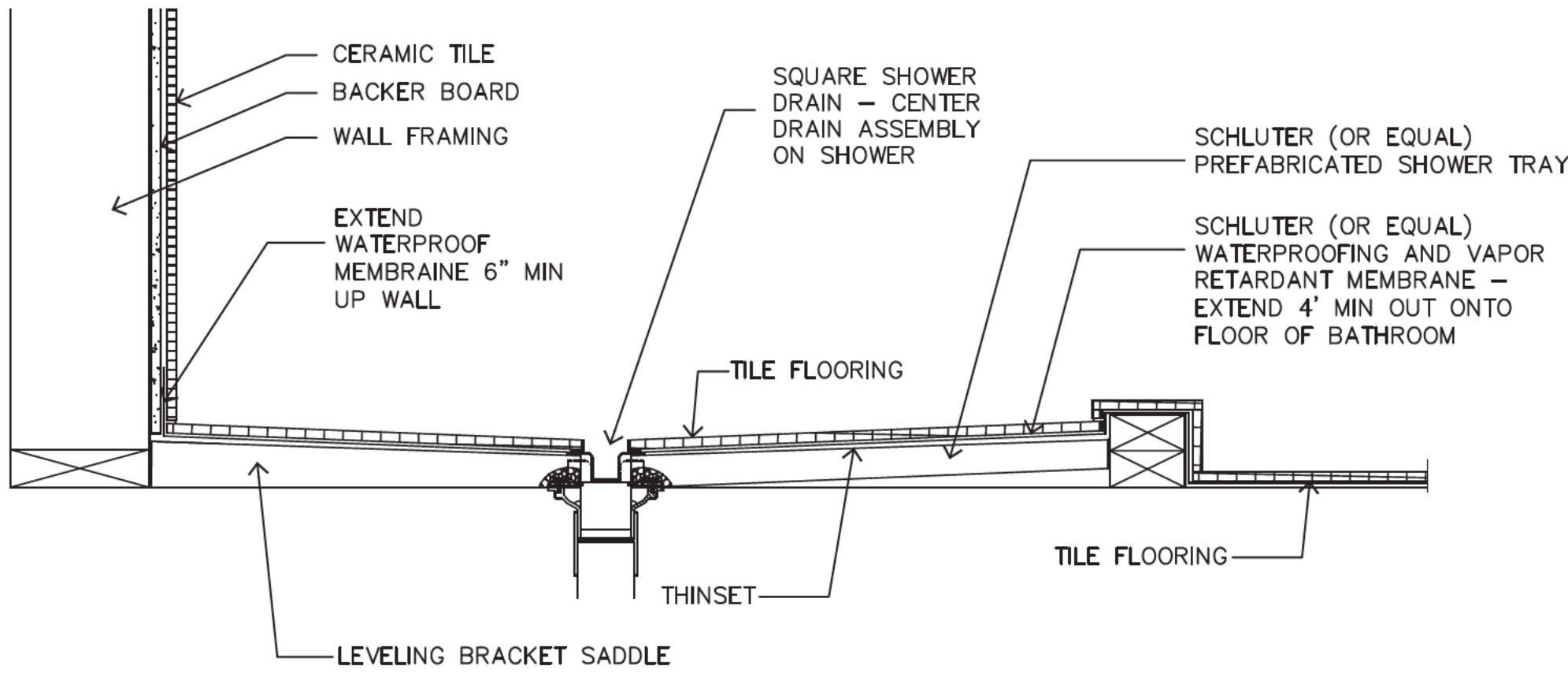
JOB NO.	2025.12
DRAWN BY	GTS
SCALE	AS NOTED

EXISTING SITE PLAN
EX FLOOR PLANS



1. GROUND IMMEDIATELY ADJACENT TO THE FOUNDATION SHALL BE SLOPED AWAY FROM THE BUILDING AT A SLOPE OF NOT LESS THAN 5% FOR A MINIMUM DISTANCE OF 10 FEET. CBC 1804.4.
2. ALL ROOF DRAINS TO BE DISCHARGED ONTO AN ADEQUATE SPLASH BLOCK DIRECTED INTO LANDSCAPE AREA AND ALLOWED TO SHEET FLOW WHERE FEASIBLE.
3. FINAL SURFACE DRAINAGE GRADIENT SHALL BE PLANNED AND BUILT SO AS TO DIRECT WATER AWAY FROM THE BUILDINGS AND FOUNDATIONS.
4. SLABS CAST ADJACENT TO FOUNDATIONS SHALL SLOPE AWAY FROM THE FOUNDATIONS.
5. INTERIM EROSION CONTROL MEASURES, TO BE CARRIED OUT DURING CONSTRUCTION, SHALL BE INCLUDED AS REQUIRED TO PROTECT THE PROPERTY CONSTRUCTION ACTIVITIES. INTERIM CONTROL METHOD SHALL INCLUDE, BUT ARE NOT LIMITED TO SILT FENCES, FIBER ROLLS, EROSION CONTROL BLANKETS.
6. THE BUILDING SHALL HAVE THE ADDRESS AND BUILDING NUMBER IN SUCH A POSITION AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY AS REQUIRED BY CBC.
7. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND PAYING FOR AN ENCROACHMENT PERMIT FOR ALL WORK PERFORMED IN THE PUBLIC RIGHT-OF-WAY.
8. ALL CONSTRUCTION AND RELATED ACTIVITIES SHALL BE ALLOWED ONLY DURING THE HOURS OR 8:00AM TO 5:00PM MONDAY THROUGH FRIDAY, AND 10:00AM TO 5:00PM ON SATURDAY. NO CONSTRUCTION ACTIVITY OR RELATED ACTIVITIES SHALL BE ALLOWED OUTSIDE OF THE AFOREMENTIONED HOURS OR ON SUNDAYS AND THE FOLLOWING HOLIDAYS: NEW YEAR'S DAY, 4TH OF JULY, LABOR DAY, THANKSGIVING AND CHRISTMAS DAY.
9. THE CONTRACTOR WILL BE REQUIRED TO PROVIDE A CONSTRUCTION AND DEMOLITION RECYCLING PLAN. ALL WORK SHALL BE PERFORMED IN CONFORMANCE WITH THE NPDES REQUIREMENTS.
10. INSTALL RETENTION BASINS AS REQUIRED TO PREVENT STORM WATER DRAINAGE RUNOFF AND SOIL RETENTION AT AREAS OF CONSTRUCTION AS REQUIRED BY CALGREEN.



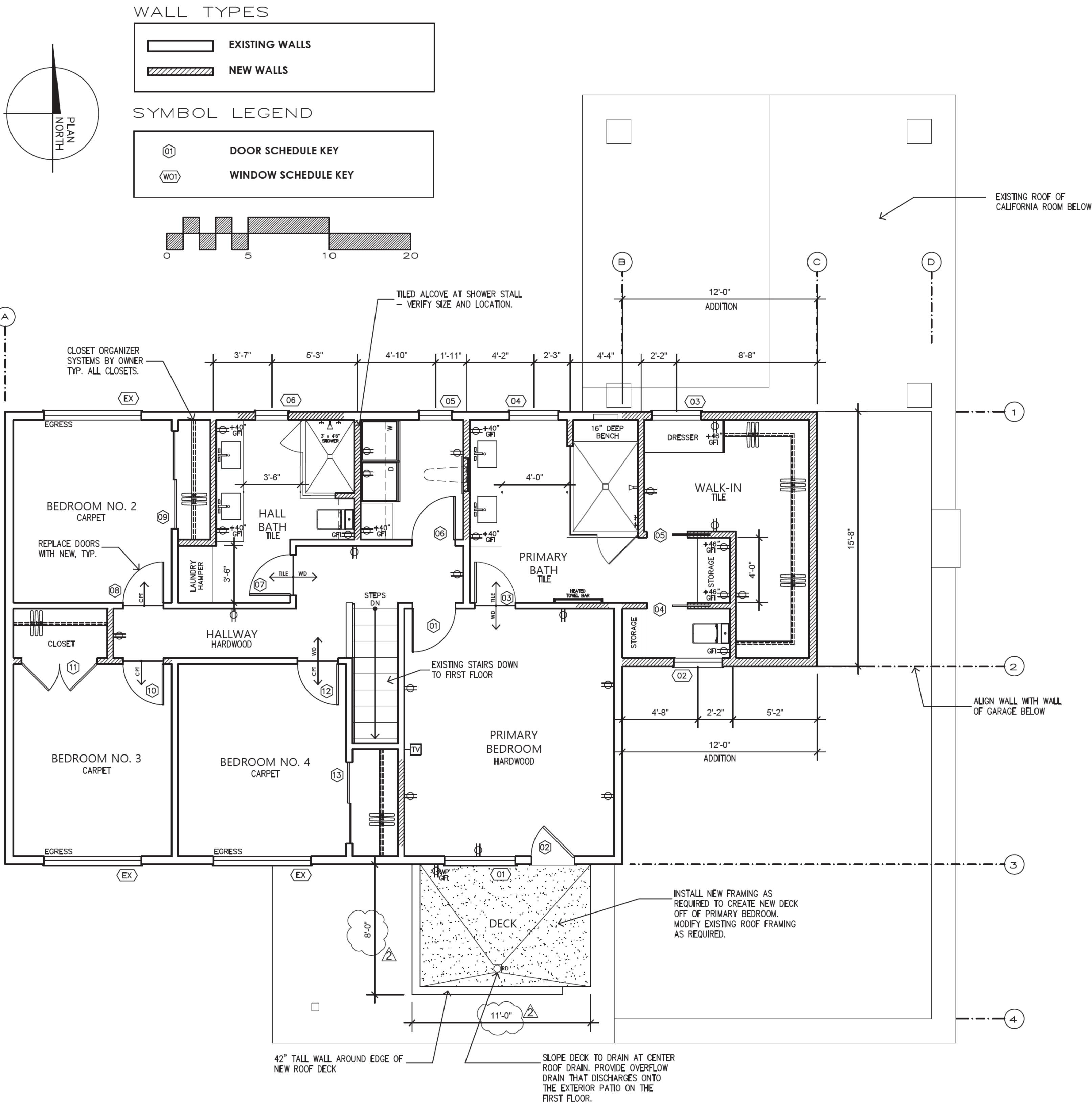


3 SHOWER PAN DETAIL
SCALE: 1/2" = 1'-0"

DOOR NO.	ROOM NAME	DOOR SIZE	GLAZING	HARDWARE	NOTES / COMMENTS
1	PR MARY BEDROOM	2868	-	PRIVACY LOCK	
2	PRIMARY BEDROOM	2868	T	KEYED LOCK	TEMPERED GLASS FRENCH DOOR
3	PR MARY BATHROOM	2668	-	PASSAGE	
4	PRIMARY WIC	2868	-	PASSAGE	
5	PR MARY TOILET	2668	-	PRIVACY LOCK	POCKET DOOR
6	LAUNDRY ROOM	2868	-	PASSAGE	
7	HALL BATH	2668	-	PRIVACY LOCK	-
8	BEDROOM NO. 2	2668	-	PRIVACY LOCK	
9	BEDROOM NO. 2 CLOSET	PR3068	T	-	MIRRORED SLIDING CLOSET DOORS
10	BEDROOM NO. 3	2668	-	PRIVACY LOCK	
11	BEDROOM NO. 3 CLOSET	PR2468	T	-	MIRRORED CLOSET DOORS
12	BEDROOM NO. 4	2668	-	PRIVACY LOCK	
13	BEDROOM NO. 4 CLOSET	PR2668	T	-	MIRRORED SLIDING CLOSET DOORS

- DOOR SCHEDULE PROVIDED ABOVE IS PRELIMINARY IN NATURE. CONTRACTOR AND DOOR SUPPLIER SHALL REVIEW AND COMPILE A COMPLETE AND ACCURATE SCHEDULE BASED UPON FRAMED FIELD CONDITIONS AND OWNER PREFERENCES. CONTRACTOR TO VERIFY ALL ASPECTS OF DOORS WITH THE OWNER PRIOR TO ORDERING.
- CONTRACTOR SHALL REVIEW ALL FIELD CONDITIONS TO ENSURE THAT THE PROPOSED DOOR SIZES AND SWINGS WILL FUNCTION PROPERLY. IF THERE ARE ANY DISCREPANCIES OR CONFLICTS, THE CONTRACTOR IS TO NOTIFY THE ARCHITECT IMMEDIATELY THROUGH A REQUEST FOR INFORMATION (RFI).
- DOOR SIZES SHOWN ARE THE PROPOSED DOOR WIDTH AND HEIGHT DIMENSIONS, NOT THE ROUGH OPENING SIZE. GENERAL CONTRACTOR TO VERIFY MANUFACTURER NEAREST STOCK SIZES FOR ARCHITECT / OWNER TO REVIEW AND APPROVE.
- ALL GLAZING IN DOORS SHALL BE TEMPERED GLASS. INSTALLED PER CBC.
- SPECIALTY DOORS SHALL BE COORDINATED WITH THE OWNER AND GENERAL CONTRACTOR FOR SITE VERIFICATION AND INSTALLATION.
- ALL EXPOSED EDGES OF DOORS (INCLUDING TOP AND BOTTOM) TO BE SEALED TO PREVENT MOISTURE PENETRATION AND WARPING. DOORS ARE TO BE STORED VERTICALLY AT JOB SITE AND OUT OF ALL INCLEMENT WEATHER CONDITIONS AND TO BE HUNG AS QUICKLY AS POSSIBLE ONCE REACHING THE JOBSITE. IT IS THE CONTRACTORS RESPONSIBILITY TO MINIMIZE THE AMOUNT OF TIME FOR ON-SITE STORAGE OF DOORS AND WINDOWS PRIOR TO INSTALL.
- ALL FRENCH DOORS TO HAVE DEAD BOLTS AND THREE WAY CONNECTING HARDWARE TO MAXIMIZE CONTINUOUS SEAL AGAINST WIND AND WEATHER.
- DOORS REQUIRED TO HAVE 20 MINUTE RATING TO BE MINIMUM 1 3/8" SOLID WOOD AND SHALL BEAR THE UL LABEL. NO RAISED PANELS OR OTHER FEATURES MAY REDUCE THE MINIMUM THICKNESS. SHOULD VENEERS BE APPLIED TO PRE-MANUFACTURED 20 MIN. RATED DOORS, CARE IS TO BE TAKEN NOT TO VIOLATE THE RATING DURING APPLICATION.
- WEATHER-STRIPPING OF EXTERIOR DOORS SHALL BE CONTINUOUS AND ON ALL SIDES OF EACH DOOR AND SHALL BE SIZED, DESIGNED AND FITTED TO PROVIDE FULL WATER-TIGHTNESS AGAINST WATER AND DRIVING RAIN.
- AT LEAST ONE EGRESS DOOR SHALL BE PROVIDED FOR ALL DWELLING UNITS. THE DOOR SHALL BE SIDE-HINGED AND SHALL PROVIDE A MINIMUM CLEAR WIDTH OF 32" WHEN THE MINIMUM CLEAR HEIGHT SHALL BE 78" WHEN MEASURED FROM THE TOP OF THE THRESHOLD TO THE BOTTOM OF THE STOP. ALL EGRESS DOORS SHALL BE READILY OPENABLE FROM THE INSIDE OF THE DWELLING WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE OR EFFORT PER CRC.
- AT ALL STATE RESPONSIBLE AREAS (SRA) EXTERIOR DOOR ASSEMBLIES SHALL BE APPROVED NON-COMBUSTIBLE CONSTRUCTION, OR SOLID CORE WOOD HAVING STILES AND RAILS NOT LESS THAN 1 3/8" THICK WITH THE INTERIOR FIELD PANEL THICKNESS NO LESS THAN 1 3/8" THICK, OR SHALL HAVE A FIRE-RESISTANCE RATING OF NOT LESS THAN 20 MIN. (CRC WILDLAND URBAN INTERFACE).
- THE MAIN ENTRY DOOR SHALL BE OPENABLE FROM THE INSIDE OF THE DWELLING WITHOUT THE USE OF A SPECIAL KEY, KNOWLEDGE OR EFFORT.
- EGRESS DOORWAYS SHALL HAVE A CLEAR MINIMUM WIDTH OF 32".

2 DOOR SCHEDULE
SCALE: NTS



1 PROPOSED SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

**Residential Remodel
and Addition**
127 BELHAVEN DRIVE
LOS GATOS CA 95032

ISSUE	DATE
Permit Submittal	02.16.2026
⚠ Planning Res #1	04.10.2026
⚠ Planning Res #1	05.05.2026

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JOB NO.	2025.12
DRAWN BY	GTS
SCALE	AS NOTED

Proposed Floor Plan
Door Schedule
Shower Pan Detail

GENERAL NOTES

1. ALL APPLIANCES TO BE CEC CERTIFIED.
2. CLOTHES DRYER EXHAUST VENT TO BE 4" DIA. DIRECT TO OUTSIDE W/1/4"-0" MAX. LENGTH. IF LONGER LENGTH IS REQUIRED, INSTALL A BOOSTER FAN.
3. 30" MIN. ACCESS REQUIRED FOR ATTIC MOUNTED EQUIPMENT.

PLUMBING NOTES

4. WATER CLOSET SHALL HAVE MIN. CLEARANCE OF 24" FRONT, 30" COMPARTMENT WIDTH
5. MINIMUM SHOWER SIZE IS 1.024 SQ. IN. AND A MINIMUM FINISH DIMENSION OF 30" IN ANY DIRECTION. SHOWER DOORS TO MAINTAIN NOT LESS THAN A 2" UNOBSTRUCTED OPENING FOR EGRESS. GLASS DOORS TO BE TEMPERED. SHOWER DAM MINIMUM 2" MAXIMUM 4" HIGH. USE CEMENT, FIBER-CEMENT OR GLASS MAT GYPSUM BACKER BOARD UNDER ALL TILE, MARBLE, ETC. OVER WOOD FRAMING. SHOWERS TO BE FINISHED WITH A SMOOTH, HARD NON-ABSORBENT SURFACE TO A HEIGHT OF NOT LESS THAN 72" ABOVE DRAIN INLET. (NOTE: WATER-RESISTANT GYPSUM BACKING BOARD SHALL NOT BE USED OVER A VAPOR RETARDER IN SHOWER OR BATHRU COMPARTMENTS.)
6. SHOWER SHALL BE PROVIDED WITH INDIVIDUAL CONTROL VALVES OF THE PRESSURE BALANCE OR THERMOSTATIC MIXING VALVE TYPE PER CPC 408.3.
7. MINIMUM CEILING HEIGHT SHALL BE 7' ABOVE FINISHED FLOOR FOR ALL ROOMS.
8. NO HABITAT ROOMS SHALL BE LESS THAN 7' IN ANY DIMENSIONS AND LESS THAN 70 SF IN AREA.

ELECTRICAL NOTES

1. THE ELECTRICIAN IS REQUIRED TO CONDUCT AN ON-SITE WALK-THROUGH WITH THE OWNERS TO DETERMINE FINAL LOCATIONS AND HEIGHTS FOR ALL RECEPTACLES, FIXTURES, PHONES, CABLE, STEREO, SECURITY, DATA LINES, ETC. PRIOR TO ROUGH-IN.
 2. LIGHT FIXTURES IN TUB OR SHOWER ENCLOSURES SHALL BE LABELED "SUITABLE FOR WET LOCATIONS" OR "SUITABLE FOR DAMP LOCATIONS" PER CEC.
 3. PERMANENTLY LABEL EACH DISCONNECT (CIRCUIT BREAKER) ON THE MAIN AND ALL SUB ELECTRICAL PANEL(S) WITH THE APPLIANCE OR ROOMS SERVED BY THE BREAKER.
 4. RECEPTACLE OUTLETS SHALL BE SPACED SO THAT NO POINT ALONG THE FLOOR LINE OF THE WALL IS MORE THAN 6' HORIZONTALLY FROM AN ELECTRICAL OUTLET PER CEC.
 5. RECEPTACLE OUTLETS AT HALLWAYS 10' OR LONGER SHALL HAVE AT LEAST ONE OUTLET PER CEC.
 6. EXTERIOR OUTLETS SHALL HAVE A WEATHERPROOF ENCLOSURE & GFCI PER NEC 410-57(A). GFCI OUTLET SHALL BE INSTALLED AT THE FRONT AND REAR OF THE HOUSE PER CEC.
 7. AT LEAST ONE WALL SWITCH-CONTROLLED LIGHTING OUTLET SHOULD BE INSTALLED IN EVERY HABITABLE ROOM, HALLWAYS, STAIRWAYS, ATTACHED GARAGES, AND OUTDOOR ENTRANCES.
 8. LIGHTING FIXTURES IN CLOTHES CLOSETS SHALL COMPLY WITH CEC 410-8.
 9. ALL 120-VOLT 15 AND 20 AMP OR BRANCH CIRCUITS THAT SUPPLY OUTLETS INSTALLED IN DWELLING UNIT FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, PARLORS, LIBRARIES, DENS, BEDROOMS, SUNROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS OR SIMILAR ROOMS OR AREAS SHALL BE PROTECTED BY A LISTED ARC-FAULT CIRCUIT INTERRUPTER (AFCI) COMBINATION TYPE. GUESTROOMS AND GUEST SUITES THAT ARE PROVIDED WITH PERMANENT PROVISIONS FOR COOKING SHALL HAVE AFCI.
 10. ALL RECEPTACLE CIRCUITS SHALL NOT BE COMBINED WITH LIGHTING LOADS AT LIVING OR EXITING AREAS.
- BATHROOMS:**
11. BATHROOM OUTLETS SHALL HAVE APPROVED GROUND FAULT CIRCUIT PROTECTION PER NEC 210-8(A)(1). A GFCI PROTECTED OUTLET SHALL BE INSTALLED NEXT TO EACH BATHROOM BASIN PER CEC 210-52(D).
 12. BATHROOM ELECTRICAL OUTLETS SHALL BE SUPPLIED BY AT LEAST ONE 20 AMP BRANCH CIRCUIT. THE CIRCUIT(S) SHALL HAVE NO OTHER ELECTRICAL OUTLETS PER CEC 210-52(D).
 13. ONE GFCI PROTECTED RECEPTACLE SHALL BE LOCATED WITHIN 3' OF THE SINK'S EDGE.

LAUNDRY / GARAGE / EXTERIOR:

1. ONE 20 AMP ELECTRICAL CIRCUIT SHALL BE PROVIDED IN THE LAUNDRY AREA PER CEC 220-4(C). THIS CIRCUIT SHALL HAVE NO OTHER OUTLETS.
2. ELECTRICAL CLOTHES DRYERS AND ELECTRIC KITCHEN RANGES SHALL HAVE A 4-WIRE GROUNDED ELECTRICAL OUTLET PER CEC 250-59.
3. 125- AND 250-VOLT RECEPTACLES INSTALLED OUTDOORS IN A WET LOCATION SHALL HAVE AN ENCLOSURE THAT IS WEATHERPROOF WHETHER OR NOT THE ATTACHMENT PLUG CAP INSERTED PER CEC 406.9 (B) (1)

KITCHEN:

4. ALL KITCHEN CIRCUITS, INCLUDING FOR DISHWASHERS AND GARBAGE DISPOSALS, SHALL BE AFCI/GFCI PROTECTED. KITCHEN: ALL ELECTRICAL OUTLETS THAT SERVE THE COUNTER TOPS IN THE KITCHEN SHALL HAVE GFCI (GROUND-FAULT CIRCUIT-INTERRUPTER PROTECTION) PER CEC.
5. THERE SHALL BE A MINIMUM OF TWO SMALL APPLIANCE BRANCH CIRCUITS FOR THE KITCHEN, LIMITED TO SUPPLYING WALL AND COUNTER SPACE OUTLETS ONLY PER CEC.
6. ALL KITCHEN COUNTERTOPS WIDER THAN 12" SHALL BE SERVED BY AN ELECTRICAL OUTLET PER CEC. MIN. OF (2) 20 AMP CIRCUITS SERVING COUNTERTOPS SHALL BE DUAL AFCI/GFCI PROTECTED RECEPTACLES ONLY.
7. KITCHEN AT ISLANDS AND PENINSULAR COUNTERTOPS SHALL HAVE AT LEAST ONE ELECTRICAL OUTLET THAT SERVES THE COUNTERTOP PER CEC 210-52(C). OUTLETS SHALL BE MOUNTED NOT MORE THAN 12" BELOW COUNTERTOP. RECEPTACLES MAY NOT BE MOUNTED UNDER ANY OVERHANG GREATER THAN 6".
8. A MINIMUM OF TWO 20 AMP SMALL APPLIANCE BRANCH CIRCUITS SHALL BE PROVIDED FOR ALL RECEPTACLE OUTLETS IN THE KITCHEN, PANTRY, OR OTHER SIMILAR AREAS.
9. ELECTRICAL OUTLETS FOR THE KITCHEN COUNTERS SHALL BE SPACED SO THAT NO POINT ALONG THE WALL LINE OF THE COUNTER IS MORE THAN 2' FROM AN ELECTRICAL OUTLET (4' O.C. MAX.) AND WITHIN 24" OF EDGE AND/OR BREAK IN THE COUNTERTOP PER CEC. REFRIGERATORS ARE REQUIRED TO BE DUAL AFCI/GFCI PROTECTED AND MAY BE ON ONE OF THE CIRCUITS SERVING COUNTERS.
10. FIXED APPLIANCES AND MICROWAVE SHALL BE PROVIDED POWER FROM ADDITIONAL DEDICATED CIRCUITS.

