

**FILING FEES**  
**\$523.00 (PLAPPEAL) Residential**  
**\$2,102.00 (PLAPPEAL), per**  
**Commercial, Multi-family, or**  
**Tentative Map Appeal**  
**TRANSCRIPTION \$500 (PLTRANS)**

**Town of Los Gatos**  
**Office of the Town Clerk**  
**110 E. Main St., Los Gatos CA 95030**

**APPEAL OF PLANNING COMMISSION DECISION**

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)

DATE OF PLANNING COMMISSION DECISION

PROJECT / APPLICATION NO:

ADDRESS LOCATION:

3/26/25

524037

16497 South Kennedy

PAID

APR 03 2025

TOWN OF LOS GATOS

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

*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.

Section 29.20.275 The notice of appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by substantial evidence in the record.

1. There was an error or abuse of discretion by the Planning Commission:

See attached

OR

2. The Planning Commission's decision is not supported by substantial evidence in the record:

See attached

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

**IMPORTANT:**

1. Appellant is responsible for fees for transcription of minutes. A \$500.00 deposit is required at the time of filing.
2. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 4:00 p.m. on the 10<sup>th</sup> day following the decision. If the 10<sup>th</sup> day is a Friday, the appeal must be filed by 1:00 P.M. If the 10<sup>th</sup> day a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10<sup>th</sup> day, usually a Monday.
3. The Town Clerk will set the hearing within 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967).
4. Once filed, the appeal will be heard by the Town Council.
5. If the basis for granting the appeal is, in whole or in part, information not presented to or considered by the Planning Commission, the matter shall be returned to the Planning Commission for review.

PRINT NAME:

Kenneth Miller

SIGNATURE:

Kenneth Miller

DATE:

4/2/25

ADDRESS:

PHONE:

+1  
+1

EMAIL:

\*\*\* OFFICIAL USE ONLY \*\*\*

DATE OF PUBLIC HEARING:

Pending Planning Department Confirmation

DATE TO SEND PUBLICATION:

DATE OF PUBLICATION:

↓  
APOORVA BAKSHI


The planning department did not address the following before voting:

The developer is requiring the height of the house not be lowered because the developer has placed the garage under the house. If not under the house, less dirt in one area can be removed, and thus lower the profile of the structure and risk to the hillside. Why did the staff and commission not do that?

Prior assurances to not compromise the integrity of the wall has already been broken without permission. He embedded a bolt and attached wires to the wall. Here are the relevant pictures. Does the commission, by omission, condone this violation of neighboring property?

It is not possible to walk the perimeter of the project and not notice the bolt that the workers placed in the wall, and the attach wires. The developer had a duty care to the neighbors' property, and should have noticed the bolt and wires attached. The developer met with the owner of the wall this month and neglected to mention this insult, nor did he suggest any remediation. The staff and commission did not address this.

Recognizing the continued lodging of the bolt is not in the walls' best interest, studies still must be done to document the forces and injury, and the best way to remedy the situation. Did the commission just leave this to the developer?

The developer needs to recognize the up driveway is not his private road and never had a lock. No comment.

He needs to resurface the down concrete driveway from the damage from his last project, and the damage that will happen with the current project by resurfacing with concrete. No comment.

The oak trees and their arbors that border his property should not be damaged.  
No comment.

The workmen are not to use the up driveway in either direction. No comment.

Heavy trucks are not to travel on the asphalt driveway nor park on the asphalt driveway. No comment.

No cars or trucks are to travel on, or turn around, on the pavement at 16565 Kennedy road. No comment.

At the end of each work week, the concrete drive way is to be blown or swept of debris that could cause flat tires. No comment.

The developer needs to have a bonded payment for the damage he has caused, and the damage he may cause. No comment.

The developers' request now is above 100% above his LRDA. The commission should explain the absurdity of having such a measurement if the result is so disregarded in the conclusion.

To protect the hillside embankment and unreinforced wall, the developer claims the substructure will be enough of a retaining wall. Considering the developers history, which was not done, commission should look into this claim with a jaundiced eye. No comment.

A long, large, retaining wall is needed on the lower slope of this hill to protect the moving hillside and the neighbors below. This lower wall needs to be set back from the property line, and made of suitable structural material, and masked with foliage to not be unsightly to the neighbors below.

The fire departments future requirements of the holding tanks needs planning now. The volume of water should be distributed in multiple tanks of a size that fits best earthquake standards. No giant tanks over 3,500 gallons. They need above and below retaining walls, set back from property lines, not threatening the neighbors below, and without excessive excavation. No comment.

