



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/04/2025

ITEM NO: 11

ADDENDUM

DATE: March 3, 2025
TO: Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Consider an Appeal of a Planning Commission Decision to Approve 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.** APN 529-33-054. Architecture and Site Application S-22-048. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures. Property Owner: Farnaz Agahian. Applicant: Gary Kohlsaar, Architect. Appellant: Mary J. Vidovich. Project Planner: Sean Mullin.

REMARKS:

Attachment 8 includes additional public comments received between 11:01 am, Thursday, February 27, 2025, and 11:00 am, Monday, March 3, 2025.

ATTACHMENTS:

Attachments previously received with the March 4, 2025 Staff Report:

1. January 8, 2025, Planning Commission Staff Report, with Exhibits 1 through 12
2. January 8, 2025, Planning Commission Desk Item, with Exhibit 13
3. January 8, 2025, Planning Commission Verbatim Minutes
4. January 8, 2025, Planning Commission Action Letter with Conditions of Approval
5. Appeal of the Planning Commission Decision, received January 17, 2025
6. Draft Resolution to Deny Appeal and Approve Project
7. Public comments received between 11:01 a.m., Wednesday, January 8, 2025, and 11:00 a.m., Thursday, February 27, 2025

PREPARED BY: Sean Mullin, AICP
Planning Manager

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

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SUBJECT: 45 Reservoir Road/S-22-048

DATE: March 3, 2025

Attachments received with this Addendum Report:

8. Public comments received between 11:01 am, Thursday, February 27, 2025, and 11:00 am, Monday, March 3, 2025

-----Original Message-----

From: pmhsubscribe@icloud.com [REDACTED]

Sent: Friday, February 28, 2025 10:15 AM

To: Sean Mullin <SMullin@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Rob Moore <RMoore@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; rristow@losgatosca.gov; mbadame@losgatoca.gov

Cc: Mary Vidovich <[REDACTED]>

Subject: Appeal for 45 Reservoir Road

[EXTERNAL SENDER]

I have attached written comments from Mary Vidovich regarding her appeal regarding 45 Reservoir Road.

February 28, 2025

Written Comments
45 Reservoir Road Appeal
Town Council March 4, 2025

From: Mary Vidovich


This lot was created as part of a subdivision of 60 Rogers. When created, the lot was essentially unbuildable due to steep slope (average 28%) and the roadway occupying much of the Least Restrictive Development Area.

Rather than accept these limitations, the developer relies on numerous (at least 7 of them) development exceptions to “make the design work” (as stated in the Letter of Justification).

The result is a maximum development with maximum exceptions.

Rather than place a priority on “making the design work” the priority should be to work within the minimize the development exceptions and accept a more modest structure on the site.

Although nominally a 10,000 sq. ft. lot, it is functionally much smaller, perhaps the equivalent of a 5,000 sq. ft. lot. The plans show the “net site area” as 4,600 sq. ft.

Instead of having frontage on a public road and being relatively level as contemplated in the zoning ordinances, this lot is both steep and cut in half by the private road, with the remaining downhill portion too steep to support development without a massive retaining wall. In addition, perhaps a third of the lot will be used for roadway and the turnaround.

Any development should be limited to the LRDA on the uphill portion of the lot

The following is a summary of some of the concerns with this proposed development.

1. House and footprint are too large for this lot.

Squeezing this large house onto the portion of the lot that is available for building requires numerous exceptions to normal development standards and the removal of more trees than can be justified.

Any development should be limited to the LRDA on the uphill portion of the lot

2. The proposed house is much larger than the average of the houses in the neighborhood.

3. Inadequate parking.

There is a two car garage that uses tandem parking, and only one surface parking space. The development includes an ADU, so this is a two household development.

4. Setback requirements are ignored.

The developer argues that should not be required to meet the setback requirements applicable to the lot's R1-20 zoning. A better solution is to build a smaller house.

5. Excessively high retaining walls.

A 15' tall retaining wall a few feet from the downhill neighboring lot is excessive. The neighbor will no longer be looking at a natural hill side, but will now face a massive block wall.

6. The proposed storm drainage appears to be inadequate.

Although staff has reviewed the proposed grading and drainage plan, we remain concerned that the "natural drainage" is inadequate.

There is a great increase in the impermeable surface area. Together with the removal of over 13 trees with result in an increase in both surface and subsurface flows of storm waters. The plans state that the impermeable area has increased to approximately 6,300 sq. ft. But the plans also show the "disturbed area" of approximately 8,200 sq. ft.

Flows are directed to the turnaround, and then drained into a 100 sq. foot by 3 feet deep trench. Presumably the water will then percolate underground onto the neighboring properties for them to live with. This strikes us a less than optimal solution.

7. The development requires an excess amount of imported fill.

The plans show the need for more than 2,000 cubic feet of fill to be brought onto site. Total fill needed is approximately 3,500 cubic feet, with construction generating approximately 1,400 cubic feet of cut.

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