GENERAL NOTES:

1. ALL LIGHTING SHALL BE HIGH EFFICACY (IE PIN-BASED SFL PULSE-START MH, GU-24 SOCKETS OTHER THAN LED'S, LED LUMINAIRES WITH INTEGRAL SOURCE, ETC) PER CEC TABLE 150-A.
1. SCREW BASED PERMANENTLY INSTALLED LIGHT FIXTURES MUST CONTAIN SCREW BASED JAB COMPLIANT LAMPS. JAB COMPLIANT LIGHT SOURCES MUST BE MARKED AS "JAB-2019" OR "JAB-2019-E"
2. ALL JAB COMPLIANT LIGHT SOURCES IN THE FOLLOWING LOCATIONS ARE CONTROLLED BY VACANCY SENSORS OR DIMMERS (EXCEPT CLOSETS LESS THAN 70SF AND HALLWAYS):
 1. CEILING RECESSED DOWNLIGHT LUMINAIRES
 2. LED LUMINAIRES WITH INTEGRAL SOURCES
 3. PIN-BASED LED LAMPS.
 4. GU-24 BASED LED LIGHT SOURCES.
4. ALL NEW OUTDOOR LIGHTING AS HIGH EFFICACY WITH MANUAL ON-OFF SWITCH AND ONE OF THE FOLLOWING:
 1. PHOTOCONTROL AND MOTION SENSOR
 2. PHOTOCONTROL AND AUTOMATIC TIME SWITCH CONTROL
 3. ASTRONOMICAL TIME SWITCH CONTROL
 4. ENERGY MANAGEMENT CONTROL SYSTEMS.
5. AT LEAST ONE FIXTURE IN EACH BATHROOM CONTROLLED BY A VACANCY SENSOR.
6. EXHAUST FANS (EXCLUDES KITCHEN EXHAUST HOOD) SWITCHED SEPARATE FROM LIGHTING.
7. THE COMPLETED CP2R-LTG-01-E FORM MUST BE PROVIDED TO THE CITY BUILDING INSPECTOR PRIOR TO FINAL INSPECTION.
8. ANY LIGHT SOURCE INTEGRAL TO DRAWERS, CABINETS, AND LINEN CLOSETS MUST BE HIGH EFFICACY AND CONTROLLED BY A VACANCY SENSOR.
9. AT LEAST ON FIXTURE IN EACH LAUNDRY ROOM CONTROLLED BY A VACANCY SENSOR.

EXHAUST FAN REQUIREMENTS:

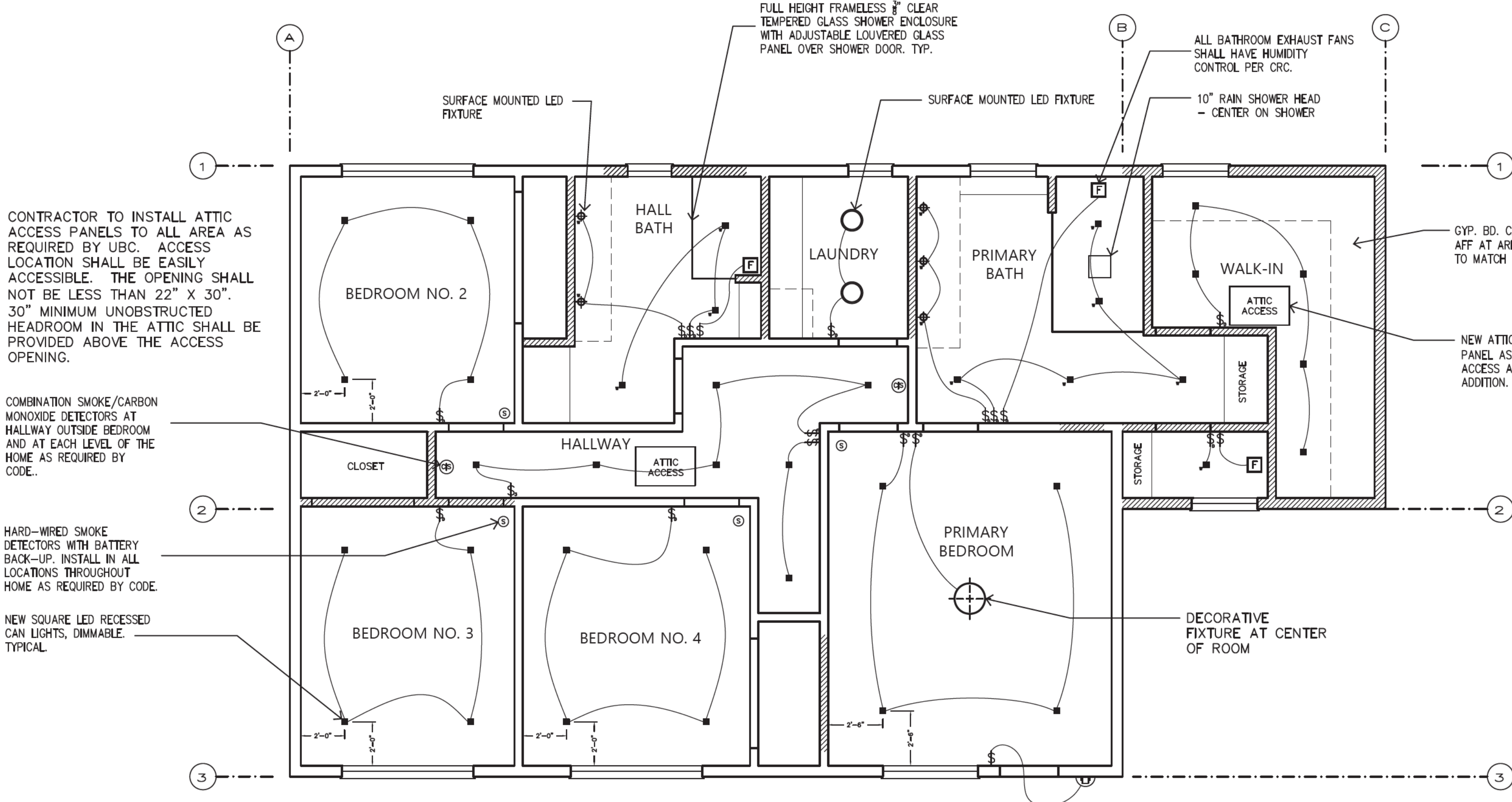
1. PROVIDE MINIMUM 50 CFM INTERMITTENT AIRFLOW FOR THE NEW BATHROOM EXHAUST FAN OR PROVIDE MINIMUM 20 CFM FOR THE CONTINUOUSLY OPERATING BATHROOM FAN. CEC SECTION 150(c) AND ASHRAE 62.2-2016 TABLE 5.1 AND 5.2.

1 PROPOSED SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

2 ROOF DECK DETAILS

SCALE: NTS



LEGEND

- EXISTING WALL TO REMAIN
- PROPOSED NEW WALL
- SMOKE DETECTOR
- CARBON MONOXIDE DETECTOR
- EXHAUST FAN

- SMOKE DETECTORS SHALL RECEIVE THEIR PRIMARY POWER FROM THE BUILDING WIRING AND SHALL BE EQUIPPED WITH A INTERCONNECTED BATTERY BACKUP.
- CARBON MONOXIDE ALARM OUTSIDE OF EACH SEPERATE DWELLING UNIT SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS

Smoke Alarm Specific Locations

Smoke alarms shall be installed not less than a 3' from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by other sections of the code.

Smoke alarms and smoke detectors shall not be installed within a 3' from the supply registers of a forced air heating or cooling system and shall be installed outside of the direct airflow from those registers.

Interconnection

Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Residential Remodel and Addition

127 BELHAVEN DRIVE
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ISSUE	DATE
Permit Submittal	02.16.2026
Planning Res #1	04.10.2026

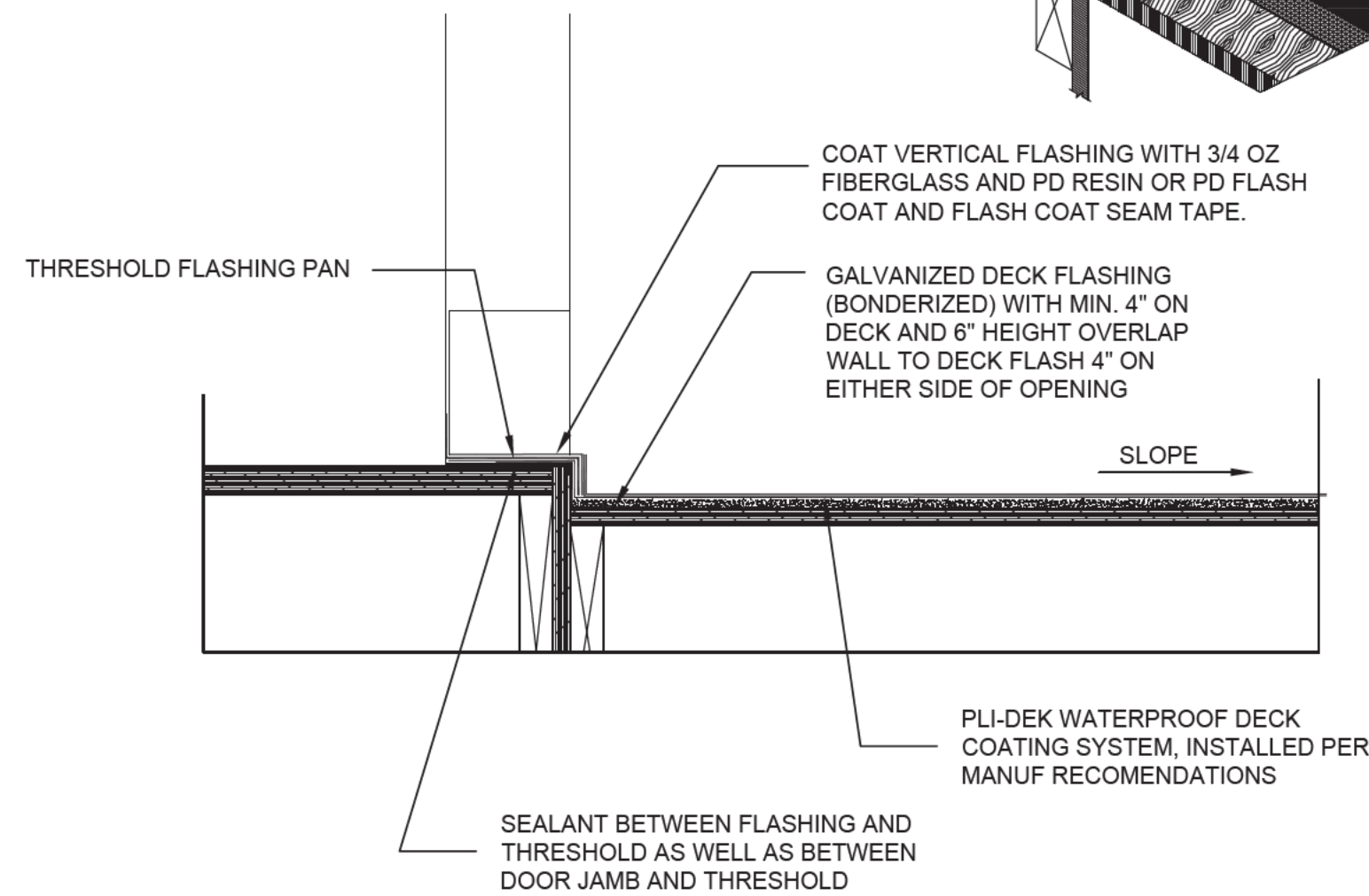
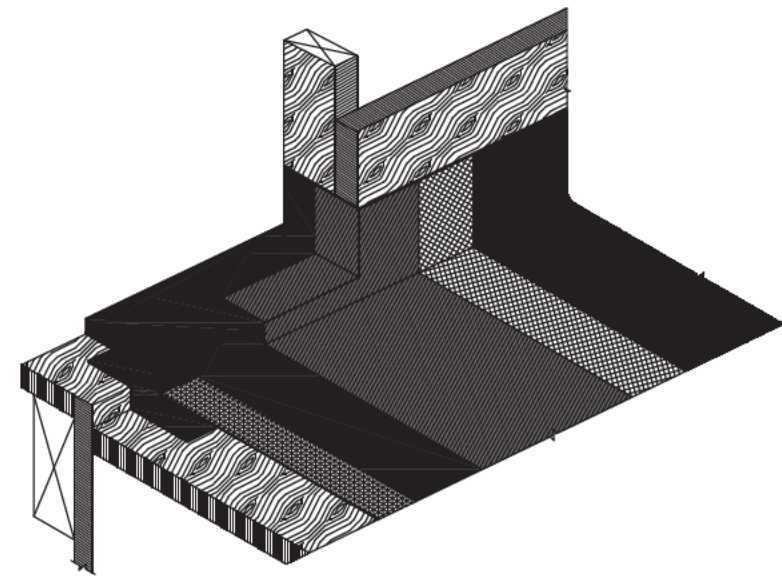
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Proposed Roof Plan

Greg Stowers

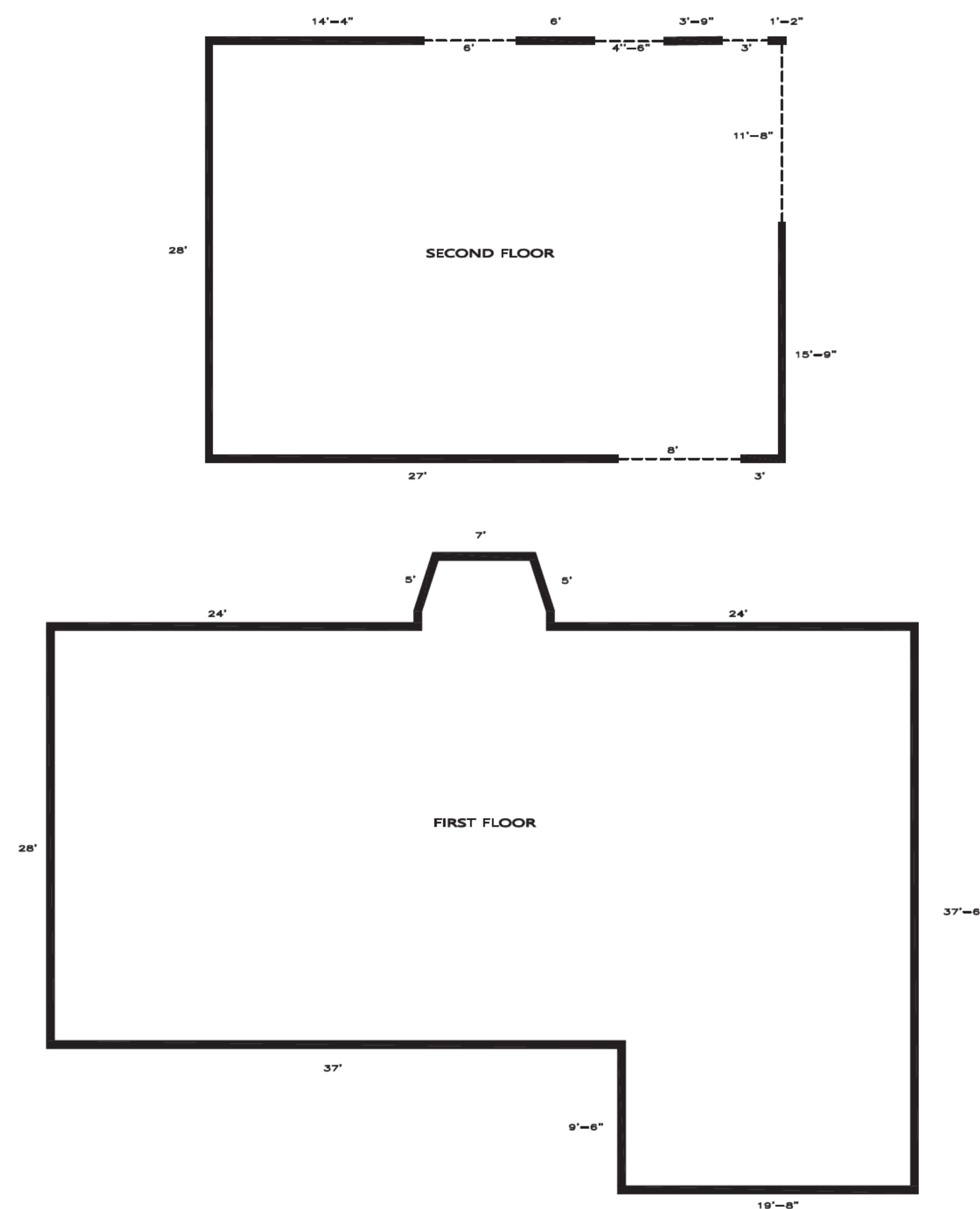
**Residential Remodel
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127 BELHAVEN DRIVE
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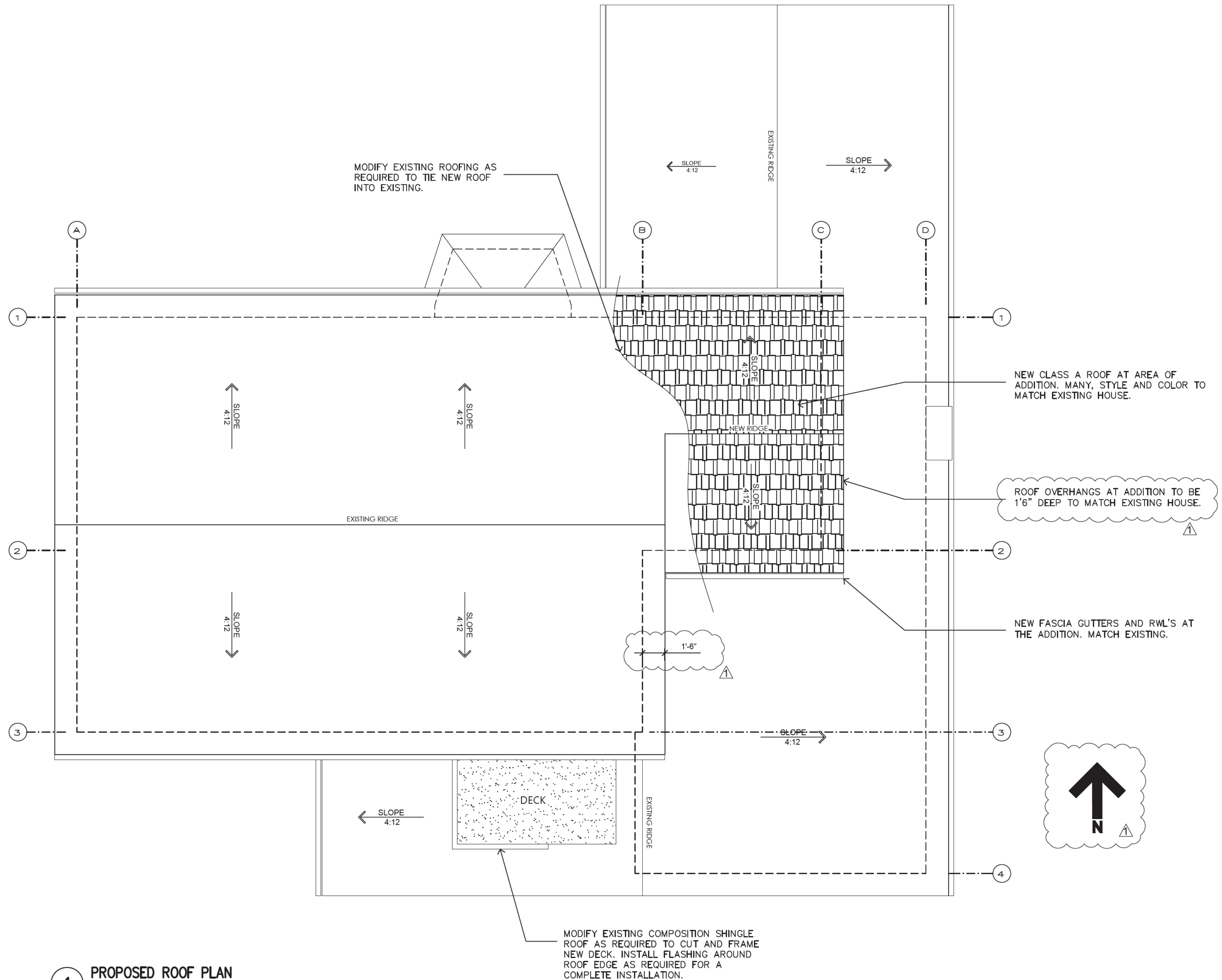
3 WATERPROOFING AT DECK DOOR THRESHOLD
SCALE: NTS

	PRESERVED WALL	DEMOLISHED WALL
FIRST FLOOR	198'-6" LIN. FT.	0 LIN. FT.
SECOND FLOOR	99' LIN. FT.	33'2" LIN. FT.
TOTAL	297'-6" LIN. FT.	33'2" LIN. FT.

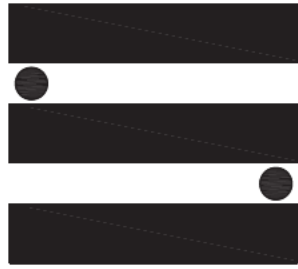
THIS PROJECT IS NOT TECHNICALLY A DEMOLITION



2 DEMOLITION DIAGRAM
SCALE: NTS



1 PROPOSED ROOF PLAN
SCALE: 1/4" = 1'-0"



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Residential Remodel and Addition

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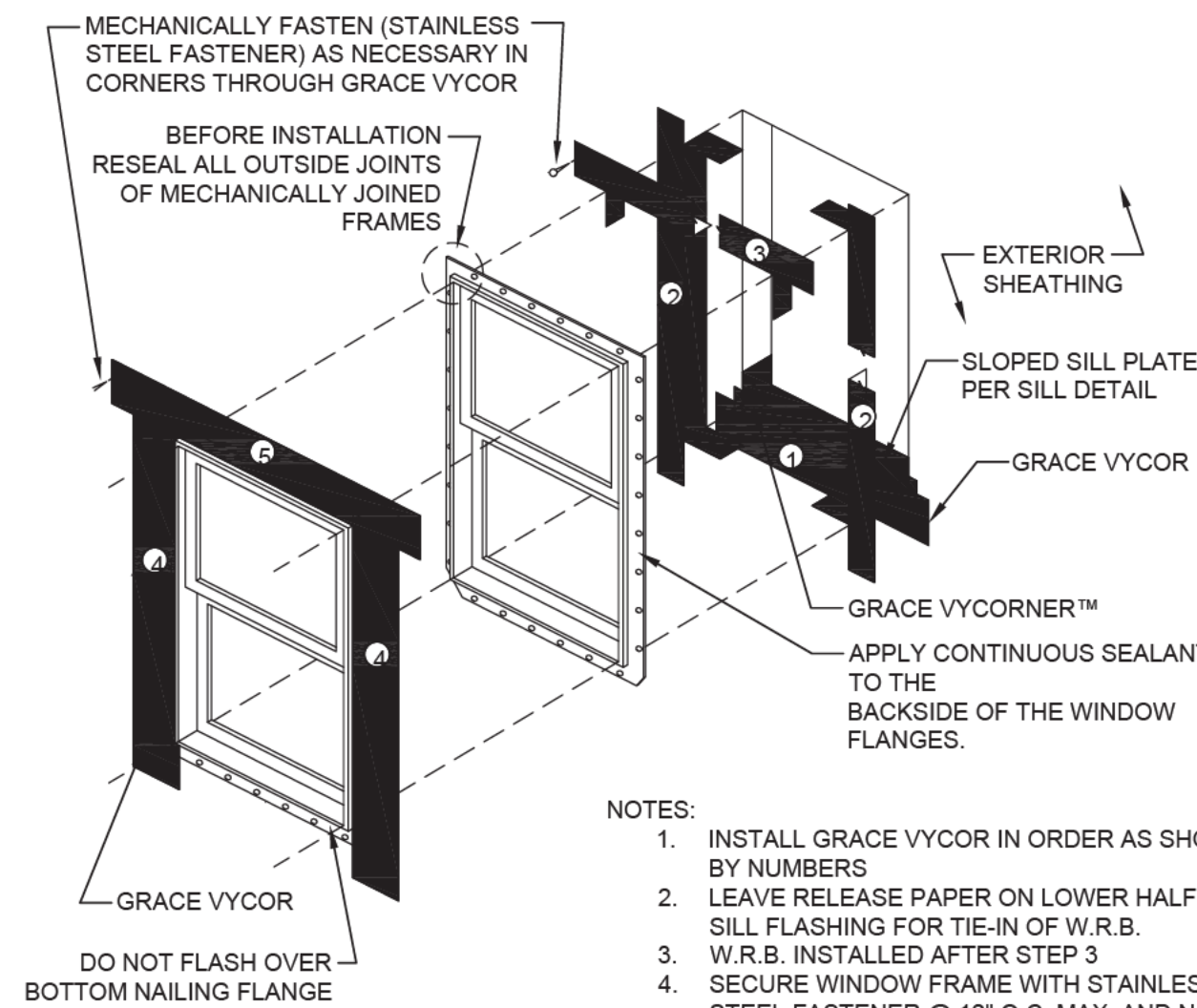
ISSUE	DATE
Permit Submittal	02.16.2026
⚠ Planning Res #1	04.10.2026
⚠ Planning Res #1	05.28.2026
⚠ Planning Rev #2	06.02.2026