Probably the geology report will appear at the last moment without time for the neighbors to hire the appropriate experts. Also, the neighbors must have access to the property to do the appropriate studies. I believe it was February of 2023 that the samples were taken. I am sorry the developer could not get the report sooner, but the neighbors probably will have similar problems. The commissioners had some comment, but must recognize the neighbors will have even more problems, and need to be granted a similar amount of time. After the developers report appears, it would be an abuse not to give the neighbors more time, because they need , among other things, the developers full cooperation.

The commission did not have a certified geologist to fill out the checklist and do the reports and analysis. Also, the applicants geologist was not qualified to address the issues of a geological report. Plans were approved without the most important information and without qualified people to advise the commission.

So, the applicant had agreed to do these studies as part of a grading and building permit process. Does this mean the commission is allowing the applicant to delay providing those reports , that the Conditions of Approval are much more detailed than the average project, and abused the system by voting approval as apposed to continuance of the project.

Since the topography lends to a smaller project at best, the commissioners should have offered the developer approval for a smaller project.

Kenneth Miller 4/2/25

A handwritten signature in blue ink, appearing to read 'K Miller', is written below the typed name.







Los Gatos Planning Department  
110 E Main Street  
Los Gatos, CA 95030

Subject: Formal Appeal of Approval for Development at 16497 S. Kennedy Road

Dear Members of the Los Gatos Planning Commission,

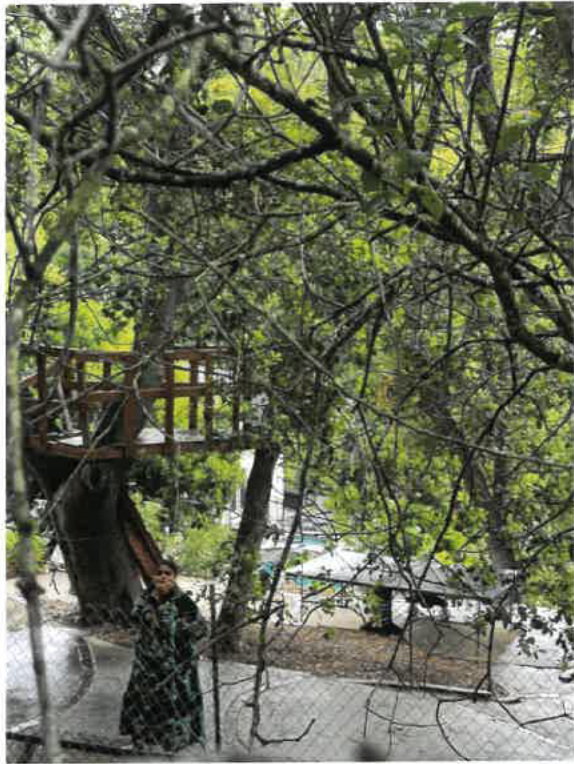
We are writing to formally appeal the recent approval granted for the development project located at 16497 S. Kennedy Road, which is immediately adjacent to my residence at [REDACTED]

Taking into consideration the Hillside Development Standards and Guidelines as defined by the Town of Los Gatos (<https://www.losgatosca.gov/DocumentCenter/View/171/Hillside-Standards-50-Architectural-Design?bidId=>), I believe that multiple standards and guidelines have been overlooked or inadequately applied in the approval of this development.

Grounds for Appeal:

- A. Failure to Conduct a Comprehensive Privacy Impact Analysis:** To my knowledge, no comprehensive on-site analysis has been conducted to assess the privacy impact of the proposed development on adjacent properties, including mine. Mr. Nicol, council or any member of the town planning or council have not stepped on my property [REDACTED] to discuss and assess impact. To the best of my knowledge no one has assessed impact by standing within the perimeter of home footprint either. This omission directly contradicts the Hillside Standards, which require that privacy impacts be "addressed and resolved during the constraints analysis phase and initial design stage, not with mitigation measures imposed as an afterthought." as per V.B.Standards.1
- B. Inadequate Assessment Methodology and Presentation:** Mr. Nicol presented photographic documentation taken from ground level and locations far removed from the actual elevation and positioning of proposed windows and decks. He further acknowledged during a walkthrough on his land, that his photographs were taken without considering realistic sightlines from the proposed structures. With Mr. Nicol's permission, I visited the development site and was able to see my swimming pool and bedroom windows from multiple ground-level points. The visual materials presented to the Town were, therefore, incomplete and misleading, and do not represent the actual privacy intrusions posed by the development. Below are some photos I took from the site and without having the right vantage I could already see how our privacy at the pool will be violated.

