From: Zaky, James (Global Accounts Direct Sales)
Sent: Tuesday, September 1, 2020 10:56:24 AM (UTC-08:00) Pacific Time (US & Canada)
To: Planning
Cc: Zaky, James (Global Accounts Direct Sales); Lora Lee Zaky
Subject: Letter To Town Counsel - 01 September 2020

James & Lora Lee Zaky
140 Robin Way
Los Gatos Ca. 95032

Town Council Meeting
01 September 2020

To: Mr. Joel Paulson
Town of Los Gatos Community Development Director

Mr. Paulson,

We hope this letter finds you well.

This communication outlines my appeal regarding the Planning Commission approval for the proposed Architecture and Site Application S-19-043 at 146 Robin Way.
My goal is to prompt a more thorough, balanced, and appropriate review of this proposed construction project and to encourage a formal assessment of the recent Town review process. There are substantial design, scale, privacy, misrepresentation, and approval process concerns. Before I outline my concerns, I would like to share a positive observation from our last Town review meeting. My wife and I appreciated the leadership and professional approach the Planning Commission provided in the review of our appeal on July 22nd, 2020.

This appeal is prompted by formal comments by Commissioners Ms. Burch, Ms. Madame, Ms. Janoff and Mr. Hudes relating to their awareness of building and design concerns regarding roofing materials, the scope and scale of the proposed project, and a range of other issues not addressed during the DRC process. I documented these same concerns throughout this review process. Multiple neighbors had shared my concerns. Unfortunately, the DRC did not require the applicant at 146 Robin Way to adhere to established standards. Formal comments and requests from the Town Architect were not followed. Representations regarding neighborhood approval and support were not handled in good faith. There was not neighborhood consensus (Reference section 15). In addition, Mr. Kohlsaat, the project architecht, formally submitted statements that the proposed project posed no privacy issues. Had I not submitted an appeal to the Planning Commission even my basic privacy concerns would not have been appropriately addressed and resolved.

During the July 22nd planning commission meeting, Commissioners put forth substantive questions regarding this design proposal. There are clear indications that the proposed scale, architecture, and materials are not in harmony with Town guidelines and community standards

found within our Stoneybrook neighborhood. In addition, as stated, there are serious concerns regarding the previous review by the DRC. I should note, each Commissioner confirmed they had visited our Stoneybrook neighborhood to view this project site and surrounding homes. In contrast, I was not made aware of any visit made by members of the DRC.

The project architect's (Mr. Kohlsaat's) response to Commissioner Hudes questions regarding how the project has been modified to formally address the Town Architect's seven (7) points of concern surrounding the initial design remains troubling. I do not (and have not) gained the impression that Mr. Kohlsaat is working in good faith to ensure full support of basic community design guidelines nor does Mr. Kohlsaat appear to be concerned with the Community Design Element of the Town of Los Gatos 2020 General Plan. I recognize there are certain subjective issues regarding aesthetics, privacy standards, and other concerns, but the fundamental intent and structure of these guidelines and the Town's General Plan seem clear. These are important tools to ensure shared community standards and fundamental values.

Our appearance at the Planning Commission hearing affirmed our belief in due process. We were, however, left with deep concerns regarding the thoroughness and outcomes from the DRC process and the initial approval of this design. Thus, I filed this new appeal.

I care very deeply about this. The outcomes of this approval process are much more important that this single construction project. This is about my home and the about the Stoneybrook neighborhood I cherish. I am grateful to have lived in my home here in the Stonebrook neighborhood for over 20 years. Let me be clear. Throughout my years here there have been many construction and remodeling projects, including our own home. There has never been a project that has posed this significant a risk to our neighborhood standards.

My hope is that a new design can develop that is attractive to the applicant and fully meets community values and standards that we all appreciate.

My request is:
1) A thorough review of the town architect's concerns and suggested modifications relative to the proposed project. Please reference appendix 1 below for additional documentation highlighting certain elements cited by Mr. Cannon in exhibit 7 of the Planning Commission Report I do not believe were addressed.
2) In addition, I would value a formal re-assessment of the fit of this design with the residential guidelines and to Mr. Cannon's detailed review of the overall aesthetic.
3) If there are appropriate modifications, changes and design plans, I would like these formally documented and reviewed before design approval and construction begins.

Thanks very much for your consideration.

Best Regards,

Jim Zaky

Following are examples of some of the multiple issues I believe require further review that include scope, scale and architectural harmony with our Stoneybrook neighborhood.

1) Mr. Kohlsaat did not address the town's consulting architect's (Cannon Design Group) observations and guidance to the degree required by Residential Design Guidelines (RDG) or in some instances did not address the guidance or observations at all.

I believe Mr. Kohlsaat, instead, provided justification for certain elements relative to "his" design and not in the interest or sensitivity to aligning with the Stoneybrook neighborhood. Following are examples of some specific elements identified by Mr. Cannon that warrant review and modification.

> ***a) Multiple low slope roof pitches are not consistent with the RDG (3.5.1 Unify Roof Pitches).***
> ***b) Front Elevation – "Complexity of forms and materials is not consistent with the RDG and not consistent with the architectural style." 1, Stone; 2, Wood Siding, 3, Stucco.***
> ***b) Metal roofing is not consistent with the RDG (3.8.2 Select materials that are sensitive to the surrounding neighborhood, 3.6.3 Design home entries with sensitivity to the surrounding neighborhood).***
> ***c) Changing materials in the same plane is not consistent with RDG 3.8.4***
> ***d) Simplify the wood pop ups at right and rear elevation. Awkward and complex forms.***
> ***e) Extend sloping roof in front of pop up (right elevation).***
> ***f) Limit wood siding to accent locations. No change.***
> ***g) Limit the prominence of garages.***

2) Proposed project total square footage relative to lot size:

> ***146 Robin is not in alignment in scope and scale with typical Stoneybrook neighborhood homes.***
> ***Only one home in the neighborhood similar in size to this proposed structure and it sits on a lot almost twice in size of the proposed 146 project***
>
> ***146 Robin (proposed) – 4245 Sq. ft structure. 13K sq. ft. lot***
> ***126 Robin – 4500 sq. ft. structure. 25K sq. ft. lot***

All the best,
Jim

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