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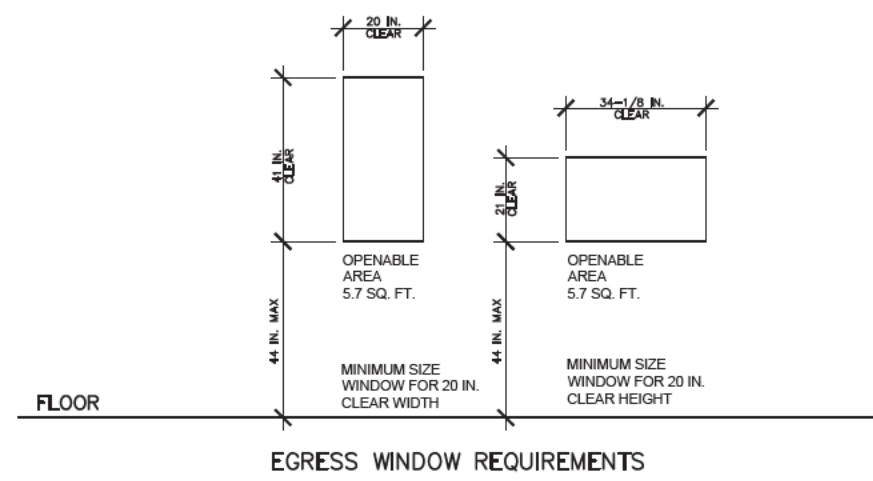
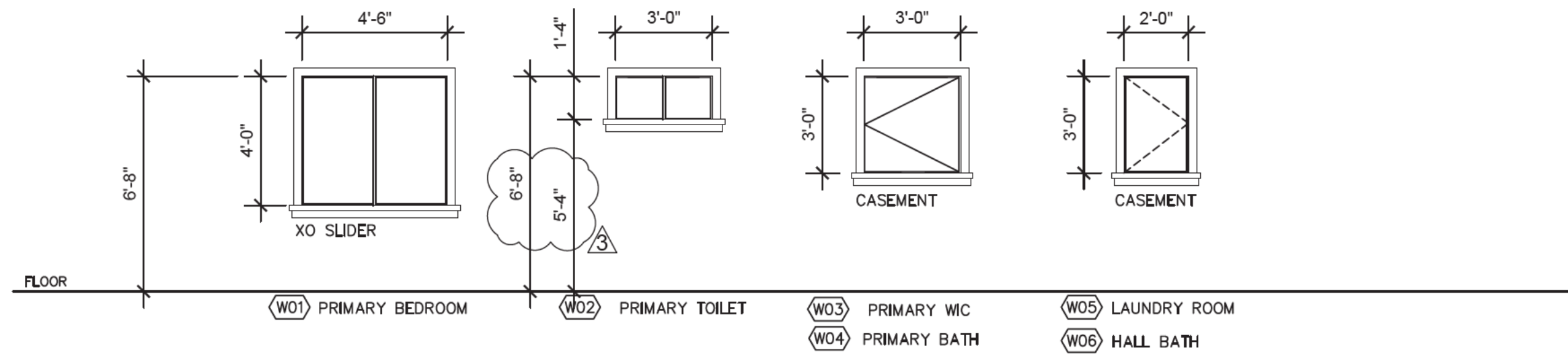
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SCALE	AS NOTED

Exterior
Exterior Elevations

A5.1



- NOTES:
1. INSTALL GRACE VYCOR IN ORDER AS SHOWN BY NUMBERS
 2. LEAVE RELEASE PAPER ON LOWER HALF OF SILL FLASHING FOR TIE-IN OF W.R.B.
 3. W.R.B. INSTALLED AFTER STEP 3
 4. SECURE WINDOW FRAME WITH STAINLESS STEEL FASTENER @ 12" O.C. MAX. AND NO CLOSER THAN 3" IN BOTH DIRECTIONS FROM WINDOW CORNER



1. WINDOW MANU: MILARD VINYL WINDOWS TO MATCH EXISTING WINDOWS AT HOUSE.
2. GLASS AT WINDOWS ADJACENT TO DOORS, TUBS OR SHOWERS (WITHIN 60" OF DRAIN) SHALL BE TEMPERED AS REQUIRED BY CODE. GLAZING TO BE TEMPERED IF WITHIN A 24" ARC OF DOOR EDGE OR IF BOTTOM IS LESS THE 60" ABOVE WALKING SURFACE AND AT STAIRWAYS AND LANDINGS.
3. ALL WINDOWS ARE TO HAVE LOW-E GLASS AND SHALL BE DOUBLE GLAZED.
4. ALL HABITABLE ROOMS SHALL HAVE AN AGGREGATE GLAZING AREA OF NOT LESS THAN 8% OF THE FLOOR AREA OF SUCH ROOMS. NATURAL VENTILATION SHALL BE THROUGH WINDOWS, DOORS, LOUVERS OR OTHER APPROVED OPENINGS TO THE OUTDOOR AIR. SUCH OPENINGS SHALL BE PROVIDED WITH READY ACCESS OR SHALL OTHERWISE BE READILY CONTROLLABLE BY THE BUILDING OCCUPANTS. THE MINIMUM OPERABLE AREA TO THE OUTDOORS SHALL BE 4% OF THE FLOOR AREA BEING VENTILATED.
5. EVERY SLEEPING ROOM SHALL HAVE AT LEAST ONE OPERABLE WINDOW OR DOOR APPROVED FOR EMERGENCY ESCAPE OR RESCUE THAT SHALL OPEN DIRECTLY INTO A PUBLIC STREET, PUBLIC ALLEY, YARD OR EXIT COURT. THE EMERGENCY DOOR OR WINDOW SHALL BE OPERABLE FROM THE INSIDE TO PROVIDE A FULL, CLEAR OPENING WITHOUT THE USE OF SEPARATE TOOLS.
 - ESCAPE OR RESCUE WINDOWS SHALL HAVE A MINIMUM NET CLEAR OPENABLE AREA OF 5.7 SQUARE FEET. (EXCEPT AT GRADE FLOOR, SHALL HAVE A MINIMUM NET CLEAR OPENING OF 5 SQUARE FEET).
 - THE MINIMUM NET CLEAR OPENABLE HEIGHT DIMENSION SHALL BE 24 INCHES.
 - THE MINIMUM NET CLEAR OPENABLE WIDTH DIMENSION SHALL BE 20 INCHES.
 - FINISHED SILL HEIGHT SHALL NOT BE MORE THAN 44 INCHES ABOVE THE FLOOR
7. ALL WINDOW OPENING TO THE EXTERIOR AND UNCONDITIONED SPACE SHALL BE FULLY WEATHERSTRIPPED, C.E.C. CERTIFIED AND LABELED PER TABLE 2-53V, OF TITLE 24 C.A.C.
8. ALL GLAZING SHALL HAVE A TEMP. LABEL SHOWING THE SHGC, U-FACTOR, AIR LEAKAGE & VISIBLE TRANSMITTANCE, THAT SHALL NOT BE REMOVED UNTIL APPROVED INSPECTION
9. ALL GLAZING SUBJECT TO HUMAN IMPACT SHALL BE TEMPERED.

6 WINDOW INSTALL / FLASHING DETAIL

SCALE: NTS

5 WINDOW SCHEDULE

SCALE: NTS

4 WEST ELEVATION (SIDE YARD)

SCALE: 1/8" = 1'-0"

3 EAST ELEVATION (SIDE YARD)

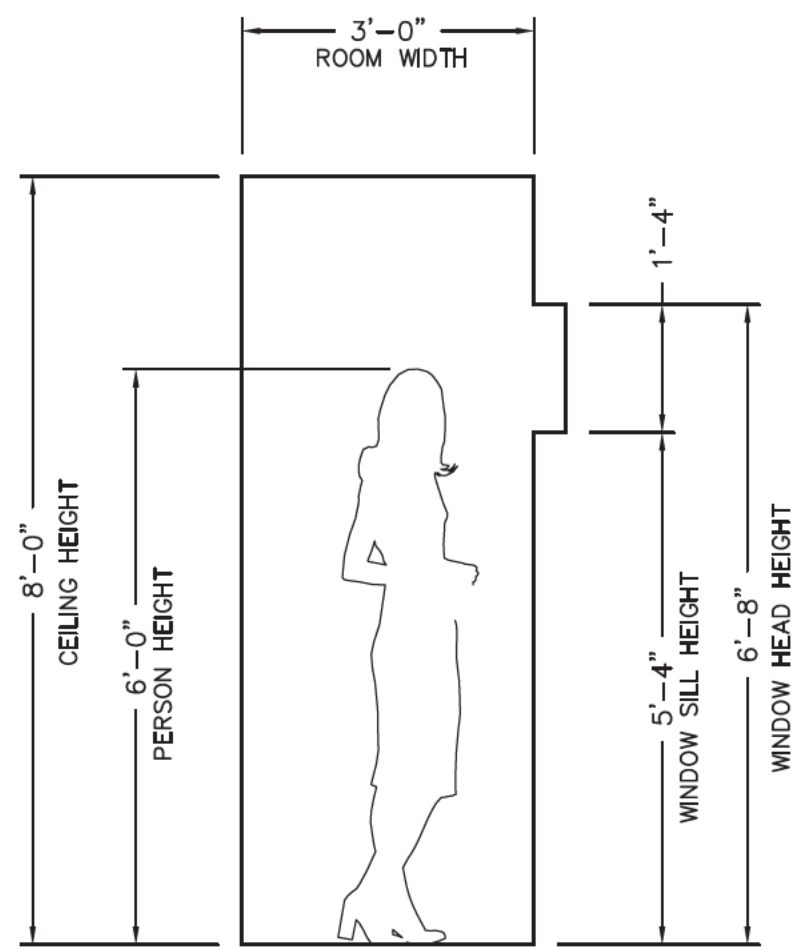
SCALE: 1/8" = 1'-0"

2 NORTH ELEVATION (REAR)

SCALE: 1/4" = 1'-0"

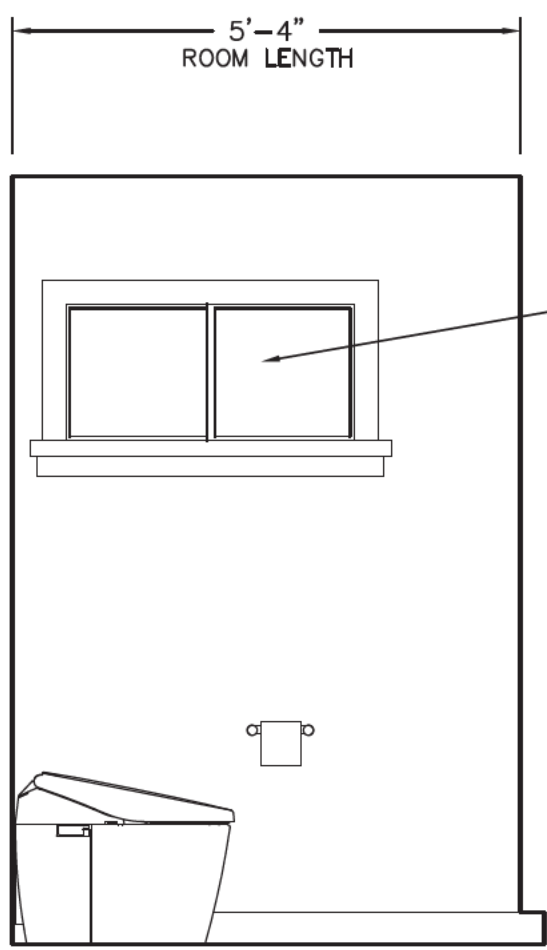
1 SOUTH ELEVATION (STREET / FRONT)

SCALE: 1/4" = 1'-0"



3

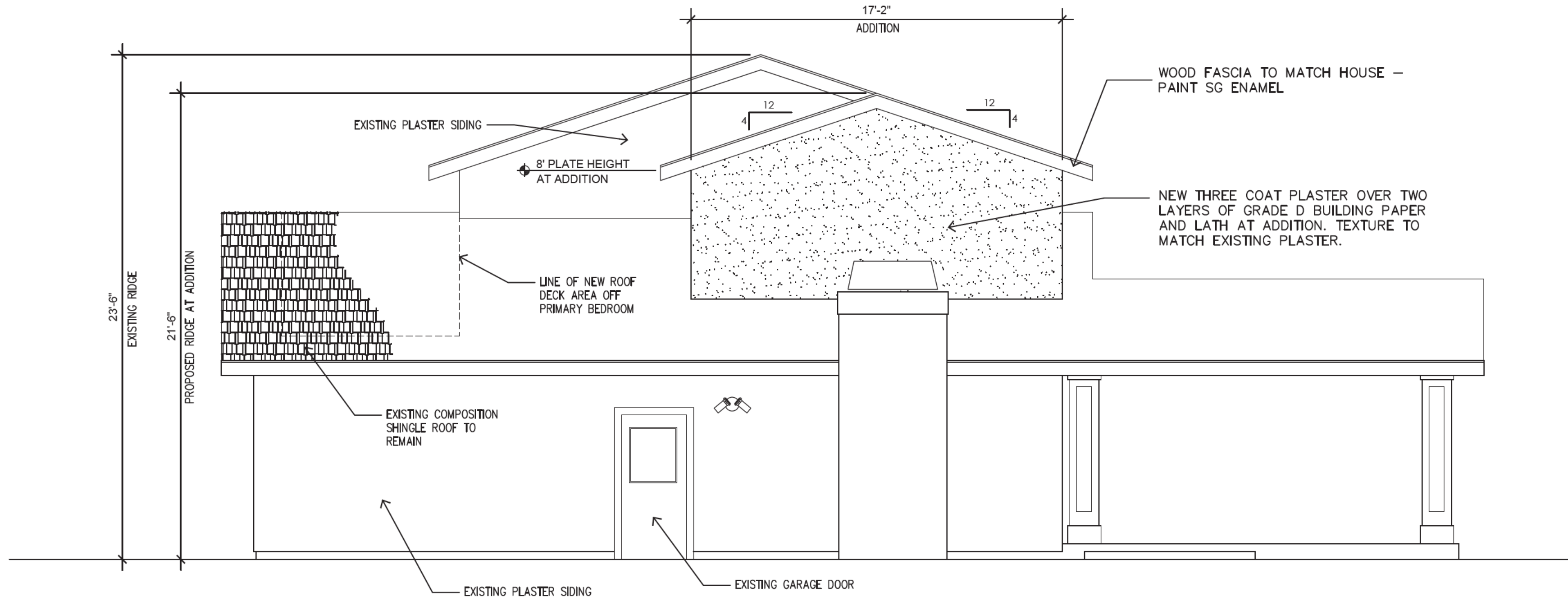
PRIVACY STUDY AT PRIMARY BATH WINDOW
SCALE: 1/2" = 1'-0"



3' x 1'4" SLIDER WINDOW AT TOILET ROOM. OWNER HAS AGREED TO INSTALL WINDOW COVERINGS TO MATCH THE STYLE OF THE REST OF THE PRIMARY SUITE.

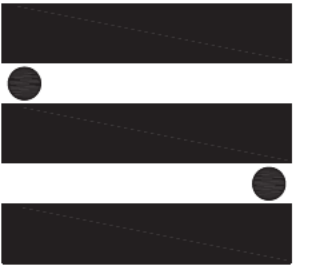
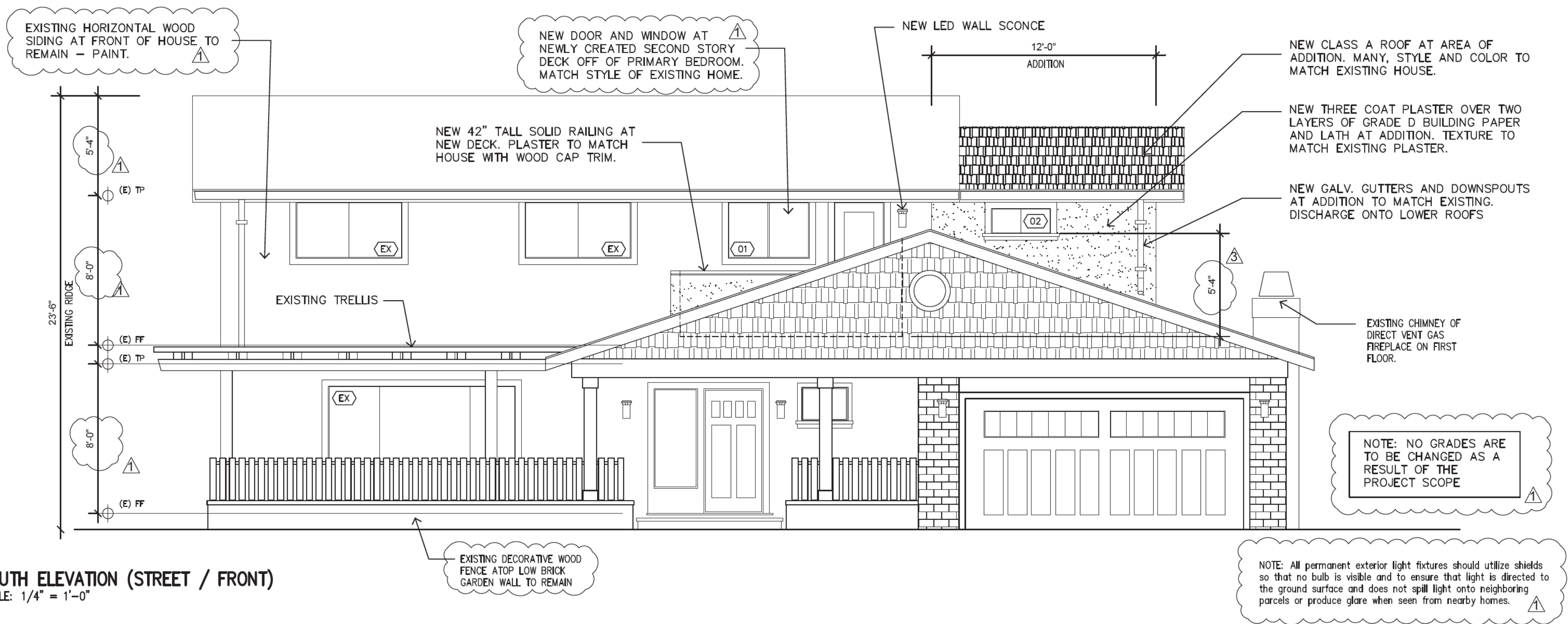
2

EAST ELEVATION (SIDE YARD)
SCALE: 1/4" = 1'-0"



1

SOUTH ELEVATION (STREET / FRONT)
SCALE: 1/4" = 1'-0"



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PROJECT

Residential Remodel and Addition

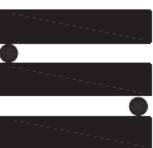
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Planning Res #1	05.28.2026
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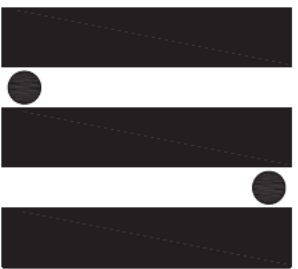
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Proposed
Exterior Elevations



A5.2



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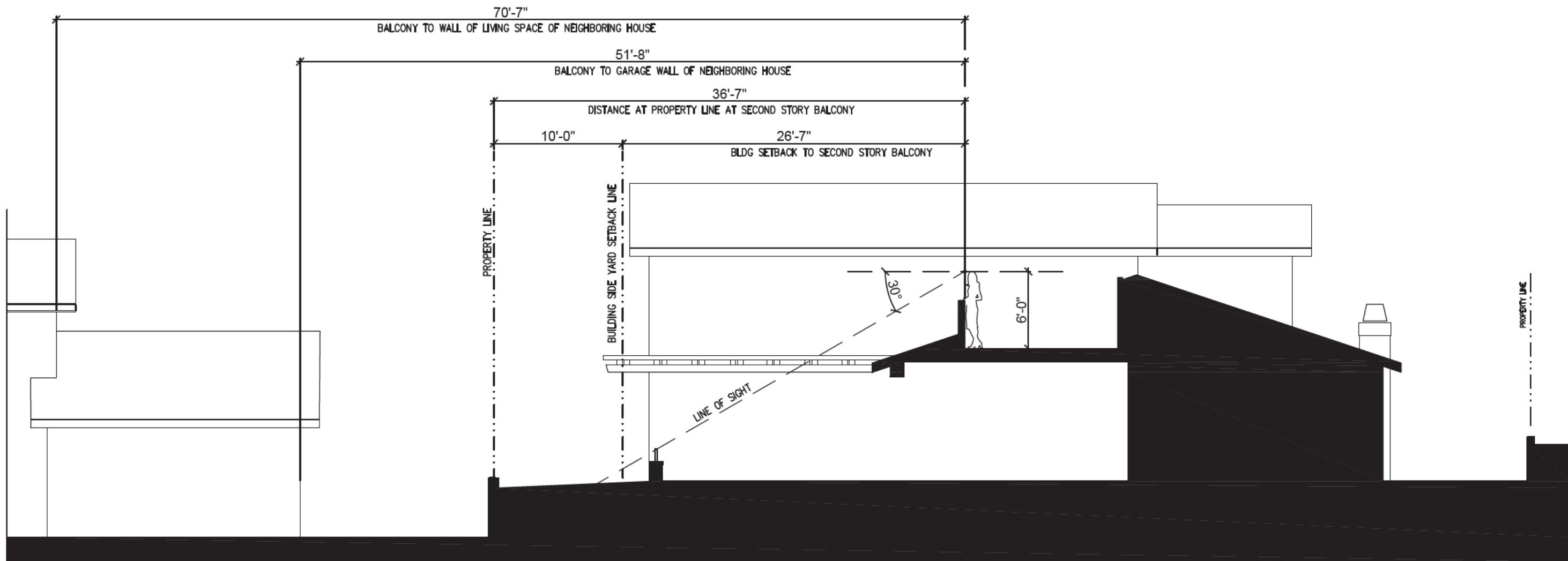
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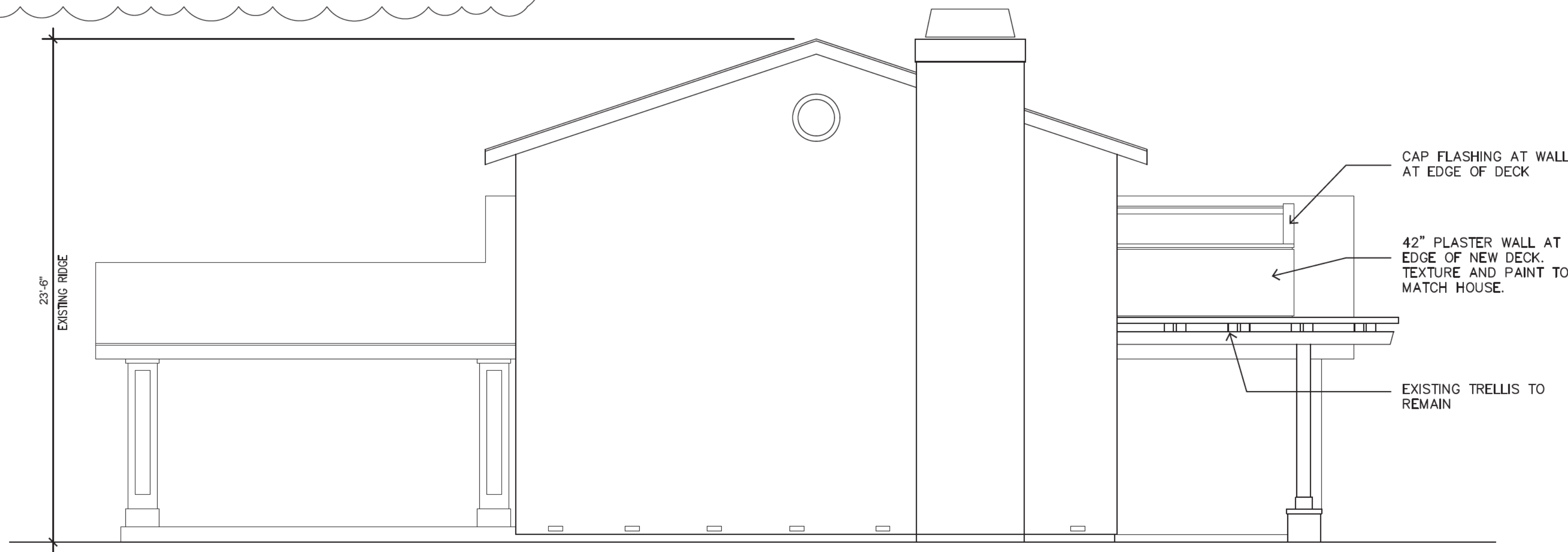
Proposed
Exterior Elevations