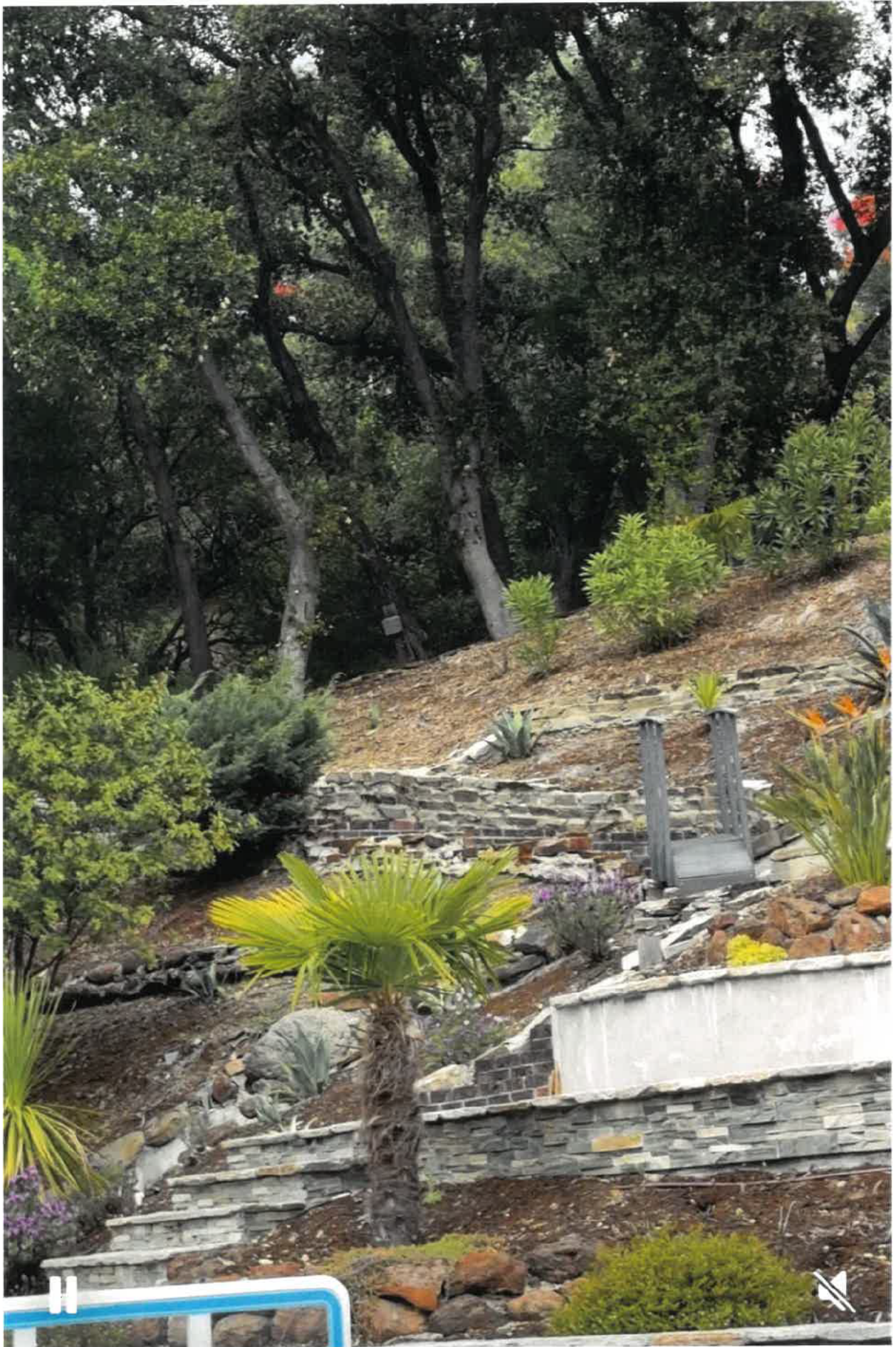
Photos from a very limited vantage from proposed property



