



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 09/01/2020

ITEM NO: 9

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DATE: August 27, 2020  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Deny an Appeal of a Planning Commission Decision Approving a Request for Demolition of an Existing Single-Family Residence, and Construction of a New Single-Family Residence on Property Zoned R-1:10. Located at 146 Robin Way. APN 532-12-015. Architecture and Site Application S-19-043. Property Owners: Mehrdad and Leila Dehkordi. Applicant: Gary Kohlsaat. Appellant: James Zaky. Project Planner: Diego Mora.

**RECOMMENDATION:**

Deny an appeal of a Planning Commission decision approving a request for demolition of an existing single-family residence, and construction of a new single-family residence on property zoned R-1:10 and located at 146 Robin Way.

**BACKGROUND:**

The subject property is located on the east side of Robin Way (Attachment 1, Exhibit 1). The estimated 13,112-square foot lot is currently developed with a one-story 2,466-square foot single-family dwelling with a 542-square foot garage. The immediate neighborhood contains one-story residences.

On June 9, 2020, the Development Review Committee (DRC) approved an Architecture and Site Application for the demolition of the existing single-family residence, and the construction of a new single-family residence with an additional condition to address privacy concerns from the adjacent neighbor, James Zaky. On June 19, 2020, the decision of the DRC was appealed to the Planning Commission by Mr. Zaky (appellant) due to continued concerns regarding privacy (Attachment 1, Exhibit 14). On July 22, 2020, the Planning Commission denied the appeal and approved the project with modified conditions of approval for side yard screening to address privacy concerns (Attachment 2).

**PREPARED BY:** DIEGO MORA  
Assistant Planner

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

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BACKGROUND (continued):

On August 3, 2020, the decision of the Planning Commission was appealed to the Town Council by James Zaky, due to concerns of the project's design as it relates to the existing neighborhood character (Attachment 3).

Pursuant to Town Code Section 29.20.280, the appeal must be heard within 56 days of the Planning Commission hearing and in this case by September 14, 2020. The Council must at least open the public hearing for the item, and it may continue the matter to a date certain if the Council does not complete its work on the item.

Pursuant to Town Code Section 29.20.295, in the appeal, and based on the record, the appellant bears the burden to prove that there was an error or abuse of discretion by the Planning Commission as required by Section 29.20.275. If neither is proved, the appeal should be denied. If the appellant meets the burden, the Town Council shall grant the appeal and may modify, in whole or in part, the determination from which the appeal was taken or, at its discretion, return the matter to Planning Commission. 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.

DISCUSSION:

A. Project Summary

The applicant proposes to demolish the existing single-family dwelling and construct a new 3,737-square foot one-story single-family dwelling with an attached 508-square foot garage (Exhibit 16). The proposed dwelling would be located within the area of the existing development. The maximum height of the proposed dwelling would be 18 feet, one inch, and a maximum height of 30 feet is allowed. The project proposes a combination of exterior siding materials including: horizontal wood siding, stone veneer, and smooth stucco; aluminum metal framed windows; metal garage door; and brown standing seam metal roof. Proposed site improvements include a new driveway, patio, and a covered loggia.

A single-family dwelling is permitted in the R-1:10 zone. The proposed residence is in compliance with the allowable floor area, height, setbacks, and on-site parking requirements for the property.

B. Planning Commission

On July 22, 2020, the Planning Commission received the Staff Report (Attachment 1), opened the public hearing, and considered testimony from the appellant, applicant, and the

DISCUSSION (continued):

public. After asking questions, the Planning Commission closed the public hearing and discussed the project. After completing their deliberations, the Commission approved the application with modified conditions for side yard screening. Attachment 2 contains the verbatim minutes.

C. Appeal to Town Council

The decision of the Planning Commission was appealed on August 3, 2020 by Mr. Zaky (Attachment 3). In a letter, the appellant stated that at the July 22, 2020 Planning Commission hearing, the screening condition which was the subject of the appeal was considered and formally documented in the modified conditions of approval. The appellant then provided his reasons for the appeal to the Town Council, wherein the Planning Commission's decision was not supported by substantial evidence in the record, as noted below (verbatim) followed by staff analysis in *italic* font.