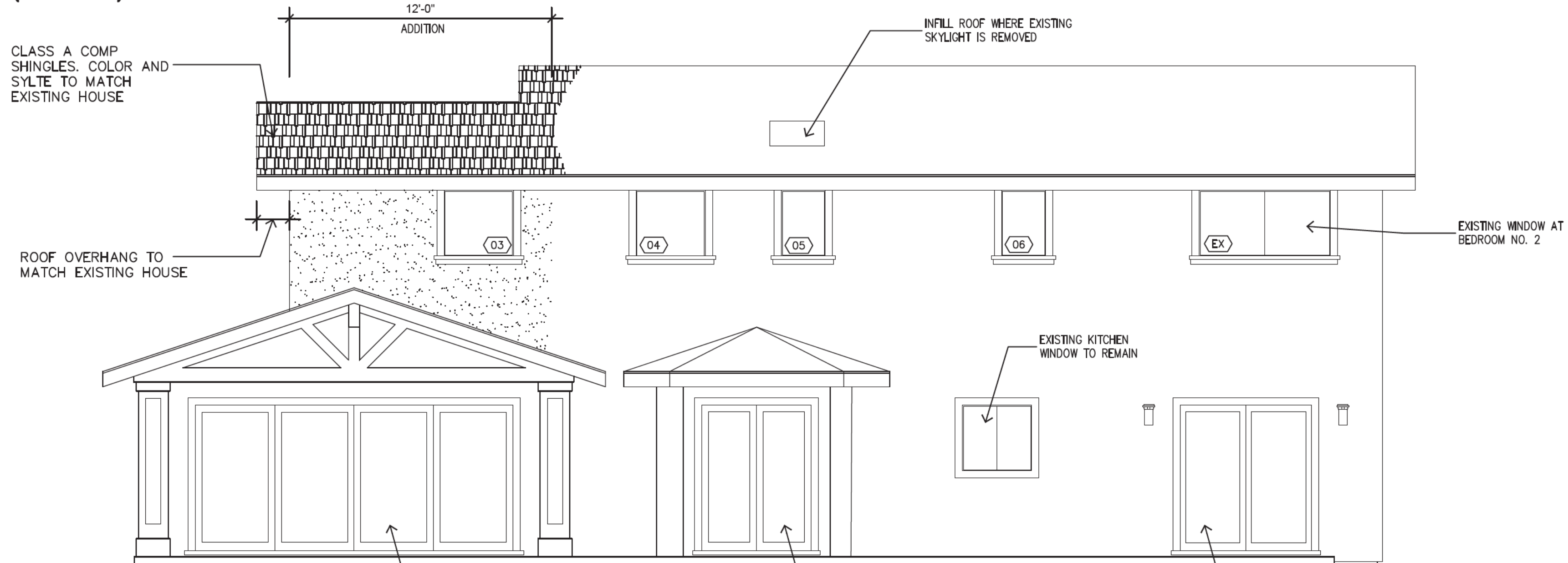
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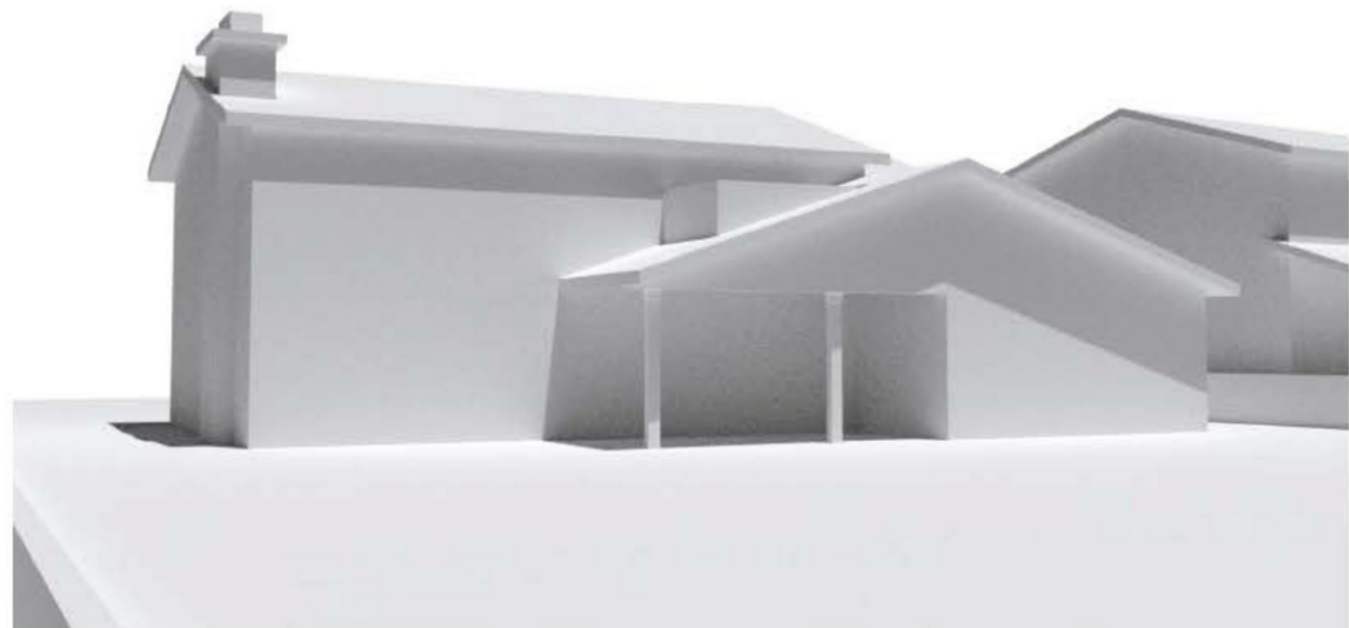
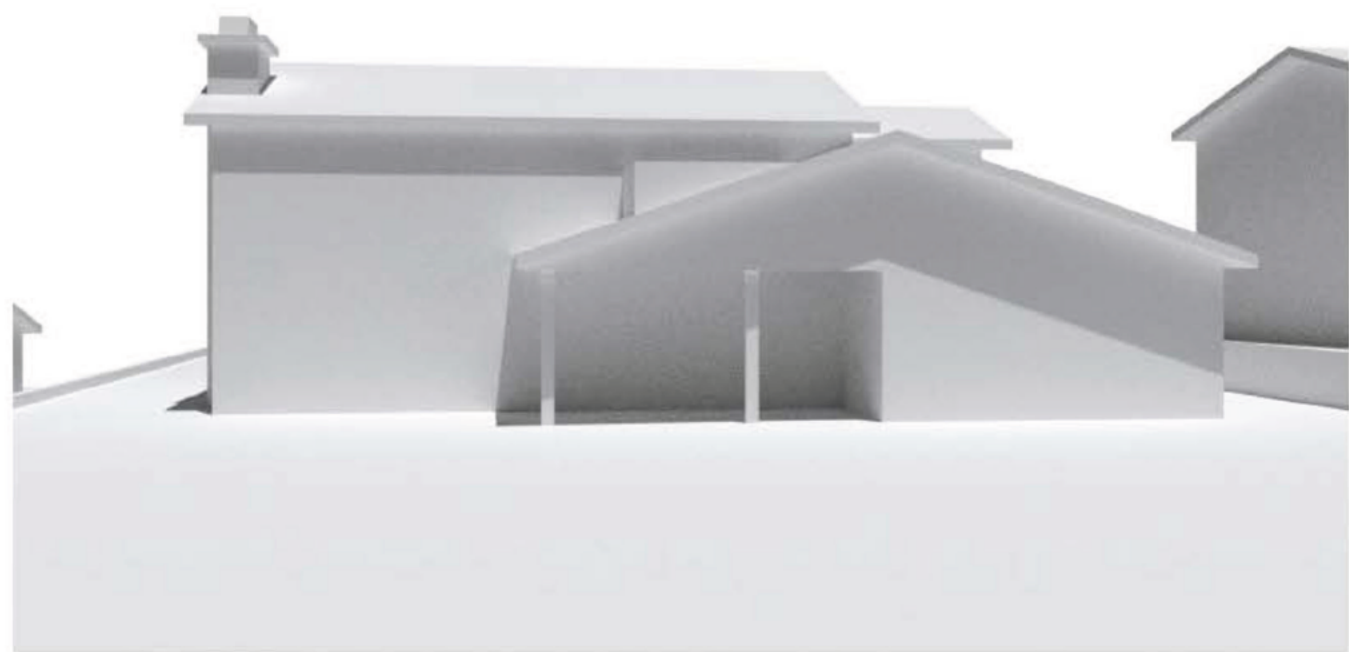
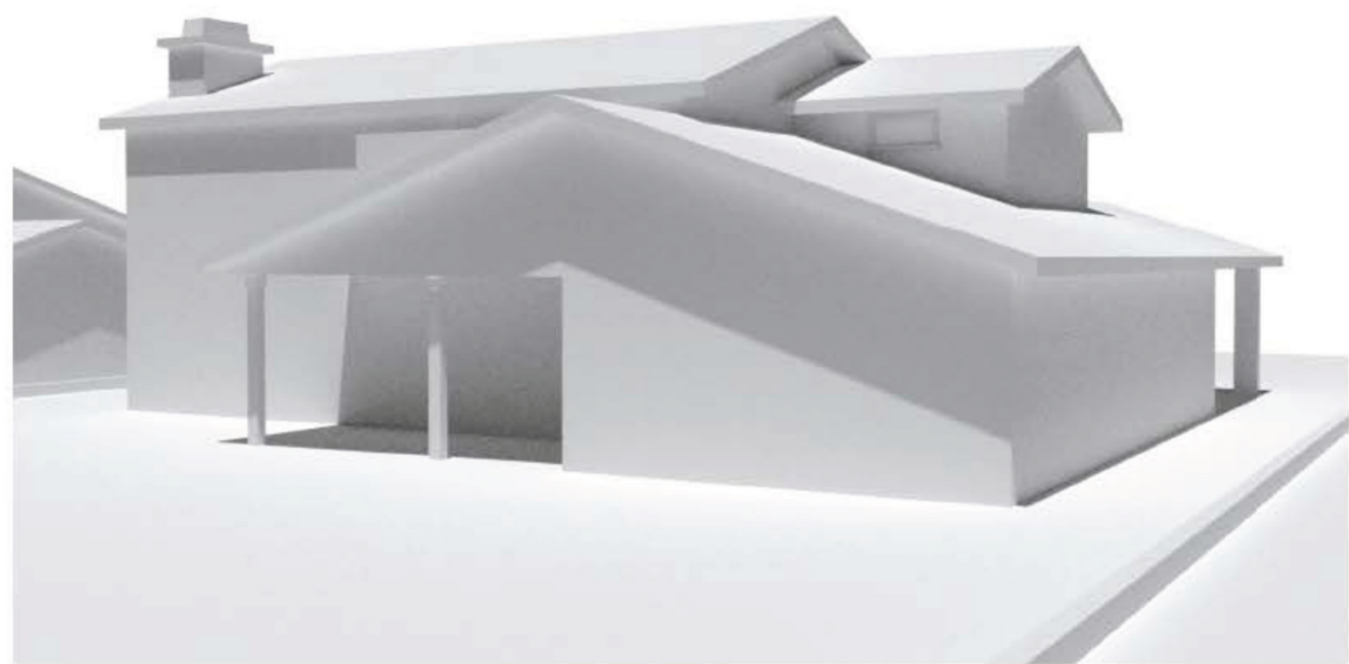
3 SIGHT LIGHT STUDY FROM NEW BALCONY TO NEIGHBORING PROPERTY
SCALE: 1/8" = 1'-0"



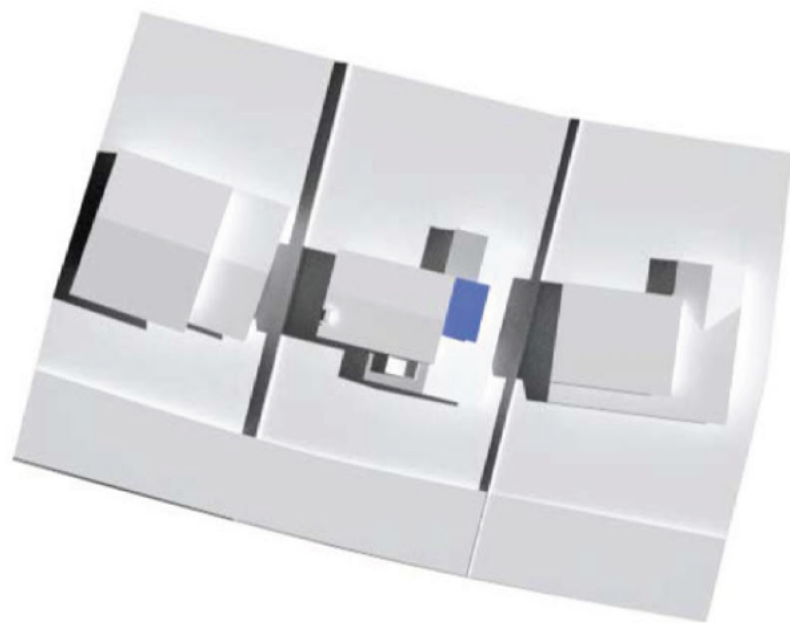
2 WEST BUILDING ELEVATION (SIDE YARD)
SCALE: 1/4" = 1'-0"



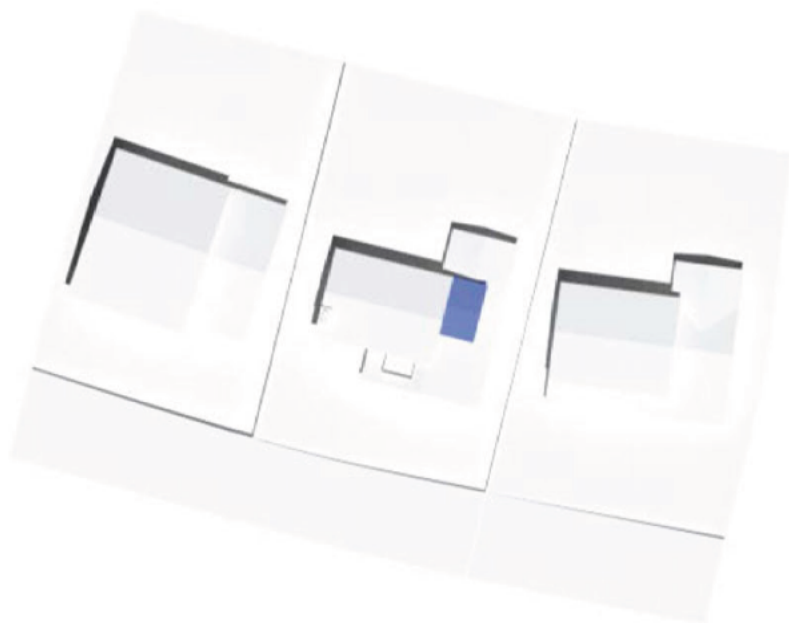
1 NORTH ELEVATION (REAR YARD)
SCALE: 1/4" = 1'-0"



BUTCHER RESIDENCE SUN STUDY
127 BELHAVEN DRIVE, LOS GATOS
JUNE 21
9:00 AM



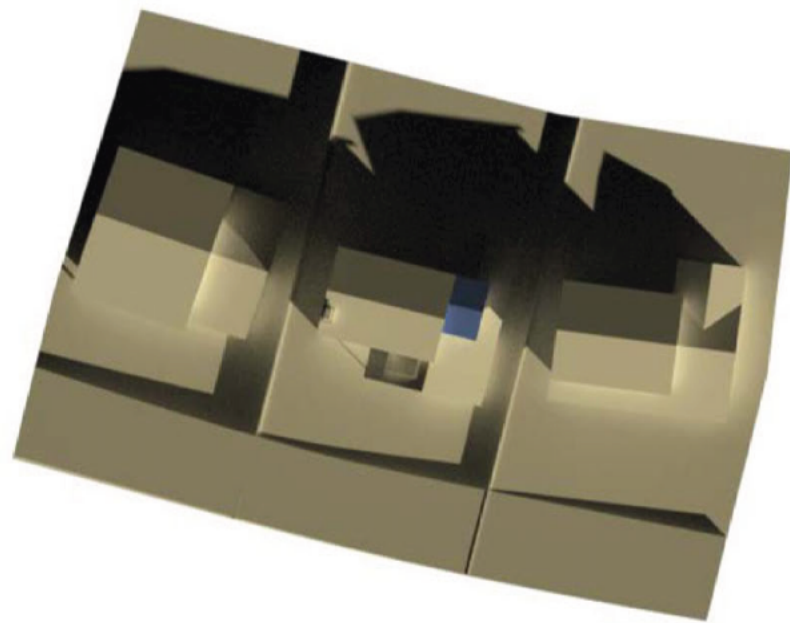
BUTCHER RESIDENCE SUN STUDY
127 BELHAVEN DRIVE, LOS GATOS
JUNE 21
12:00 PM



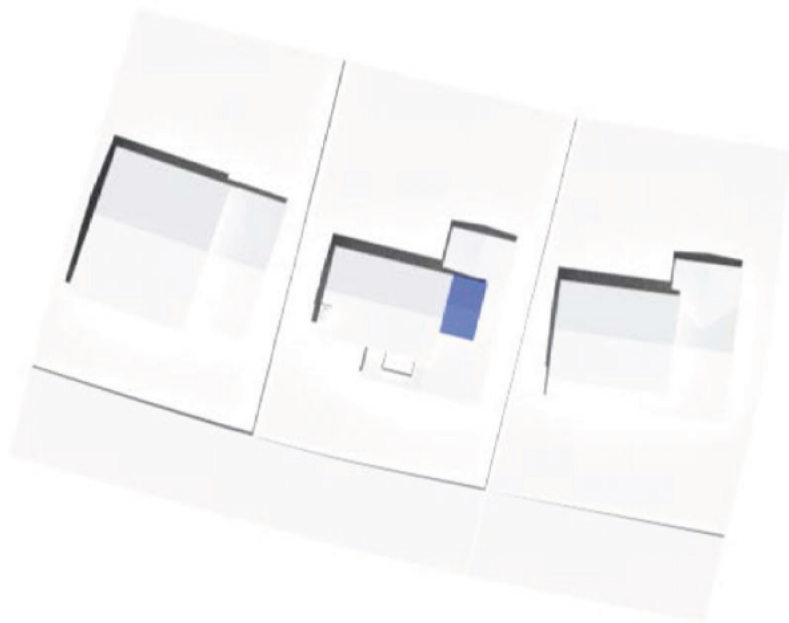
BUTCHER RESIDENCE SUN STUDY
127 BELHAVEN DRIVE, LOS GATOS
JUNE 21
3:00 PM



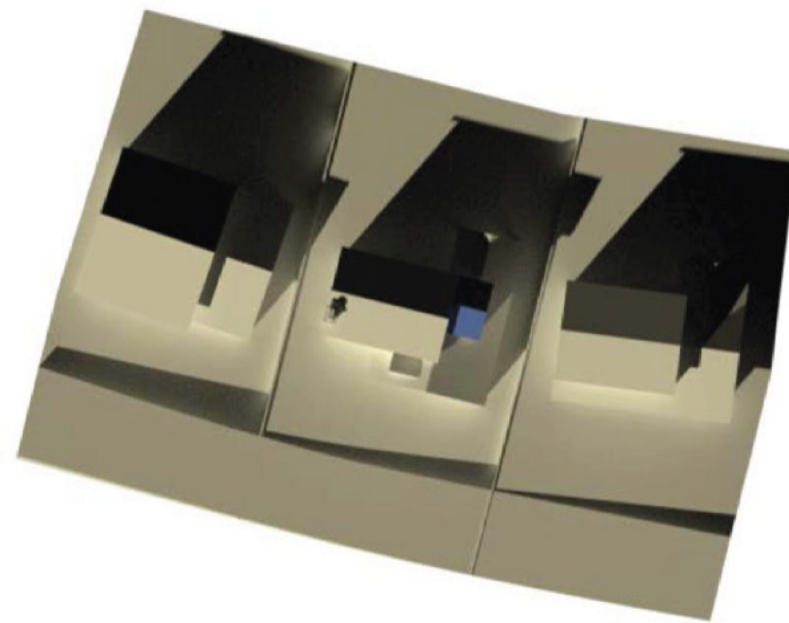
BUTCHER RESIDENCE SUN STUDY
127 BELHAVEN DRIVE, LOS GATOS
DECEMBER 21
9:00 AM



BUTCHER RESIDENCE SUN STUDY
127 BELHAVEN DRIVE, LOS GATOS
DECEMBER 21
12:00 PM



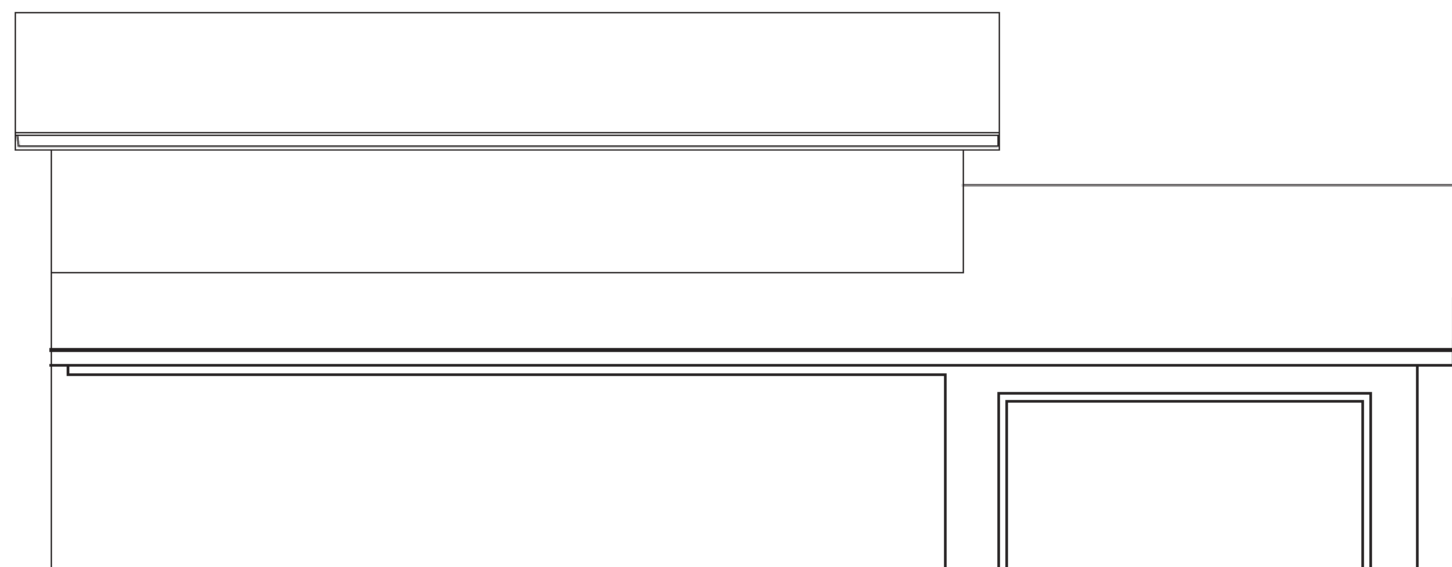
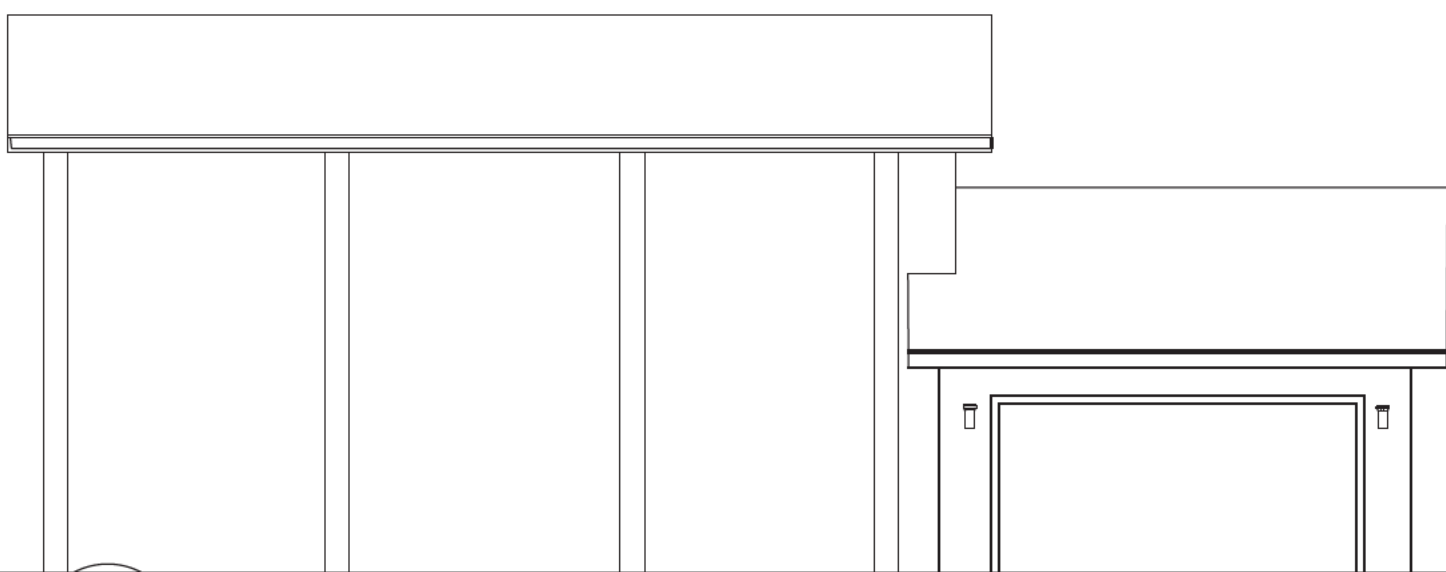
BUTCHER RESIDENCE SUN STUDY
127 BELHAVEN DRIVE, LOS GATOS
DECEMBER 21
3:00 PM



2 SUN STUDIES FOR DECEMBER 21st AND JUNE 21st
SCALE: NTS

4 ADJACENT PROPERTIES
SCALE: NTS

3 PERSPECTIVE VIEWS FROM STREET
SCALE: NTS



1 STREETSCAPE
SCALE: 1/8" = 1'-0"

Residential Remodel
and Addition
127 BELHAVEN DRIVE
LOS GATOS CA 95032

ISSUE	DATE
Permit Submittal	02.16.2026
⚠ Planning Res #1	04.10.2026
⚠ Planning Res #1	05.05.2026
⚠ Planning Res #1	05.28.2026

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JOB NO.	2025.12
DRAWN BY	GTS
SCALE	AS NOTED

Streetscape
Sun Studies

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From: [Holly Amici](#)
To: [Suray Nathan](#)
Cc: [REDACTED]
Subject: Butcher project
Date: Thursday, July 2, 2026 10:31:10 PM

[EXTERNAL SENDER]

Dear Mr.Suray Nathan,

My name is Holly Amici, and I live at [REDACTED] I am a neighbor of Jeremy Butcher and I am writing to you in regards to the Butcher's proposed project, PC-MR-26-005 at 127 Belhaven Drive. I would like to express my support for their project and proposed window placement.