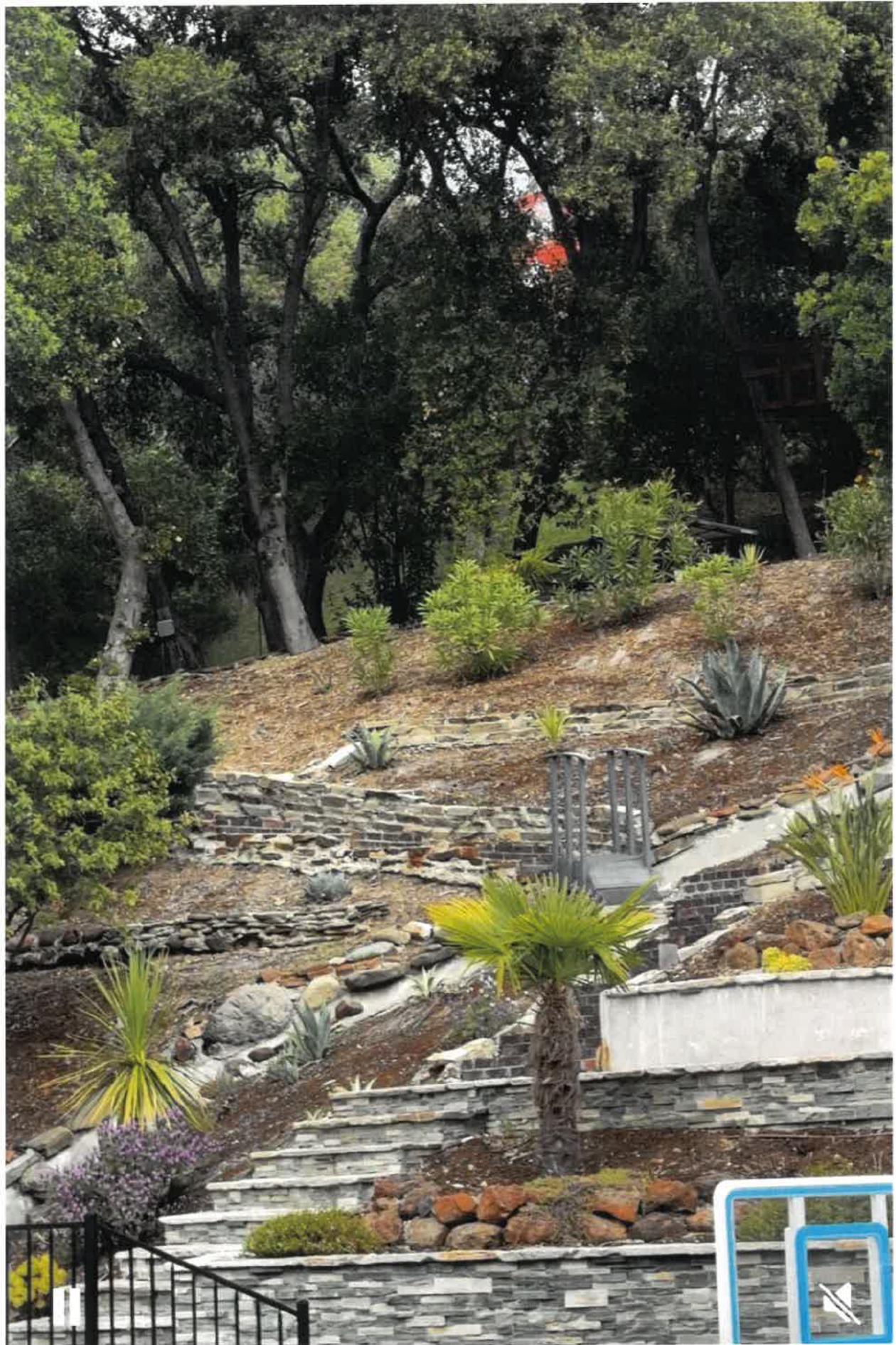
















### **C. Southwest-Facing Openings, Decks and Erroneous Light Assumptions:**

During the townhall / meeting, one of the council members raised a legitimate concern about the numerous windows and doors facing the southwest elevation (our home), only for another member to dismiss it, stating this is the only side where the home receives natural light. That reasoning is factually incorrect.

Many of the rooms facing our property already have alternate sources of light from other elevations, or are rooms where natural light should not take precedence over privacy (eg. Butler's Pantry, Stairs et al). Below is a breakdown of room-by-room analysis:

<b>Room</b>	<b>Alternative Natural Light Present</b>	<b>Southwest-Facing Openings that should be REMOVED</b>
Master Bedroom	Northwest-facing balcony	Remove Southwest-facing windows
Bedroom 2	Large Southeast facing windows	Remove large Southwest-facing windows
Stairs to Master Bedroom	Could use alternative light sources; if natural light is still needed - build a sunroof . Our privacy should prevail.	Remove Southwest-facing pr use frosted windows
Family Room	Receives Northwest light from deck (non-compliant deck)	Eliminate deck and associated Southwest facing windows
Kitchen	Receives Northwest light from deck (non-compliant deck)	Remove Southwest-facing windows
Butler's Pantry	Natural light not essential	Remove / Use frosted windows
Dining Room	Receives light from Southeast balcony	Eliminate Southwest-facing windows

