

**FILING FEES**  
**\$438.00 (PLAPPEAL) Residential**  
**\$1,763.00 (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 22 JULY 2020

PROJECT / APPLICATION NO:

5-19-043

ADDRESS LOCATION:

146 ROBIN WAY

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:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_; OR

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

PLEASE REFERENCE ATTACHED  
EXPLANATION  
 \_\_\_\_\_  
 \_\_\_\_\_

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 5:00 p.m. on the 10<sup>th</sup> day following the decision. If the 10<sup>th</sup> day is 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: JIM ZAKY SIGNATURE: [Signature]  
 DATE: \_\_\_\_\_ ADDRESS: 146 ROBIN WAY  
 PHONE: 650 224 7071 EMAIL: JIM.ZAKY@HP.COM

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

DATE OF PUBLIC HEARING: \_\_\_\_\_  
**Pending Planning Department Confirmation**

CONFIRMATION LETTER SENT: Date: \_\_\_\_\_  
 TO APPLICANT & APPELLANT BY: \_\_\_\_\_

DATE TO SEND PUBLICATION: \_\_\_\_\_

DATE OF PUBLICATION: \_\_\_\_\_

ATTACHMENT 3

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

03 Aug 2020

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

Mr. Paulson,

We hope this letter finds you well.

This communication regards my appeal to the Planning Commission approval for the proposed Architecture and Site Application S-19-043 at 146 Robin Way.

Prior to my explanation for this appeal, I would first like to share an observation from our last meeting. We appreciated the leadership and professional approach the Planning Commission provided in the review of our appeal on 22 July to ensure the specifics of the fence and screening were considered, vetted, approved and formally documented via the Town process.

This appeal is driven relative to, Commissioners Ms. Burch, Ms. Madame, Vice Chair, Ms. Janoff and Commissioner Mr. Hudes comments on their awareness of additional building and design concerns, which emerged from multiple neighbors, regarding the architecture, roofing material, size, scope and scale of the proposed project during the DRC process. I assume this occurred due to the "de novo" structure of the hearing. It appeared the Commissioners too had further questions regarding this new design being in harmony with our Stoneybrook neighborhood. It seemed they shared my view that this design justifies further review. I also noted that each Commissioner confirmed they had visited our Stoneybrook neighborhood to view the project and surrounding homes. I was not made aware of any visit made by members of the DRC. I appreciated the opportunity to re-confirm my well-documented concerns about the proposed project. My assessment and caution have not changed and have been reinforced throughout the entire review process. As stated in my documented notes, my assessment is that the entire new design is inappropriate - it does not strike a reasonable balance in scale, scope, and character with our Stoneybrook neighborhood.

Additionally, Mr. Kohlsaats' response to Commissioner Hudes question regarding formally addressing the Town Architect's seven (7) points of concern surrounding the proposed project were troubling. I do not (and have not) gained the impression that Mr. Kohlsaat is working in good faith to ensure full support of fundamental community design guidelines nor the Community Design Element of the Town of Los Gatos 2020 General Plan. When I expressed concern and specifically referenced certain sections of the Community Design Element to Mr. Kohlsaat, he stated the document was subjective and that his only reference is the Residential Design Guidelines.

Before the Planning Commission hearing on July 22nd, I assumed it was no longer possible for my wife and I (or any other community member) to continue an appeal or review of the overall design of our neighbor's proposed project (Site Application S-19-043) subsequent to the DRC approval. The comments from the Commissioners mentioned above have prompted me to file this appeal.

In closing, our appearance at the Planning Commission hearing affirmed my belief in basic standards and due process. I was, however, left with deep concerns regarding the thoroughness and outcomes from the DRC process.

Best Regards,



Jim Zaky

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