Thank you for your attention to this matter.

Regards,

Holly Amici

EXHIBIT 12

From: [Neil Storey](#)
To: [Suray Nathan](#)
Cc: [REDACTED]
Subject: Feedback on project PC-MR-26-005 - 127 Belhaven Drive
Date: Thursday, July 2, 2026 5:10:20 PM

[EXTERNAL SENDER]

Suray,

I am writing in regard to the project PC-MR-26-005 at 127 Belhaven Drive. My name is Neil Storey and my address is [REDACTED]. My family and I live next door to the Butcher's, they have been our neighbours for several years.

I wanted to express my support for their project. I reviewed the project information in May when they sent it to me. I have no concerns at all with the proposal to add a window facing onto Belhaven Drive. It doesn't create a privacy concern for our family and similarly I don't have any visual impact issues.

I hope this feedback is useful in helping you decide this matter. If you need any additional information please let me know.

Best Regards,

Neil Storey

From: [Dennis Hong](#)
To: [Suray Nathan](#)
Cc: [REDACTED]
Subject: Proposed project at 127 Belhaven Dr
Date: Thursday, July 2, 2026 5:54:02 PM

[EXTERNAL SENDER]

I'm writing to you in regards to the proposed renovation project PC-MR-26-005 - 127 Belhaven Dr for Jeremy Butcher. In May our family received the project information by mail and would like to express our support for the project. We feel the proposed window coverings are more than enough to address any visual or privacy concerns.

Dennis Hong
[REDACTED]
Los Gatos, CA 95032

From: [Karthik Thyagarajan](#)
To: [Suray Nathan](#)
Cc: [REDACTED]
Subject: Subject: Support for Jeremy Butcher's Project PC-MR-26-005 — 127 Belhaven Drive
Date: Thursday, July 2, 2026 12:14:06 PM

[EXTERNAL SENDER]

Dear Mr. Nathan,

My name is Karthik Thyagarajan, and I reside at [REDACTED].

I am writing regarding **Jeremy Butcher's proposed project, PC-MR-26-005, at 127 Belhaven Drive**. I received the project information mailed to nearby residents in May and would like to express my **support for the proposal**.

As a resident directly across the street, any window facing Belhaven Drive would have a greater potential visual impact on my property than on adjacent homes. However, I believe the proposed window coverings and related measures would be more than sufficient to address any privacy or visual-impact concerns.

For these reasons, I support the approval of Jeremy Butcher's project.

Thank you for your consideration.

Sincerely,

Karthik Thyagarajan

[REDACTED]

From: [Jason Xie](#)
To: [Suray Nathan](#)
Cc: [REDACTED]
Date: Friday, July 3, 2026 11:28:57 PM

[EXTERNAL SENDER]

Dear Mr. Nathan,

Hope this email finds you well. When you read this email, hopefully you already had a great 4th of July weekend, all refreshed and ready for a great 2nd half of the year.

I'm writing this email with regard to the proposed renovation project, PC-MR-26-005, at 127 Belhaven Drive (property owner and head of household: Jeremy Butcher). As Jeremy and the family's neighbor, we received the project information by mail in May. We would like to express our support for the proposed project.

As for the item concerning a bathroom window, we believe the proposed window coverings are more than sufficient to address any potential visual or privacy concerns for both Jeremy's family, any visitor, and anyone passing by this Belhaven address. We believe this bathroom window item shall be put to rest. And we trust that the town's planning department will see no further issues or concerns, and allow this project to move forward as planned.

If anything else we can do to help further clarify and support this renovation project proposal, please let us know.

Best Regards,

Jason Zaixin Xie & Anca Neacsu
[REDACTED]

From: [Dorothy Smith](#)
To: [Suray Nathan](#)
Subject: Project at 127 Belhaven Dr.
Date: Thursday, July 2, 2026 4:41:05 PM

[EXTERNAL SENDER]

Hello Suray,

I live at [REDACTED] and have received information about PC-MR-26-005-127 Belhaven Drive in May. I totally support this project.

I live directly across the street and believe that any window facing Belhaven Dr. would have a greater potential visual impact on my property than on any adjacent homes. However, I think that the plans for window coverings would be more than sufficient to address any possible concerns about privacy or visual impact.

Thank You,
Dorothy Smith

From: [Amy Johnson](#)
To: [REDACTED] [Suray Nathan](#)
Cc: [REDACTED]
Subject: Recommendation letter, Jeremy and Jamie Butcher
Date: Monday, July 6, 2026 8:58:49 PM

[EXTERNAL SENDER]

To Whom it May Concern,

We are writing to offer our strongest recommendation and support for our friends, Jamie and Jeremy Butcher, whom we have had the pleasure of knowing for the past 13 years. Over that time, we have come to know them not only as wonderful neighbors, but as people of exceptional character, integrity, and kindness. Our friendship has grown steadily over the years, and we've seen that they are thoughtful, responsible, and considerate in all aspects of their lives.

In fact, our regard for them is so high that we were genuinely excited by the opportunity to move into the same neighborhood—just down the street! Knowing we would have such dependable and kind neighbors was a significant factor in our decision, and it has only reinforced our positive experience since moving.

We are fully supportive of the Butchers' proposed home renovation project, PC-MR-26-005 at 127 Belhaven Drive. We believe their plans reflect thoughtful investment not only in their own property, but in the neighborhood as a whole. Improvements like these contribute positively to the overall appearance, desirability, and long-term property values in the area. We are confident that their project will be carried out with the same level of care, responsibility, and consideration that they demonstrate in other aspects of their lives.

Without hesitation, we offer our highest recommendation and support. The Butchers are truly an asset to the community, and we feel fortunate to call them both our friends and neighbors.

Sincerely,
Amy and Philip Johnson

[REDACTED]

From: [Eleanor Stewart](#)
To: [Suray Nathan](#)
Cc: [Eleanor Stewart](#); [REDACTED]
Subject: Project PC-MR-26-005 at 127 Belhaven Drive
Date: Wednesday, July 8, 2026 7:16:23 PM

[EXTERNAL SENDER]

Dear Suray,

I am writing you to express my support for the subject project. The Butcher's are doing what some of our neighbors in our development have done, namely increase the size of the primary bedroom/bath. From what I understand, the bathroom window will now be facing the street, which is much better than the original builds of the bathroom window facing into our neighbors' backyard. I believe any remodel helps the look of our neighborhood and increases the value of our homes.

Thank you,
Eleanor Stewart-Petrovich
[REDACTED]



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/12/2026

ITEM NO: 4

DATE: August 7, 2026
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a Recommendation to the Town Council on an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code Regarding Objective Design Standards for Single-Family and Two-Family Residential Dwelling Units and Second-Story Additions. The Proposed Amendments to the Town Code are Not Subject to CEQA Pursuant to CEQA Section 15061(b)(3), Because it can be Seen with Certainty that they will not Significantly Affect the Physical Environment in that they Make Minor Changes to the Regulations and Design Review Process Applicable to New Single-Family and Two-Family Residential Dwelling Units and Second-Story Additions. Town Code Amendment Application A-26-003. **Project Location: Town Wide.** Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council on an ordinance amending Chapter 29 (Zoning Regulations) of the Town Code regarding objective design standards for single-family and two-family residential dwelling units and second-story additions.

CEQA:

The proposed amendments are not subject to CEQA review, pursuant to CEQA Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make minor changes to the regulations and design review process applicable to new single-family and two-family residential dwelling units and new second-story additions.

PREPARED BY: Ryan Safty
Associate Planner

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

FINDINGS:

- The proposed amendments are not subject to CEQA review pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3); and
- The amendments to Chapter 29 of the Town Code are consistent with the General Plan.

BACKGROUND:

In September 2021, Governor Newsom signed new state law, Senate Bill 9 (SB 9), which went into effect on January 1, 2022. SB 9 requires ministerial approval of certain housing development projects and lot splits on a single-family zoned parcel, with the intent to increase residential densities within single-family neighborhoods across the State.

The law allows for two new types of development activities that must be reviewed ministerially without any discretionary action or public input:

- **Two-unit housing development** – Two homes on an eligible single-family residential parcel.
- **Urban lot split** – A one-time subdivision of an existing single-family residential parcel into two parcels.

On December 21, 2021, the Town Council adopted an Urgency Ordinance to implement local objective design standards for SB 9 applications. On November 15, 2022, the Town Council approved Ordinance 2334, which established the permanent SB 9 Ordinance within Chapter 29 (Zoning Regulations) of the Town Code. On May 21, 2024, the Town Council approved Ordinance 2359 (Exhibit 2), which included modifications to the previous ordinance to modify design review standards and make clarifying revisions. Ordinance 2359 is the Town's current SB 9 Ordinance.

Previous SB 9 law allowed jurisdictions to adopt objective zoning, subdivision, and design standards specific to two-unit housing development and urban lot split applications so long as they would not preclude the construction of two, 800-square foot units with four-foot side and rear setbacks. As a reminder, objective design standards are development regulations that involve no personal or subjective judgment by a public official. They must be uniformly verifiable using an external, measurable benchmark known to both the applicant and the public official before application submittal. The Town's current SB 9 Ordinance includes a Design Review Standards Section applicable to two-unit development applications [Exhibit 2, Town Code Section 29.10.630 (2)] and a Subdivision Standards Section applicable to urban lot split applications [Exhibit 2, Town Code Section 29.10.650 (1)]. Since SB 9 applications allow reduced side and rear setbacks and require ministerial review, and since design guidelines aren't enforceable on these projects, the objective design standards for SB 9 projects were created to

protect neighbor privacy and enforce some of the Town's residential and hillside design guidelines to encourage orderly development and neighborhood compatibility.

In September of 2024, Governor Newsom signed new state law, Senate Bill 450 (SB 450), which went into effect on January 1, 2025 (Exhibit 3). SB 450 updates and expands the required provisions of SB 9. The most significant change from SB 450 is that it now prohibits the Town from adopting specific zoning, subdivision, or design standards for SB 9 projects that do not already apply uniformly to development in the underlying zoning district. Instead, the Town can only apply objective zoning, subdivision, and design standards to SB 9 projects if those standards are applicable to or are more permissive than standards within the underlying zone. As a result, many of the Town's existing objective SB 9 standards are no longer enforceable. Exhibit 4 includes a strike-through version of the Town's current SB 9 Ordinance, showing which provisions are no longer enforceable based on SB 450.

Several neighboring jurisdictions have recently updated their SB 9 process following the adoption of SB 450, which highlights the array of options available to the Town. On one end of the spectrum is the City of Campbell, who reduced their objective standards across the majority of their jurisdiction to line up with the increased allowances of SB 9, essentially removing their standard discretionary process and reducing setbacks for all new single-family units down to four feet side and rear. The City of Berkeley took a different approach, essentially eliminating single-family zoning altogether, and therefore removed the ability to use SB 9 since it is only applicable in single-family zones. Lastly, the cities of Cupertino, Sunnyvale, and Palo Alto have created new objective design standards to be applicable to all new single- and two-family dwelling units and second-story additions; therefore, allowing them to apply to SB 9 projects as well as those units created through their discretionary processes. Palo Alto and Cupertino took their previous SB 9 design standards and made them applicable across all residential zones. Therefore, the cities can continue to apply the previous standards to SB 9 projects while providing an exception process for standard discretionary applications that do not meet these new standards. Sunnyvale took their existing, subjective residential design guidelines and, with the support of a consultant, completed an extensive update to turn them into modernized, objective design standards within City Code and applicable across all residential zones. The following hyperlink includes the council reports for the various approaches for each of the neighboring jurisdictions listed above:

<https://www.losgatosca.gov/DocumentCenter/Index/2977>

In March of this year, staff met with the local architect and design community to discuss the new changes to State law and the need to create objective design standards. The group of roughly ten architects and designers discussed what they have seen work well in other jurisdictions and, in summary, concluded that "less is more" when it comes to these objective design standards. They noted that jurisdictions that tried to overly control architectural styles and detailing tended to result in poor design, and that if new standards are necessary, they prefer options rather than one set standard.

In addition to the architect and design community input, staff has received input from the public since SB 9 was first adopted in 2021. The primary concerns, both before and after SB 450 was adopted, have largely been centered around privacy as SB 9 allows reduced four-foot side and rear setbacks. Now that SB 450 has removed some of the previous attempts to protect neighborhood privacy, there is a need to modify Town Code to introduce protections applicable to all new single- and two-family residential dwelling units and second-story additions, including those created through SB 9. Specifically, as detailed below, staff recommends new objective design standards related to porches, patios, decks, platforms, balconies, and other open, unenclosed areas; and window restrictions when over a certain height and within a certain distance of a shared property line.

In developing the draft Ordinance, staff considered the feedback from the architects and design community and Town residents; conducted research on the approach used by neighboring jurisdictions; and drafted a new Town Code section as discussed below. Staff recommends an approach similar to Palo Alto and Cupertino, where many of the existing SB 9 standards, and some commonly used design guidelines, are added into Town Code to apply across all residential zones and be applicable to all single-family and two-family projects.

DISCUSSION:

To address changes made to SB 9 processing by SB 450, staff drafted amendments to portions of Chapter 29 (Zoning Regulations). The proposed amendments would take many of the existing SB 9 standards, as well as the more common design guidelines from the Town's Single and Two Family Residential Design Guidelines (RDG) and Hillside Development Standards and Guidelines (HDS&G) documents, and make them uniformly applicable to the underlying residential zones. Specifically, the standards are drafted to be applicable to all new single-family units; two-family units; and second-story additions, whether new or an addition to an existing second-story. Additionally, there are clean-up and consistency items proposed. Details on the proposed amendments and new standards are provided below.

A. New Objective Design Standards Process Overview

The draft Ordinance introduces a new Town Code Section, titled "Objective Design Standards for New Single-Family and Two-Family Residential Dwelling Units and Second Story Additions," which would be within Article VI – Residential Zones; Division 1 – Generally (Exhibits 5). This new Town Code section is divided into four parts: purpose and applicability; design standards for site planning and architectural details; design standards for massing and privacy; and an exception process. These standards are in addition to other objective Town Code standards, such as setbacks, height, floor area ratio, lot coverage, etc., and are applicable to all new single- and two-family residential dwelling units and second-story additions. This includes both ministerial applications, such as SB 9 two-unit housing

developments, and discretionary applications, such as architecture and site and minor residential project applications.

Projects proceeding under a ministerial process would not have an option for exceptions to any of these standards. Projects proposed under a discretionary process could request an exception through the standard architecture and site application process. As noted in Town Code Section 29.40.100 (Exceptions), the findings to be considered include compliance with the Town's RDG (and corresponding report by the Town's Consulting Architect), HDS&G (when applicable), neighborhood compatibility, and neighboring privacy protections.

B. Previous SB 9 Standards

Many of the new standards in Town Code Sections 29.40.090 and 29.40.095 were derived from the Town's previous SB 9 regulations in Ordinances 2359 (2024) and 2334 (2022). The following standards that were previously applicable only to SB 9 two-unit housing developments are now proposed to apply to all new single- and two-family dwelling units and second-story additions. A brief staff explanation is provided in *italics* below each new standard.

- Sec. 29.40.090 (1) - Building sites. The footprint of the proposed residential unit(s) and garage(s) shall not be located on lands with slopes exceeding thirty (30) percent.
 - *Staff explanation: This standard was derived from the Town's HDS&G and has been in the Town's SB 9 Ordinance since 2022.*
- Sec. 29.40.090 (4) - Exterior materials. For properties in the Hillside Area, exterior material colors for dwelling units and garages shall comply with the requirements in Chapter V, Section I, Standard 2 of the Town's Hillside Development Standards and Guidelines for maximum light reflectivity value (LRV).
 - *Staff explanation: This standard was derived from the Town's HDS&G and has been in the Town's SB 9 Ordinance since 2022.*
- Sec. 29.40.090 (5) - Mechanical equipment screening. Heating, ventilation, and air conditioning (HVAC) units, generators, energy storage systems (ESS) and other similar ground mounted mechanical equipment shall be screened from view from any adjacent street if not already located out of view behind a building or solid fence.
 - *Staff explanation: This standard has been in the Town's SB 9 Ordinance since 2024.*
- Sec. 29.40.095 (3) - Second story location. A new second story, whether a new second-floor added above an existing single-story structure, addition to an existing second-floor, or a new two-story structure, shall meet the underlining setbacks of the zone, and in no case be less than eight (8) feet from a property line.
 - *Staff explanation: This standard is similar to the standard that has been in place since 2022, which first required a five-foot second-story step-back from the first floor below and then was amended in 2024 to instead require a nine-foot setback*

of the second-floor from the property line. It has been slightly revised down to eight feet to match R-1:8 side setback standards. This standard helps limit massing, while the window and patio, porch, deck, platforms, balconies, and other open, unenclosed areas standards listed below help control neighboring privacy.

- Sec. 29.40.095 (4) - Plate height. For two-story homes, the maximum plate height of the first floor shall be limited to ten (10) feet, and the maximum plate height of the second floor shall be limited to eight (8) feet.
 - *Staff explanation: This standard has been in the Town's SB 9 Ordinance since 2022.*

C. Design Guidelines Added

The following standards in Town Code Sections 29.40.090 and 29.40.095 were derived from the Town's existing design guideline documents, including the RDG and HDS&G. Since design guidelines cannot be enforced with ministerial applications, they must be made objective to be applicable. A brief staff explanation is provided in *italics* below each new standard.

- Sec. 29.40.090 (2) – Site grading. In the Hillside Area, site grading shall not be larger than the area of the footprint of the house, driveway, parking, and vehicular turnaround areas.
 - *Staff explanation: This standard was derived from HDS&G Chapter III-Section A-Standard 5 and ensures that grading in the hillsides is limited to the minimum amount necessary to develop the residential unit and required access.*
- Sec. 29.40.090 (3) – Material changes. Exterior material and siding changes shall occur at the inside corner of two walls and not the outside corner. See Section 3.8.4 of the Town's Single and Two Family Residential Design Guidelines for an example diagram.
 - *Staff explanation: This standard was derived from RDG Section 3.8.4.*
- Sec. 29.40.095 (1) – Patios, porches, decks, platforms, balconies, and other open, unenclosed areas.
 - a. See Town Code Section 29.40.070 for projection allowances for areas under four (4) feet in height above grade.
 - b. If four (4) feet above grade or greater, including rooftops, the underlining setbacks of the zone shall be met, and in no case shall they be located less than twenty (20) feet from a rear property line and ten (10) feet from any other property line. Additionally, each area shall also include a minimum of one of the following screening techniques along the entire portion of the open area that faces existing residential use(s) or zone(s). The additional screening techniques are not required when these areas are proposed facing a public right-of-way.
 - i. Solid or opaque privacy wall of at least six (6) feet in height, blocking direct visibility along the edges of the deck or open area; or

- ii. Property line fence of at least six (6) feet solid material with one (1) foot lattice above (seven (7) feet high in total) and privacy landscape screening consisting of native, evergreen species. Trees are to be a minimum of twenty-four (24) inch box size, shall be a minimum of six (6) feet tall at the time of planting, with a typical mature height of at least twenty-five (25) feet and mature canopy width of fifteen (15) feet, and planted at a rate of one (1) tree for every twenty-five (25) linear feet between. Three closely spaced tall screening shrubs of at least fifteen (15) gallon in size with a mature height of at least fifteen (15) feet and a mature width of at least three (3) feet may be substituted for one screening tree. Both fencing and landscaping shall be placed at the shared property line, with a cone-of-vision defined by a thirty (30) degree angle from the furthest edges of the deck or open unenclosed area.
 - *Staff explanation: This standard is derived from RDG 3.11.2. As noted above, privacy was the primary concern received from the public over the past few years, which is why additional standards are proposed. Screening standards “i” and “ii” are derived from RDG 3.11.2. The size and height requirements of the landscape screen are derived from Palo Alto’s standards. As requested by the architect community, this “new” standard has compliance options.*
- Sec. 29.40.095 (2) – Windows. All second-story windows less than twenty (20) feet from a rear property line or ten (10) feet from any other property line, and all first-story windows less than six (6) feet from a property line where the finished floor is three (3) feet or more above grade, shall comply with at least one of the following. This standard does not apply to windows facing a public right-of-way.
 - a. Clerestory, with the bottom of the glass at least six (6) feet above the finished floor;
 - b. Opaque glazing, blocking direct visibility; or
 - c. Property line fence of at least six (6) feet solid material with one (1) foot lattice above (seven (7) feet high in total) and privacy landscape screening consisting of native, evergreen species. Trees are to be a minimum of twenty-four (24) inch box size, shall be a minimum of six (6) feet tall at the time of planting, with a typical mature height of at least twenty-five (25) feet and mature canopy width of fifteen (15) feet, and planted at a rate of one (1) tree for every twenty-five (25) linear feet between. Three closely spaced tall screening shrubs of at least fifteen (15) gallon in size with a mature height of at least fifteen (15) feet and a mature width of at least three (3) feet may be substituted for one screening tree. Both fencing and landscaping shall be placed at the shared property line, with a cone-of-vision defined by a thirty (30) degree angle from the furthest edges of the deck or open unenclosed area.
 - *Staff explanation: The intent of this standard has been in the Town’s SB 9 Ordinance since 2022. The previous standard stated that windows must be*

clerestory if within 10 feet of a side or rear property line. However, staff found that the majority of neighboring jurisdictions increase the rear setback standard, similar to how rear setbacks of the zone are generally greater than the sides. RDG 3.11.8 lists option “b” as a recommended mitigation technique for two-story windows, and lists option “c” as a recommended mitigation technique for decks, which can also be applied to windows. Staff found all three techniques used within neighboring jurisdictions. Additionally, as requested by the architect community, this revised standard has compliance options.

- Sec. 29.40.095 (5) – Two-story articulation. A new second-story that is not stepped-back from the single-story wall below and creates a two-story wall shall include at least one of the following to provide visual relief along that two-story wall:
 - a. Bellyband extending the full width of the two-story elevation;
 - b. Projections or bay windows;
 - c. Material and color changes;
 - d. Chimneys;
 - e. Overhangs with projecting brackets;
 - f. Juliet balconies;
 - g. Window boxes; or
 - h. Landscaped trellis or lattice.
 - *Staff explanation: This standard is derived from RDG 3.3.3, and as requested by the architect community, this “new” standard has compliance options.*

D. Clean-Up Items

In addition to the items listed above, staff recommends additional revisions to Town Code to further support the proposed objective design standards. This includes new definitions, clarifying and modifying some existing standards and processes, and clarifying the building height allowances in Town Code for consistency with the HDS&G. A brief staff explanation is provided in *italics* below each clean-up item.

- Sec. 29.10.020 – Definitions.
 - Hillside Area* means all properties zoned Hillside Residential or properties located within the Hillside Area Map of the Town’s Hillside Development Standards and Guidelines.
 - *Staff explanation: This definition is added to Chapter 29 (Zoning Regulations) to enforce certain hillside-related requirements on R-1 and RC zoned properties within the HDS&G defined “Hillside Area,” as not all properties subject to the HDS&G are zoned HR.*
 - Landscaping* means an area devoted to plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials.

- *Staff explanation: This definition is added to Chapter 29 (Zoning Regulations) as new standards related to landscaping are being proposed, and landscaping is not defined in Town Code. The definition was taken from the Town's Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development document.*
- Sec. 29.40.070 (c - e) – Projections allowed into yards. (see Exhibit 5 for proposed modifications)
 - *Staff explanation: In summary, subsections (c)-(e) of Town Code Section 29.40.070 are proposed to be amended to clarify existing Town Code and to ensure that new SB 9 applications are not allowed projection into the required reduced setback areas that would create privacy concerns. Edits are proposed to this Town Code Section to ensure consistency with new Town Code Section 29.40.095 (1) and to clean-up existing portions that were not clear: i.e. current Town Code Section 29.40.070 allows a four-foot tall, uncovered porch to project six feet into the required front setback, while a one-foot tall deck could not project.*
- Sections 29.40.095(5), 29.40.170, 29.40.275, 29.40.410, and 29.40.745 – Height limitations. (see Exhibit 5 for proposed modifications)
 - *Staff explanation: In summary, modifications to the height limitations in the RC, HR, R-1, and R-1D zones are proposed for consistency with HDS&G. Although the Town's HDS&G provides a maximum height for residences within the Hillside Area to 25 feet, or 18 feet if determined to be visible from one of the established viewing platforms, Town Code provides for 30 feet in the zones that are included within the HDS&G. This change would make the height limitations consistent between the HDS&G and zoning code for properties in the HDS&G Hillside Area.*

PUBLIC COMMENTS:

Staff conducted outreach through the following media and social media resources, as well as direct communication with stakeholders as summarized below:

- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;
- The Town's Instagram account;
- The Town's NextDoor page;
- In-person meeting with local architects and designers to obtain feedback in March 2026; and
- Direct email communication to local architects and designers.