Living Room	Receives light from Southeast balcony	Eliminate Southwest-facing balcony
Sitting Room	—	Floor to ceiling windows/ doors to be replaced with a reasonable sized window
Jack & Jill Bath	—	Reduce window size and use frosted windows
Bedroom 3	Has large Southeast-facing windows	Eliminate Southwest-facing windows

**In summary most of the southwest facing windows can be reduced without compromising natural light.**







**D. Vague Window Modification Requirements:** The current approval includes the condition: "To the satisfaction of the Director of the Community Development Department, the applicant shall work with staff to reduce the proposed window heights on the southwest elevation or other methods, such as frosted or clerestory windows for achieving additional privacy, if possible." This language is discretionary, lacks specificity, and does not guarantee any tangible privacy protection. The Planning Commission must ask and require full review and approval of final window placements which need to be significantly reduced on southwest elevation and materials altered before issuing permits.

1. V.B.Guideline.1.c "Incorporate screening measures (e.g., solid railing walls, lattice work, or planters) to obscure lines of sight to neighboring properties" and V.B.Guideline.1.d "Limit the size of decks and balconies to six feet in depth in areas where privacy is a concern. This will limit their use to passive activities", Below is how these guidelines are **not being followed** and the council has not taken into account to protect our privacy

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- a) From the architectural elevation (previous image), the plans clearly label the railings on both decks and balconies as "Contemporary Metal Railing." These railings appear to be open, vertical baluster-style, and not designed to provide any privacy screening.
- b) Both Decks off the Family Room are significantly larger than six feet in depth. The wrap-around design and dual extension structure likely exceed 10–12 feet in depth in certain parts.
- c) The balconies on the first floor (from the elevation view) also appear to extend more than six feet out from the building in some areas.

In summary I believe the council has erroneously approved all the decks which are contrary to its own guidelines.







## **IN SUMMARY**

### **Cited Hillside Guidelines Violated or Neglected:**

Standard 1: Privacy impacts must be studied through sightlines and resolved early in design—not deferred.

- Guideline 1a: Second-story windows facing neighboring properties must be minimized.
- Guideline 1b: Upper floor windows and decks must be oriented to avoid privacy intrusions.
- Guideline 1c: Visual screening elements like solid railings, lattice, or planters must obscure lines of sight.
- Guideline 1d: Decks where privacy is an issue must be no more than six feet deep.
- Guideline 1e: Evergreen landscaping must be used for year-round privacy screening.

### **Requested Actions:**

1. Comprehensive Privacy Impact Assessment: Conduct a formal, site-specific analysis of privacy impacts, including elevation-specific sightline studies from proposed windows, balconies, and decks.
2. Definitive Design Modifications: Mandate enforceable changes to window placement, height, glazing, and orientation in compliance with the cited guidelines. Dramatically reduce southwest facing windows and doors. Eliminate wrap around deck and deck facing our home and have solid / opaque railings for any portions of the deck facing in our direction.
3. Implementation of Effective Screening Solutions: Require construction of a properly engineered retaining wall, set back from the property line, and visually screened with dense, evergreen plantings.
4. Clarification and Approval of All Ancillary Installations: Any future installations—such as water tanks—must be disclosed now and included in visual and planning reviews.
5. The current landscape screening condition should be revised to be objective, measurable, and enforceable. "LANDSCAPE SCREENING: To the satisfaction of the Community Development Department, the applicant shall meet with the neighbor located at [REDACTED] to select an agreeable tree species and height between the two parties to be planted in order to achieve privacy between the properties, with a preference for native trees per Appendix A of the Hillside Development Standards and Guidelines. Installation of the landscape screening shall be completed prior to occupancy."

In conclusion,

I believe that many errors/ oversights have been made and this development was approved without proper adherence to the **Hillside Development Standards and Guidelines**, and without completion of a privacy impact analysis as required by due process. I respectfully request that the Planning Commission immediately revisit this approval and require full compliance with the Town's own regulations to preserve neighborhood character and safeguard our privacy rights as homeowners in Los Gatos.

Thank you for your time and consideration.

Sincerely,  
Rohit Bakshi & Apoorva Bakshi

[REDACTED]  
Los Gatos, CA - 95030  
[REDACTED]



April 3rd 2025