

DRAFT RESOLUTION

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
DENYING AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION
APPROVAL OF A REQUEST FOR CONSTRUCTION OF A NEW SINGLE-FAMILY
RESIDENCE WITH REDUCED REAR YARD SETBACKS, SITE IMPROVEMENTS
REQUIRING A GRADING PERMIT, AND REMOVAL OF LARGE PROTECTED TREES ON
VACANT PROPERTY ZONED R-1:20 AND UPHOLDING THE APPROVAL.**

**APN 529-33-054
ARCHITECTURE AND SITE APPLICATION: S-22-048
PROPERTY LOCATION: 45 RESERVOIR ROAD
APPELLANT: MARY J. VIDOVICH
PROPERTY OWNER: FARNAZ AGAHIAN
APPLICANT: GARY KOHLSAAT, ARCHITECT**

WHEREAS, on January 8, 2025, the Planning Commission held a public hearing and considered a request to construct a new single-family residence with reduced side and rear yard setbacks, site improvements requiring a Grading Permit, and removal of large protected trees on vacant property zoned R-1:20, located at 45 Reservoir Road. The Planning Commission approved the Architecture and Site application;

WHEREAS, on January 17, 2025, the appellant, an interested person, filed a timely appeal of the decision of the Planning Commission approving the request to construct a new single-family residence with reduced side and rear yard setbacks, site improvements requiring a Grading Permit, and removal of large protected trees on vacant property zoned R-1:20 located at 45 Reservoir Road;

WHEREAS, this matter came before the Town Council for public hearing on March 4, 2025, and was regularly noticed in conformance with State and Town law;

WHEREAS, the Town Council received testimony and documentary evidence from the appellant and all interested persons who wished to testify or submit documents. The Town Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of materials contained in the Council Agenda Report for their meeting on March 4, 2025, along with any and all subsequent reports and materials prepared concerning this application and directed staff to prepare a resolution granting the appeal of a decision of the Planning Commission, and remanding the application back to the Planning Commission with specific direction; and

WHEREAS, on March 18, 2025, the Town Council passed and adopted Resolution 2025-009 granting the appeal of the decision of the Planning Commission and remanding the application back to the Planning Commission with specific direction; and

WHEREAS, on May 7, 2025, the applicant submitted revised application materials in response to the direction of the Town Council; and

ATTACHMENT 10

WHEREAS, on June 11, 2025, the Planning Commission held a public hearing and considered a request to construct a new single-family residence with reduced rear yard setbacks, site improvements requiring a Grading Permit, and removal of large protected trees on vacant property zoned R-1:20 located at 45 Reservoir Road. The Planning Commission approved the Architecture and Site application; and

WHEREAS, on June 23, 2025, the appellant, an interested person, filed a timely appeal of the decision of the Planning Commission approving the request to construct a new single-family residence with reduced rear yard setbacks, site improvements requiring a Grading Permit, and removal of large protected trees on vacant property zoned R-1:20 located at 45 Reservoir Road; and

WHEREAS, this matter came before the Town Council for public hearing on August 5, 2025, and was regularly noticed in conformance with State and Town law;

WHEREAS, the Town Council received testimony and documentary evidence from the appellant and all interested persons who wished to testify or submit documents. The Town Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of materials contained in the Council Agenda Report for their meeting on August 5, 2025, along with any and all subsequent reports and materials prepared concerning this application; and

WHEREAS, Town Code Section 29.20.295 provides that an appellant bears the burden of proof to demonstrate that there was error or abuse of discretion (including decisions that are not supported by substantial evidence in the record) by the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED:

In accordance with Town Code section 29.20.295, the Town Council finds that:

1. The appellant has not demonstrated that the Planning Commission's decision to approve the Architecture and Site application was error or an abuse of discretion.
2. The Town Council of the Town of Los Gatos does hereby declare, determine, and order that the following findings and considerations were properly made by the Planning Commission:
 - a. Finding for the California Environmental Quality Act (CEQA):

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.

b. Finding required for a setback exception on a non-conforming property:

As required by Section 29.10.265 of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements, driveway/access road width, and driveway depth:

- 1) The subject property is nonconforming with regard to lot size in that the subject property is 10,000 square feet, where 20,000 square feet is required by the R-1:20 zone, and with regard to lot width having a width of 83 feet, where 100 feet is required by the R-1:20 zone;
- 2) The rear setbacks would be compatible with three residences in the immediate neighborhood, that include setbacks that do not meet the requirements of the zone;
- 3) The driveway/access road includes portions that do not meet the 18-foot requirement, and the applicant demonstrated that the plan balances the road widening with private property limitations, fire access, tree preservation, and existing conditions;
- 4) The driveway depth does not meet the required length of 18 feet and the applicant demonstrated, that due to site constraints and the requirement for a firetruck turnaround, a compliant driveway depth is not feasible. While the proposed driveway is approximately three feet, six inches at its shortest point, the width of the roadway and firetruck turnaround adjacent to the garage is 49 feet, five inches, and would provide ample backup distance for vehicles exiting the garage. The private road serves five other properties, and vehicular traffic is anticipated to be minimal, limiting potential conflicts with the proposed driveway configuration.

c. Finding required for exemption to parking requirements:

As required by Section 29.10.150 (h)(2) of the Town Code to allow an exception to parking requirements, due to site constraints, including nonconforming lot size, slopes, and the private road bisecting the lot, the lot does not have adequate area to provide the two required parking spaces within the proposed garage. The applicant has provided parking to the greatest extent feasible with an attached garage in a tandem configuration. Pursuant to Town Code Section 29.10.155 (d)(3), when a garage is used to accommodate the two required parking spaces for single-family dwellings, the garage must have interior clear dimensions of at least 20 feet by 20 feet, resulting in a side-by-side parking configuration. The applicant proposes an attached two-car garage in a tandem configuration. The two provided parking spaces within the garage meet the minimum dimensions for a single-car garage parking space of 11 feet by 20 feet.

d. Finding for compliance with the Zoning Regulations:

The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the rear setback requirements, driveway/access

road width, parking configuration, and driveway depth and the findings for these exceptions can be made, as provided above.

e. Findings for compliance with the Residential Design Guidelines:

The project complies with the Residential Design Guidelines for single-family residences. The Town's Consulting Architect reviewed the project and provided recommendations for changes to increase compatibility with the Residential Design Guidelines and the immediate neighborhood. In response to these recommendations, the applicant made modifications to the design of the residence and submitted a letter responding to the recommendations.

f. Findings for compliance with the Hillside Development Standards and Guidelines:

The project complies with the Hillside Development Standards and Guidelines except for the exceptions to grading depths, retaining wall heights, and buildings located outside of the least restrictive development area and due to site constraints, including nonconforming lot size, slopes, and the private road bisecting the lot the findings for these exceptions can be made.

g. Findings for compliance with the Hillside Specific Plan:

As required, the project complies with the Hillside Specific Plan except for the exception to the guest parking requirement. Due to site constraints, including nonconforming lot size, steep slopes, requirement for a firetruck turnaround, and the private road bisecting the lot, there is not adequate room to provide the four required guest parking spaces. The applicant provided one guest parking space, which is to the greatest extent feasible given the site constraints.

h. Considerations required in review of Architecture and Site applications:

As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project, including but not limited to, neighborhood compatibility, architectural design, site layout, and landscaping.

3. The Planning Commission decision is supported by substantial evidence in the record, including the following:
 - The Planning Commission made all the required findings as provided above and opined that the applicant had adequately responded to the direction provided by the Town Council in their March 18, 2025 decision to remand the applicant back to the Planning Commission.
4. The appeal of the decision of the Planning Commission approving a request to construct a new single-family residence with reduced rear yard setbacks, site improvements requiring a Grading Permit, and removal of large protected trees on vacant property zoned R-1:20, located at 45 Reservoir Road, is denied and the

application approval is upheld, subject to the attached Conditions of Approval (Exhibit A).

5. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by section 1.10.085 of the Town Code of the Town of Los Gatos. Any application for judicial relief from this decision must be sought within the time limits and pursuant to the procedures established by Code of Civil Procedure section 1094.6, or such shorter time as required by state and federal Law.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 5th day of August 2025, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

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