At the time this report was published, no public comments were received.

ENVIRONMENTAL ASSESSMENT:

The proposed amendments are not subject to CEQA review, pursuant to CEQA Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make minor changes to the regulations and design review process applicable to new single-family and two-family residential dwelling units and new second-story additions.

CONCLUSION:

A. Summary

In response to recent changes to State law, the Town must rely on objective design standards in the review of certain types of application, including SB 9 applications. The draft Ordinance in Exhibit 5 takes current SB 9 standards that were removed through SB 450, as well as some existing design guidelines, and makes them objective and applicable to all single- and two-family residential dwelling units and second-story additions.

B. Recommendation

Staff recommends that the Planning Commission review the information included in the staff report and forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code in the draft Ordinance (Exhibit 5). The Planning Commission should also include any comments or recommended changes to the draft Ordinance in taking the following actions:

1. Make the finding that the proposed amendments are not subject to CEQA pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make minor changes to the regulations and design review process applicable to new single-family and two-family residential dwelling units and second-story additions (Exhibit 1);
2. Make the required finding that the amendments to Chapter 29 of the Town Code in the draft Ordinance are consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council for approval of the proposed amendments to Chapter 29 of the Town Code in the draft Ordinance (Exhibit 5).

C. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the draft Ordinance with modifications; or
2. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Required Findings
2. Current Senate Bill 9 Ordinance 2359
3. Senate Bill 450 State Law
4. Current Senate Bill 9 Ordinance 2359 with Senate Bill 450 Deletions
5. Draft Town Code Amendments

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PLANNING COMMISSION – August 12, 2026
REQUIRED FINDINGS FOR:

Town Code Amendment Application A-26-003

Forward a Recommendation to the Town Council on an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code Regarding Objective Design Standards for Single-Family and Two-Family Residential Dwelling Units and Second-Story Additions. The Proposed Amendments to the Town Code are Not Subject to CEQA Pursuant to CEQA Section 15061(b)(3), Because it can be Seen with Certainty that they will not Significantly Affect the Physical Environment in that they Make Minor Changes to the Regulations and Design Review Process Applicable to New Single-Family and Two-Family Residential Dwelling Units and Second-Story Additions. Project Location: Town Wide. Applicant: Town of Los Gatos.

FINDINGS

Required Findings for CEQA:

- The proposed amendments are not subject to CEQA review pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make minor changes to the regulations and design review process applicable to new single-family and two-family residential dwelling units and second-story additions.

Required Findings for General Plan:

- The amendments to Chapter 29 of the Town Code regarding these new objective design standards applicable to new single-family and two-family residential dwelling units and second-story additions are consistent with the General Plan.

EXHIBIT 1

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DIVISION 10. TWO-UNIT HOUSING DEVELOPMENTS AND URBAN LOT SPLITS

Sec. 29.10.600. Purpose and applicability.

The Town Council finds and determines that this division is applicable only to voluntary applications for two-unit housing developments and urban lot splits consistent with Senate Bill (SB) 9. Owners of real property or their representatives may continue to exercise rights for property development in conformance with the Zoning Code and Subdivision Code. Development applications that do not satisfy the definitions for a two-unit housing development or an urban lot split provided in Section 29.10.610 (Definitions) shall not be subject to this Ordinance. Any provision of this division which is inconsistent with SB 9 shall be interpreted in a manner which is the most limiting on the ability to create a two-unit housing development or urban lot split, but which is consistent with State law. The provisions of this Division shall supersede and take precedence over any inconsistent provision of the Town Code to the extent necessary to effect the provisions of this division.

(Ord. No. 2334, § 2, 11-15-22; Ord. No. 2359, § I, 5-21-24)

Sec. 29.10.610. Definitions.

In addition to definitions contained in Chapter 24 (Subdivision Regulations) and Chapter 29 (Zoning Regulations), the following definitions apply for purposes of this division. Where a conflict may exist, the definitions in this division shall apply.

Acting in concert means persons, as defined by Government Code Section 82047, as that section existed on January 1, 2022, acting jointly to pursue development of real property whether or not pursuant to a written agreement and irrespective of individual financial interest.

Addition means any construction which increases the size of a building or facility in terms of site coverage, height, length, width, or gross floor area.

Adjacent parcel means any parcel of land that is: touching the parcel at any point; separated from the parcel at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or separate from another parcel only by other real property which is in common ownership or control of the applicant.

Alteration means any construction or physical change in the arrangement of rooms or the supporting members of a building or structure or change in the relative position of buildings or structures on a site, or substantial change in appearances of any building or structure.

Car-share vehicle means a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service.

Common ownership or control means property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor of the entity owns ten (10) percent or more of the interest in the property.

Entry feature means a structural element, which leads to an entry door.

Existing structure means a lawfully constructed building that has received final building permit clearance.

First residential unit means one (1) of two (2) primary dwelling units developed under a two-unit housing development and can be an existing primary dwelling unit if it meets or is modified to meet the 1,200-square foot floor area limitation on first residential units.

Flag lot means "lot, corridor" as defined in Section 29.10.020 of Town Code.

Nonconforming zoning condition means a physical improvement on a property that does not conform with current zoning standards.

Two-unit housing development means an application proposing no more than two (2) primary dwelling units on a single parcel located within a single-family residential zone as authorized by Government Code Section 65852.21. A two-unit housing development shall consist of either the construction of no more than two (2) new primary dwelling units, one (1) new primary dwelling unit and retention of one (1) existing primary dwelling unit, or retention of two (2) existing legal non-conforming primary dwelling units where one (1) or both units are subject to a proposed addition or alteration.

Public transportation means a high-quality transit corridor, as defined in subdivision (b) of Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Section 21064.3.

Single-family residential zone means a "R-1 or Single-Family residential Zone", "R-1D or Single-Family Residential Downtown Zone", or "HR or Hillside Residential Zone" as specified in article IV, "Residential Zones," of the Zoning Code.

Subdivision Code means Chapter 24 of the Los Gatos Town Code.

Sufficient for separate conveyance means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code Section 1351 (including a residential condominium, planned development, stock cooperative, or community apartment project), or into any other ownership type in which the dwelling units may be sold individually.

Urban lot split means a ministerial application for a parcel map to subdivide an existing parcel located within a single-family residential zone into two (2) parcels, as authorized by Government Code Section 66411.7.

Zoning Code means Chapter 29 of the Los Gatos Town Code.

(Ord. No. 2334, § 2, 11-15-22; Ord. No. 2359, § II, 5-21-24)

Sec. 29.10.620. Eligibility.

An urban lot split or a two-unit housing development may only be created on parcels satisfying all of the following general requirements:

- (1) *Zoning district.* A parcel that is located within a single-family residential zone.
- (2) *Legal parcel.* A parcel which has been legally created in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and the Town's Subdivision Regulations in effect at the time the parcel was created. Applications for an urban lot split or two-unit housing development will only be accepted on parcels with either a recorded parcel map or certificate of compliance. When both an urban lot split and two-unit housing development application are submitted simultaneously, no construction or building permits for new construction or grading activities may be issued until the new parcel map for the urban lot split approval has been recorded.
- (3) *Excluding historic property.* A parcel that is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or a parcel that does not contain a Historic Structure, as defined in Town Code Section 29.10.020, or is not listed on the Town of Los Gatos Historic Resource Inventory, as defined by Town Code Chapter 29,

Article VII, Division 3, "Historic Preservation and LHP or Landmark and Historic Preservation Overlay Zone."

- (4) *Excluding very high fire hazard severity zone.* A parcel that is not within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Section 51178, or within a state responsibility area, as defined in Section 4102 of the Public Resources Code. This subparagraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions: (i) Section 4291 of the Public Resources Code or Section 51182, as applicable; (ii) Section 4290 of the Public Resources Code; and (iii) Section 7A of the California Building Code (Title 24 of the California Code of Regulations).
 - (5) *Excluding hazardous waste sites.* A parcel that is not identified as a hazardous waste site pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code Section 25356, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use.
 - (6) *Excluding earthquake fault zone.* A parcel that is not located within a delineated earthquake fault zone as determined by the State Geologist on any official maps published by the State Geologist, unless the two-unit housing development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Health and Safety Code Division 13), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
 - (7) *Excluding flood zone.* A parcel that is not located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) on the official maps published by the Federal Emergency Management Agency unless a letter of map revision prepared by the Federal Emergency Management Agency has been issued or if the proposed two-unit housing development is constructed in compliance with the provisions of Town Code Chapter 29, Article XI, "Floodplain Management," as determined by the floodplain administrator.
 - (8) *Excluding natural habitat.* A parcel that is not recognized by the Town as a habitat for protected species identified as a candidate, sensitive, or species of special status by State or Federal agencies, fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 - (9) *Excluding prime farmland and wetlands.* A parcel that contains either prime farmland or farmland of statewide importance, as defined pursuant to the United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction; or wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - (10) *Excluding conservation easements.* A parcel subject to a recorded conservation easement.
- (Ord. No. 2334, § 2, 11-15-22; Ord. No. 2359, § III, 5-21-24)

Sec. 29.10.630. Requirements.

Two-unit housing developments must comply with the following objective zoning standards, design review standards, and general requirements and restrictions:

- (1) *Zoning standards.* The following objective zoning standards supersede any other standards to the contrary that may be provided elsewhere in the Zoning Code, as they pertain to a two-unit housing development under Government Code Section 65852.21. Two-unit housing developments shall be constructed only in accordance with the following objective zoning standards, except as provided by subsection (4), "Exceptions:"
 - a. *Building height.* Maximum building height shall be as specified by the applicable zoning district for the main structure. Buildings located within the required side or rear setbacks of the applicable zoning district, and those located in the Hillside Residential (HR) zones, shall not exceed sixteen (16) feet in height;
 - b. *New driveways.* Each parcel shall include no more than a single driveway unless the parcel has more than one hundred (100) feet of contiguous street frontage or more than one (1) existing driveway. Any new driveway shall satisfy the following requirements:
 1. A minimum width of ten (10) feet up to a maximum width of eighteen (18) feet. Driveways in the Hillside Residential (HR) zones shall have a minimum width of twelve (12) feet;
 2. A minimum depth of eighteen (18) feet measured from the front or street side property line;
 3. Surfacing shall comply with Town Code Section 29.10.155(e);
 4. Only a single driveway curb-cut shall be permitted per parcel unless the parcel has more than one hundred (100) feet of contiguous street frontage, designed in accordance with the Town's Standard Specifications and Plans for Parks and Public Works Construction; and
 5. A maximum slope of fifteen (15) percent.
 - c. *Dwelling unit type.* The primary dwelling units comprising a two-unit housing development may take the form of detached single-family dwellings, attached units, and/or duplexes. A duplex may consist of two (2) dwelling units in a side-by-side or front-to-back configuration within the same structure or one (1) dwelling unit located atop another dwelling unit within the same structure;
 - d. *Fencing.* All new fencing shall comply with the requirements of sections 29.40.030 through 29.40.0325 of the Zoning Code;
 - e. *Floor area ratio and lot coverage.*
 1. The maximum floor area ratio and lot coverage shall be as specified by the applicable zoning regulations.
 2. For flag/corridor lots, the gross lot size includes the access corridor for the purposes of determining maximum floor area ratio and lot coverage as follows:
 - i. When an easement is used to provide access, the access corridor is included in the gross lot size for the lot granting the easement; and
 - ii. When the access corridor is owned in-fee and is part of the rear lot, the access corridor is included in the gross lot size for the rear lot.
 3. The maximum size of the first new residential unit shall not exceed one thousand two hundred (1,200) square feet.

4. When a two-unit housing development is proposed and the existing structures are at or below the maximum allowed floor area, a ten (10) percent increase in the floor area ratio standards for residential structures is allowed, excluding garages, and this increase in floor area cannot be combined with a separate increase for an accessory dwelling unit allowed by Town Code Section 29.10.320. The additional floor area allowed by this subsection shall not exceed one thousand two hundred (1,200) square feet.
 5. Notwithstanding the floor area ratio and lot coverage standards in this subsection, a new two-unit housing development with unit sizes of 800 square feet or less shall be permitted.
- f. *Grading.*
1. To the extent required by Chapter 12, Article II and Section 29.10.09045(b) of the Town Code, the grading activities set forth in subsection 2. below may require a grading permit, but will not require discretionary review of an architecture and site application;
 2. Grading activity associated with a two-unit housing development shall not exceed fifty (50) cubic yards, cut plus fill, except:
 - i. Light wells that do not exceed the minimum required per Building Code shall not count as grading activity for the purpose of this section;
 - ii. Grading activities required to provide the minimum driveway and fire access as required by the Santa Clara County Fire Department shall not count as grading activity for the purpose of this section; and
 - iii. Excavation within the footprint of a primary dwelling unit or garage shall not count as grading activity for the purpose of this section.
 - g. Cut and Fill. Two-unit housing developments shall be subject to the cut and fill requirements specified by Table 1-1 (Cut and Fill Requirements) below:

Table 1-1 - Cut and Fill Requirements		
Site Element	Cut *	Fill *
House and attached garage	8' **	3'
Detached accessory building *	4'	3'
Driveways ***	4'	3'
Other (decks, yards) *	4'	3'
* Combined depths of cut plus fill for development other than the main residence shall be limited to 6 feet.		
** Excludes below grade square footage pursuant to Section 29.40.072 of the Town Code and light-wells that do not exceed the minimum required per Building Code.		
*** Excludes cut and fill for the minimum driveway and fire access standards as required by the Santa Clara County Fire Department.		

- h. *Building Sites.* The footprint of the proposed residential unit(s) and garage(s) shall not be located on lands with slopes exceeding thirty (30) percent. This provision applies only to the building site, not the property as a whole;
- i. *Retaining walls.* Retaining walls shall not exceed five (5) feet in height and shall not run in a straight continuous direction for more than fifty (50) feet without a break, offset, or planting pocket. Retaining walls shall have a five-foot landscaped buffer when adjacent to the street;

- j. *Light reflectivity value.* Exterior material colors for primary dwelling units and garages in the Hillside Residential (HR) zones shall comply with requirements in Chapter V, Section I, of the Town's Hillside Development Standards and Guidelines;
- k. *Landscaping requirement.* All landscaping shall comply with the California Model Water Efficient Landscape Ordinance (MWELO);
- l. *Lighting.* New exterior lighting fixtures shall be downward directed and utilize shields so that no bulb is visible to ensure that the light is directed to the ground surface and does not spill light onto neighboring parcels consistent with Section 29.10.09015 of the Zoning Code;
- m. *Trees.* Any proposed work shall comply with the protection, removal, and replacement requirements for protected trees in Chapter 29, Article 1, Division 2, "Tree Protection," of Town Code;
- n. *Minimum living area.* The minimum living area of a primary dwelling unit shall be 150 square feet, subject to the restrictions specified by Health and Safety Code Section 17958.1;
- o. *Parking.*
1. One (1) parking stall per primary dwelling unit shall be required, except for two-unit housing developments located on parcels within one-half mile walking distance of public transportation; or where there is a designated parking area for one (1) or more car-share vehicles within one (1) block of the parcel.
 2. Parking stalls may either be uncovered or covered (garage or carport) in compliance with applicable developments standards of the Zoning Code, including Chapter 29, Article I, Division 4, "Parking," except that uncovered parking spaces may be provided in a front or side setback abutting a street on a driveway (provided that it is feasible based on specific site or fire and life safety conditions) or through tandem parking.
- p. *Setbacks.* Two-unit housing developments and attached garages shall be subject to the setback and building separation requirements specified by Table 1-2 (Setback Requirements), below. Detached garages and detached accessory structures shall meet the setback requirements specified in Town Code Section 29.40.015 (Accessory Buildings).

Table 1-2 - Setback Requirements		
Setback		Requirement ⁽²⁾
Property Line Setbacks ⁽¹⁾	Front	Per the applicable zoning district. ⁽⁵⁾
	Garage Entry	18 feet
	Interior Sides	4 feet ⁽³⁾
	Rear	
	Street Side	Per the applicable zoning district.
Separation Between Detached Structures ⁽³⁾⁽⁴⁾		5 feet
Exceptions: (1) Cornices, eaves, belt courses, sills, canopies, bay windows, chimneys, or other similar architectural features may extend into required setbacks as specified Section 29.40.070(b) of the Zoning Code. (2) No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure. (3) For parcels created through an urban lot split where the parcels are under the same ownership, no		

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interior side setback shall be required for two-unit housing development units constructed as attached units on separate lots, provided that the structures meet building code safety standards and are sufficient to allow separate conveyance as a separate fee parcel. Similarly, no rear setback (for the front property) or front setback (for the rear property) shall be required for two-unit housing development units constructed as attached units in a flag-lot configuration where the parcels are under the same ownership.

(4) Except for primary dwellings constructed as a duplex or attached single-family residences.

(5) Flag/corridor lots shall use the interior side setback requirements for all property lines other than the rear.

- q. *Stormwater management.* The development shall comply with the requirements of the Town's National Pollution Discharge Elimination System Permit as implemented by Chapter 22 of the Town Code, and as demonstrated by a grading and drainage plan prepared by a registered civil engineer; and
 - r. *Utilities.* New units shall be designed as individual units, with separate gas, electric, and water utility connections directly between each dwelling unit and the utility.
- (2) *Design review standards.* The following objective design review standards apply to construction of new primary dwelling units and to any addition and/or alteration to existing primary dwelling units as part of a two-unit housing development, except as provided by subsection (4) below, "Exceptions:"
- a. *Balconies/decks.* Rooftop and second floor terraces and decks are prohibited. Balconies shall only be permitted on the front- and street-side elevations of a primary dwelling unit fronting a public street. Such balconies shall be without any projections beyond the building footprint;
 - b. *Finished floor.* The finished floor of the first story shall not exceed three (3) feet in height as measured from finished grade;
 - c. *Front entryway.* A front entryway framing a front door shall have a roof eave that matches or connects at the level of the adjacent eave line;
 - d. *Front porch.* If proposed, porches shall have a minimum depth of six (6) feet and a minimum width equal to twenty-five (25) percent of the linear width of the front elevation;
 - e. *Second story setback.* The interior side and rear elevations of the second story of a two-story primary dwelling unit shall have a minimum setback of nine (9) feet;
 - f. *Garages.* Street-facing attached garages shall not exceed fifty (50) percent of the linear width of the front-yard or street-side yard elevation;
 - g. *Plate height.* The plate height of each story shall be limited to a maximum of ten (10) feet as measured from finished floor, and when above the first floor the plate height shall be limited to a maximum of eight (8) feet; and
 - h. *Windows.* All second story windows less than ten (10) feet from rear and interior side property lines shall be clerestory with the bottom of the glass at least six (6) feet above the finished floor except as necessary for egress purposes as required by the Building Code.
 - i. *Prohibited materials.* The following exterior materials are prohibited on all building exteriors:
 - 1. Vinyl siding; and
 - 2. Plywood.

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- j. *Mechanical equipment.* Heating, ventilation, and air conditioning (HVAC) units, generators, energy storage systems (ESS), and other similar ground-mounted mechanical equipment shall be screened from view from any adjacent street if not already located out of view behind a building or solid fence.
- (3) *General requirements and restrictions.* The following requirements and restrictions apply to all two-unit housing developments, inclusive of existing and new primary dwelling units, except as provided by subsection (4) below, "Exceptions:"
- a. *Number of units.* A maximum of four (4) units, with a maximum of two (2) primary dwelling units, on lots that have not undergone an urban lot split.
- b. *Accessory dwelling units.* In addition to the two (2) residential units allowed under this section, consistent with Chapter 29, Article 1, Division 7, "Accessory Dwelling Units," of the Town Code, one (1) accessory dwelling unit and one (1) junior accessory dwelling unit shall be allowed on lots that have not undergone an urban lot split.
- c. *Building and Fire Codes.* The International Building Code ("Building Code"), and the California Fire Code and International Fire Code (together, "Fire Code"), as adopted by Chapter 6 of the Town Code, respectively, apply to all two-unit housing developments.
- d. *Encroachment permits.* Separate encroachment permits, issued by the Parks and Public Works Department, shall be required for the installation of utilities to serve two-unit housing developments. Applicants shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric, and all other utility work.
- e. *Restrictions on demolition.* The two-unit housing development shall not require either demolition of more than twenty-five (25) percent of the exterior walls or alteration of any of the following types of housing:
1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income. This shall be evidenced by an attestation from the property owner;
 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power. This shall be evidenced by an attestation from the property owner; or
 3. Housing that has been occupied by a tenant in the last three (3) years. This shall be evidenced by an attestation from the property owner.
- If any existing housing is proposed to be altered or demolished, the owner of the property proposed for a two-unit housing development shall sign an affidavit, stating that none of the conditions listed above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three (3) years on a form prescribed by the Town.
- If any existing dwelling unit is proposed to be demolished, the applicant shall comply with the replacement housing provisions of Government Code Section 66300(d).
- f. *Recorded covenant.* Prior to building permit issuance, the applicant shall record a restrictive covenant in the form prescribed by the Town, which shall run with the land and provide for the following:
1. A limitation restricting the property to residential uses only; and
 2. A requirement that any dwelling units on the property may only be rented for a period longer than thirty (30) days.

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- (4) *Exceptions.* If any of the provided zoning standards or design review standards would have the effect of physically precluding construction of up to two (2) primary dwelling units or physically preclude either of the two (2) primary dwelling units from being at least eight hundred (800) square feet in floor area, the Community Development Director shall grant an exception to the applicable standard(s) to the minimum extent necessary as specified by this section. An exception request shall be explicitly made on the application for a two-unit housing development.
- a. *Determination.* In order to retain adequate open space to allow for recreational enjoyment, protection of the urban forest, preservation of the community character, reduction of the ambient air temperature, and to allow for the percolation of rainfall into the groundwater system, when considering an exception request, the Community Development Director shall first determine that a reduction in any other zoning and/or design review standard(s) will not allow the construction of the two-unit housing development as specified by this section prior to allowing an exception(s) to the landscaping requirement, front-yard setback, or street-side setbacks standards.

(Ord. No. 2334, § 2, 11-15-22; Ord. No. 2351, § III, 11-21-23; Ord. No. 2359, § IV, 5-21-24)

Sec. 29.10.640. Application process for two-unit housing development.

Applications for two-unit housing developments shall be submitted and processed in compliance with the following requirements:

- (1) *Application type.* Two-unit housing developments shall be reviewed ministerially by the Community Development Director for compliance with the applicable regulations. The permitting provisions of Town Code Sections 29.20.135 through 29.20.160, "Architecture and Site Approval," shall not be applied;
- (2) *Application filing.* An application for a two-unit housing development, including the required application materials and fees, shall be filed with the Community Development Department;
- (3) *Neighbor notification.* In addition to the standard application materials, the applicant will be required to submit one (1) set of stamped, addressed envelopes to neighboring residents and property owners. The Planning Department will assist the applicant in determining the neighboring properties to be notified (which will consist of all properties abutting the applicant's parcel, properties directly across the street and the two (2) parcels on each side of the properties directly across the street).
- (4) *Building Permits.* Approval of a two-unit housing development application shall be required prior to acceptance of an application for building permit(s) for the new and/or modified primary dwelling unit(s) comprising the two-unit housing development;
- (5) *Denial.* The Community Development Director may deny a two-unit housing development project only if the Building Official makes a written finding, based upon a preponderance of the evidence, that the two-unit housing development would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and
- (6) *Appeals.* Two-unit housing application decisions are ministerial and are not subject to an appeal.

(Ord. No. 2334, § 2, 11-15-22; Ord. No. 2359, § V, 5-21-24)

Sec. 29.10.650. Subdivision standards.

Urban lot splits shall comply with the following objective subdivision standards, and general requirements and restrictions:

- (1) *Subdivision standards.* The following objective subdivision standards supersede any other standards to the contrary that may be provided in the Zoning Code or Subdivision Code, as they pertain to creation of an urban lot split under Government Code Section 66411.7:
 - a. *Flag/corridor lots.* The access corridor of a flag/corridor lot (Town Code Section 29.10.085) shall be either in fee as part of the parcel or as an easement, and shall be a minimum width of 12 feet;
 - b. *Minimum lot size.* Each new parcel shall be approximately equal in lot area provided that one (1) parcel shall not be smaller than forty (40) percent of the lot area of the original parcel proposed for subdivision. In no event shall a new parcel be less than one thousand two hundred (1,200) square feet in lot area. If one (1) of the proposed lots is a flag/corridor lot, the area of the access corridor shall count toward the lot area as follows:
 1. When an easement is used to provide access, the access corridor is included in the gross lot size for the lot granting the easement; and
 2. When the access corridor is owned in-fee and is part of the rear lot, the access corridor is included in the gross lot size for the rear lot.
 - c. *Minimum lot width.* Each new parcel shall maintain a minimum lot width of twenty (20) feet;
 - d. *Minimum public frontage.* Each new parcel shall have frontage upon a street with a minimum frontage dimension of twenty (20) feet, except as allowed above for flag/corridor lots;
 - e. *Number of lots.* The parcel map to subdivide an existing parcel shall result in no more than two (2) parcels; and
 - f. *Lot Merger.* Lots resulting from an urban lot split shall not be merged unless that lot merger can be done without loss of housing units and without causing a non-conforming building, lot, or use.
- (2) *General requirements and restrictions.* The following requirements and restrictions apply to all proposed urban lot splits:
 - a. *Adjacent parcels.* Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously conducted an urban lot split to create an adjacent parcel as provided for in this division;
 - b. *Dedication and easements.* The Town Engineer shall not require dedications of rights-of-way nor the construction of offsite improvements but may, however, require recording of easements necessary for the provision of private services, facilities, and future public improvements or future public services, facilities, and future public improvements;
 - c. *Existing structures.* Existing structures located on a parcel subject to an urban lot split shall not be subject to a setback requirement. However, any such existing structures shall not be located across the shared property line resulting from an urban lot split, unless the structure is converted to an attached unit as provided for in Table 1-2 (Setback Requirements, Exception Number 3). All other existing structures shall be modified, demolished, or relocated prior to recordation of a parcel map;
 - d. *Intent to occupy.* The applicant shall submit a signed affidavit to the Community Development Director attesting that the applicant intends to occupy one (1) of the housing units on the newly created parcels as their principal residence for a minimum of three (3) years from either:

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1. The date of the approval of the urban lot split when the intent is to live in an existing residence; or
 2. Certificate of occupancy when the intent is to occupy a newly constructed residential unit.