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 views 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 design is inappropriate – it does not strike a reasonable balance in scale, scope, and character with our Stoneybrook neighborhood.

*As discussed in the Planning Commission report, the Town's Consulting Architect reviewed the design of the proposed project within the neighborhood context and provided recommendations regarding the building design (Attachment 1, Exhibit 7). The site is in a traditional neighborhood dominated by one-story Ranch Style homes. In the Issues and Concerns background section of the report, the Consulting Architect noted that the fundamental Ranch Style fits well with this neighborhood and that the main issue was simplifying the design to improve its compatibility with the immediate neighborhood. In the Recommendations section of the report, the Consulting Architect made the following recommendation(s) to address consistency with the Residential Design Guidelines:*

DISCUSSION (continued):

1. *Simplify the taller boxy elements on the front façade.*
2. *Limit the wood siding to accent locations (e.g., recessed entry, rear patio and right-side pop out).*
3. *Select a less prominent garage door compatible with the Ranch Style of the home and the immediate neighborhood.*
4. *Select a roof material more similar to other homes in the immediate neighborhood.*
5. *Use wood or other non-metal windows with traditional jamb dimensions.*
6. *Use wood trim at all windows and doors.*
7. *Simplify the wood pop up and roof on the rear façade and right-side elevation.*

*In response to the Town's Consulting Architect's recommendations, the applicant revised the project to incorporate the recommendations by: reducing the height for the two front elevation "blocks" (wood and stone); limiting the wood siding on the front façade; changing the garage door style to reduce the amount of glass; changing the color of the metal roof; recessing and reducing the height of the metal windows to add shadow and depth; and changing the material of the triangular shaped wall above the kitchen roof and adjacent to the great room clerestory windows from wood to stucco prior to the first DRC public hearing (Attachment 1, Exhibit 9).*

*Following the May 19, 2020 DRC public hearing, the applicant met with the neighbors and revised the design to respond to their concerns by lowering the height, replacing the flat roof parapet over the front bay with a gable, and changing the materials to warmer colors prior to Planning Commission approval (Attachment 1, Exhibit 16).*

PUBLIC COMMENTS:

Written notice of the Town Council hearing was sent to property owners and tenants within 300 feet of the subject property. Public comments received between 11:01 a.m., July 22, 2020 and 11:00 a.m., August 27, 2020 are included in Attachment 9.

CONCLUSION:

A. Recommendation

For the reasons stated in this report, it is recommended that the Town Council uphold the decision of the Planning Commission and adopt a resolution denying the appeal and approving the application with the required findings and considerations (Attachment 5, Exhibit A), conditions of approval (Attachment 5, Exhibit B), and development plans (Attachment 1, Exhibit 16).

CONCLUSION (continued):

B. Alternatives

Alternatively, the Town Council could:

1. Adopt a resolution to grant the appeal and remand the application back to the Planning Commission with specific direction (Attachment 6);
2. Adopt a resolution granting the appeal and denying the application (Attachment 7); or
3. Continue the application to a date certain with specific direction.

COORDINATION:

The Community Development Department coordinated with the Parks and Public Works Department and the Santa Clara County Fire Department in the review of the proposed project.

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA, but is Categorically Exempt pursuant to Section 15303. A Notice of Exemption will not be filed.

Attachments:

1. July 22, 2020 Planning Commission Staff Report, with Exhibits 1-16
2. July 22, 2020 Planning Commission Verbatim Minutes
3. Appeal of Planning Commission decision, received August 3, 2020
4. Residential Design Guidelines, Chapter 1, Section 1.2. Purpose
5. Draft Resolution to Deny the Appeal and Approve the Project, with Exhibits A and B
6. Draft Resolution to Grant the Appeal and Remand the Project to Planning Commission
7. Draft Resolution to Grant the Appeal and Deny the Project
8. Public Comment received prior to 11:00 a.m., July 2020 that was erroneously not included in the Planning Commission Report
9. Public Comments received between 11:01 a.m., July 22, 2020 and 11:00 a.m. August 27, 2020