This requirement shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code;

- e. *Non-conforming conditions.* The Town shall not require, as a condition of approval, the correction of nonconforming zoning conditions. However, no new nonconforming conditions may result from the urban lot split other than setbacks as specified by Table 1-2 (Setback Requirements, Exception Number 2), maximum allowed lot coverage, and maximum allowed floor area ratio;
- f. *Number of units.* No more than two (2) dwelling units may be located on any lot created through an urban lot split, including primary dwelling units, accessory dwelling units, junior accessory dwelling units, density bonus units, and units created as two-unit developments. Any excess dwelling units that do not meet these requirements shall be relocated, demolished, or otherwise removed prior to approval of a parcel map;
- g. *Prior subdivision.* A parcel created through a prior urban lot split may not be further subdivided. The subdivider shall submit a signed deed restriction to the Community Development Director documenting this restriction. The deed restriction shall be recorded on the title of each parcel concurrent with recordation of the parcel map;
- h. *Restrictions on demolition.* The proposed urban lot split shall not require either the demolition of more than twenty-five (25) percent of the exterior walls or alteration of any of the following types of housing:
 1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income. This shall be evidenced by an attestation from the property owner;
 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power. This shall be evidenced by an attestation from the property owner; or
 3. Housing that has been occupied by a tenant in the last three (3) years. This shall be evidenced by an attestation from the property owner;

If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an urban lot split shall sign an affidavit, stating that none of the conditions listed above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three (3) years on a form prescribed by the Town. The owner and applicant shall also sign an affidavit stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using and urban lot split;

- i. *Replacement units.* If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d);
- j. *Recorded covenant.* Prior to approval and recordation of the parcel map, the applicant shall record a restrictive covenant and agreement in the form prescribed by the Town, which shall run with the land and provide for the following:

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1. A prohibition against further subdivision of the parcel using the urban lot split procedures as provided for in this section;
 2. A limitation restricting the properties to residential uses only; and
 3. A requirement that any dwelling units on the property may only be rented for a period longer than thirty (30) days.
- k. *Stormwater management.* The subdivision shall comply with the requirements of the Town's National Pollution Discharge Elimination System Permit as implemented by Chapter 22 of the Town Code, and as demonstrated by a grading and drainage plan prepared by a registered civil engineer;
- l. *Utility providers.* The requirements of the parcel's utility providers shall be satisfied prior to recordation of a parcel map; and
- m. *Compliance with Subdivision Map Act.* The urban lot split shall conform to all applicable objective requirements of the Subdivision Map Act (commencing with Government Code Section 66410), except as otherwise expressly provided in Government Code Section 66411.7.

(Ord. No. 2334, § 2, 11-15-22; Ord. No. 2359, § VI, 5-21-24)

Sec. 29.10.660. Application process for urban lot splits.

Applications for urban lot splits shall be submitted and processed in compliance with the following requirements:

- (1) *Application type.* Urban lot splits shall be reviewed ministerially by the Community Development Director for compliance with the applicable regulations. A tentative parcel map shall not be required;
- (2) *Application filing.* An urban lot split application, including the required application materials and fees, shall be filed with the Community Development Department;
- (3) *Neighbor notification.* In addition to the standard application materials, the applicant will be required to submit one (1) set of stamped, addressed envelopes to neighboring residents and property owners. The Planning Department will assist the applicant in determining the neighboring properties to be notified (which will consist of all properties abutting the applicant's parcel, properties directly across the street and the two (2) parcels on each side of the properties directly across the street).
- (4) *Parcel map.* Approval of an urban lot split permit shall be required prior to acceptance of an application for a parcel map for an urban lot split. Applicants shall apply for an urban lot split parcel map and pay all fees;
- (5) *Development.* Development on the resulting parcels is limited to a project approved by the two-unit housing development process, the Town's Accessory Dwelling Unit process, or through the Town's standard discretionary process;
- (6) *Denial.* The Community Development Director may deny an urban lot split only if the Building Official makes a written finding, based upon a preponderance of the evidence, that an urban lot split or two-unit housing development located on the proposed new parcels would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and
- (7) *Appeals.* Urban lot split application decisions are ministerial and are not subject to an appeal.

(Ord. No. 2334, § 2, 11-15-22; Ord. No. 2359, § VI, 5-21-24)

Sec. 29.10.670. Sunset clause.

If SB 9 is repealed or otherwise rescinded by the California State Legislature or by the People of the State of California, this division shall be repealed."

(Ord. No. 2334, § 2, 11-15-22)

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Senate Bill No. 450

CHAPTER 286

An act to amend Sections 65852.21 and 66411.7 of the Government Code, and to amend Section 4 of Chapter 162 of the Statutes of 2021, relating to land use.

[Approved by Governor September 19, 2024. Filed with
Secretary of State September 19, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 450, Atkins. Housing development: approvals.

(1) The Planning and Zoning law requires a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided. Existing law authorizes a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, except as specified, on the proposed housing development. Existing law authorizes a local agency to deny a proposed housing development if specified conditions are met, including that the building official makes a written finding that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, as provided.

This bill would remove the requirement that a proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls to be considered ministerially. The bill would prohibit a local agency from imposing objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone, but would specify that these provisions do not prohibit a local agency from adopting or imposing objective zoning standards, objective subdivision standards, and objective design standards on the development if the standards are more permissive than applicable standards within the underlying zone. The bill would remove the authorization for a local agency to deny a proposed housing development if the building official makes a written finding that the proposed housing development project would have a specific, adverse impact upon the physical environment. The bill would require the local agency to consider and approve or deny the proposed housing development application within 60 days from the date the local agency receives the completed application, and would deem the application approved after that time. The bill would require a permitting agency, if it denies an application,

to provide a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(2) The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps.

Existing law requires a local agency to ministerially approve a parcel map for an urban lot split that meets certain requirements. Existing law authorizes a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, except as specified. Existing law authorizes a local agency to deny an urban lot split if specified conditions are met, including that the building official makes a written finding that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, as provided.

This bill would specify that objective zoning standards, objective subdivision standards, and objective design standards imposed by a local agency must be related to the design or improvements of a parcel. This bill would remove the authorization for a local agency to deny a proposed housing development if the building official makes a written finding that the proposed housing development project would have a specific, adverse impact upon the physical environment. The bill would require the local agency to consider and approve or deny the proposed housing development application within 60 days from the date the local agency receives the completed application, and would deem the application approved after that time. The bill would require a permitting agency, if it denies an application, to provide a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(3) This bill would make additional nonsubstantive and conforming changes to these provisions.

(4) The bill would include findings related to changes proposed by this bill and would amend certain findings in existing law to state that the provisions address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

(5) By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 65852.21 of the Government Code is amended to read:

65852.21. (a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, as that section read on September 16, 2021.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(5) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraphs (2) and (3), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(3) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone. This subdivision shall not prevent a local agency from adopting or imposing objective zoning standards, objective subdivision standards, and objective design standards on development authorized by this section if those standards are more permissive than applicable standards within the underlying zone.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Offstreet parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) (1) An application for a proposed housing development pursuant to this section shall be considered and approved or denied within 60 days from the date the local agency receives a completed application. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

(2) If a permitting agency denies an application for a proposed housing development pursuant to paragraph (1), the permitting agency shall, within the time period described in paragraph (1), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(i) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(j) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) “Local agency” means a city, county, or city and county, whether general law or chartered.

(k) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

SEC. 2. Section 66411.7 of the Government Code is amended to read:

66411.7. (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel

shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, as that section read on September 16, 2021.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

(G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) (A) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(B) An application for an urban lot split shall be considered and approved or denied within 60 days from the date the local agency receives a completed

application. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

(C) If a permitting agency denies an application for an urban lot split pursuant to subparagraph (B), the permitting agency shall, within the time period described in subparagraph (B), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that are related to the design or to improvements of a parcel, consistent with paragraph (3) of subdivision (b) and with subdivision (e), and are applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.

(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Offstreet parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

(g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

(2) This subdivision shall not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.

(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.

(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

(j) (1) Notwithstanding any provision of Section 65852.21, 65915, Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.

(2) For the purposes of this section, “unit” means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in subdivision (a) of Section 66313, or a junior accessory dwelling unit as defined in subdivision (d) of Section 66313.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) “Objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

SEC. 3. Section 4 of Chapter 162 of the Statutes of 2021 is amended to read:

SEC. 4. (a) The Legislature finds and declares all of the following:

(1) The state faces a housing crisis of availability and affordability, in large part due to a severe shortage of housing.

(2) Solving the housing crisis therefore requires a multifaceted, statewide approach which will include, but is not limited to, any or some of the following:

(A) Encouraging an increase in the overall supply of housing.

(B) Encouraging the development of housing that is affordable to households at all income levels.

(C) Removing barriers to housing production.

(D) Expanding homeownership opportunities.

(E) Expanding the availability of rental housing.

(b) Therefore, addressing the housing crisis and the severe shortage of housing is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act adding Sections 65852.21 and 66411.7 to the Government Code and Section 3 of this act amending Section 66452.6 of the Government Code apply to all cities, including charter cities.

SEC. 4. (a) The Legislature finds and declares all of the following:

(1) The state faces a housing crisis of availability and affordability, in large part due to a severe shortage of housing.

(2) Solving the housing crisis therefore requires a multifaceted, statewide approach which will include, but is not limited to, any or some of the following:

(A) Encouraging an increase in the overall supply of housing.
(B) Encouraging the development of housing that is affordable to households at all income levels.

(C) Removing barriers to housing production.

(D) Expanding homeownership opportunities.

(E) Expanding the availability of rental housing.

(b) Therefore, addressing the housing crisis and the severe shortage of housing is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act amending Sections 65852.21 and 66411.7 of the Government Code apply to all cities, including charter cities.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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DIVISION 10. TWO-UNIT HOUSING DEVELOPMENTS AND URBAN LOT SPLITS

Sec. 29.10.600. Purpose and applicability.

The Town Council finds and determines that this division is applicable only to voluntary applications for two-unit housing developments and urban lot splits consistent with Senate Bill (SB) 9. Owners of real property or their representatives may continue to exercise rights for property development in conformance with the Zoning Code and Subdivision Code. Development applications that do not satisfy the definitions for a two-unit housing development or an urban lot split provided in Section 29.10.610 (Definitions) shall not be subject to this Ordinance. Any provision of this division which is inconsistent with SB 9 shall be interpreted in a manner which is the most limiting on the ability to create a two-unit housing development or urban lot split, but which is consistent with State law. The provisions of this Division shall supersede and take precedence over any inconsistent provision of the Town Code to the extent necessary to effect the provisions of this division.

(Ord. No. 2334, § 2, 11-15-22; Ord. No. 2359, § I, 5-21-24)

Sec. 29.10.610. Definitions.

In addition to definitions contained in Chapter 24 (Subdivision Regulations) and Chapter 29 (Zoning Regulations), the following definitions apply for purposes of this division. Where a conflict may exist, the definitions in this division shall apply.

Acting in concert means persons, as defined by Government Code Section 82047, as that section existed on January 1, 2022, acting jointly to pursue development of real property whether or not pursuant to a written agreement and irrespective of individual financial interest.

Addition means any construction which increases the size of a building or facility in terms of site coverage, height, length, width, or gross floor area.

Adjacent parcel means any parcel of land that is: touching the parcel at any point; separated from the parcel at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or separate from another parcel only by other real property which is in common ownership or control of the applicant.

Alteration means any construction or physical change in the arrangement of rooms or the supporting members of a building or structure or change in the relative position of buildings or structures on a site, or substantial change in appearances of any building or structure.

Car-share vehicle means a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service.

Common ownership or control means property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor of the entity owns ten (10) percent or more of the interest in the property.

~~*Entry feature* means a structural element, which leads to an entry door.~~

Existing structure means a lawfully constructed building that has received final building permit clearance.

~~First residential unit means one (1) of two (2) primary dwelling units developed under a two-unit housing development and can be an existing primary dwelling unit if it meets or is modified to meet the 1,200-square-foot floor-area limitation on first residential units.~~

Flag lot means "lot, corridor" as defined in Section 29.10.020 of Town Code.

Nonconforming zoning condition means a physical improvement on a property that does not conform with current zoning standards.

Two-unit housing development means an application proposing no more than two (2) primary dwelling units on a single parcel located within a single-family residential zone as authorized by Government Code Section 65852.21. ~~A two-unit housing development shall consist of either the construction of no more than two (2) new primary dwelling units, one (1) new primary dwelling unit and retention of one (1) existing primary dwelling unit, or retention of two (2) existing legal non-conforming primary dwelling units where one (1) or both units are subject to a proposed addition or alteration.~~

Public transportation means a high-quality transit corridor, as defined in subdivision (b) of Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Section 21064.3.

Single-family residential zone means a "R-1 or Single-Family residential Zone", "R-1D or Single-Family Residential Downtown Zone", or "HR or Hillside Residential Zone" as specified in article IV, "Residential Zones," of the Zoning Code.

Subdivision Code means Chapter 24 of the Los Gatos Town Code.

Sufficient for separate conveyance means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code Section 1351 (including a residential condominium, planned development, stock cooperative, or community apartment project), or into any other ownership type in which the dwelling units may be sold individually.

Urban lot split means a ministerial application for a parcel map to subdivide an existing parcel located within a single-family residential zone into two (2) parcels, as authorized by Government Code Section 66411.7.

Zoning Code means Chapter 29 of the Los Gatos Town Code.

(Ord. No. 2334, § 2, 11-15-22; Ord. No. 2359, § II, 5-21-24)

Sec. 29.10.620. Eligibility.

An urban lot split or a two-unit housing development may only be created on parcels satisfying all of the following general requirements:

- (1) *Zoning district.* A parcel that is located within a single-family residential zone.
- (2) *Legal parcel.* A parcel which has been legally created in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and the Town's Subdivision Regulations in effect at the time the parcel was created. Applications for an urban lot split or two-unit housing development will only be accepted on parcels with either a recorded parcel map or certificate of compliance. When both an urban lot split and two-unit housing development application are submitted simultaneously, no construction or building permits for new construction or grading activities may be issued until the new parcel map for the urban lot split approval has been recorded.
- (3) *Excluding historic property.* A parcel that is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or a parcel that does not contain a Historic Structure, as defined in Town Code Section 29.10.020, or is not listed on the Town of Los Gatos Historic Resource Inventory, as defined by Town Code Chapter 29,

Article VII, Division 3, "Historic Preservation and LHP or Landmark and Historic Preservation Overlay Zone."

- (4) *Excluding very high fire hazard severity zone.* A parcel that is not within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Section 51178, or within a state responsibility area, as defined in Section 4102 of the Public Resources Code. This subparagraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions: (i) Section 4291 of the Public Resources Code or Section 51182, as applicable; (ii) Section 4290 of the Public Resources Code; and (iii) Section 7A of the California Building Code (Title 24 of the California Code of Regulations).
 - (5) *Excluding hazardous waste sites.* A parcel that is not identified as a hazardous waste site pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code Section 25356, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use.
 - (6) *Excluding earthquake fault zone.* A parcel that is not located within a delineated earthquake fault zone as determined by the State Geologist on any official maps published by the State Geologist, unless the two-unit housing development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Health and Safety Code Division 13), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
 - (7) *Excluding flood zone.* A parcel that is not located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) on the official maps published by the Federal Emergency Management Agency unless a letter of map revision prepared by the Federal Emergency Management Agency has been issued or if the proposed two-unit housing development is constructed in compliance with the provisions of Town Code Chapter 29, Article XI, "Floodplain Management," as determined by the floodplain administrator.
 - (8) *Excluding natural habitat.* A parcel that is not recognized by the Town as a habitat for protected species identified as a candidate, sensitive, or species of special status by State or Federal agencies, fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 - (9) *Excluding prime farmland and wetlands.* A parcel that contains either prime farmland or farmland of statewide importance, as defined pursuant to the United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction; or wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - (10) *Excluding conservation easements.* A parcel subject to a recorded conservation easement.
- (Ord. No. 2334, § 2, 11-15-22; Ord. No. 2359, § III, 5-21-24)

Sec. 29.10.630. Requirements.

Two-unit housing developments must comply with the following objective zoning standards, design review standards, and general requirements and restrictions:

- (1) *Zoning standards.* The following objective zoning standards ~~supersede any other standards to the contrary that may be provided elsewhere in the Zoning Code, as they~~ pertain to a two-unit housing development under Government Code Section 65852.21. Two-unit housing developments shall be constructed only in accordance with the following objective zoning standards, except as provided by subsection (4), "Exceptions."
 - a. *Building height.* Maximum building height shall be as specified by the applicable zoning district for the main structure. ~~Buildings located within the required side or rear setbacks of the applicable zoning district, and those located in the Hillside Residential (HR) zones, shall not exceed sixteen (16) feet in height;~~
 - b. *New driveways.* ~~Each parcel shall include no more than a single driveway unless the parcel has more than one hundred (100) feet of contiguous street frontage or more than one (1) existing driveway.~~ Any new driveway shall satisfy the following requirements:
 1. A minimum width of ten (10) feet up to a maximum width of eighteen (18) feet. ~~Driveways in the Hillside Residential (HR) zones shall have a minimum width of twelve (12) feet;~~
 2. A minimum depth of eighteen (18) feet measured from the front or street side property line;
 3. Surfacing shall comply with Town Code Section 29.10.155(e);
 4. ~~Only a single driveway curb cut shall be permitted per parcel unless the parcel has more than one hundred (100) feet of contiguous street frontage, designed in accordance with the Town's Standard Specifications and Plans for Parks and Public Works Construction; and~~
 5. ~~A maximum slope of fifteen (15) percent.~~
 - c. *Dwelling unit type.* The primary dwelling units comprising a two-unit housing development may take the form of detached single-family dwellings, attached units, and/or duplexes. A duplex may consist of two (2) dwelling units in a side-by-side or front-to-back configuration within the same structure or one (1) dwelling unit located atop another dwelling unit within the same structure;
 - d. *Fencing.* All new fencing shall comply with the requirements of sections 29.40.030 through 29.40.0325 of the Zoning Code;
 - e. *Floor area ratio and lot coverage.*
 1. The maximum floor area ratio and lot coverage shall be as specified by the applicable zoning regulations.
 2. For flag/corridor lots, the gross lot size includes the access corridor for the purposes of determining maximum floor area ratio and lot coverage as follows:
 - i. When an easement is used to provide access, the access corridor is included in the gross lot size for the lot granting the easement; and
 - ii. When the access corridor is owned in-fee and is part of the rear lot, the access corridor is included in the gross lot size for the rear lot.
 3. ~~The maximum size of the first new residential unit shall not exceed one thousand two hundred (1,200) square feet.~~

4. When a two-unit housing development is proposed and the existing structures are at or below the maximum allowed floor area, a ten (10) percent increase in the floor area ratio standards for residential structures is allowed, excluding garages, and this increase in floor area cannot be combined with a separate increase for an accessory dwelling unit allowed by Town Code Section 29.10.320. The additional floor area allowed by this subsection shall not exceed one thousand two hundred (1,200) square feet.
5. Notwithstanding the floor area ratio and lot coverage standards in this subsection, a new two-unit housing development with unit sizes of 800 square feet or less shall be permitted.

~~f. Grading.~~

- ~~1. To the extent required by Chapter 12, Article II and Section 29.10.09045(b) of the Town Code, the grading activities set forth in subsection 2. below may require a grading permit, but will not require discretionary review of an architecture and site application;~~
- ~~2. Grading activity associated with a two-unit housing development shall not exceed fifty (50) cubic yards, cut plus fill, except:~~
 - ~~i. Light wells that do not exceed the minimum required per Building Code shall not count as grading activity for the purpose of this section;~~
 - ~~ii. Grading activities required to provide the minimum driveway and fire access as required by the Santa Clara County Fire Department shall not count as grading activity for the purpose of this section; and~~
 - ~~iii. Excavation within the footprint of a primary dwelling unit or garage shall not count as grading activity for the purpose of this section.~~
- ~~g. Cut and Fill. Two-unit housing developments shall be subject to the cut and fill requirements specified by Table 1-1 (Cut and Fill Requirements) below:~~

Table 1-1 – Cut and Fill Requirements		
Site Element	Cut *	Fill *
House and attached garage	8' **	3'
Detached accessory building *	4'	3'
Driveways ***	4'	3'
Other (decks, yards) *	4'	3'
* Combined depths of cut plus fill for development other than the main residence shall be limited to 6 feet.		
** Excludes below grade square footage pursuant to Section 29.40.072 of the Town Code and light-wells that do not exceed the minimum required per Building Code.		
*** Excludes cut and fill for the minimum driveway and fire access standards as required by the Santa Clara County Fire Department.		

- ~~h. Building Sites. The footprint of the proposed residential unit(s) and garage(s) shall not be located on lands with slopes exceeding thirty (30) percent. This provision applies only to the building site, not the property as a whole;~~
- ~~i. Retaining walls. Retaining walls shall not exceed five (5) feet in height and shall not run in a straight continuous direction for more than fifty (50) feet without a break, offset, or planting pocket. Retaining walls shall have a five-foot landscaped buffer when adjacent to the street;~~

j. ~~Light reflectivity value. Exterior material colors for primary dwelling units and garages in the Hillside Residential (HR) zones shall comply with requirements in Chapter V, Section I, of the Town's Hillside Development Standards and Guidelines;~~

k. *Landscaping requirement.* All landscaping shall comply with the California Model Water Efficient Landscape Ordinance (MWELO);

l. *Lighting.* New exterior lighting fixtures shall be downward directed and utilize shields so that no bulb is visible to ensure that the light is directed to the ground surface and does not spill light onto neighboring parcels consistent with Section 29.10.09015 of the Zoning Code;

m. *Trees.* Any proposed work shall comply with the protection, removal, and replacement requirements for protected trees in Chapter 29, Article 1, Division 2, "Tree Protection," of Town Code;

n. *Minimum living area.* The minimum living area of a primary dwelling unit shall be 150 square feet, subject to the restrictions specified by Health and Safety Code Section 17958.1;

o. *Parking.*

1. One (1) parking stall per primary dwelling unit shall be required, except for two-unit housing developments located on parcels within one-half mile walking distance of public transportation; or where there is a designated parking area for one (1) or more car-share vehicles within one (1) block of the parcel.

2. Parking stalls may either be uncovered or covered (garage or carport) in compliance with applicable developments standards of the Zoning Code, including Chapter 29, Article I, Division 4, "Parking," except that uncovered parking spaces may be provided in a front or side setback abutting a street on a driveway (provided that it is feasible based on specific site or fire and life safety conditions) or through tandem parking.

p. *Setbacks.* Two-unit housing developments and attached garages shall be subject to the setback and building separation requirements specified by Table 1-2 (Setback Requirements), below. Detached garages and detached accessory structures shall meet the setback requirements specified in Town Code Section 29.40.015 (Accessory Buildings).

Table 1-2 - Setback Requirements		
Setback		Requirement ⁽²⁾
Property Line Setbacks ⁽¹⁾	Front	Per the applicable zoning district. ⁽⁵⁾
	Garage Entry	18 feet
	Interior Sides	4 feet ⁽³⁾
	Rear	
	Street Side	Per the applicable zoning district.
Separation Between Detached Structures ⁽³⁾⁽⁴⁾		5 feet
Exceptions:		
(1) Cornices, eaves, belt courses, sills, canopies, bay windows, chimneys, or other similar architectural features may extend into required setbacks as specified Section 29.40.070(b) of the Zoning Code.		
(2) No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.		
(3) For parcels created through an urban lot split where the parcels are under the same ownership, no		

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interior side setback shall be required for two-unit housing development units constructed as attached units on separate lots, provided that the structures meet building code safety standards and are sufficient to allow separate conveyance as a separate fee parcel. Similarly, no rear setback (for the front property) or front setback (for the rear property) shall be required for two-unit housing development units constructed as attached units in a flag-lot configuration where the parcels are under the same ownership.

(4) Except for primary dwellings constructed as a duplex or attached single-family residences.

(5) Flag/corridor lots shall use the interior side setback requirements for all property lines other than the rear.

- q. *Stormwater management.* The development shall comply with the requirements of the Town's National Pollution Discharge Elimination System Permit as implemented by Chapter 22 of the Town Code, and as demonstrated by a grading and drainage plan prepared by a registered civil engineer; and
- r. *Utilities.* New units shall be designed as individual units, with separate gas, electric, and water utility connections directly between each dwelling unit and the utility.

~~(2) *Design review standards.* The following objective design review standards apply to construction of new primary dwelling units and to any addition and/or alteration to existing primary dwelling units as part of a two-unit housing development, except as provided by subsection (4) below, "Exceptions:"~~

- ~~a. *Balconies/decks.* Rooftop and second floor terraces and decks are prohibited. Balconies shall only be permitted on the front- and street-side elevations of a primary dwelling unit fronting a public street. Such balconies shall be without any projections beyond the building footprint;~~
- ~~b. *Finished floor.* The finished floor of the first story shall not exceed three (3) feet in height as measured from finished grade;~~
- ~~c. *Front entryway.* A front entryway framing a front door shall have a roof eave that matches or connects at the level of the adjacent eave line;~~
- ~~d. *Front porch.* If proposed, porches shall have a minimum depth of six (6) feet and a minimum width equal to twenty five (25) percent of the linear width of the front elevation;~~
- ~~e. *Second story setback.* The interior side and rear elevations of the second story of a two-story primary dwelling unit shall have a minimum setback of nine (9) feet;~~
- ~~f. *Garages.* Street-facing attached garages shall not exceed fifty (50) percent of the linear width of the front yard or street-side yard elevation;~~
- ~~g. *Plate height.* The plate height of each story shall be limited to a maximum of ten (10) feet as measured from finished floor, and when above the first floor the plate height shall be limited to a maximum of eight (8) feet; and~~
- ~~h. *Windows.* All second-story windows less than ten (10) feet from rear and interior side property lines shall be clerestory with the bottom of the glass at least six (6) feet above the finished floor except as necessary for egress purposes as required by the Building Code.~~
- ~~i. *Prohibited materials.* The following exterior materials are prohibited on all building exteriors:~~
 - ~~1. *Vinyl siding;* and~~
 - ~~2. *Plywood.*~~

~~j. *Mechanical equipment.* Heating, ventilation, and air conditioning (HVAC) units, generators, energy storage systems (ESS), and other similar ground-mounted mechanical equipment shall be screened from view from any adjacent street if not already located out of view behind a building or solid fence.~~

(3) *General requirements and restrictions.* The following requirements and restrictions apply to all two-unit housing developments, inclusive of existing and new primary dwelling units, except as provided by subsection (4) below, "Exceptions:"

- a. *Number of units.* A maximum of four (4) units, with a maximum of two (2) primary dwelling units, on lots that have not undergone an urban lot split.
- b. *Accessory dwelling units.* In addition to the two (2) residential units allowed under this section, consistent with Chapter 29, Article 1, Division 7, "Accessory Dwelling Units," of the Town Code, one (1) accessory dwelling unit and one (1) junior accessory dwelling unit shall be allowed on lots that have not undergone an urban lot split.
- c. *Building and Fire Codes.* The International Building Code ("Building Code"), and the California Fire Code and International Fire Code (together, "Fire Code"), as adopted by Chapter 6 of the Town Code, respectively, apply to all two-unit housing developments.
- d. *Encroachment permits.* Separate encroachment permits, issued by the Parks and Public Works Department, shall be required for the installation of utilities to serve two-unit housing developments. Applicants shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric, and all other utility work.
- e. *Restrictions on demolition.* The two-unit housing development shall not require either demolition of more than twenty-five (25) percent of the exterior walls or alteration of any of the following types of housing:
 1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income. This shall be evidenced by an attestation from the property owner;
 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power. This shall be evidenced by an attestation from the property owner; or
 3. Housing that has been occupied by a tenant in the last three (3) years. This shall be evidenced by an attestation from the property owner.

If any existing housing is proposed to be altered or demolished, the owner of the property proposed for a two-unit housing development shall sign an affidavit, stating that none of the conditions listed above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three (3) years on a form prescribed by the Town.

If any existing dwelling unit is proposed to be demolished, the applicant shall comply with the replacement housing provisions of Government Code Section 66300(d).

- f. *Recorded covenant.* Prior to building permit issuance, the applicant shall record a restrictive covenant in the form prescribed by the Town, which shall run with the land and provide for the following:
 1. A limitation restricting the property to residential uses only; and
 2. A requirement that any dwelling units on the property may only be rented for a period longer than thirty (30) days.

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- (4) *Exceptions.* If any of the provided zoning standards, design review standards would have the effect of physically precluding construction of up to two (2) primary dwelling units or physically preclude either of the two (2) primary dwelling units from being at least eight hundred (800) square feet in floor area, the Community Development Director shall grant an exception to the applicable standard(s) to the minimum extent necessary as specified by this section. An exception request shall be explicitly made on the application for a two-unit housing development.
- a. *Determination.* In order to retain adequate open space to allow for recreational enjoyment, protection of the urban forest, preservation of the community character, reduction of the ambient air temperature, and to allow for the percolation of rainfall into the groundwater system, when considering an exception request, the Community Development Director shall first determine that a reduction in any other zoning and/or design review standard(s) will not allow the construction of the two-unit housing development as specified by this section prior to allowing an exception(s) to the landscaping requirement, front-yard setback, or street-side setbacks standards.

(Ord. No. 2334, § 2, 11-15-22; Ord. No. 2351, § III, 11-21-23; Ord. No. 2359, § IV, 5-21-24)

Sec. 29.10.640. Application process for two-unit housing development.

Applications for two-unit housing developments shall be submitted and processed in compliance with the following requirements:

- (1) *Application type.* Two-unit housing developments shall be reviewed ministerially by the Community Development Director for compliance with the applicable regulations. The permitting provisions of Town Code Sections 29.20.135 through 29.20.160, "Architecture and Site Approval," shall not be applied;
- (2) *Application filing.* An application for a two-unit housing development, including the required application materials and fees, shall be filed with the Community Development Department;
- (3) *Neighbor notification.* In addition to the standard application materials, the applicant will be required to submit one (1) set of stamped, addressed envelopes to neighboring residents and property owners. The Planning Department will assist the applicant in determining the neighboring properties to be notified (which will consist of all properties abutting the applicant's parcel, properties directly across the street and the two (2) parcels on each side of the properties directly across the street).
- (4) *Building Permits.* Approval of a two-unit housing development application shall be required prior to acceptance of an application for building permit(s) for the new and/or modified primary dwelling unit(s) comprising the two-unit housing development;
- (5) *Denial.* The Community Development Director may deny a two-unit housing development project only if the Building Official makes a written finding, based upon a preponderance of the evidence, that the two-unit housing development would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and
- (6) *Appeals.* Two-unit housing application decisions are ministerial and are not subject to an appeal.

(Ord. No. 2334, § 2, 11-15-22; Ord. No. 2359, § V, 5-21-24)

Sec. 29.10.650. Subdivision standards.

Urban lot splits shall comply with the following objective subdivision standards, and general requirements and restrictions:

- (1) *Subdivision standards.* The following objective subdivision standards supersede any other standards to the contrary that may be provided in the Zoning Code or Subdivision Code, as they pertain to creation of an urban lot split under Government Code Section 66411.7:
 - a. *Flag/corridor lots.* The access corridor of a flag/corridor lot (Town Code Section 29.10.085) shall be either in fee as part of the parcel or as an easement, ~~and shall be a minimum width of 12 feet;~~
 - b. *Minimum lot size.* Each new parcel shall be approximately equal in lot area provided that one (1) parcel shall not be smaller than forty (40) percent of the lot area of the original parcel proposed for subdivision. In no event shall a new parcel be less than one thousand two hundred (1,200) square feet in lot area. If one (1) of the proposed lots is a flag/corridor lot, the area of the access corridor shall count toward the lot area as follows:
 1. When an easement is used to provide access, the access corridor is included in the gross lot size for the lot granting the easement; and
 2. When the access corridor is owned in-fee and is part of the rear lot, the access corridor is included in the gross lot size for the rear lot.
 - ~~c. *Minimum lot width.* Each new parcel shall maintain a minimum lot width of twenty (20) feet;~~
 - ~~d. *Minimum public frontage.* Each new parcel shall have frontage upon a street with a minimum frontage dimension of twenty (20) feet, except as allowed above for flag/corridor lots;~~
 - e. *Number of lots.* The parcel map to subdivide an existing parcel shall result in no more than two (2) parcels; and
 - f. *Lot Merger.* Lots resulting from an urban lot split shall not be merged unless that lot merger can be done without loss of housing units and without causing a non-conforming building, lot, or use.
- (2) *General requirements and restrictions.* The following requirements and restrictions apply to all proposed urban lot splits:
 - a. *Adjacent parcels.* Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously conducted an urban lot split to create an adjacent parcel as provided for in this division;
 - b. *Dedication and easements.* The Town Engineer shall not require dedications of rights-of-way nor the construction of offsite improvements but may, however, require recording of easements necessary for the provision of private services, facilities, and future public improvements or future public services, facilities, and future public improvements;
 - c. *Existing structures.* Existing structures located on a parcel subject to an urban lot split shall not be subject to a setback requirement. However, any such existing structures shall not be located across the shared property line resulting from an urban lot split, unless the structure is converted to an attached unit as provided for in Table 1-2 (Setback Requirements, Exception Number 3). All other existing structures shall be modified, demolished, or relocated prior to recordation of a parcel map;
 - d. *Intent to occupy.* The applicant shall submit a signed affidavit to the Community Development Director attesting that the applicant intends to occupy one (1) of the housing units on the newly created parcels as their principal residence for a minimum of three (3) years from either:

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1. The date of the approval of the urban lot split when the intent is to live in an existing residence; or
 2. Certificate of occupancy when the intent is to occupy a newly constructed residential unit.

This requirement shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code;

- e. *Non-conforming conditions.* The Town shall not require, as a condition of approval, the correction of nonconforming zoning conditions. However, no new nonconforming conditions may result from the urban lot split other than setbacks as specified by Table 1-2 (Setback Requirements, Exception Number 2), maximum allowed lot coverage, and maximum allowed floor area ratio;
- f. *Number of units.* No more than two (2) dwelling units may be located on any lot created through an urban lot split, including primary dwelling units, accessory dwelling units, junior accessory dwelling units, density bonus units, and units created as two-unit developments. Any excess dwelling units that do not meet these requirements shall be relocated, demolished, or otherwise removed prior to approval of a parcel map;
- g. *Prior subdivision.* A parcel created through a prior urban lot split may not be further subdivided. The subdivider shall submit a signed deed restriction to the Community Development Director documenting this restriction. The deed restriction shall be recorded on the title of each parcel concurrent with recordation of the parcel map;
- h. *Restrictions on demolition.* The proposed urban lot split shall not require either the demolition of more than twenty-five (25) percent of the exterior walls or alteration of any of the following types of housing:
 1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income. This shall be evidenced by an attestation from the property owner;
 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power. This shall be evidenced by an attestation from the property owner; or
 3. Housing that has been occupied by a tenant in the last three (3) years. This shall be evidenced by an attestation from the property owner;

If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an urban lot split shall sign an affidavit, stating that none of the conditions listed above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three (3) years on a form prescribed by the Town. The owner and applicant shall also sign an affidavit stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using and urban lot split;

- i. *Replacement units.* If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d);
- j. *Recorded covenant.* Prior to approval and recordation of the parcel map, the applicant shall record a restrictive covenant and agreement in the form prescribed by the Town, which shall run with the land and provide for the following:

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1. A prohibition against further subdivision of the parcel using the urban lot split procedures as provided for in this section;
 2. A limitation restricting the properties to residential uses only; and
 3. A requirement that any dwelling units on the property may only be rented for a period longer than thirty (30) days.
- k. *Stormwater management.* The subdivision shall comply with the requirements of the Town's National Pollution Discharge Elimination System Permit as implemented by Chapter 22 of the Town Code, and as demonstrated by a grading and drainage plan prepared by a registered civil engineer;
- l. *Utility providers.* The requirements of the parcel's utility providers shall be satisfied prior to recordation of a parcel map; and
- m. *Compliance with Subdivision Map Act.* The urban lot split shall conform to all applicable objective requirements of the Subdivision Map Act (commencing with Government Code Section 66410), except as otherwise expressly provided in Government Code Section 66411.7.

(Ord. No. 2334, § 2, 11-15-22; Ord. No. 2359, § VI, 5-21-24)

Sec. 29.10.660. Application process for urban lot splits.

Applications for urban lot splits shall be submitted and processed in compliance with the following requirements:

- (1) *Application type.* Urban lot splits shall be reviewed ministerially by the Community Development Director for compliance with the applicable regulations. A tentative parcel map shall not be required;
- (2) *Application filing.* An urban lot split application, including the required application materials and fees, shall be filed with the Community Development Department;
- (3) *Neighbor notification.* In addition to the standard application materials, the applicant will be required to submit one (1) set of stamped, addressed envelopes to neighboring residents and property owners. The Planning Department will assist the applicant in determining the neighboring properties to be notified (which will consist of all properties abutting the applicant's parcel, properties directly across the street and the two (2) parcels on each side of the properties directly across the street).
- (4) *Parcel map.* Approval of an urban lot split permit shall be required prior to acceptance of an application for a parcel map for an urban lot split. Applicants shall apply for an urban lot split parcel map and pay all fees;
- (5) *Development.* Development on the resulting parcels is limited to a project approved by the two-unit housing development process, the Town's Accessory Dwelling Unit process, or through the Town's standard discretionary process;
- (6) *Denial.* The Community Development Director may deny an urban lot split only if the Building Official makes a written finding, based upon a preponderance of the evidence, that an urban lot split or two-unit housing development located on the proposed new parcels would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and
- (7) *Appeals.* Urban lot split application decisions are ministerial and are not subject to an appeal.

(Ord. No. 2334, § 2, 11-15-22; Ord. No. 2359, § VI, 5-21-24)

Sec. 29.10.670. Sunset clause.

If SB 9 is repealed or otherwise rescinded by the California State Legislature or by the People of the State of California, this division shall be repealed."

(Ord. No. 2334, § 2, 11-15-22)

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ARTICLE I. – IN GENERAL

DIVISION 1. - MISCELLANEOUS

[...]

Sec. 29.10.020. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

[...]

Hillside Area means all properties zoned Hillside Residential or properties located within the Hillside Area Map of the Town's Hillside Development Standards and Guidelines.

[...]

Landscaping means an area devoted to plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials.

[...]

ARTICLE IV. – RESIDENTIAL ZONES

DIVISION 1. – GENERALLY

[...]

Sec. 29.40.070. Projections allowed into yards.

- (a) A porte cochere may be permitted over a driveway in a side yard, provided that it is not more than one (1) story high and twenty-four (24) feet long, with supporting columns a minimum of three (3) feet from the side lot line with a maximum eave length of twelve (12) inches, and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features.
- (b) Cornices, eaves, belt courses, sills, canopies, bay windows, chimneys or other similar architectural features may extend or project into a required side yard not more than twenty-four (24) inches and may extend or project into a required front or rear yard not more than thirty (30) inches.
- (c) Open, unenclosed porches, patios, or decks, platforms, balconies, and other open, unenclosed areas, not covered by a roof or canopy:
 - (1) not covered by a roof or canopy, less Less than one (1) foot above grade, may project into front, side or rear yards. The maximum projection into the front or street-side yard shall be six (6) feet, and in no case shall the projection be closer than ten (10) feet from a front or street-side property line.
 - (2) Less than four (4) feet above grade may project into front, side or rear yards or into any court up to six (6) feet. In no case shall the projection into a side or rear yard be closer than six (6) feet to the property

line, or into a front or street-side yard be closer than ten (10) feet from the property line, or into a court exceed a distance of more than twenty (20) percent of the width of such court.

~~(1)–~~

~~(d) Open, unenclosed porches, not covered by a roof or canopy, less than four (4) feet above grade may project into front, side or rear yards or into any court up to six (6) feet; but in no case shall the projection into a side yard be closer than six (6) feet to the property line or into a court exceed a distance of more than twenty (20) percent of the width of such court.~~

~~(e) Open, unenclosed balconies, not covered by a roof or canopy may project into a front or rear yard up to six (6) feet.~~

[...]

Sec. 29.40.080. Objective Design Standards for New Single-Family and Two-Family Residential Dwelling Units and Second Story Additions.

Sec. 29.40.085. – Purpose and applicability.

The purpose of these Objective Design Standards is to ensure that new single-family and two-family residential dwelling units and second-story additions meet minimum design standards to maintain privacy and neighborhood compatibility with surrounding use(s). These standards apply to both ministerial and discretionary application types for any new single- or two-family residential dwelling unit(s), whether attached or detached, new second story, or an addition to an existing second-story.

These standards are subject to the following application types, and are in addition to other, existing Town standards:

Ministerial Applications: Projects invoking a ministerial approval process for a new residential dwelling unit (such as two-unit housing developments) shall comply with these standards except to the extent that State law requires minimum unit sizes of 800 square feet, pursuant to Government Code Section 65852.21(b)(1).

Discretionary Applications: In addition to these standards, discretionary applications (architecture and site and minor residential project applications) are also reviewed for compliance with the Town’s Single and Two Family Residential Design Guidelines and Hillside Development Standards and Guidelines (when applicable) by the Town’s Consulting Architect, and/or the Historic Preservation Committee, depending on if the existing structure or property is considered historic. Projects proceeding with an architecture and site application may request exceptions from these standards during the discretionary review process, pursuant to Town Code Section 29.40.100.

Sec. 29.40.090. – Objective Design Standards – Site Planning and Architectural Details.

The following objective design standards apply to all new residential dwelling units, new second floors, and second floor additions, as discussed in Town Code Section 29.40.085 above. Hillside Area standards listed within are in addition to the other standards listed.

(1) *Building sites.* The footprint of the proposed residential units(s) and garage(s) shall not be located on lands with slopes exceeding thirty (30) percent.

(2) *Site grading.* In the Hillside Area, site grading shall not be larger than the area of the footprint of the house, driveway, parking, and vehicular turnaround areas.

- (3) Material changes. Exterior material and siding changes shall occur at the inside corner of two walls and not the outside corner. See Section 3.8.4 of the Town's Single and Two Family Residential Design Guidelines for an example diagram.
- (4) Exterior materials. For properties in the Hillside Area, exterior material colors for dwelling units and garages shall comply with the requirements in Chapter V, Section I, Standard 2 of the Town's Hillside Development Standards and Guidelines for maximum light reflectivity value (LRV).
- (5) Mechanical equipment screening. Heating, ventilation, and air conditioning (HVAC) units, generators, energy storage systems (ESS) and other similar ground mounted mechanical equipment shall be screened from view from any adjacent street if not already located out of view behind a building or solid fence.

Sec. 29.40.095. – Objective Design Standards – Massing and Privacy.

The following objective design standards apply to all new residential dwelling units, second floors, and second floor additions, as discussed in Town Code Section 29.40.085 above. Hillside Area standards listed within are in addition to the other standards listed.

- (1) Porches, patios, decks, platforms, balconies, and other open, unenclosed areas, with or without a roof or canopy cover.
 - a. See Town Code Section 29.40.070 for projection allowances for unroofed areas under four (4) feet in height.
 - b. If four (4) feet above grade or greater, including rooftops, the underlining setbacks of the zone shall be met, and in no case shall they be located less than twenty (20) feet from a rear property line and ten (10) feet from any other property line. Additionally, each area shall also include a minimum of one of the following screening techniques along the entire portion of the open area that faces existing residential use(s) or zone(s). The additional screening techniques are not required when these open areas are proposed facing a public right-of-way.
 - i. Solid or opaque privacy wall of at least six (6) feet in height, blocking direct visibility along the edges of the deck or open area; or
 - ii. Property line fence of at least six (6) feet solid material with one (1) foot lattice above (seven (7) feet high in total) and privacy landscape screening consisting of native, evergreen species. Trees are to be a minimum of twenty-four (24) inch box size, shall be a minimum of six (6) feet tall at the time of planting, with a typical mature height of at least twenty-five (25) feet and mature canopy width of fifteen (15) feet, and planted at a rate of one (1) tree for every twenty-five (25) linear feet between. Three closely spaced tall screening shrubs of at least fifteen (15) gallon in size with a mature height of at least fifteen (15) feet and a mature width of at least three (3) feet may be substituted for one screening tree. Both fencing and landscaping shall be placed at the shared property line, with a cone-of-vision defined by a thirty (30) degree angle from the furthest edges of the deck or open unenclosed area.
- (2) Windows. All second-story windows less than twenty (20) feet from a rear property line or ten (10) feet from any other property line, and all first-story windows less than six (6) feet from a property line where the finished floor is three (3) feet or more above grade, shall comply with at least one of the following. This standard does not apply to windows facing a public right-of-way.
 - a. Clerestory, with the bottom of the glass at least six (6) feet above the finished floor;
 - b. Opaque glazing, blocking direct visibility; or
 - c. Property line fence of at least six (6) feet solid material with one (1) foot lattice above (seven (7) feet high in total) and privacy landscape screening consisting of native, evergreen species. Trees are to be

a minimum of twenty-four (24) inch box size, shall be a minimum of six (6) feet tall at the time of planting, with a typical mature height of at least twenty-five (25) feet and mature canopy width of fifteen (15) feet, and planted at a rate of one (1) tree for every twenty-five (25) linear feet between. Three closely spaced tall screening shrubs of at least fifteen (15) gallon in size with a mature height of at least fifteen (15) feet and a mature width of at least three (3) feet may be substituted for one screening tree. Both fencing and landscaping shall be placed at the shared property line, with a cone-of-vision defined by a thirty (30) degree angle from the side window jamb.

- (3) Second story location. A new second story, whether a new second-floor added above an existing single-story structure, addition to an existing second-floor, or new two-story structure, shall meet the underlining setbacks of the zone, and in no case be less than eight (8) feet from a property line.
- (4) Plate height. For two-story homes, the maximum plate height of the first floor shall be limited to ten (10) feet, and the maximum plate height of the second floor shall be limited to eight (8) feet.
- (5) Two-story articulation. A new second-story which is not stepped-back from the single-story wall below and creates a two-story wall shall include at least one of the following to provide visual relief along that two-story wall:
- a. Bellyband extending the full width of the two-story elevation;
 - b. Projections or bay windows;
 - c. Material and color changes;
 - d. Chimneys;
 - e. Overhangs with projecting brackets;
 - f. Juliet balconies;
 - g. Window boxes; or
 - h. Landscaped trellis or lattice.

Sec. 29.40.100. – Exceptions. (findings and considerations)

An exception to any of these Objective Design Standards for New Single-Family and Two-Family Residential Dwelling Units and Second Story Additions may be granted if the project is submitted as a discretionary architecture and site application. Criteria to be considered by the applicable deciding body when reviewing an objective design standard exception include compliance with the Town’s Single- and Two-Family Residential Design Guidelines, Hillside Development Standards and Guidelines (when applicable), neighborhood compatibility, and neighboring privacy protections.

[...]

Secs. 29.40.~~080~~105—29.40.150. - Reserved.

[...]

DIVISION 2. RC OR RESOURCE CONSERVATION ZONE

[...]

Sec. 29.40.170. Development standards.

- (a) *Height.* The maximum height of any principal building in a RC zone is eighteen (18) feet unless a Visibility Analysis is provided pursuant to Chapter II, Section B of the Town's Hillside Development Standards and Guidelines, demonstrating that the proposed building(s) is not visible from any of the Town's established viewing platforms, in which case the maximum height is thirty-two (32) feet. The height shall be measured as provided in section 29.40.045 and is subject to the exception listed in section 29.10.090.

[...]

DIVISION 3. – HR OR HILLSIDE RESIDENTIAL ZONE

[...]

Sec. 29.40.275. - Height.

The maximum height of any principal building in an HR zone is eighteen (18) feet unless a Visibility Analysis is provided pursuant to Chapter II, Section B of the Town's Hillside Development Standards and Guidelines, demonstrating that the proposed building(s) is not visible from any of the Town's established viewing platforms, in which case the maximum height is thirty-two (32) feet. The height shall be measured as provided in section 29.40.045 and is subject to the exception listed in section 29.10.090.

[...]

DIVISION 4. R-1 OR SINGLE-FAMILY RESIDENTIAL ZONE

[...]

Sec. 29.40.410. Height.

The maximum height of any principal building in a R-1 or single-family residential zone is thirty (30) feet. For properties located within the Hillside Area, the maximum height of any principal building is eighteen (18) feet unless a Visibility Analysis is provided pursuant to Chapter II, Section B of the Town's Hillside Development Standards and Guidelines, demonstrating that the proposed building(s) is not visible from any of the Town's established viewing platforms, in which case the maximum height is thirty (30) feet. The height shall be measured as provided in section 29.40.045 and is subject to the exception listed in section 29.10.090.

[...]

DIVISION 7. R-1D OR SINGLE-FAMILY RESIDENTIAL DOWNTOWN ZONE

[...]

Sec. 29.40.745. Height.

The maximum height of any building in a R-1D or single-family residential downtown zone is thirty (30) feet. For properties located within the Hillside Area, the maximum height of any principal building is eighteen (18) feet unless a Visibility Analysis is provided pursuant to Chapter II, Section B of the Town's Hillside Development Standards and Guidelines, demonstrating that the proposed building(s) is not visible from any of the Town's established viewing platforms, in which case the maximum height is thirty (30) feet. The height shall be measured as provided in section 29.40.045 and is subject to the exception listed in section 29.10.090.

[...]